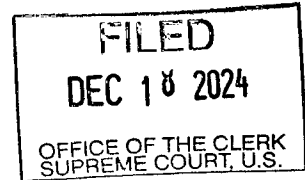


7.
24-6359

ORIGINAL

No. 2022-CP-10-2017, 2022-CP-10-05357



IN THE
SUPREME COURT OF THE UNITED STATES

In Re Terane Cury — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Terane Cury #253067/F-4-128
(Your Name)
McCormick Corr Inst
386 Redemption Way
(Address)
McCormick SC 29899
(City, State, Zip Code)
N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1) Did PCR Abuse their Discretion further Error of Law PCR Judges deny fairness Justice Equal Protection of the Laws Judgment based upon Fraud upon Court Conspiracy to deprive Civil Rights under 14th and 5th Amendment to due Process Equal Protection of Laws?
- (2) Was PCR Judge Bias Prejudice and racist further entering Judgment in violation of Due Process Equal Protection of the Laws Based upon Fraud upon the Court Error of Law Miscarriage of Justice denial of fairness Perjury done in bad faith unclean hands doctrine in order to pervert Justice and deny fairness due process?
- (3) Was Judgment entered unconstitutional Judgment void due to lack of due Process based upon Fraud Conspiracy to deny due Process Equal protection of Laws based upon Perjury false statements and Reports done in order to pervert Justice deny fairness Equal protection of Laws prejudice bias and racist?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

STATE OF SOUTH CAROLINA

RELATED CASES

*Jerome Curry v. Kirkland Corr. Inst. Federal Habeas corpus
Case No: 0:24-cv-1674-JDA*

*Jerome Curry v. Kirkland Corr. Inst. United States Court of
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APPENDIX B	<u>Thrown In trash BY SCDC officer All Courts Judgments and pro se filings</u>
APPENDIX C	<u>Thrown In trash BY SCDC officer All Courts Judgments and pro se filings / Judgment PCR received on Jan 7, 2025 See attached.</u>
APPENDIX D	<u>Thrown In trash BY SCDC officer All Courts Judgments and Pro se filings</u>
APPENDIX E	<u>Thrown In trash BY SCDC officer All Courts Judgments and Pro se filings</u>
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| (26) State v. Baum 358 SC 209 | United States of America v. Colum Antonio Barrer | |
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

☐ For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is *still pending before District Court of Appeals for the fourth circuit*

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at writ of certiorari filed 1/2/25; or, *In SC Supreme Court docket number unknown.*
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[✓] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: cannot recall due to stuff throwing, and a copy of the order denying rehearing appears at Appendix all legal property in trash.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

The petitioner states that due to 14th Amend due Process, equal protection, cruel punishment this court has jurisdiction to hear and decide this case per 28 USC Section 1254(1)

[] For cases from **state courts**:

The date on which the highest state court decided my case was Pending S.C. Supreme Court
A copy of that decision appears at Appendix _____. Filed 1/2/25 docket case number not given to me

[] A timely petition for rehearing was thereafter denied on the following date: By court
_____, and a copy of the order denying rehearing still pending
appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

The petitioner states that due to 14th Amend due Process, equal protection cruel punishment, this court has jurisdiction to hear and decide this case per 28 USC Section 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Const 14th Amend, 5th Amend, 6th Amend. S.C. Code Ann Section 17-19-10

S.C. Const Art 1 Section 11, S.C. Const Art 1 Section 23, S.C. Code Ann Section 44-23-

430, 44-23-410, S.C. Code Ann Section 17-23-130, 17-23-140,

South Carolina Rules of Criminal Procedure Rule 2, Rule 3, South Carolina
Rules of Professional Conduct Rule 407, Rule 1.1-1.5

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American Jurisprudence Second Edition Section 406, 98, 87, 414, 409, 23, 354,

573, American Jurisprudence Second Edition Section 1115, 1113, 47, 1112, 1114, 1565,

129, 130, 1564, 1566,

STATEMENT OF THE CASE

Now comes the petitioner herein stating and certifying that all statements stated herein are true and correct so help me God. This petition is being presented in good faith clean hands doctrine, in good faith, I move to invoke the Courts Jurisdiction to hear this case under 28 USC Section 1251 Original Jurisdiction (a), (b), (2), (3) See also cases: Mining Co. v. Tube 150 US 138, Oregon Railway v. Skottowe 162 US 480, Hanford v. Davies 163 US 273, Press Publishing Co. v. Monroe 164 US 105. I state as in accordance with these cases, laws, statutes that this Honorable Court has Jurisdiction to hear this case raising issues of 14th Amendment to US Const. Due Process equal protection of the Law as well as 5th Amendment to due Process.

STATEMENT OF THE CASE

This case is being presented pro se by the petitioner in which raises issues of constitutional violations rendering judgment entered void and unconstitutional in violation of due Process. Therefore this Honorable Court herein has Jurisdiction to hear and enter judgment in this matter. I move Court therefore and invoke Court to do so herein today without further delay. The petitioner states that the PCR Judges judgments all were based upon fraud upon Court, conspiracy to deprive civil rights to due process, equal protection of the laws, and fairness within PCR proceedings all based upon perjury, fraud, conspiracy, due process violation equal protection of the laws violation done in bad faith unclean hands doctrine done in order to prevent justice.

STATEMENT OF THE CASE

The petitioner has had (4) PCR hearings all judgments void due to stated facts stated herein. The Attorney General Danielle Dixon used sham legal defense stating that the petitioner is mentally ill and incompetent to move forward with pending PCR case and that Court cannot enter judgment due to this sham legal defense based upon perjury, conspiracy and fraud upon the Court. In violation of the Supreme Court case of Council v. Catoe 597 SE2d 782 (2004) in which this case the Supreme Court stated that incompetent applies to petitioners in criminal proceedings and not civil and that since PCR are civil it is not protected under Constitution for delay in entering judgment based upon petitioner being incompetent thus only applies to criminal proceedings.

15.(b)

STATEMENT OF THE CASE

Furthermore Attorney General Dorelle Dixon has been in default in over (27) motions presented pro se on behalf of the petitioner as in accordance with the Supreme Court case of Edith V. State 632 SE2d 844 PCR default. Each time at the day of each PCR hearing the Attorney General Dorelle Dixon without any notice being given to the petitioner at all pro se in this matter raises sham legal defense to delay the entering of Judgment in PCR proceedings (4) different times stating that the petitioner is incompetent to move forward in PCR proceedings delaying the entering of Judgment thus procedural due process violation, abuse of discretion, error of Law, denial of fairness equal protection of the laws rendering all judgments delaying the entering of Judgment in PCR proceedings void and unconstitutional based upon fraud, perjury and conspiracy to deprive civil rights to due process. Judgment entered by PCR Judge on 12/19/24 based upon fraud, conspiracy to deprive civil rights, due process, fairness, equal protection in 6th PCR hearing

STATEMENT OF THE CASE

Issues raised were conviction without waiver signed waiver of indictment, conviction without being indicted by state grand jury due process/ineffective counsel, conviction in 9 months delay in Preliminary hearing due process/ineffective counsel, conviction without requested Neil v. Biggers hearing on invalid one-on-one show-up identification, conviction without State v. Blair Hearings due process/ineffective counsel, conviction without Franker hearing on sham arrest affidavit presented under oath in perjury further stating (3) different elements of offense but not armed robbery, conviction due to BRADY violation evidence withheld over two years after entering of guilty plea in which would have resulted in not guilty mentally ill or not guilty at all, conviction due to plea entered not knowingly or intelligently, entered guilt admitted upon record and court before being advise of rights being waived by pleading guilty. Thus all due process violations, denial of fairness equal protection of the laws further ineffective assistance of counsel 6th Amendment rendering Judgment entered void and unconstitutional as Relevant to SCRCP Rule 60(b)(4) void judgment further based upon fraud SCRCP Rule 60(b)(3). Petitioner has had (4) PCR hearing with no judgment being entered due process violation undue delay in entering Judgment based upon fraud upon court, perjury conspiracy to deprive civil rights to due process equal protection of laws. Petitioner max out this year 30 months and counting undue delay in entering Judgment due process violation. I move court to compel Chief Admin Judge to enter a judgment in this matter without delay to ensure Justice.

REASONS FOR GRANTING THE PETITION

The petitioner hereby certify under penalty of perjury that all statements stated herein are true and correct so help me God being presented in good faith clean hands doctrine. The petitioner states that this petition should be granted to ensure justice in a matter where justice is lacking and very much needed. The constitution states that no person shall be denied the right to life, liberty, or property without due process of law nor deny equal protections of the laws. Further all Judges as well as judicial officers have sworn an oath to uphold, defend, honor, respect and enforce the constitution in which is mandatory not discretionary.

REASONS FOR GRANTING THE PETITION

Petitioner states that the court must grant petition due to the fact that the petitioner is entitled to the relief sought herein as a matter of law, Justice, as well as fairness. The petitioner states that all PCR Judges and State Judicials officers have failed to provide him with a fair hearing they all have been bias and prejudice towards the petitioner as well as racist. Making it impossible under these circumstances for the petitioner to move forward be allowed to present case and be provided with a rightful judgment entered. The PCR courts and all state courts as well as some of the State Federal District Court has refused to enter judgment to Compel Chief Administrative Judge Jennifer B. Mcloy to issue order entering or judgment or vacating known void judgment. The state has had many chances and time to show court judgment is valid and should not be vacated with new trial granted.

The petitioner states that he is being prejudice denied due process by unduly 30 months and counting in the entering of a judgment in this pending PCR action with the petitioner having months left to max out known void judgment. Petitioner states that he is not asking court to make PCR Judge rule in his favor or vacate judgment but Compel PCR Chief Admin Judge to Compel a judgment to be entered in this case with 4 PCR hearings already held. The petitioner states that there is no other remedy in which he can present to address these issues therefore move with this writ with this court.

17(c9)
Exceptional Circumstances

The petitioner certify that all statements stated herein are true and correct so help me God. Petitioner moves before this Honorable Court herein with his Exceptional Circumstances the petitioner states that all state proceedings before 6 different PCR hearing Judges Black and white all have been bias, prejudice, denial of fairness, equal protection of the laws these Judges refuses to allow the petitioner the rightful chance to present his case chance to be heard further within a reasonable amount of time without undue delay in violation of the constitution to Due Process 14th Amend.

Exceptional Circumstances

The petitioner has had 6 PCR hearings all delay in judgments being entered due to fraud upon court, conspiracy to deprive civil Rights in civil actions to due process, fairness, equal protection of the laws further based upon perjury using mental health related illnesses in violation of Supreme Court Case of Council v. Catoe 597 SE2d 782 (2004) In which the Supreme Court strictly stated that constitutional protection against prosecution of mentally incompetent only applies in criminal cases and not civil and that since PCR cases all are civil govern by civil laws delay in entering any judgment based upon petitioner being incompetent do not apply in PCR ~~cases~~ cases in which are civil not criminal and that any judgment in favor of delay of judgment being entered due to this is an error of law, justice and facts, further an abuse of discretion as well as denial of due process, fairness, equal protection of the laws.

**LEGAL MAIL
MAIL ROOM**

17(b)
Exceptional Circumstances

The petitioner further states that this has been allowed to happen and take place knowing that the Attorney General Danelle Dixon has been known to be in default as in the Supreme Court case of Edith v. State (PCR default) over (30) different times failure to file any objections or raise any defenses towards allegations raised with case pending before courts in PCR Court yet knowing these stated facts the Attorney General Danelle Dixon is still allowed (6) different times while in default over (30) times to wait until day of each of 6 PCR hearings to raise defense of being incompetent for court to enter judgment further knowing I have been denied mental health treatment for court ordered PTSD, Bipolar Disorder, Paranoid Schizophrenia and anti social disorder. All state courts including SC Supreme Court ineffective bias to rights further denied due to being indigent justice comes with a price tag I cannot afford denied.

Exceptional Circumstances

only label and considered incompetent when raising allegations of conviction, plea, judgment and sentence being void and unconstitutional but never when found guilty of Sham Disciplinary hearing charges found guilty of by SDOC employees that are gangs Bloods and Crips like Cpt Greene of Lee Corr [REDACTED] Inst arrested for supplying gangs bloods and crips with drugs along with over 20 assaults upon me with doo doo being allowed to be thrown in my face all on prison video cam with life in danger with over (36) assaults one resulting in trip to Hospital to have stones remove out of left ears with left ears sew back together after PCR hearing held on [REDACTED] Sept 10, 2024 while having PCR Counsel and Guardian ad litem whom was appointed to allow conspire with ATT. Gen use mental illness to delay judgment in violation of Catoe v. Council SC Supreme refuse to hear ineffective bias to right

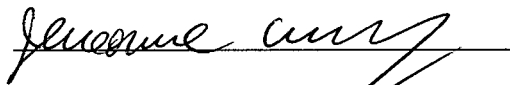
17. (C)

Based upon these stated facts stated herein today I move court to compel the Chief Administrative Judge for the Ninth Judicial Circuit Charleston County South Carolina Jennifer B. McCoy to enter a judgment in this pending PCR Proceedings in which has been pending since May of 2022 with (4) PCR hearings held. I move court thereof to compel PCR court and Chief Admin Judge to enter a judgment without delay to ensure justice in a matter where justice is very much needed herein today without anymore delay and as pursuant to fairness equal protection of the laws, and due process, Further compel court to turn over all filings in connections with pending PCR cases 2022-CP-10-2017, 2020-CP-10-05357, PCR hearing transcripts of 4/9/23, 6/27/23, 3/13/24, 9/10/24, max-out in 2025

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,



Date: Dec 2, 2024