

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM SPARTANBURG COUNTY
HONORABLE ROGER L. COUCH, Circuit Court Judge

THE STATE

RESPONDENT.

V.

SHEDRICK A. SAVAGE

Appellant.

APPELLATE CASE NO. 2021-001556

PRO SE BRIEF OF APPELLANT
PURSUANT TO ANDERS BRIEF

Shedrick SAVAGE #294223
BRCI MOBRIE #1115
4460 Broad River Rd
Columbia, SC 29218

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S.C. SUPREME COURT

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ISSUES Presented

PRO SE Brief

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DID TRIAL JUDGE ERRED by NOT INSTRUCTING THE JURY OF "HEAT OF PASSION" DURING JURY INSTRUCTION. WHEN THERE WAS NO EVIDENCE APPELLANT (ME) ACTED WITH "MALICE". THE EVIDENCE SHOWED APPELLANT (ME) SHOT THE DECEDENT IN THE SUDDEN HEAT OF PASSION AFTER THE DECEDENT THREW A BEER BOTTLE AT NIGHT THAT HIT APPELLANT (ME) TRUCK WHICH COULD HAVE BEEN MISTAKEN WAS A GUN SHOT. AFTER THERE WAS A PHYSICAL ALTERCATION INSIDE A NIGHT CLUB..

CASE: LEE V. CLARKE "781 F3D 114"

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THE POST-CONVICTION RELIEF (PCR) JUDGE ERRED by FINDING TRIAL COUNSEL WAS NOT INEFFECTIVE WHEN COUNSEL FAILED TO PLAY ALL TAPE OF EYE WITNESS STATING HE DID NOT SEE OR KNOW WHO THE SHOOTER WAS AT THE TIME OF THE SHOOTING. THE PCR COURT GAVE ~~IT'S~~ ^{ITS} OWN OPINION ON WHY MY TRIAL LAWYER DID NOT PLAY TAPE AT MY TRIAL WITHOUT MY LAWYER BEING

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Being present at my (PCR) hearing to answer for himself why he didn't play the all tape at my trial. The (PCR) stated in my "ORDER" on pg 13 of my order denying my (PCR) that counsel's unavailability prevented him from articulating his reasoning for failing to object to comments made by Off. James. The record does not show whether this failure was a strategic decision or a deficient omission. Then on pg 19 of my order (PCR) judge gave his own opinion on why my trial lawyer didn't play the tape at my trial and then made a ruling against his own opinion saying it was strategic decision based upon the recording when again like early in my (PCR) hearing / ruling my trial lawyer was still not present to articulate his reason for failing to play the all tape ~~at~~ at my trial. So again the record does not ^{show} whether this failure was a strategic decision or a deficient omission.

Case: MANGAL V. STATE