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**Nov 15 2022**

**SC Court of Appeals**

## The Supreme Court of South Carolina

PATRICIA A. HOWARD  
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November 15, 2022

Jessica M Saxon, Esquire  
1330 Lady Street, Suite 401  
PO Box 11589  
Columbia SC 29201

Re: The State v. Samir K. Shank  
Appellate Case No. 2022-000650

Dear Counsel:

Enclosed is correspondence your client has asked to be forwarded to you.

Very truly yours,

*Patricia A. Howard*

CLERK

Enclosure

cc: William M. Blich, Jr., Esquire (with enclosure)  
Mr. Samir K. Shank  
The Honorable Jenny Abbott Kitchings (with copy of correspondence)

Supreme Court  
of  
South Carolina

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NOV 14 2022

SMITH KEVIN SHANK #252693  
E.C.I.  
BENNETTSVILLE, SC 29512

S.C. SUPREME COURT

11-2-2022

12:00 pm

" Supreme Court "

All of my issues fall under the constitution of United States that went into effect March 4<sup>th</sup> 1789 for the rights of all people.

I was charged with improper use of a vehicle, failure to stop for a blue light, and Hit + Run

A few days later the officer voided out the Hit + Run and charged me with ABHW while the indictment was insufficient and the elements didn't match a ABHW

my Hit + Run case the courts lacked subject matter jurisdiction to put my Hit + Run into a general class of ABHW where the proceeding didn't belong.

" I'm guilty of "Hit + Run" and officer testified under oath the elements of my case matched a Hit + Run charge

through my whole case there were indications of "uncertainty," back and forth about Hit + Run or ABTOW

the officer testified on stand that his injury was treated with a "Bandage" and no medical treatment and he continued to work the same day

"the State never proved Intent"

the injury wasn't even 2<sup>nd</sup> degree moderate injury, the Law says: cuts - brush burns - scrapes - splinters and any other minor injury with no medical is 3<sup>rd</sup> degree assault and is less than a 2<sup>nd</sup> degree moderate.

at trial there was no evidence of a ABTOW but there "Suspicious" only which has no reasonable doubt...

the officer did fall to ground but get back up after my accomplice who was the passenger in the car opened passenger door that accidentally hit the officer while I was failing to stop..

the passenger wasn't arrested and was willing to take the stand + testify to the "facts" that he opened door by accident that hit officers door causing officer a bandage on the knee.

the judge and the courts violated my constitutional right to have witness in my favor when they refused to let my accomplice testify in my favor - see the transcripts and records

Judge committed prejudice and erroneous error when he refused to instruct a lesser offense than ARBON



Law says: ~~is~~ Judge must instruct a lesser only when there is evidence in the record that a lesser offense occurred

- my evidence of a lesser is in the record and I have "FACTS"
- #1 I was originally charged with the lesser.
  - #2 the courts was going back + forth about Hit + Run or ARBON
  - #3 officer testified his injury needed no medical and he used a bandage on knee.

## Evidence in Record of Lesser

4. Officer continued to work that day and rode in back of ambulance with me due to my injuries.
5. Officer testified that the minister of the court told him to charge me with ABT and void out the Hit + Run.
6. Officer lied on stand when he said the minister of the court never told him to charge ABT.
7. How could I have got a favorable judgment when the courts lacked subject matter jurisdiction? My constitutional rights were violated before the trial ever started.
8. The Judge made constitutional prejudice error when he refused to instruct a lesser offense of ABT.
9. My Lawyer made objection more than once on the same error and also "renewed" the Judges error again but Judge refused to use the Law.

Dear Honorable: Supreme Court  
Could You Please forward  
this letter / notation to the  
address of my appellate  
Lawyer By the name of ms.  
\* Jessica Saxon \*

And could You Please Please  
send me a "Clock Stamped"  
copy?

Pretty Please  
I want some relief and don't  
want to die in prison with  
this Death Sentence of 18 years

↓  
I'm guilty of some crimes that  
I'm willing and was willing to be  
accountable for even at the time  
of my arrest... But NOT ABANDON  
— there was NO INTENT

5.

10. The Jury was forced into convicting me of ABH because Judge failed to instruct a lesser
11. Jury had reasonable doubt and wasn't sure about me being guilty of ABH.
12. Jury ~~knew~~ <sup>knew</sup> I was guilty of misuse of vehical and failure to stop because I admitted to it
13. I knew I was guilty of Hit + Run but they recharged me to ABH.
14. The Judges error affected the outcome of the verdict
15. During deliberations JURY WAS UNSURE ABOUT ABH and came back out a ask the Judge a question about ABH?
16. The Judge mis-stated the instructions and NEVER once told the Jury that the INJURY IS suppose to be more than slight... → over

Samir Kevin Shank #2000B  
Evans Correctional Institute  
610 H.W.Y. 9 West  
Bennettsville, South Carolina 29012



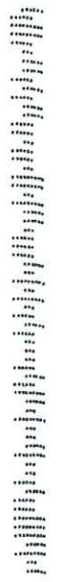
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