

THE STATE OF SOUTH CAROLINA COURT OF APPEALS

DATE: 11-22-22

APPEAL FROM FLORENCE COUNTY GENERAL SESSIONS

BEFORE: THE HONORABLE WILLIAM H. SEALS,
CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2021-001501

THE STATE,

RESPONDENT,

V.

CHRISTOPHER LEE BRIGGS,

APPELLANT.

PRO SE BRIEF OF APPELLANT

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STATEMENT OF THE CASE

I, APPELLANT, CHRISTOPHER LEE BRIGGS WAS FOUND GUILTY OF TRAFFICKING COCAINE, POSSESSION OF A CONTROLLED SUBSTANCE DURING A JURY TRIAL ON 12-8-21 IN FLORENCE COUNTY GENERAL SESSIONS BEFORE JUDGE WILLIAM H. SEALS. I WAS SENTENCED TO 9 YRS. 5 MONTHS RUNNING CONSECUTIVE. MY ATTORNEY AT TRIAL WAS WILLIAM FOSTER EDGEWORTH III, SOLICITORS WERE DAVID RICHARDSON & JOHN JEPERTINGER.

STATEMENT OF ISSUES ALONG WITH THE FACTS & ARGUMENTS.

1. THE WRONGFULLY OBTAINED EVIDENCE DERIVED FROM THE ILLEGAL ACTIONS OF THE POLICE.

1. MY SWORN TESTIMONY FROM THE RECORD 'PAGE 102 LINE 20'

Q: OKAY. GO AHEAD.

'LINE 21' A: SO I WAS COMING DOWN, AROUND ^{ABOUT} THAT TIME I DID, 'L. 22' LIKE, UPPERS, DOWNERS. I WAS TAKING PERCOSETS, I WAS 'L. 23' DOING COCAINE TOO. WHEN THEY APPROACHED ME, WHEN THEY 'L. 24' APPROACHED THE CAR, THEY ASKED ME -- THEY NEVER ASKED ME 'L. 25' ANYTHING. THEY

CAME TO THE CAR, SAID THAT YOU NEED TO GET
'PAGE 103 LINE 1' OUT THE CAR, WE'VE GOT TO TALK
TO YOU. SO I ASKED THEM 'L.2' WHY, HE STARTED
PULLING ON THE DOOR. THE DOOR OPENED. 'L.3' AS SOON
AS HE GET ME OUT THE CAR HE PUT ME IN 'L.4' HANDCUFFS.
HE DIDNT ASK ME ANYTHING ABOUT DO I HAVE ANY 'L.5'
DRUGS ON ME OR ANYTHING. HE DUG STRAIGHT IN MY DRAWERS
'L.6' GOT THE COCAINE OUT LIKE HE ALREADY KNEW WHERE IT
WAS A OR 'L.7' KNEW THAT I HAD IT ON ME OR SOMETHING
LIKE THAT. HE DUG 'L.8' STRAIGHT IN MY DRAWERS, PULLED IT
OUT, THEN SEARCHED ME 'L.9' FOUND THE PILL, ASKED
ME WHY DID I HAVE A PILL ON ME, 'L.10' I TOLD HIM THAT
IT WAS FOR A HEADACHE. AGENT SPEARS DUG IN MY
CROTCH AREA IN PUBLIC, HIS ACTION ARE NOT LEGAL IN THE
STATE OF S.C., HE SHOULD HAVE WAITED UNTIL I WAS TAKEN
TO THE DETENTION CENTER. THEIRS A PROTOCOL, PROPER
PROCEDURE TO FOLLOW, THIS IS NOT ACCEPTABLE. THIS
ILLEGAL ACT TAINTS THE ARREST, THE DRUGS THAT WERE
LOCATED. THE "FRUIT OF THE POISONOUS TREE" DOCTRINE
PROVIDES THAT EVIDENCE MUST BE EXCLUDED IF IT WOULD
NOT HAVE COME TO LIGHT BUT FOR THE ILLEGAL ACTIONS
OF THE POLICE, THE EVIDENCE HAS BEEN OBTAINED BY

THE EXPLOITATION OF THAT ILLEGALITY; EVIDENCE MUST BE EXCLUDED. (U.S.C.A. CONST. AMEND. 4). THIS DOCTRINE HOLDS THAT EVIDENCE WHICH IS PRODUCED BY OR DIRECTLY DERIVED FROM AN ILLEGAL SEARCH IS GENERALLY INADMISSIBLE AGAINST THE DEFENDANT B/C OF ITS ORIGINAL TAINT.

2. TRIAL COUNSEL ERRED IN FAILING TO CALL FRANK MIZELL TO THE STAND.

2. THE RECORD PAGE 83 LINE 24 — PAGE 85 LINE 7. MY COUNSEL, MR. EDGEWORTH ERRED IN FAILING TO CALL FRANK MIZELL TO THE STAND. MR. MIZELL IS DIRECTLY INVOLVED IN THE PHYSICAL CHAIN OF CUSTODY & CONTROL, HE'S A LINK IN MY CHAIN. HIS APPEARANCE DURING TRIAL NEEDED TO BE DEMANDED PER S.C. LAW. I NEVER GAVE MY COUNSEL PERMISSION TO WAIVER & CONSENT TO VIOLATE ANY PORTION OF MY PHYSICAL CHAIN OF CUSTODY & CONTROL. I WAS NOT A PART OF THIS STIPULATION AGREEMENT NOR DO I AGREE TO IT IN ANY WAY. THIS IS OFFICIAL MISCONDUCT BY MR. EDGEWORTH & MR. JEPERTINGER. IT'S MISREPRESENTATION, TRICKERY, & DECEIT; MY 4TH AMENDMENT WAS VIOLATED WHEN THIS WAS DONE WITHOUT THE STIPULATION AGREEMENT THIS MISSING LINK RENDERS

THE STATE'S PROOF OF CHAIN OF CUSTODY DEFICIENT. IT WAS MY COUNSEL'S DUTY TO PROTECT MY INTEREST & OBJECT TO THIS STIPULATION AGREEMENT? HE FAILED TO DO SO. STATE V. CHISOLM (S.C. APP. 2003) 355 S.C. 175, 584 S.E. 2d 401.

3. TRIAL JUDGE ERRED IN ALLOWING PREJUDICIAL PRIOR BAD ACTS TESTIMONY INTO EVIDENCE AT TRIAL.

3. THE RECORD (PAGE 39 - PAGE 41 LINE 6), IT WAS ERROR TO ALLOW THE JURY TO HEAR TESTIMONY FROM AGENT MCKENZIE TO THE EFFECT THAT THE OFFICERS WERE LOOKING FOR ME B/C THERE WERE OUTSTANDING ARREST WARRANTS SWORN OUT AGAINST ME IN EXISTENCE AS THIS CONSTITUTED PREJUDICIAL PRIOR BAD ACTS TESTIMONY. IN S.C. EVIDENCE OF PRIOR CRIMINAL ACTS WHICH ARE INDEPENDENT OF & UNCONNECTED TO THE CRIME FOR WHICH THE ACCUSED IS ON TRIAL IS INADMISSIBLE FOR THE PURPOSE OF SHOWING THAT THE ACCUSED POSSESSES A CRIMINAL CHARACTER OR A PROPENSITY TO COMMIT CRIMINAL OFFENSES. STATE V. PEAKE, 302 S.C. 378, 396 S.E. 2d 362 (1990). S.C.R.E., RULE 404(B) STATES ALTHOUGH RELEVANT, "EVIDENCE MAY BE

EXCLUDED IF ITS PROBATIVE VALUE IS SUBSTANTIALLY
OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE,
CONFUSION OF THE ISSUES, OR MISLEADING THE JURY."
THE MENTION OF A PAPER TAG ON THE CAR I OCCUPIED
OUTSTANDING ARREST WARRANTS SWORN AGAINST ME
ALL AMOUNTED TO PREJUDICIAL TESTIMONY SUGGESTING
I HAD A CRIMINAL DISPOSITION, OR THE CRIMINAL
PROPENSITY TO COMMIT CRIMES; THE INFERENCE WAS I
WAS LIKELY GUILTY OF CRIMES FOR WHICH I WAS ON TRIAL. THIS
TESTIMONY IS MORE PREJUDICIAL THAN PROBATIVE, THUS
DENIED ME THE RIGHT TO A FAIR TRIAL GUARANTEED UNDER
THE 14TH AMENDMENT TO THE U.S. CONSTITUTION, ARTICLE
1, SECTION 3 OF THE S.C. STATE CONSTITUTION.

CONCLUSION

FOR THE REASONS STATED, THIS COURT SHOULD REVERSE
THE JUDGEMENT OF THE 12TH JUDICIAL CIRCUIT OF THE
STATE OF S.C.

DATE: 11-22-22

RESPECTFULLY SUBMITTED,
CHRISTOPHER L. BRIGGS, 332194
WATEREE RIVER C.I.
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