

SOUTH CAROLINA COURT OF APPEALS

MS. JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

March 20, 2023

APPELLATE CASE NO: 2020-001426

MR. LEVERN McCREA, PETITIONER

VS.

STATE OF SOUTH CAROLINA

RECEIVED

MAR 24 2023

SC Court of Appeals

Dear Ms. Kitchings:

This letter is in response to the order filed March 8, 2023 against my claim of INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL. By Ms. Lititia H. Verdica. HOWEVER, the court has stated that they will NOT relieve Appellate Counsel Taylor D. Gilliam because of a ("A mere disagreement between an applicant and his counsel as to how to proceed with the P.C.R. application, including the allegation to be raised, is NOT SUFFICIENT CAUSE... to replace court appointed counsel with another attorney.")

ON THE CONTRARY, A mere disagreement is when you say chocolate ice cream is the best flavor and someone else says vanilla is! What Appellate Counsel Taylor Davis Gilliam has done to petitioner's Appeal;

IS TO PERVERT THE COURSE OF JUSTICE
IN PETITIONER APPEAL. BY DELIBERATELY LEAVING
OUT THAT BRADY ISSUE CONCERNING THAT LETTER OF
LENIENCY THAT OFFERED THE STATES STAR WIT-
NESS A DEAL FOR HIS TRIAL TESTIMONY. THAT
PETITIONER'S P.C.R. ATTORNEY, LANCE BOOZER
ADDRESSED ON THE RECORD. AND THAT'S NOT
SUFFICIENT? IN ADDITION TO THAT VIOLATION,
APPELLATE COUNSEL TAYLOR DAVIS GILLIEM
INTENTIONALLY NEGLECTED TO INCLUDE IN
PETITIONER'S APPEAL. ANY OF THE THREE (3)
STATES STAR WITNESSES' PRIOR POLICE INTER-
VIEW TRANSCRIPTS. THAT WILL SHOW INCON-
SISTENT TRIAL TESTIMONY. "AND THAT'S NOT
SUFFICIENT"? "AND THAT'S A MERE DISAGREEMENT"?
/ IT'S A MANDATORY PROCEDURAL REQUIREMENT
THAT APPELLATE COUNSEL ENTER "ALL" POLICE
INTERVIEW TRANSCRIPTS IN THE RECORD DURING
A PETITIONER'S APPEAL. IN ADDITION TO AP-
PELLATE COUNSEL NEGLECTING TO INCLUDE IN
THE RECORD ON APPEAL. WERE SANCTION HEAR-
ING TRANSCRIPTS AGAINST SOLICITOR KIMBERLY
BARR. HEARING HELD ON JUNE 26, 2018. THAT
WILL SHOW PROSECUTORIAL MISCONDUCT. AND
THAT'S NOT EXTRAORDINARY CIRCUMSTANCES?
IN ADDITION, APPELLATE COUNSEL NEGLECTED
TO INCLUDE IN THE RECORD WERE ATTORNEY
LANCE BOOZER'S JULY 3, 2018;

Post-Hearing Brief in Support of
petitioners P.C.R application that address-
es, "All" Three (3) of the Constitutional
Violations Committed against petitioner.
These are valid allegations that Appel-
late Counsel Taylor Davis Gilliam,
NEVER addressed during petitioner appeal.
INEFFECTIVE ASSISTANCE of Appellate Coun-
sel. PLEASE SEE E-mail Exhibits enclosed
of Attorney Lance Crozier's request for
missing Brady discovery. Dated February
6, 2017. IN addition to Exhibit of letter
of LENIENCY copied on supplement report
3/15/2009. More importantly, AS petitioner
stated in his NOVEMBER 7, 2022 MOTION
FOR RELIEF FROM JUDGMENT. That the case
of State vs. Roberts, 364 S.C. 583, 589, 614
S.E. 2d 626, 629 (2005) is based upon an
ERRONEOUS judgment that should be set
aside. PETITIONER asserted that after doing
his due diligence and carefully consider-
ing the case as it applies to death SEN-
TENCES OF CAPITAL CASES ONLY! PETITIONER
has stated under, NEWLY DISCOVERY Evi-
dence, that he has a federal and state
Constitutional right to proceed pro-se
in self-representation!

IN PURSUANT TO *U.S. VS. ISAAC, 655
F.3d 148.153 (3rd Cir 2011) IT IS WELL SETTLED
that the Sixth Amendment GUARANTEES a
CRIMINAL DEFENDANT the right to proceed
PRO-SE EQUAL to it's GUARANTEE of the
right to COUNSEL. ALSO SEE *STATE VS BARNES
407 S.C. 27. 35. 733 S.E.2d 545 550. (2014)
A South Carolina Defendant has the CON-
STITUTIONAL right to REPRESENT HIMSELF
under both federal and state constitu-
tions ON direct appeal from a criminal
CONVICTION. MORE importantly, Appellate
COUNSEL Taylor Davis Gilliam intentionally
violated RULE 407 of the South Carolina
Appellate Court Rules of Professional
Conduct. RULE 1.1 COMPETENCE and RULE
1.4 COMMUNICATION. And what's VERY
clear to petitioner now, is the fact that
"ALL" Judicial Branches are aware of the
CONSPIRACY of SILENCE to keep "ALL"
Defendants, petitioners and Affiant in prison.
Regardless of proving your claim for relief
by the record or not. BECAUSE Robert
DUDEX, from the office of indigent Defense
is clearly condoning the whitewashing
and sabotaging of petitioner's Appeals
from all Appellate Attorneys under him.

② My Appellate Counsel Taylor Gilliam never entered this brief into those volumes for writ of certiorari Appeal # my defense.

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF WILLIAMSBURG)	FOR THE THIRD JUDICIAL CIRCUIT
)	
Levern McCrea, #348291,)	2012-CP-45-363
)	
Applicant,)	
)	POST-HEARING BRIEF IN SUPPORT
v.)	OF PCR APPLICATION
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

Per the Court's instructions, please allow this memo to serve as a supplement to Applicant's pre-hearing brief and additional case law in support of his PCR application following an evidentiary hearing held June 1, 2018.

A. Applicant's rights were violated when he was shackled throughout the duration of his trial.

The Fifth and Fourteenth Amendments of the United States Constitution prohibit using physical restraints visible to the jury absent a trial court determination, in the exercise of its discretion, that restraints are justified by a state interest specific to the particular defendant on trial. Deck v. Missouri, 544 U.S. 622, 125 S. Ct. 2007 (2005).

It is undisputed from the testimony of both the Applicant and Assistant Solicitor Kimberly Barr that Applicant remained in shackles throughout the duration of his five (5) day trial. Even more egregious, unlike a shackled defendant who is represented by counsel and is generally confined to counsel's table, Applicant was *pro-se* and was forced to shuffle around the courtroom while attempting to examine witnesses and otherwise move about. This was clearly visible to the jury as it was to Ms. Barr. No hearing was held to determine whether the shackles

2

were "justified by an essential state interest" such as courtroom security as the law requires.

Applicant need not demonstrate actual prejudice as it is "inherently prejudicial." Id. at 635.

Applicant's application for PCR should be granted based upon this violation. **BINGO!**

B. Brady violations were committed by the State resulting in prosecutorial misconduct.

The Brady disclosure rule requires the prosecution to provide to the defendant any evidence in the prosecution's possession that may be favorable to the accused. State v. Kennerly, 331 S.C. 442, 452, 503 S.E.2d 214, 220 (Ct. App. 1998) (citing Brady v. Maryland, 373 U.S. 83, 87, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963)). Favorable evidence includes both exculpatory evidence and evidence which may be used for impeachment. United States v. Bagley, 473 U.S. 667, 676, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985). The State must disclose Brady evidence even when a criminal defendant does not specifically request the evidence. United States v. Agurs, 427 U.S. 97, 107, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976).

Applicant alleged and testified the State withheld evidence subject to Rule 5 Brady disclosure even after repeated requests for disclosure. Applicant alleged and testified in addition to discovery being "spoon fed" to him prior to and even during trial, photographs of bullets, a statement he believed was taken of Roberta Smith on or about June 28, 2018, a Clinton Dorsey police interview/statement, and a "letter of leniency" were withheld. At the PCR hearing, Applicant introduced a supplemental investigative report marked Exhibit #6. The report was prepared by the Williamsburg County Sheriff's Department during their investigation into the case. The report stated:

On July 30, Investigator Brown along with Lt. Collins, and Chief Johnson made a letter for Chris Briggs which stated base (sic) on our recent conversations, we believe the (sic) you have vital information about Cora Brown (sic) death. At this point we do not believe

that you are the actual shooter and if you freely and voluntarily provide all of the truthful detail surrounding Cora (sic) death and pass the polygraph Chris will be charged with _____ ass., (sic) after the fact. The letter went on to say that we will talk with the judge and the solicitor to get Chris Briggs leniency on his charge.

During the trial, Briggs testified on behalf of the State and was the State's sole alleged witness to the crime. Briggs' credibility was a key issue in this case and it was he who claimed the Applicant committed the crime. There was no murder weapon or DNA evidence conclusively linking Applicant to the crime. During Briggs' testimony, he denied that there were any promises made or deals offered to him. However, clearly from the supplemental report, a deal had certainly been conveyed to Briggs by the State. This deal, memorialized in the form of a letter, would have been subject to disclosure by the State but the State failed to do so or ensure its preservation. At the PCR hearing, Ms. Barr testified that at some point, she became aware **BINGO** that there was a letter but she could not locate it. However, as the record reflects, Ms. Barr never notified the Court or the Applicant. Ms. Barr should have disclosed this key piece of missing evidence on the record to the Court and Applicant.

Applicant respectfully submits his PCR application should be granted.

C. Applicant was denied his right to counsel at trial.

Regarding Applicant's claim that he was denied the right to counsel during his trial, Applicant refers to the previously submitted pre-hearing brief for a detailed discussion of the law. Additionally, testimony at the PCR hearing established the following:

First, attorneys Charles Barr, Cezar McKnight, Hank Anderson and former Assistant Solicitor Kimberly Barr all admitted Applicant was never provided Faretta style warnings. Mr. Barr testified he was relieved without a hearing so there would not have been an opportunity for

②
a judge to advise Applicant of his right to counsel and the dangers of pro se representation.

Cezar McKnight requested that he be relieved twice during his short representation of the

Applicant. Candidly, both in his request to the trial court to be relieved and at the PCR hearing,

McKnight admitted that he initially wanted to be relieved because Applicant first attempted to

privately retain his services, however, he was eventually appointed by the court and he did not

believe it was fair that he should be representing him as an appointed attorney when he thought

he could have privately retained his services ^{and} or that he was able to initially afford Mr. Barr.

Although McKnight testified he had essentially moved past the disappointment about being

appointed, a review of the transcript from McKnight's second motion to be relieved reflect those

sentiments continued to linger. Additionally, during the motion McKnight explained to the Court

he felt "threatened" by the Applicant and that he feared being physically accosted if he were to

visit Applicant in the detention center. At the PCR hearing, McKnight admitted that Applicant

had never actually threatened him and he never feared for his own safety while meeting with the

Applicant.

Second, all the transcripts available to this Court reflect that no Faretta warnings were provided to the Applicant. Third, Applicant credibly testified that he was never provided any

Faretta warnings. As discussed in Applicant's pre-trial hearing brief, "[T]o the extent that the

defendant's actions are examined under the doctrine of 'waiver,' there can be no valid waiver of

the Sixth Amendment right to counsel unless the defendant also receives Faretta warnings."

United States v. Goldberg, 67 F.3d 1092, 1100 (3d Cir.1995); State v. Jacobs, 271 S.C. 126, 128,


245 S.E.2d 606, 608 (1978); State v. Boykin, 324 S.C. 552, 556, 478 S.E.2d 689, 690 (Ct.App.

1996). Applicant submits he could neither have waived his right to counsel either affirmatively or by conduct as no Faretta warnings were ever given to Applicant.

Finally, Judge King indicated that in the event Anderson was relieved as counsel, he would remain to assist as standby counsel, however, this never occurred. Applicant, Anderson and Ms. Barr all testified at the PCR hearing they believed Anderson would have remained as standby counsel if he were ever relieved. Not only was Applicant forced to represent himself at his week-long trial, he was forced to do so without the assistance of standby counsel.¹

Applicant respectfully submits his PCR application should be granted.

Respectfully submitted,



Attorney for Applicant

Lance S. Boozer

1419 Pendleton Street

Columbia, SC 29201

Ph: 803-608-5543

Fax: 803-926-3463

THE BOOZER LAW FIRM, LLC

July 3, 2018

Columbia, South Carolina.

¹ At the conclusion of the hearing, the State provided Applicant with State v. Samuel, 2018 WL 1077731. In Samuel, the defendant actually requested to represent himself at trial, however, following a lengthy inquiry of both the defendant and counsel, the trial court denied defendant's request and determined the defendant was lying about whether he had legal coaching in preparation for trial. The Supreme Court reversed, finding that the trial court denied defendant's right to self-representation and that the court's inquiry and questioning of his counsel should have been limited to whether the defendant's request to proceed *pro se* was knowing and voluntary, not whether he was able to represent himself. Samuel does not stand for the proposition that whether standby counsel is available to a *pro se* defendant is irrelevant as it is anticipated the State will argue. Any such argument is in contradiction to the Cash factors outlined in Applicant's pre-hearing brief.

1 Q And it says -- and this is from it looks like Brenda
2 Lambert. It says (as read): "On July 30, Investigator
3 Brown. along with Lieutenant Cowans and Chief Johnson,
4 made a letter for Chris Briggs which stated: 'Based on
5 our recent conversations, we believe that you have vital
6 information about Cora Brown's death. At this point we do
7 not believe that you're the actual shooter, and if you
8 freely and voluntarily provide all of the truthful details
9 surrounding Cora's death and pass the polygraph, Chris
10 will be charged with accessory after the fact.'"

11 The letter went on to say that (as read): "We will
12 talk with the judge and the Solicitor to get Chris Briggs
13 leniency on his charge. Investigator Brown, along with
14 Lieutenant Cowans, went to ..." -- and it looks like it's
15 blacked out -- "and made contact with ..." -- it's blacked
16 out -- "... who was able to make contact with Chris
17 Briggs. Stated that Chris had told him he was not willing
18 to talk with us without a lawyer. Stated he will explain
19 the letter to Chris as soon as he can get in touch with
20 him."

21 So after reading that, would you agree with me that
22 somewhere in existence there is a letter that is outlining
23 some sort of agreement for Mr. Briggs?

24 A It appears to.

25 Q Okay. Why was that not turned over?

1 A I'm not sure why that wasn't turned over. The
2 Solicitor's Office never had a -- that letter. I -- I
3 would assume that, based upon what's contained in that
4 paragraph, that that letter would've been given to someone
5 to give to Mr. Briggs. And the only thing that I could --
6 I could guess is that a copy was not made of that letter.

7 Q Would that not be subject to disclosure pursuant to
8 Rule 5?

9 A I think it would've been.

10 Q Okay. It definitely would've been, wouldn't it?

11 A Yeah. I ---

12 Q - Okay.

13 A --- think it would've been.

14 Q And as a matter of fact, at the trial, did Mr. Briggs
15 not -- did he deny, during your examination and all also
16 Mr. McCrea's examination, that there was any sort of deal
17 that had been promised to him?

18 A I believe he did.

19 Q Okay. So Mr. McCrea -- it would've been important for
20 him to have had a letter where there was actually a deal
21 laid out 'cause that's pretty rare, is it not, to have?

22 A Is what pretty rare? I'm sorry.

23 Q Is it pretty rare for law enforcement or the State to
24 take a written letter or agreement and send it to a
25 witness before they even testify saying that, "If you

1 testify, we'll give you this." Is that pretty rare?

2 A It is.

3 Q Okay. So that would've been important for Mr. McCrea
4 to have during his examination of Mr. Briggs; would it
5 not?

6 A In theory, yes. Here -- let me explain why I qualify
7 my answer. It appears that this letter indicates that law
8 enforcement did not believe that Christopher Briggs was
9 the person who killed Ms. Brown, but they believed that he
10 had knowledge about the involvements of -- of the person
11 or persons who did; and that if the -- Mr. Briggs were
12 willing to give truthful information that could be -- the
13 truth, the authentic -- the authenticity of which could be
14 corroborated by the polygraph, that they would agree to
15 talk to the Solicitor and to the judge and advise the
16 Solicitor and the judge of his cooperation and request
17 leniency on his charge.

18 As far as this case is concerned, as I sit here today
19 and even with the trial of the case and in preparation for
20 the trial of the case, there was no evidence that ever
21 came to mind that Mr. Briggs was a participant in the
22 murder or acted to assist Mr. McCrea once the -- the
23 murder was committed.

24 I vaguely have a recollection of talking with the
25 officers about potential charges that defendants could

1 face. I -- and -- and that's -- and that's normal.
2 Before arrest warrants are issued, law enforcement
3 officers may talk to prosecutors who -- to find out what -
4 - what charges, if any, are appropriate.

5 And I remembered that -- you know, obviously, I wanted
6 to charge Mr. Briggs with something more than simply the
7 charge of misprision of a felony, but there was no
8 evidence -- no information in the file or in the
9 investigation that -- that I'm aware of that Mr. Briggs
10 actually assisted the principal once the felon had been
11 committed. So an accessory after the fact -- although law
12 enforcement might've believed that that was an appropriate
13 charge, it was not my belief, based upon what we could
14 prove, that that was an appropriate charge.

15 And in talking with Mr. Briggs prior to the trial of
16 the case, he wanted guarantees from me that he could get
17 probation. And I was very candid with him, in the
18 presence of several witnesses, that that was not being
19 offered. And -- and my recollection was that he actually
20 was sentenced to prison rather than given a probationary
21 sentence.

22 So yes, I believe, in principle, that that's something
23 that -- that should've been discovered. I -- I suspect
24 that, based upon how this read, that it was a letter that
25 was turned over or given to somebody to give to Mr.

1 to do. Now, the part about that is because it relates to
2 the roles those two fellas had that night. The night
3 that Cora was killed. ^{*} Let me go ahead and tell you
4 folks, I know some of you all are thinking in the back of
5 your mind, maybe you all are thinking in the back of your
6 mind, um Ms. Barr, I'm not too sure about Christopher
7 Briggs. He might know more than what he's saying. Tell
8 me you all are thinking that. I know you all are
9 because it ran through my mind as well. He might have
10 seen a little more than he letting on but, well not but.
11 Let me tell you this. I'm not going to get up here with
12 a straight face and say that Christopher Briggs is all
13 innocent, he's a choral boy. I'm not going to say that,
14 Not with a straight face anyway. But Christopher Briggs,
15 I would submit to you is the lesser of two evils. But
16 the evil one, let there be no doubt, the evil one is
17 right there. He is the one who is clearly, clearly in
18 control. ^{*} Christopher Briggs sort of strikes me as a
19 follower. He sort of strikes me as the type of person
20 that, he just, for lack of a better word, he's lacking.
21 And quite frankly, he very possibly could have been the
22 look out. ^{*} Let me tell you why you should be satisfied
23 within your spirits and your soul that Christopher Briggs
24 is not the one who killed Cora Brown. A couple of
25 reasons. One, when the police officers went and talk to

1 Briggs. Never dawned on me, quite frankly, to ask Mr.
2 Briggs if he has that letter. But it is ---

3 Q You might want to ask law enforcement if they've got
4 the letter.

5 A They -- law enforcement does not have a letter to this
6 effect.

7 Q Have you checked with law enforcement?

8 A I did.

9 Q You -- before the trial or after the trial?

10 A My recollection is it was during the trial when that
11 issue came up.

12 Q When did that issue come up?

13 A I believe it was during the point where Mr. McCrea was
14 asking Mr. Briggs about the State offering him leniency or
15 -- or something along lines of a sentence recommendation
16 to ---

17 Q Well, you're saying ---

18 A --- induce him to testify.

19 Q That wasn't addressed to the judge where you said,
20 "Judge, I think there was a letter out there that we may
21 have written to Mr. Briggs." It didn't come up like that,
22 did it?

23 A It did not.

24 Q Okay.

25 A No.

1 Q So there's nothing on the record about the existence
2 of this letter.

3 A No, I'm sorry. I thought you were asking me when did
4 I ask law enforcement about it.

5 Q Yeah. So ---

6 A About the letter.

7 Q --- you -- you asked law enforcement during the trial
8 is your testimony --

9 A Correct.

10 Q -- about this letter.

11 A Correct.

12 Q So there's nothing in the record about -- about that
13 or you bringing it to the Court's attention.

14 A No, sir.

15 Q Okay.

16 A No, sir.

17 Q Okay. Let me ask you, going back to the June 22, 2011
18 motion to relieve Mr. Anderson, do you recall the Court --
19 Judge King stating that if Mr. Anderson were relieved,
20 that he would remain -- he would stand by to advise with
21 the procedure in the courtroom. Do you recall that? And
22 I'm happy to hand up the transcript if you don't have one.

23 A That'd be great.

24 (Mr. Boozer hands document to the witness.)

25 Q And specifically I'm looking at page 41, and just

1 Q: All right. So if you take a right from 378, you'd
2 be on Highway 41?

3 A: Coming back from Johnsonville.

4 Q: All right. Now, what was the approximate distance
5 on Old River Road from Highway 378 that the firearm
6 that we talked about in this case was recovered?

7 A: I measured it at eleven point five miles.

8 Q: Eleven point five miles from Highway 378?

9 A: Yes, ma'am.

10 Q: Now, it has been suggested or insinuated at this
11 point that Mr. Briggs wrote a statement requesting
12 to talk to law enforcement back on March the 29th,
13 2010, and that was the reason why you all came to
14 see him; is that true?

15 A: No, ma'am.

16 Q: You never received any type of letter requesting
17 that he speak with you?

18 A: I don't have any knowledge of any letters.

19 Q: And the only reason why you all went to go see him
20 on the 29th of March of 2010 was because of what was
21 told to you by Ms. Smith?

22 A: Yes, ma'am.

23 Q: And was there any type of deal between the sheriff's
24 department and Christopher Briggs concerning him
25 providing you with information?

ON the Top of pg. 403 of No. 1 NO. McCrea

MOTION

INCIDENT REPORT SUPPLEMENTAL

LETTER IN MY RULE-5 Brady

Case Number: 0902123

Officer: 1727 LAMBERT, BRENDA Date Entered/Changed: 03/15/2009 Reviewer: Review Date:

AS DOT. WE WAS TOLD THAT DOT KNEW WHY LEVERN MCCREA KILLED CORA BROWN. WE TALKED TO MS DOT, AND TOLD HER THAT WE NEEDED TO TALK WITH HER ABOUT CORA DEATH, AND SHE STATED THAT SHE DO NOT KNOW ANYTHING ABOUT HER DEATH. WE TOLD MS DOT THAT SOME ONE TOLD US THAT SHE KNEW WHY LEVERN KILLED CORA, AND MS DOT STATED THAT IF SHE KNEW ANYTHING SHE WOULD HAVE CALL OR COME BY, THE SHERIFF OFFICE, AND LET THE LAW KNOW. SHE STATED THAT SHE AND CORA WERE BEST FRIENDS, AND SHE WILL DO ANYTHING TO HELP US FIND OUT THE TRUTH. *****WILLIE BROWN*****

ON JULY 30, INVESTIGATOR BROWN ALONG WITH LT COLLINS, AND CHIEF JOHNSON MADE A LETTER FOR CHRIS BRIGGS WHICH STATED BASE ON OUR RECENT CONVERSATIONS, WE BELIEVE THE YOU HAVE VITAL INFORMATION ABOUT CORA BROWN DEATH. AT THIS POINT WE DO NOT BELIEVE THAT YOU ARE THE ACTUAL SHOOTER AND IF YOU FREELY AND VOLUNTARILY PROVIDE ALL OF THE TRUTHFUL DETAIL SURROUNDING CORA DEATH, AND PASS THE POLYGRAPH. CHRIS WILL BE CHARGED WITH ASS, AFTER THE FACT. THE LETTER WENT ON TO SAY THAT WE WILL TALK WITH THE JUDGE AND THE SOLICITOR TO GET CHRIS BRIGGS LENIENCY ON HIS CHARGE. INVESTIGATOR BROWN ALONG WITH LT COLLINS WENT TO ST. PETER CHURCH, AND MADE CONTACT WITH BISHOP NESMITH, WHO WAS ABLE TO MAKE CONTACT WITH CHRIS BRIGGS. BISHOP NESMITH STATED THAT CHRIS HAD TOLD HIM THAT HE DO NOT WANT TO TALK WITH US, WITH OUT A LAWYER. BISHOP NESMITH STATED THAT HE WILL EXPLAIN THE LETTER TO CHRIS AS SOON AS HE CAN GET IN TOUCH WITH HIM. *****WILLIE BROWN*****

LETTER OF LENIENCY

Bishop NESMITH

JULY 30, 2009 LT COLLINS MADE CONTACT WITH BISHOP NESMITH WHO STATED THAT HE WILL TALK WITH US BUT IT WILL BE AFTER MONDAY, CHRIS BRIGGS WANTS TO TALK WITH A LAWYER FIRST. *****WILLIE BROWN*****

ON 08/04/2009 INV. BROWN WENT TO CHRIS BRIGGS HOUSE TO MAKE CONTACT WITH HIM, AND THE VAN WAS IN THE YARD BUT NO ONE CAME TO THE DOOR, I LEFT AND WENT DOWN THE ROAD, TO THE WAY OF THE CROSS CHURCH WHERE CHRIS BRIGGS WIFE WORK. I THEN CALLED AND I WAS ABLE TO MAKE CONTACT WITH MS BRIGGS, AND I ASKED HER WHEN WAS THE LAST TIME SHE SEEN CHRIS, AND SHE STATED THAT SHE DO NOT KNOW NOTHING.

INV. BROWN AND LT COLLINS WENT BACK TO CHRIS BRIGGS HOUSE, AND THE BLUE VAN WAS GONE. WE THEN WENT DOWN TO THE ROAD, AND WAITED FOR CHRIS BRIGGS TO COME HOME. OFFICER WAS ABLE TO MAKE CONTACT WITH CHRIS BRIGGS, AND HE STATED THAT HE WAS NOT RUNNING FROM US. CHRIS STATED THAT HE WILL GO WITH US, BUT HE NEED TO DROP OFF HIS SON AT THE CHURCH. CHRIS BRIGGS CAME TO W.C.S.D ALONG WITH LT COLLINS, AND MYSELF. CHRIS BRIGGS STATED THAT HE WANT'S TO TALK BUT HE THINK THAT WE ARE GOING TO LOCK HIM UP.

INV. BROWN AND CHIEF JOHNSON GIVE CHRIS BRIGGS HIS MIRANDA WARNING, AND CHRIS STATED THAT HE WILL TALK WITH US. CHRIS STATED THAT WHEN LEVERN MCCREA FIRST CAME BACK TO NESMITH, THE FIRST OF MARCH, LEVERN STATED THAT HE HAD SOME FOLK'S TO GET RID OF. CHRIS BRIGGS STATED THAT LEVERN TOLD HIM THE CORA, QWAN, LEVERN SISTER, AND SOMEONE ELSE. WAS ON LEVERN LIST. CHRIS BRIGGS STATED THAT LEVERN TOLD HIM THE CORA WAS TALKING ABOUT HIM AND TELLING EVERYONE THAT HE WAS A FAGGOT, AND LEVERN WAS UPSET ABOUT THAT. CHRIS STATED THAT THE TUESDAY BEFORE CORA DEATH LEVERN, AND HISSELF WENT TO NORTH CAROLINA, TO GET SOME MONEY FROM LEVERN GIRLFRIEND. CHRIS STATED THAT WHEN THEY GOT THERE THE MALE LEFT AND LEVERN, AND HISSELF WENT INTO THE HOUSE, WITH THE KIDS. CHRIS STATED THAT LEVERN THEN LEFT. CHRIS STATED THAT THE NEXT TIME HE SAW LEVERN, WAS THE NEXT MORNING, WHEN LEVERN WAKE HIM UP TO COME HOME. CHRIS STATED THAT THEY GOT HOME ABOUT 12:00 NOON, AND THEY WENT TO LEVERN HOUSE. CHRIS STATED THAT LEVERN LEFT AND WENT TO HIS MOTHER HOUSE FOR ABOUT 15 MINS. CHRIS STATED THAT LEVERN CAME BACK AND TOLD HIS THAT HE HAD TO GO AND TAKE CARLYNN TO WORK AT RAY, AND THEY DID. CHRIS STATED THAT WHEN THEY GOT BACK THAT WENT TO ANDREWS TO CARLINDA HOUSE. CHRIS STATED THAT THEY GOT THERE ABOUT 9:00pm, CHRIS STATED THAT HE WAS DRINKING, AND LEVERN NEEDED TO GET SOME DRUGS. CHRIS STATED THAT EVERY GOT A PHONE CALL SOMEONE, CHRIS STATED THAT HE DO NOT KNOW IF IT WAS BJ, DORSEY, OR CHRISTEN. CHRIS STATED THAT I GOT DRUNK, AND HE WENT TO SLEEP. CHRIS STATED THAT LEVERN WAKE HIM UP, AND TOLD HIM LET'S GO. I ASKED HIM IF LEVERN HAD ON THE SAME CLOTHES FROM THE DAY BEFORE, AND CHRIS STATED NO. CHRIS STATED THAT LEVERN DID NOT HAVE ANYTHING THERE TO PUT ON. CHRIS STATED THAT THE TWO OF THEM WENT AND PICK CHRISTEN UP FROM HER HOUSE, AND THE THREE OF THEM WENT TO ANDERSON, TO PAY LEVERN CAR NOTE. CHRIS STATED THAT ON THE WAY BACK CHRIS DROVE FROM FLORENCE, AND CHRISTEN, AND LEVERN WAS IN THE BACK SEAT HAVING SEX. CHRIS STATED THAT THEY CAME BACK DOWN HWY 512, AND WHEN THEY GOT TO MINGO CHANDLER ROAD LEVERN TOLD HIM TO KEEP STRAIGHT. CHRIS STATED THAT HE WENT ON UP TO HWY 41, AND LEVERN TOLD HIM TO GO RIGHT SO THEY COULD TAKE CHRISTEN HOME. WHICH WAS ABOUT 15 MILES OUT THE WAY. CHRIS STATED THAT LEVERN TOLD HIM THAT HE HAD TO GO SEE THE POLICE, BUT LEVERN NEVER TOLD HIM WHY. CHRIS STATED THAT LEVERN TOLD HIM THAT HE WAS GOING TO KILL CORA, AND A FEW DAYS AFTER SHE WAS DEAD. WE THEN ASKED CHRIS IF HE WAS WILLING TO TAKE A POLYGRAPH TEST, AND CHRIS STATED OK. WE THEN TOOK CHRIS TO S.L.E.D, AND CHRIS TOOK THE TEST. MR RICK STATED THAT CHRIS HAD TROUBLE WITH ONE QUESTION, AND THAT WAS DID YOU LIE ABOUT LEVERN SAYING HE SHOT CORA, AND CHRIS ANSWER NO.

09-08-2009 INV. LAMBERT MADE CONTACT WITH CHRISTINE INDIFFERENCE TO THE POLY GRAPH THAT WAS SET UP FOR 09-09-09. LAMBERT ADVISED CHRISTINE THAT WE WOULD PICK HER AND TAKE HER. CHRISTINE STATED THAT SHE WOULD GET SOMEONE TO BRING HER TO THE OFFICE. I ADVISED CHRISTINE THAT THE POLY GRAPH WOULD NOT BE DONE AT THE OFFICE. CHRISTINE THEN STATED THAT SHE WOULD CALL ME BACK IN 20 MINUTES TO LET ME KNOW IF SHE HAD A RIDE TO THE OFFICE FOR THE NEXT MORNING. CHRISTINE DID NOT CALL BACK SO I CALLED HER BACK AND SHE WOULD NOT ANSWER THE PHONE. I LEFT HER A MESSAGE TO CALL ME. THE NEXT MORNING OF 09-09-09 I TRIED TO MAKE CONTACT WITH CHRISTINE SEVERAL TIME AND NO CONTACT WAS MADE. PER LT. COLLINS I MADE CONTACT WITH CPT. PIERCE FROM GEORGETOWN AN CANCELLED THE POLLY GRAPH.

Christine Green/Young is the person that started this investigation against me

Solicitor Kimberly Barr, with held all of Christine Police interview transcripts from my Rule-5 Brady motion

I NEVER RECEIVED ANY OF THIS MISSING BRADY EVIDENCE.
Prior to my trial.

THE BOOZER LAW FIRM, LLC

Lance S. Boozer, Esq.*
*Also admitted in Florida

1400 Laurel Street, Suite 4A
Columbia, SC 29201

Telephone: 803-608-5543
Fax: 803-926-3463

Email: lsb@boozerlawfirm.com
Website: www.boozerlawfirm.com

February 6, 2017

Via Email

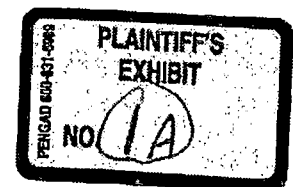
Warren Anderson
Assistant Solicitor
125 West Main Street
Kingstree, South Carolina 29556

**RE: Levern McCrea, #348291 v. State of South Carolina
2012-CP-45-363**

Dear Mr. Anderson:

As you are aware, I represent Mr. McCrea in his pending PCR case. I am in receipt of the Rule 5 discovery materials your office recently provided to me in Mr. McCrea's general sessions case and have delivered the same to him. He believes certain items exist and were not provided or disclosed in the materials he recently received. Below please find his descriptions of these items:

- * * * 1. Clinton Dorsey police interview statements/reports.
- * * 2. Dee Franklin police interview statements.
- * * * 3. Christen Green/Young police interview transcripts and police reports.
- * * 4. Robert Smith 6/28/10 police interview transcripts.
- * * 5. Carolina Pushia police interview statements and report.
- * * * 6. Actual time of death on coroner report.
- * * * 7. Letter of leniency for Christopher Briggs.
- * * 8. Christopher Briggs' April 2009 polygraph test.
- * * 9. Letter Mr. McCrea entered on the record during a pre-trial hearing before Judge Newman.
10. Mr. McCrea's booking record.
11. Commitment calendar.



The South Carolina Court of Appeals

Levern McCrea, Petitioner,

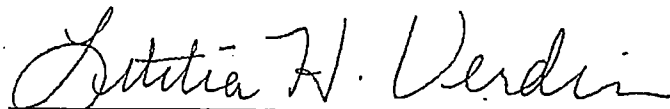
v.

State of South Carolina, Respondent.

Appellate Case No. 2020-001426

ORDER

On January 4, 2023, this court denied Petitioner's motion to relieve counsel. Petitioner has since filed two additional motions to relieve counsel. After careful consideration, we decline to rule on Petitioner's motions. *See* Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal."); *State v. Roberts*, 364 S.C. 583, 589, 614 S.E.2d 626, 629 (2005) (denying a defendant's motion to relieve appellate counsel because it was untimely made after appellate briefs were filed); *Richardson v. State*, 377 S.C. 103, 659 S.E.2d 493 (2008) ("A mere disagreement between an applicant and his counsel as to how to proceed with the PCR application, including the allegations to be raised, is not sufficient cause . . . to replace court appointed counsel with another attorney."). No further motions to relieve counsel by Petitioner will be considered, absent extraordinary circumstances.



FOR THE COURT

Columbia, South Carolina

cc:

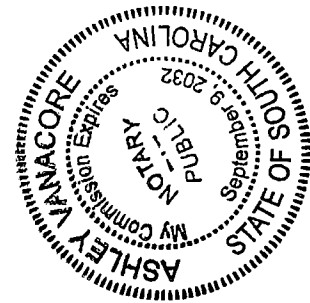
FILED
Mar 08 2023

Mr. Levern McCrea

SWORN TO AND AFFIRMED TO BY THE
AFFIANT this 20 day of March 2023

Ashley Vanacore
NOTARY PUBLIC

My Commission Expires: 9/9/32



Mr. Levern McCrea

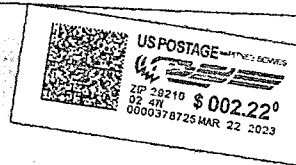
MR. LEVERN McCREA
348 291 Barnwell A-15
Post office Box 1151
Fairfax, S.C 29827

RECEIVED

MAR 24 2023

SC Court of Appeals

Mr. LEVERN McCREA
348291 Barnwell A-15
Allendale Corr. INST.
Post office Box 1151
Fairfax, S.C. 29827



INTER AGENCY MAIL

RECEIVED
MAR 24 2023
SC Court of Appeals

SOUTH CAROLINA COURT OF APPEAL
Ms. JENNY ABBOTT KITCHINGS, CLERK
Post office Box 11629
Columbia, S.C. 29211

