

STATE OF SOUTH CAROLINA

IN THE STATE OF SOUTH CAROLINA

COURT OF APPEALS

RECEIVED

Apr 21 2023

SC Court of Appeals

KATRINA MORRISON,

APPELLANT

Vs.

STATE OF SOUTH CAROLINA

RESPONDANT

APPEAL OF DISMISSAL

2023A CP 26 00402

Horry County Circuit Court

From Central Jury Court

Criminal Warrants #(s)

2022A2610900117

2022A2610900118

Katrina Morrison appeals her dismissal from the Appeal before Judge Culbertson (2023A-26 -00402) in the Fifteenth Judicial District dated April 12th 2023 based on inadequate representation (Order Attached).

Appellants Attorney, Timothy Kirk Truslow failed to appear on the day.

Appellants Attorney failed in this appeal to address clear and present Brady violations during a hearing held on the 12th of January in the Central Jury Court, Myrtle Beach, South Carolina.

Appellants Attorney failed to respond to Judge Livingstons Answer to Criminal Appeal dated February 2nd 2023.

Appellant was present in the office of Attorney Timothy Kirk Truslow on the Web-x HEARING from 1:20 pm to after 2:40 pm on April 12th 2023 accompanied by Ms. Susan Flynn without the appearance of her attorney Kirk Truslow. (A copy of the e-mail chain is attached)

Appellant alleges inadequate representation on the part of Attorney Truslow and seeks the dismissal be set aside.

Appellant notified the court, Judge Culbertson via email (attached) on the 13th of April 2023, (having learned of the dismissal due to the lack of representation from Judge Culbertson's clerk). Appellant notified the court that she had, in fact been present on the web-x for her hearing and had been notified while sitting in the office of attorney Truslow that he had a family emergency and would not be attending.

Appellant remained on the web-x until again the office staff notified the appellant that she could leave due to Attorney Truslow having waived the hearing. Appellant asked the staff what that meant however no one in the office could answer the question.

Appellants attorney did not show up for the scheduled hearing while she waited in his office for over Two hours and was logged onto the web-x hearing.

It is alleged, that this case originated as maliciously prosecuted by an Horry County Animal Control Officer-Officer Thomas Roesch.

Thomas Roesch presented false information to Judge Christopher John Arakas on the 11th Of July 2022 to obtain two warrants.

Appellant was subsequently arrested as a result of these warrants and incarcerated in the Horry County jail. Released on bond and given a trial in the Myrtle Beach Trial Court held January 12th 2023.

This trial, conducted by the Honorable Margie B. Livingston on January 12, 2023.

During this trial it became known that the prosecution withheld evidence and in clear violation of Rule 5 as well as Brady.

This trial resulted in two guilty findings and was appealed to the Circuit Court- Judge Culbertson.

Appellant prays this court will set aside the dismissal by order of Judge Culbertson in the Fifteenth Judicial District dated April 12th 2023 and hear the appeal as required in the interest of justice.

The original appeal filed by attorney Timothy Kirk Truslow based on the following grounds.

1. The Court erred in failing to grant a directed verdict of not guilty on the charge of Malicious Injury to Personal Property.

The record contained no evidence of damages to the property.

2. The Court erred in failing to grant a directed verdict of not guilty on the charge of Trespass.

The evidence contained insufficient evidence to support a conviction for Trespass.

3. The Court erred in failing to grant a directed verdict of not guilty on the charges of Trespass and Malicious Injury to Personal Property based on the ground that only evidence of Appellant being on the property in question conclusively showed she was on the property prior to the allegation of Trespass and Malicious Injury to Personal Property
4. The Court erred in allowing the prosecution to be improperly and was improperly aided by a private attorney- George Redman.
5. The Court erred in allowing HCPPD Officer Roesch to confer with the alleged victim Company's legal counsel George Redman in the middle of the officer's direct testimony.

All of the above reasons for appeal continued to be asserted and in addition:

Attorney Truslow failed to assert Clear and present Brady and Rule 5 violations during the proceedings.

WHEREFORE, Appellant prays that This Honorable Court reverse her dismissal and order a new hearing.

April 20, 2023

151 Katia Morrison 4/20/23

Katrina Morrison

Pro Se

Other Parties of Record:

Attorney Timothy Kirk Truslow

4209 Mayfair St. Myrtle Beach SC 29577

L//Cpl Thomas Roesch

Horry County Police Department 2560 North Main Street, Suite 7

Conway, SC 29526

Horry County Solicitors Office

1301 2nd Ave Conway SC 29526

Jesse James Glasgow

Lauree Richardson Ortiz

Judge B Culbertson

PO Box 479

Georgetown SC 29442

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Horry Common Pleas

Case Caption: Katrina Morrison VS South Carolina State Of

Case Number: 2023CP2600402

Type: Order/Electronic Form 4

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148

Electronically signed on 2023-04-12 15:59:20 page 3 of 3



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New mail



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Sweep



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Drafts 59



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Add favorite



Folders



Inbox 4291



Junk Email 11

Drafts 59

Sent Items 1

Delete... 291

Archive

Notes

Conversati...

e it before ...

Create new ...

Groups

New group

Katrina Morrison-APL01/21/2023 2023CP2600402



Katrina Morrison



To: BCulbertsonSC@sccourts.org; glasg Thu 4/13/2023 13:31



scan0005.pdf
750 KB

Dear Judge Culbertson,

I am the appellant in the above captioned matter.

Attached please find the fax sent to your office and this request for reconsideration of the dismissal of the appeal filed.

I am also seeking the courts consideration in allowing me to amend the appeal as there were multiple Brady violation that were not addressed by attorney Truslow and I can not explain why.

I intend to proceed Pro Se at this time and have asked attorney Truslow to allow himself to be removed from the matter.

His response as you can see in the e-mail of the 11th of April 2023 was NO. Although he did not want to be removed, he did not appear at his office nor did he notify the court from what I am being told.

I pray that this be reconsidered and your Honor allow 14(fourteen days) for an amendment to be filed.

Kind regards,
Katrina Morrison

Sent from Mail for Windows

Reply

Reply all

Forward

Fax Cover Sheet

843-545-3282

Attention Judge Culburtson

25 04/12/2023 1:30 PM Motion/Appeal

Katrina Morrison-APL01/21/2023 2023CP2600402

Katrina Morrison VS State of South Carolina

Magistrate Crim 920

Timothy Kirk Truslow

(843) 449-3304

Jesse James Glasgow IV

(843) 915-8661

Lauree Richardson Ortiz

(843) 915-8615 x0

April 13, 2023

Dear Judge Culburtson,

My name is Katrina Morrison, I am the appellant in this matter.

I was directed by my attorney Kirk Truslow to appear at his office yesterday at 1:20 pm for a hearing at 1:30. as you will see in the attached email chains. I did in fact appear at his office and logged on to the web-x however was informed by attorney Truslow's office staff that attorney Truslow had a family emergency and would not be attending.

I remained on the participants list and the web-x until I was informed some time later that I could leave and the hearing had been waived by Attorney Truslow. I had no idea what the implications of that were and his office staff could not tell me either.

From January 1st 2023 until April 11th 2023 I had not heard a word from attorney Truslow and was only aware of this hearing thru a search on the public index.

April 11th 2023, I received an email from attorney Truslow suggesting that "A thought in the appeal would be to let it go" (the e-mail is attached). I responded to that email immediately clearly indicating I would not. I suggested that I appear on my own seek an extension of time and ask that he be removed from the case. He replied (also attached) that I should come to his office the following day the 12th for the hearing, which I did.

I am asking in the interest of justice that this be re-scheduled and I be given an opportunity to present my appeal.

Kind regards,

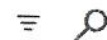
Katrina Morrison 4/13/23

Katrina Morrison

843-593-7240

katrinamorrison@live.ic

Junk Email <v> <l> From: Kirk Truslow <x>



Web Mail



Home View Help



173 New mail

Delete <v>

Archive

Report <v>

Sweep

Move to <v>

Reply <v>

Read / Unread <l>



Favorites

Close <x>

Previous

Next



Sent Items 1

Re: Time



Drafts 59

Kirk Truslow <kirk@attorneytruslow.com>

To: You



Wed 4/12/2023 08:57



Archive

Start reply with:

Okay, thank you!

Got it, thanks!

Got it, thank you.

Add favorite

Folders

The hearing starts at 1:30PM.

Inbox 4261

On Apr 12, 2023, at 8:12 AM, Katrina Morrison <KatrinaMorrison@live.ie> wrote:

Junk Em... 15

Good morning Kirk, what time should I be at your office?
Katrina

Drafts 59

From: Kirk Truslow <kirk@attorneytruslow.com>

Sent: Tuesday, April 11, 2023 17:51

To: Katrina Morrison <katrinamorrison@live.ie>

Subject: Re: Happy Easter

Sent Items 1

No no - it's is virtual - just come to my office

Delete... 175

Sent from my iPhone

Archive

On Apr 11, 2023, at 5:22 PM, Katrina Morrison <katrinamorrison@live.ie> wrote:

Notes

I will head to the court tomorrow and ask for an extension and release you from the appeal.
Thank you,

Conversati...

e it before ...

Sent Items ▼ ← ✕ To: Kirk Truslow ✕



Home View Help


✉ ☰ ↶ New mail 🗑️ Delete ▼ 📁 Archive 📄 Report 🧹 Sweep 📁 Move to ▼ ↶ Reply ▼ 📧 Read / Unread ◀

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✕ Close ◀ Previous ▶ Next 🔍 ▼

Re: Happy Easter

 Katrina Morrison
To: Kirk Truslow

↶ ⏪ ⏩ ⋮
Tue 4/11/2023 17:22

I will head to the court tomorrow and ask for an extension and release you from the appeal.
Thank you,
Katrina

Sent from my iPhone

On Apr 11, 2023, at 3:47 PM, Kirk Truslow <kirk@attorneytruslow.com> wrote:

Katrina,

Thank you for the kind words. I loved doing theater when young man but wanted to be a lawyer.

A thought in the appeal would be to let it go. Both offenses can be expunged down the road. I think the only remedy we'd get if successful would be a do over of the trial. That seems to be common relief in these cases.

Kirk

Re: Happy Easter

✍️ Fw: State v. Colin M... ✕

All folders From: Kirk Truslow

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Delete all Archive Report Sweep Move to Reply Mark all as read

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- Drafts 59
- Archive
- Add favorite

- Folders
- Inbox 4214
- Junk Email 11
- Drafts 59
- Sent Items 1
- Deleted... 78
- Archive
- Notes
- Conversati...
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Results

From
Subject
Received

All results

- Kirk Truslow
- Kirk Truslow
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Inbox Tue 17:52
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 Inbox 10/15/2022
 Inbox 10/14/2022
 Inbox 7/21/2022
 Inbox 7/21/2022
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Filter

Results

Fw: State v. Colin M... What time

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Results

To
Subject
Sent

All results	
Kirk Truslow	Sent It Tue 17:22
Kirk Truslow	Sent It Fri 4/7
Kirk Truslow	Sent It 2/1/2023
Kirk Truslow	Sent It 1/27/2023
Kirk Truslow	Sent It 1/15/2023
Kirk Truslow	Sent It 1/13/2023
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Kirk Truslow	Sent It 1/12/2023
Kirk Truslow	Sent It 1/8/2023

Results

Fw: State v. Colin M... × What time ×

HP LaserJet 200 colorMFP M276nw

Fax Confirmation

Apr-12-2023 17:34

Job	Date	Time	Type	Identification	Duration	Pages	Result
36	4/12/2023	17:39:44	Send	8438453282	3:42	6	OK



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Total			\$8.93
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Affixed Amount: \$0.55		
Total		\$8.93

Grand Total:	\$44.65
Cash	\$60.65
Change	-\$16.00

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