

May 24, 2022

TYSHAWN ANTWAUN BROWN

APPELLANT

V.

IN THE COURT OF APPEALS

THE STATE

RESPONDENT,

RECEIVED

APPELLATE CASE NO. 2022-01171

JUN 05 2023

SC Court of Appeals

PRO SE BRIEF OF APPELLANT

The Appellant,

Tyshawn Antwaun Brown Argues his case lawfully by Presenting rules erred in trial court by the state of SOUTH CAROLINA:

ARGUMENT AN ISSUES

1. The trial court reveribly erred by allowing the state to solicit testimony of Appellant's alleged gang affiliation pursuant to 404(b) where motive was irrelevant to the charged offenses, and where any probative value of such testimony was substantially outweighed by the danger of unfair prejudice of implied lawlessness and violence inherently associated with gang activity. (This explains appellant did not have a fair trial, due to defamation of my character an constitutional rights.

APPELLANT

2. I am not involved in any organization or gang at all an I was wrongfully, an unlawfully convicted on hear-say false testimonies. My purpose in verifying these issues is to respectfully request a reversal of my convictions and sentences, and remand for a new trial. My character was insulted an it mislead the jurors on improper basis. My first Amendment was also violated. First Amendment prevents state from ("employing evidence of a defendants abstract beliefs at a sentencing hearing when those beliefs have no bearing on the issue being tried.") DAWSON V. DELAWARE, 503 U.S. 159, 168, 112 S.Ct 1011, 117 L.d. 2d 309 (1992) Appellant Tyshawn Antwaun Brown was found guilty for attempted murder, and murder I was sentenced thirty years plus life. I never was charged with conspiracy and accessory, which require proof of planning. But the prosecution used false allegations to mislead the judge an jurors in my trial, which gave me the maximum sentences of my charges.

Rule 403

3. Moreover, even if relevant, the probative value of any purported gang affiliation was substantial outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury pursuant to Rule 403. Accordingly the bad evidence of alleged gang affiliation was wrongfully admitted.

Facts

4. NO Weapons was recovered in Appellant's case. DNA swabs were took off vehicle involved in Appellant's case but no matches lead to Appellant. Also vehicle involved in homicide was not registered in Appellant's name, but was apparently the Appellate's Alleged girlfriend's vehicle at the time. Appellate was not the only defendant arrested in this case, but was the only individual convicted. A surveillance footage at a gas station the last place victims were seen were presented at trial, Appellant Tyshawn Antwaun Brown was never seen on that footage, But Appellate's alleged codefendants were identified on surveillance footage.

## Witness statements

5. Witness statements were changed in Appellate's case several times, which should question credibility completely. Obstruction of Justice was also charged on one of the witnesses/codefendants in Appellate's case. But charges were dismissed due to cooperation with law enforcement and painting false allegations against Appellate. Two key witnesses in Appellate's case were also alleged suspects who gave false statements claiming Appellate was with them at the crime scene. Appellant Tyshawn Antwawn Brown made no statements in this case at all. The fifth Amendment do give you the right to remain silent in a court of law. Also the victim in Appellate's case changed her statement at trial. In Appellate's Rule 5 the victim "Winter Parker" stated she didn't know who shot her and her boyfriend and didn't see who shot them because she got down on the floor when the shooting occurred. But also the victim admitted at trial she stated she told law enforcement Appellate's codefendant was the one pointing a assault rifle at them and was the one who shot them. She claims it was the sedatives she was issued why she changed her story. Honestly I'm innocent and I want the (South Carolina Court of Appeals) to verify these errors I'm presenting for my appeal. Appellate's codefendant admitted to pointing a assault rifle at victims but claim he didn't fire. Victim says she didn't see who was firing, but at Appellant's trial she says she knows for a fact it was Appellate. I never possessed a firearm and I never shot anyone in my whole life. It's impossible to visualize someone shooting at you, while you're on the floor of a 5-10 pickup truck. Conclusion (Every thing Appellant is presenting is respectfully document

6. Appellate was arrested in NYC nearly two years after this incident occurred on other charges that was dismissed. Appellate has multiple family members who reside in NYC. The Prosecution tells the Judge Appellate was a flight risk, but there was no proof indicating Appellate fled. Appellate is diagnosed with several mental health illnesses and is prescribed mental health medications to treat them also, which explains Appellate's communication skills.

7. I didn't speak on my behalf at trial because my attorney told me there was no need. I also want to confirm I wasn't defended properly by my public defender because him and the prosecutors were working together against me. Several other witnesses had subpoenas to attend my trial but the prosecution wouldn't let them take the stand because they showed up to support me and talk good on my behalf. One thing for sure, I'm not perfect in any way but I know I'm innocent and didn't commit these violent crimes. (Page 2)

8. Appellate was not granted a fair trial in no shape or form. I had no motive or reason to commit those alleged crimes I was wrongfully convicted for, Justice definitely wasn't served. Thus, any probative value of testimony regarding Appellants purported gang affiliation was substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, and Appellant was prejudiced by its erroneous admission. (See Rule 403, SCAE.)

### Closing Solution

9. If I was guilty I would of took the plea offer that was on the table apparently. Therefore no real physical evidence was presented in my case provin with a reasonable doubt I allegedly intervene in these crimes. I ask the Court of Appeals to please accept this Pro se Brief respectfully viewing the Issues an facts I Present to this righteous Court.


10. For the forgoing reasons, Appellant Tyshawn Antwaun Brown respectfully requests reversal of convictions an sentences, and remand for a new trial Submitting Appellant's Pro se Brief respectfully. God Bless the courts honorably,

Sincerely, APPELLANT Tyshawn Antwaun Brown

Tyshawn Brown 350764 (MSU-cell 12)  
K.C.I.  
4344 Broadriver Rd.  
Columbia, S.C. 29210

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**RECEIVED** Jenny ABBOTT KITCHINGS  
JUN 05 2023 1220 Senate Street  
SC Court of Appeals Columbia, SC 29201

**SCDC**  
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**MAIL ROOM**

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