

Rev. Thomas L. Davis
00390608
Beaufort County 14th Circuit
State
v
Thomas Davis } CA No. 2018-
-A107200398
Also from
ca - 2023
1109-Jury

3 Complete Manual of Criminal Forms § 102:7

Complete Manual of Criminal Forms 3d
Database updated July 2013

Rev. Thomas L. Davis Pro-se
Barney, Kenneth J. Fishman

South Carolina Part 16 Appeals Court
Chapter 102 Relief Pending Appeal to Vacate Verdict
III State Appellate Courts.

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SC Court of Appeals

References

§ 102:7. Motion for ~~stay of execution of sentence~~ *(Reverse Verdict)* and for bail pending appeal—State

[Caption]

NOW COMES the Defendant-Appellant, *Rev. Thomas L. Davis Pro-se*, [Defendant's Name], through counsel, and respectfully moves this Honorable Court for an Order ~~to stay his sentence~~ *to vacate his sentence* and admitting him to bail pending an appeal to this Court from judgments entered in the *3/16/23* Court on [date]. *Judgment at the 14th Circuit Court of Beaufort County South Carolina*

The Defendant-Appellant made a timely application to the Superior Court for the relief sought herein, which application was denied on [date]. *3/16/2023*

In support of the instant motion, counsel states as follows: *Defendant's case was with judicial conduct violations of Defendant's 4th, 5th, 6th, U.S. Const, Rights, also SC State Article 13.12 and 17th Civil Rights*

1. Counsel has filed an Affidavit in support of the instant motion which details the factual background upon which this motion is based. *State violations of Defendant's Due-process Rights, By rushing him into Court only a one Day Notice and not allowing witnesses time to appear.*

2. A Memorandum in support of the instant motion has also been filed with the instant motion. *Processive Delays, Citing 180 Days in SC 28 USC, Article 13.12, They waited 5 years without explanation Also Never sent a Required by Law 30 Days Legal Notice to Defendant, for witness*

3. All the traditional criteria for release on bail pending appeal and ~~reversal~~ *Reversal* of the sentence are met by this Defendant. *He's a minister, live in South Carolina all his life, father was a farmer 30 years Original Galla Beechie*

a. As described in detail in the Memorandum and Affidavit, the Defendant is not a security risk, provides no danger to any other person or to the community, and there is no likelihood of further criminal acts during the pendency of his appeal.

A public servant over 15 years in the community helping, addict, alcoholics and the Homeless See: New Direction Break Cycle Outreach ministry in the South Carolina State Dept. Registered Non Profit

b. Also described in detail in the Memorandum and Affidavit, the Defendant has extremely close family ties, including an ~~his~~ *one yr old son* daughters and wife, has strong roots in the community, an excellent educational and employment record and no prior criminal record. *Never been sent to prison in the state of South Carolina nor Any other state in the last 25 years, was a Ministry for Children's Home on the Property Owns Two businesses Davis Sons Plumbing etc. and New Directions Outreach ministry in state Dept.*

c. As discussed more fully in the Memorandum, should the Defendant be denied bail pending appeal, it is likely that he will serve the majority of this sentence before the instant appeal is decided. *mean while he's 10 employees are out of work AND undone contracts are being hindered, by a mistemeanor charge, which will be Reversed If state allows Defendant's Right to a fair hearing with his eye witness and Evidence*

Rev. Thomas H. Davis

§ 102:7. Motion for stay of execution of sentence and for..., 3 Complete Manual of...

Appeal Bond and Reverse

4. There exists, at a minimum, a reasonable possibility, and indeed, a substantial likelihood, that this Defendant, will be successful on appeal. The Defendant-Appellant intends to raise the issues listed below on appeal, as well as others as they become apparent from a review of the record of the case below. Each of these issues are discussed more fully in the Affidavit of Counsel and Memorandum filed with the instant motion. *Dock Court Records will be a lot to show no warrant for arrest was even at crime scene, ALSO minutes of trial shows officer has no probable cause, lie to magistrate with a warrant resisting arrest. To get a warrant next day*
- a. The trial court erred in giving an instruction on causation, which instruction would necessarily have caused the jury to reach a verdict contrary to the evidence, particularly in the absence of a requested instruction on intervening, independent causation, where the evidence was as consistent with the notion of an intervening, independent cause of ~~death~~ as it was with the notion of concurrent cause. *Citing stenographer's reports will show jury deliberations stop 4 times to ask the judge when is one considered resisting arrest by law and the trial would not tell them that when an officer presents a warrant and the person resist is in*
- b. The trial court erred in failing to grant Defendant's motions for a required finding of not guilty under [insert State Statute or Local Rule], where the evidence was legally insufficient to support the jury's guilty verdict on the ~~same~~ offense. *NOT*
- 1) The Brady motion for speed trial (State vs. Neeley SE 2d 528 on excessive delays, 4th, 6th US Amends State vs. Wilson 345 SC. 1, 7, 545 SE. 2d. 827 2001) Resisting Arrest*
- c. The trial court erred in overruling Defendant's objections to the prosecutor's closing argument, where said argument contained allegations relating to critical issues which were totally unsupported by the evidence and thus highly prejudicial to the Defendant. *Where stenographer's report will show prosecutor never clarified to jury what was resisting arrest because officer admitted there was never an arrest warrant, nor was defendant under arrest at the time of arrest.*
- d. The trial court erred, in denying Defendant a hearing, and in denying motions for mistrial, *when altered 911 tapes was entered into evidence*, and where the prosecutor failed to advise Defendant's counsel of the changes ~~to the evidence~~, and where the prosecutor *not allowing defendant's witnesses a proper legal notice for the hearing*
- e. ~~The trial court erred in denying the Defendant's Motion to Dismiss the Indictment where, as a result of unprecedented pre-indictment publicity, an atmosphere of animosity, hostility, hatred, bias and prejudice toward the Defendant permeated the Grand Jury proceedings and thus, resulted in indictments being returned in violation of 17.12 of the State Constitution and the Fourteenth Amendment to the United States Constitution.~~
- e) Defendant's Fourth Amendment of the United States Constitution, by the arresting officer*
- f. The trial court erred in failing to sever the trial of the indictments against the Defendant *Rev. Thomas H. Davis* [Defendant's Name] when there existed antagonistic defenses and where Defendant's counsel had a duty to comment on his co-defendant's silence. Thereafter, the trial court erred in denying Defendant's attorney the opportunity to comment in his opening argument upon evidence which tended to implicate ~~Frederica Washington~~ and exculpate the Defendant. *Frederica Washington was Frederica Washington, also eye witness to the event, had moved to Augusta GA. But needed to appear on the 19th of March = 23*
- g. The trial court abused its discretion and denied the Defendant a fair trial by its repeated interruption of defense counsel during his cross-examination of presentation witnesses, particularly where the prosecutor had not objected, and by interjecting an instruction to the jury which was not appropriate under the circumstances and which tended to enhance the credibility of the prosecution's witnesses. *Did not allow defendant's 6th Amendment's right to cross examine the witnesses*

WHEREFORE, the Defendant-Appellant respectfully urges this Honorable Court to grant ~~the Defendant's Motion for a writ of habeas corpus~~ of the sentence and to order the Defendant admitted to bail pending appeal. *Also Defendant is requesting a writ for the unlawful arrest and conviction*

Respectfully submitted, *Rev. Thomas H. Davis*
Pro-se [Signature] *Rev. Thomas H. Davis*
[Name of Attorney]
Attorney for Defendant-Appellant ~~John H. Williams~~

(See Attachments)
Arrival Clerk Records
Deaumont County Superior Sessions Ct.
Saucatt Stenographer 2018
2023

THOMAS DAVIS 5-18-2023
#390668
KIRKLAND RAE
43448 Road River Rd.
Columbia, Number(2)

Rev. Thomas Davis vs. STATE OF SOUTH CAROLINA
Supreme Court of South -
Carolina Office of Disciplinary
Council P.O. Box 12159
Columbia, SC, 29211

Att
BANDC
Attachment
continued,
Judge Mullen
Judge Goldsmith

Facts underlining this claim
Against these judicial officials, Judge
Carmen Mullen Violated State Bar
Laws at the first hearing in 2018
When I ASKED Her to Recrewl Herself
AS the Judge She said, She could not
Remember ANY conflict of Interest
Also She this was the second Time
She did not leave the bench, but
NOW 5 years later she find a
Retired Judge to sit on Bench.
While She and the Solicitors and
my own ineffectve Counsel Help
By not objecting to their misconduct
to prejudicially sway the jury's
opion of me, with 20 years Arrest
Charge for running a Blue light
Which by South Carolina cannot be used
Without giving 30 Days Notice prior
To any hearing. Also there was NO 30 Day Notice
Give to me for, as the Laws Requirers
Also I was Denied my Rights for timely
eyes witnesses to come to court,
Denied my Rights for a Dismissal
for state's UNEXPLAINED, excessive
Delays, State was in MISTAKE
by allow a person to esengo to a trial
When it was INFACT and ILLEGALLY
obtain warrant for an Arrest, after
the Arrest had occurred the day
before with no probable, which way
The sentence WAS UNLAWFUL
with Racial prejudice and a
wait of release 7 months given to the Defendant.

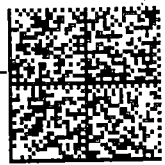
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COLUMBIA SC 290

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