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JUL 28 2023

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

SC Court of Appeals

Appeal from Richland County

Honorable De Andrea G. Benjamin, Circuit Court Judge
THE STATE,

RESPONDENT,

MICHAEL PAUL GRIFFIN V.

APPELLANT

APPELLATE CASE NO. 2022-001261

PRO-SE BRIEF OF APPELLANT

Michael Paul Griffin # 368423

Turbeville Correctional Institution, 1578 Clarence
Coker Hwy, Turbeville, SC 29162, this 21st day of
July, 2023.

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TABLE OF AUTHORITIES

Jackson v. Denno 378 U.S. 368 (1964)

State v. Hill 425 S.C. 374, 380, 822 S.E. 2d 344, 348 (Ct. App. 2019)

Miranda v. Arizona, 384 U.S. 368 (1966)

Missouri v. Siebert, 542 U.S. 600 (2004)

Brady v. Maryland 83 S.Ct. 1194 (1963)

State v. Busse 439 S.C. 104, 886 S.E. 2d 208 (2023)

Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3L Ed. 2d 1217 (1959)

Riddle v. Ozmint, 369 S.C. 39, 631 S.E. 2d 70 (2006)

Washington v. State, 324 S.C. 232, 478 S.E. 2d 833 (1996)

State v. Johnson, 334 S.C. 78, 512 S.E. 2d 795 (1999)

Kyles v. Whitley, 514 U.S. at 436, 115 S.Ct. 1555

New York v. Quarles, 467 U.S. 649, 654 (1984) 500, see:

384 U.S. 436, 444 (1966).

STATEMENT OF ISSUE ON APPEAL

Whether trial judge erred in finding that no
Brady violation occurred in violation of Brady
vs. Maryland 83 S.Ct. 1194 (1963).

STATEMENT OF THE CASE

Appellant was indicted in Richland County for murder and on August 29, 2022, he was tried before the Honorable De Andrea G. Benjamin and a jury. R. 1. C. Dale Scott and G. Grayson Hill represented the State. R. 1. Tracy E. Pinnock and Alicia D. Goode represented appellant. R. 1. The jury convicted appellant. R. 542-43. Judge Benjamin sentenced appellant to forty-six years' imprisonment. R. 555. This appeal follows.

STANDARD OF REVIEW

The Solicitors office violated Brady vs. Maryland when it suppressed certain evidence involving state's witness Ms. Green's Ridgle statement and the prosecutor also violated appellant's due process rights when they failed to correct misstatements made by Ms. Green while testifying against petitioner. Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3L.Ed. 1217 (1959). Also, State vs. Johnson, 334 S.C. 78, 512 S.E. 2d 795 (1999).

Argument

The trial judge erred in finding that no Brady Violation occurred in violation of Brady vs. Maryland 83 S.Ct. 1194 (1963).

On the early morning of October 20, 2018, shortly before 6:00 A.M. Appellant accidentally shot the mother of his child, Jerry Lynn Sigman ("Sigman"), in the head as they were beginning to have sexual relations.

Tr. Trans. pgs. 426-430. Appellant had a pistol in the waistband of his pants. Tr. Trans. pgs. 426-30. Sigman was sitting on top of him. Tr. Trans. pgs. 426-30. Appellant did not want to disrupt the mood, so he tried to remove the gun and put it on the nightstand. Tr. Trans. pgs. 426-430. As he did, Sigman flipped her hair back and hit the gun with her head. Tr. Trans. pgs. 426-430.

The gun accidentally went off and Sigman died from the wound. Tr. Trans. pgs. 426-430. Tr. Trans. pg. 303. Appellant testified and told the jury about the accident. Tr. Trans. pgs. 426-430.

Appellant and witness Green initial story to the police was untrue. Tr. Trans. pgs. 60-61. They told the police that armed men broke into the house where he was staying and shot Sigman during a struggle over a gun. Tr. Trans. pg. 61. After witness Green gave the same initial story to the police, which was untrue police gave witness a ride home.

Tr. Trans. pg. 65. They did not offer appellant a ride home at all after appellant gave same initial story. Tr. Trans. pg. 65

Appellant contends the Solicitors office violated his due process rights when they failed to correct false testimony made by State's witness (Ms. Green) while testifying against appellant. See *Napue vs. Illinois*, 360 S.Ct. 1173, (1959), Also *Kyles vs Whitley*, 514 U.S. at 436, 115 S.Ct. 1555, 1311 Ed. 2d 490. Four years after Ms. Green gave written statement to law officials Ms. Green came on second day of trial to give a whole new story that was undisclosed evidence to the defense that State's witness was threaten by appellant. Tr. Trans. pgs. 342-351. On recross examination of Ms. Green by Ms. Goode, Ms. Green gave testimony stating "After I was told that they had got Michael and that they told me that Jerry Lynn had passed on in the hospital. She felt relieved to tell the truth to investigators". Tr. Trans. pgs. 394. The undisclosed statement is a clear and uncut violation of *Brady vs. Maryland* 83 S.Ct. 1194 (1963). Prosecutor did not disclose that there was a second statement to the defense. Tr. Trans. pgs. 343-351.

States' witness Ms. Green's second statement to law officials was a written statement that "Mr. Griffin ran out the room said I shot her and ran away"

Tr. Trans. pgs. 105-106. Investigator's records or trial testimony does not support that Ms. Green seen what happened or that there was ever a threat made by Mr. Griffin to Ms. Green. Tr. Trans. pgs. 103-106.

Ms. Green later gave testimony that this written statement was the truth.

Tr. Trans. pgs. 394. The failure to correct false evidence is as reprehensible as its presentation.

Washington vs. State, 324 S.C. 232, 478 S.E. 2d 833 (1996). Appellant was found not to have met his burden because the State knowingly used perjured testimony. Also, appellant asserts that his trial was fundamentally unfair due to prosecutorial misconduct. The Constitution requires only that a defendant receive a fair trial, not a perfect one. U.S. Const. Am. VI; State v. Johnson, 334 S.C. 78, 512 S.E. 2d 795 (1999).

The error was prejudicial and appellant's conviction should be reversed and vacated.

Appellant contends trial Court reversibly erred by finding the appellant's statement to the law enforcement voluntarily and admissible. Appellant asserts that his statement to law enforcement should have been inadmissible under State v. Hill 425 S.C. 374, 822 S.E. 2d 344, it's a 2018 Court of appeals case. The trial judge erred when she did not consider any of the factors that were supposed to be considered such as the 13 hours timeframe interview inside the Columbia Police department, being escorted to the restroom being watched while using the restroom it was evident that appellant felt he could not leave. Tr. Trans. pgs 103-106. New York v. Quarles, 467 U.S. 649, 654 (1984) 500. See. 384 U.S. 436, 444 (1966). The Courts held that unless the defendant was informed of Fifth Amendment rights before questioning, any pretrial statements elicited from the defendant during custodial interrogation were inadmissible at trial. see id. at 492. The Court's primary concern was that the coercive atmosphere created by police custody and interrogation would "subjugate the individual to the will of [the] examiner" and thus undermine the privilege against compelled self-incrimination. Id. at 457-58.

Miranda should have been provided when appellant got to head quarters, especially considering investigators questioned him, left him in the room, come back and questioned him again, and then later on about 4 hours and 45 minutes after they had already been questioning him. I don't believe Miranda Cures the Violation that had already taken place Tr. Trans. pgs. 104 The error was prejudicial and appellant's conviction should be reversed and vacated.

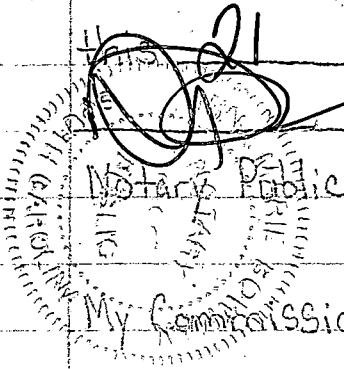
CONCLUSION

For the foregoing reasons, appellant's conviction should be reversed and this case remanded for a new trial.

This 21st day of July, 2023.

SWORN or affirmed to and subscribed before me on

this 21 day of July.



My Commission Expires: Oct 12, 2031

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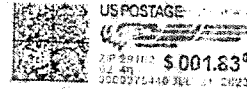
CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR,
the undersigned hereby certifies a true copy of the Pro-Se
Brief of Appellant and Designation of Matter in the
above-referenced case has been served upon Melody J.
Brown, Esquire, at the primary address listed in the
Attorney Information System (AIS);

Michael Griffin # 368423

at Turbeville Correctional Institution, 1578 Clarence
Coker Hwy, Turbeville, SC 29162, this 21st day of
July, 2023.

Michael Griffin # 368423
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1578 Clarence Coker Hwy
Turbeville, SC 29162



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South Carolina Court of appeals
1220 Senate Street
Columbia, South Carolina 29201