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OCT 11 2023

SC Court of Appeals

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Petitioner Jonathan M Brown wishes to bring

Following information to the Courts Attention

On 10 May 2023 Jonathan M Brown mailed his Pro se response to his appointed counsel, Wanda Carter brief to the Supreme Court of South Carolina

On 9 June 2023 the Supreme Court transferred the case to the Court of Appeals. Through continued diligence the petitioner has found errors he feels need to be brought to the Courts attention

On 15 Aug 2023 the petitioner spoke with his appointed counsel Wanda Carter of Indigent Defence in Columbia SC. He told her of the issues of his trial counsel John Lo9 lying at the PCR hearing, held 1 October 2018 in Dorchester Co South Carolina, presided over by Judge Craig Brown. As well as Judge Brown lying in his dismissal filed 16 Nov 2018 as to facts of the case and witness testimony at the hearing. Ms Carters response to this was "You are telling me this off the record"

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The Petitioner then Prepared A letter OFFICALLY and Formally telling Ms Carter of these issues and showing her EXACTLY where they took place and showing them in the TRANSCRIPTS and mailed it to her on 1 Sep 2023. 3 weeks later he called Ms Carter. She told him that she could not change what she had Filed. She however ASSURED him that ANYTHING he sent to the COURT they would consider it

During the PCR hearing Jonathan M Brown raised the issue of the search warrant for the Casio G2 one cell phone, Seized during his Arrest 28 July 2013. The search warrant was sworn 29 July 2013 by Detective Rick Gebhardt of Summerville PD. That the cell phone was in Brown's hand during the arrest and that the victim claimed Brown took pictures during the incident. Brown's contention being that Gebhardt WAS NOT present at the arrest and never spoke to the victim. At the Pretrial hearing held 3-4 June 2014 in Dorchester Co. Presided over by Judge Maggie Murphy

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On Pg 95 L21 of the pretrial transcripts Gebhardt testified "I responded to the Police department and met with him [Sergeant Mosher] where he was obtaining arrest warrants" This being after Mosher spoke to the victim returned to Somerville PD and called Gebhardt "Once they were obtained MY self, Sergeant Mosher, Sergeant Jones and PFC Terranova responded to Mr Brown's residence where Sergeant Mosher and Sergeant Jones went to the front of the residence. MY self and PFC Terranova responded to the, went to the rear of the residence ..."

Gebhardt continued on Pg 96 L8 "At that time I never went inside the house" Detective Mosher had previously testified Pg 80-81 pretrial transcripts that Brown was arrested inside his residence.

During his examination by Mr Saville at the PCR Hearing 1 October 2018 Pg 58 L 18-21 of the PCR transcripts Mr Lot testified "Gebhardt testified he was present also" Lines 21-24 Mr Lot actually quotes Gebhardt testimony from the pretrial hearing from page 95 L23 ON of the pretrial transcripts ~~It~~ is on line 25 of that page and lines 18 on Pg 96 where Gebhardt testifies he

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went to the rear of the residence and never went inside the house and that Brown was in custody and being escorted from the residence when he returned. This proves he was not present when the arrest was made and never spoke to the victim. Therefore his warrant is sworn to hearsay not to facts of his own knowledge and is inadmissible.

Judge Brown addressed this issue in his dismissal on Pg 16 referring to Jonathan Brown as "Applicant". Judge Brown said "Applicant claimed there was no probable cause for the warrant". At no time did the applicant say any thing about a lack of probable cause.

On Pg 52 L4-14 of the PCR transcripts Mr Lot is questioned about the in court identification of Mr Brown. As Brown raised the issue that minor 2 his niece was unable to identify him in court room and never gave a fitting description of him at any time. Lot claimed Brown's daughter minor 1 came in during pre trial at the point where she clammed up and was asked essentially do you recognize your dad, looked around the court room and looked at our table and said No I don't

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Minor 1 never testified at the pre trial. At the trial she was never asked to identify Mr Brown. Minor 1 testimony can be found on Pg 41-47 of the trial transcripts. The issue raised was that Minor 2 failed to identify Mr Brown.

On Pg 23 L 19-23 of the trial transcripts Minor 2 was asked Mr Justice if she recognized "Jon" (A.K.A. Mr Brown, Jonathan M Brown ect.) in the court room she answered "NO" On Pg 40 L 20-24 on redirect Mr Justice asked minor 2 what he [Jon] looked like. She answered "He was kind of bigger and he had really long, curly hair, and a long curly beard." Minor 2 participated in a forensic interview on 29 July 2013 the day after the alleged incident took place. During that interview she was asked what Jon looked like with his clothes off. She said he was hairy. The interviewer confirmed covered in body hair. Minor 2 answered yes she also told the interviewer that Jon had no marks or scars. At that time Jon kept his public area shaved and he has a large birth mark on his upper thigh that would have been seen by minor 2 under the conditions of the alleged incident.

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Mr. Brown's Arrest Photo taken by Sumnerville PD 28 July 2013 shows his straight hair and beard

During Mr Justice's closing argument at trial Pg 256 L10-11 He tells the Jury that minor 2 said "Long hair beard" lying to mislead the Jury

Judge Brown addressed the issue of identity of Brown on Pg 11 of his dismissal when he said "This is explained by the fact Applicant had dramatically changed his appearance from the time of the incident to the time of the trial, As trial Counsel credibility testified Applicant had a long curly beard and long curly hair at the time of the incident but not at trial" Mr Loy's testimony regarding this issue can be found on Pg 52 L4-19 of the PCR transcripts. Where Mr Loy testified "Mr Brown had changed his appearance dramatically Pretrial or appeared to I saw the photos of him earlier and I saw the photo that - and I saw him live at trial He went on to tell the Judge my own daughter did not recognize me which is untrue

Continually through his dismissal Judge Brown says that the images from the phone clearly show the Applicant committing such acts

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ON both victims or they support all charges when that is not true there is no way to tell who made or when they were made. Without Minger who can be seen in the image to say who and when it was it is just an assumption that it is Mr Brown

I feel that it is UNFAIR FOR Judge Brown's OPINIONS to be given ANY weight when he himself CANNOT KEEP FACT STRAIGHT.

Don't forget to draw
Q3 B 2023
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Pelzer SC 29661



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