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DEC 18 2023

SC Court of Appeals 12-2-23

I Mytazis Nesmith is writing to "The South Carolina Court of Appeals" about some very important matters concerning explanations for appealing. I would like to report that I was tricked into taking this plea deal; I was supposed to be taking my case to trial, but somehow they claimed that "they couldn't find my clothes". So my attorney was telling me that we shouldn't take my case to trial because I was gonna be convicted under the hands of one hands of all law. I was supposed to be pleading out to 10-15 years but the only problem was I didn't get it in writing. The solicitor wanted me to take the stand on my co-defendant for a deal of reducing my sentence. My co-defendant plead out to voluntary manslaughter also so the solicitor took the deal back of helping me out. My lawyer wasn't studying my case until the last week or so before the trial was supposed to start. My lawyer didn't know my case nor did he know who I was everytime we met. I sent a letter out a couple of days ago too this address: United States District Court; District of South Carolina Clerks Office, 901 Richland Street; Columbia, South Carolina 29201. I informed them about every little detail about my case, soon as I get the copies sent back I will surely be sending the to you guys. Also here are some evidence proving my innocence; led report proves that my gun wasn't the murder weapon nor was it the gun pertaining the shell cases at the scene. This gun couldn't even hold the magazine. The solicitor also admitted to me that he knew I wasn't the killer, so why was I punished like this? Thanks for your time hopefully my case be re-opened.

Respectfully

Submitted

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF FLORENCE)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT: 2022-GS-21-02291, 2292

THE STATE,)
)
vs.)
)
MYTAZIS NESMITH,)
)
)
Defendant)
_____)


FILED COPY
RULE 5 SUPPLEMENT

TO: RALPH WILSON, SR.: ATTORNEY FOR THE DEFENDANT:

In addition to the Rule 5 material previously disclosed, the State now provides the following:

1. Copy SLED Firearms Analysis for LCPD case# 2021-11-064. (4 pages)

Having complied with the defendant(s) requests, the State hereby requests the information subject to disclosure under Rule 5(b)(1)(A) & (B). The State also requests Notice of Alibi pursuant to Rule 5 (e)(1) and Notice of Insanity Defense or Plea of Guilty but Mentally Ill pursuant to Rule 5 (f).



J. RYAN WHITE
ASSISTANT SOLICITOR
TWELFTH JUDICIAL CIRCUIT

Florence, South Carolina
June 22, 2023

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

June 22, 2023

Loy Hayes
Lake City Police Department
P.O. BOX 1329
Lake City, SC 29560

FIREARMS DEPARTMENT
SLED LAB: L21-23691
Your Case No: 202111064
Incident Date: 11/17/2021
[V] Antonio Skipper
[S] Dathawn Nesmith
[S] Mytazis Nesmith

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

- Item: 1 One fired 380 Auto caliber cartridge case.
- Item: 2 One fired 380 Auto caliber cartridge case.
- Item: 3 One fired 380 Auto caliber cartridge case.
- Item: 4 One fired 380 Auto caliber cartridge case.
- Item: 5 One fired 380 Auto caliber cartridge case.

RESULTS:

See Item 11 results.

- Item: 6 One fired 22-Long / Long Rifle caliber cartridge case.
- Item: 7 One fired 22-Long / Long Rifle caliber cartridge case.
- Item: 8 One fired 22 Long / Long Rifle caliber cartridge case.
- Item: 9 One fired 22 Long / Long Rifle caliber cartridge case.
- Item: 10 One fired 22-Long / Long Rifle caliber cartridge case.
- Item: 11 One fired 22 Long / Long Rifle caliber cartridge case.

RESULTS:

Items 1 - 11 were physically examined and, where appropriate, microscopically compared with each other and test cartridge cases fired by the Item 26 rifle. From these examinations and comparisons, the following conclusions were reached:



- Matching individual identifying characteristics were found on Items 6 – 11 and test cartridge cases fired by the Item 26 rifle. It was concluded that Items 6 – 11 were fired by the Item 26 rifle.
- Matching individual identifying characteristics were found on Items 1 – 5. It was concluded that Items 1 – 5 were fired by a second firearm, and these Items may be suitable for identification with other firearms related evidence.

Item: 12 One unfired 22 Long Rifle caliber cartridge.

RESULTS:

Item 12 was physically examined. The unfired cartridge was the correct caliber for use in the Item 26 rifle and in other firearms chambered for 22 Long Rifle caliber cartridges.

Item: 13 One fired bullet fragment, listed as "...from scene."

Item: 14 One piece of lead, listed as "...from abdomen."

Item: 15 One fired bullet fragment, listed as "...from bowel."

Item: 16 One fired bullet fragment, listed as "...from left arm."

Item: 17 One fired bullet, listed as "...from right hip."

Item: 18 One fired bullet fragment, listed as "...from right LQ."

Item: 19 One fired bullet, listed as "...from left chest."

Item: 20 One fired bullet and one piece of lead, listed as "...from right post."

RESULTS:

Items 13 – 20 were physically examined and, where appropriate, microscopically compared with each other and test bullets fired by the Item 26 rifle. From these examinations and comparisons, the following conclusions were reached:

- ★ Based on their remaining observable, physical characteristics, Items 13, 15, 16, and 18 were consistent with being fragments of bullets loaded into some 22 Long Rifle caliber cartridges. Due to damage and/or limited marks of value, Items 13, 15, 16, and 18 may not be suitable for identification with other firearms related evidence.
- ★ Due to damage and its size, the origin of Item 14 and the Item 20 piece of lead could not be determined. Due to a lack of marks of value, Item 14 and the Item 20 piece of lead were unsuitable for identification with other firearms related evidence.
- ★ Based on their observable, physical characteristics, Items 17 and 19 were most consistent with bullets loaded into some 380 Auto caliber cartridges. Items 17 and 19 bore marks of value and may be suitable for identification with other firearms related evidence.
- Based on its observable, physical characteristics, the Item 20 bullet was most consistent with bullets loaded into some 22 Long Rifle caliber cartridges. Due to damage and limited marks of value, the Item 20 bullet may not be suitable for



identification with other firearms related evidence.

★ Due to damage and/or limited marks of value, the results of microscopic comparisons of Items 13, 15, 16, and 18, and the Item 20 bullet with each other and test bullets fired by the Item 26 rifle were inconclusive. It could not be determined whether Items 13, 15, 16, and 18, and the Item 20 bullet were fired by the Item 26 rifle or by another firearm or firearms with similar rifling characteristics.

- Matching individual identifying characteristics were found on Items 17 and 19. It was concluded that Items 17 and 19 were fired by the same firearm.
- Sufficient differences in class characteristics were found to conclude that:
 - Items 13, 15, 16, and 18, and the Item 20 bullet were not fired by the firearm that fired Items 17 and 19.

★ ○ Items 17 and 19 were not fired by the Item 26 rifle or by the firearm or firearms that fired Items 13, 15, 16, and 18, and the Item 20 bullet.

Currently, the only manufacturer known to produce 380 Auto caliber firearms with rifling characteristics like those exhibited on Items 17 and 19 in GLOCK.

Item: 26 One Mossberg (CBC) Model 715T semiautomatic rifle, 22 Long Rifle caliber, serial number EMH3854531, with partial magazine assembly.

RESULTS:

Item 26 was physically examined. As received, the rifle was missing the buttstock; however, this did not interfere with and/or prevent test firing. The magazine assembly was not functional as received and was missing the metal portion that allows the magazine to seat into the rifle. The rifle was test fired using a Laboratory supplied magazine and found to be in working order.

Item: 26.2 Test specimens fired by the Item 26 rifle using Laboratory supplied ammunition.

RESULTS:

Test specimens were packaged for return to your Agency for long term storage as evidence.

Items 5 and 26 were entered into the Integrated Ballistics Identification System (IBIS). These exhibits will automatically be correlated with exhibits from SC, GA, NC, and VA. Should any investigative leads be developed, your Agency will be notified.



COMPARISONS WITH ANOTHER CASE:

SLED Laboratory Case Number L22-02900
Lake City Police Department Case Number 202203003

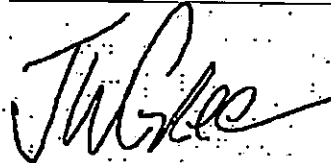
- Item 1 [AMT Model Back Up pistol], 380 Auto caliber, serial number DA28409]

Items 1 – 5, 17, and 19 submitted in this case (L21-23691) were microscopically compared, where appropriate, with test specimens fired by the Item 1 pistol submitted in L22-02900. From these comparisons, the following conclusions were reached:

- Sufficient differences in class characteristics were found to conclude that Items 1 – 5 (L21-23691) were not fired by the Item 1 pistol (L22-02900).
- Sufficient differences in class characteristics were found to conclude that Items 17 and 19 (L21-23691) were not fired by the Item 1 pistol (L22-02900).

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



James W. Green
Forensic Scientist



Mr. Mytazis Nesmith, #00369648
Kirkland Reception and Evaluation C
4344 Broad River Rd
Columbia SC 29210-4010

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