

Cleveland Major #355826  
Kirkland, Reception and Evaluation Center  
4344 Broad River Rd  
Columbia SC 29210

South Carolina Court of Appeals  
PO BOX 11629  
Columbia, SC 29211

Date 7-26-13  
Indictment/case # 2012GS1002228  
A/W # 1112190  
Arm Robbery

Re: The State v. Cleveland C Major  
Appellate Case No: 2013-001443

RECEIVED

JUL 31 2013

SC Court of Appeals

Dear Court of Appeals

I'm asking for my case to be heard on these arguments. On my behalf as I read over my motion for the first time now. On July 12, 2013 I'm finding out that Mr. Desmond Ellington gave many statements. Mr. Ellington also give a written statement, plus supplement report was taken by 2 officers. Mr. Ellington stated to PFC Jenkins all of the employee were in the kitchen. When two black males came through the front door, Mr. Ellington told Det. BYRD in the supplement report, Mr. Ellington stated he observed two suspects enter the store with handguns and told everyone to get down. In the written statement of Mr. Ellington he told Det. BYRD I (meaning Mr. Ellington) see one guy running to the door and point his gun at us. Now Mr. Mitchell stated a guy came by shaggeting by the cleaners side. He opened the door, he pointed a gun at us, and told us to get down. Mr. Mitchell goes on to say the only one I saw was the first, that came in. I am not sure if there was a second one. Mr. Bouani stated I was standing on the left side of the bussiness behind the threshold of the doorway. I observed a subject walking with his head down, with possible a shirt covering his head. Walk up to the bussiness from the right side. When the front door opened, I backed up and when the subject yelled get down, I got down on the floor. Mr. Bouani stated his voice sounded like he was African American, plus the suspect had on black pant and shoe. The subject yelled open the safe. Mr. Bouani last words was once I saw another employee, Mr. Mitchell stand up is when I stand up. I never saw a second subject nor could I see anyone leave from where I was. Mr. Bouani was asked did you ever hear another subject's voice? Mr. Bouani stated no.

Desmond Ellington stated on his written statement I see one guy running to the door and point his gun at us. Mr. Ellington stated to Det. BYRD he observed two suspects enter the store with handguns and told everyone to get down. Now Mr. Bouani and Mr. Mitchell both stated a guy came through the front door and yelled get down. Mr. Bouani stated he never heard a second voice neither saw anyone. Mr. Mitchell stated The only one I saw was the first that came in. I'm not sure if there was a second one. It looked like he had on another shirt. He had one up over his head, Mr. Mitchell never stated he heard a second voice saying anything. Mr. Mitchell stated he wasn't sure if there was a second one. Now Mr. Ellington stated to PFC Jenkins all the employees were in the kitchen when two black males came through the front door. Mr. Ellington stated one of the black male had a long handgun in his right hand and a stick in the other. He also stated the other black male also had the same type of handgun. That is very obivise that it was the same gun. Sound like that's not true. So which one of Mr. Ellington's statement is correct? Know one else saw two black males came through the front door while all the employees were in the kitchen yelling get down. Mr. Ellington then stated the subject started walking around trying to get someone to open the safe. Now Mr. Ellington is stating he as in one person, it suppose to be two subjects in the place of bussiness, according to Mr. Ellington that came in the front door with guns. Mr. Ellington stated the

subject used the stick to prop the front door open. Now at the end of Mr. Ellington supplement report with PFC Jenkins, Mr. Ellington was unsure on how the subjects entered the bussiness after I (meaning PFC Jenkins) asked him about entry 30 minutes later. Mr. Ellington stated he did not remember when the subjects jumped across the table.

Now Det. BYRD met with Mark Mitchell who stated he was a cook at the restaurant. Mr. Mitchell stated he and the other two employees Desmond Ellington and Fuoad Bouani, were standing behind the counter engaged in conversation. Mr. Mitchell stated he observed one suspect come into the restaurant. Mr. Bouani stated he was in the threshold of the doorway when he saw a subject walking up. Now in Mr. Ellington written statement Ellington stated I see one guy running to the door and pointing his gun at us. I saw Fuoad point and saying he can get you the money. Mr. Ellington was unsure on how the subjects entered the bussiness after I (PFC Jenkins) asked him about entry 30 minutes later. Mr. Ellington stated he don't remember when the subject jumped across the table. Did anyone ever stated anything about subject or subjects jumping over any table? Mr. Ellington stated one guy running to to door, and pointing a gun. Is Mr. Ellington show it was a gun? Where is the evidence that a gun was involved? Words alone doesn't make up Arm Robbery. Mr. Ellington has changed many statements, his statements should be un creditability.

Det. BYRD

He said on July 23<sup>rd</sup> at approximately 2340 hours he responded to the Pizza Hut in reference to an Arm Robbery that had occurred.

On July 23, 2011 at approximately 1600 hours he went to the Pizza Hut  
was advised the 2 suspects obtained 149, 72.

He then went to Village Cleaners and spoke with Ann Son  
allowed Det. BYRD to review the surveillance

Mr. Ellington stated he observed a blue in color small car leaving from the direction of Baker Motor Co. Mr. Ellington stated also he believe the vehicle may have been a SUZUKI Forzeza. Now Kenneth Murray stated we meaning Cleveland Major was parked on the side of the building, in a blue mitsublshia newer model. Mr. Murray asol stated Bootsie drove us away after the robbery. Mr. Murray aslo said we were parked at the dealership nextdoor. Now Det. BYRD had went to Baker Motor Co, while there Det. BYRD found out Sgt Hembree had already contacted Baker Motor Co them in reference to obtaining a copy of the dealership's surveillance video. Det. BYRD was advised that the video did not show any vehicles or suspicious persons on their property during the time of the incident. So how come Mr. Murray stated we meaning Cleveland Major parked at Baker Motor Co and Mr. Major drove us away?

Mr. Kenneth Murray was also asked if he had written a state to Mr. Major stating he force Major into helping and grabbing the money. Mr. Murray said no some how Mr. Murray signature on the written statement matches from other sigh document in this case. So how can we believe what he said about Mr. Major having a 9mm? Plus that Bootsie meaning Mr. Major was around the neighborhood and asked Mr. Murray if he (Mr. Murray) wanted to go with him on it (meaning the Pizza Hut Robbery)? Sounds like Mr. Murray is trying

to put everything on Mr. Major. Is there any proof stating Mr. Major had any kind of weapon. There is no evidence that anyone had a handgun all we have here is words. More like pointing the finger and adding statements. Words alone do not make up Arm Robbery. So did Kenneth Murray tell the truth about Cleveland Major driving him away from the Robbery? Was there any car parked at the dealership that fits the description that Mr. Murray and Mr. Ellington gave? Mr. Ellington also asumed a blue in color small car SUZUKI Forzeza coming from Baker Motor Co that may have been the subjects. It show know sign of a car at the dealership no proof. In the report it stated the suspect that they all three victims saw was no less than 6'0 feet tall. Mr. Major is 5'10 5'11 tall and not linkie. No Mr. Murray also stated that it was Mr. Major's idea to rob the Pizza hut. Who is being described as the suspect entering the place of bussiness? Now Det. BYRD went to Pizza Hut on July 23 2011 and the village cleaners. Det. BYRD stated Ms. Ann Son the owner of the cleaners allowed Det. BYRD to view the surveillance video. Det. BYRD said the video showed all the way to the front door. The video showed two suspects going in one after another he said. Now why didn't all 3 vietims saw 2 suspects enter one after another? It stated all 3 vietims were standing behind the counter. That Doesn't mean there were seperated from one another. When the suspect enter the place of bussiness and said get down the 3 vietims stated they got down. So that means everyone had to be stand then laying down on the floor by each other. The 3 vietims stated they saw one subject, a black shoe, shirt. Only Ellington said he heard a second voice, now everyone so still close by each other according to statements.

He said on July 22, 2011 at approximately 2340 hours I reference Det. BYRD responded to the Pizza Hut located at 2161 Highway 17 North. In reference to an Arm Robbery that had just occurred. Det. BYRD observed the scene to be surrounded by crime tape and PFC Stevenson and Sgt Salata on scene. Det. BYRD was advised that the scene had been cleared. Det. BYRD was advised there were three employees who were inside the restaurant during the time of the robbery. The employees were still on the scene waiting to provide statements. Det. BYRD met with Mark Anthony who stated he was a cook behind the counter engaged in conversation. Mark Anthony also stated that while standing there he saw one suspect come into the restaurant with what appeared to be a handgun. He said the suspect told everyone to get down and he did plus stayed down the hold time. On Mark Anthony Mitchell written statement he said a guy came staggering by from the cleaner side He open the door He pointed a gun. In the supplemental report Mark Anthony said what appear to be a handgun. Sound like he is not sure what the suspect has or what it is. Now if all three of the victim were standing behind the counter talking all three of them should of saw what Ellington saw has Ellington saw 2 subject and heard to subjects voice.

Now Det. BYRD stated he met with the manager Desmond Ellington. Mr. Ellington stated in the supplemental report that he observed two suspects enter the store with handguns and told everyone to get down. Now Mr. Mitchell plus Mr. Bouani said they both saw one guy coming in and didn't hear another persons voice. Plus Mr. Mitchell said he wasn't sure if there was a second person. Now Mr. Ellington can't be telling the truth about the second person having a handgun and told every one to get down. Mr. Ellington so stated in the supplemental report one not two suspect began asking for money. Mr. Ellington also goes on to say while the suspect was asking for money he got up and open the cash register. Mr. Ellington stated in his written statement that he saw the guy arguing with Mr. Bouani in the kitchen. Then Mr. Ellington goes on to say he couldn't really hear what they were saying. Must be meaning, suspect and Mr. Bouani. So Mr. Ellington goes on to say he looked and saw Mr. Bouani pointing at him. Now Mr. Bouani pointed how did he know where Mr. Ellington was? Mr. Bouani stated he never saw a second person. So is there one suspect in the restaurant asking for money cause Mr. Bouani had to lifted up his head to point at Mr. Ellington stating Mr. Ellington can open the safe. So the suspect is somehow by Mr. Bouani and he don't see a gun. Doing this time Mr. Ellington never stated that both suspect were asking for money. Neither did the other two employees. Mr. Ellington also goes on to say one of the suspect insisted to open the safe. Then Mr. Ellington stated the suspects then took the money from the register and left the restaurant in Baker Motor Co, the car dealership next door.

On July 23, 2011 Det. BYRD went to the Pizza Hut and the Village Cleaners. Det. BYRD stated Ms. Ann Son the owner allowed Det. BYRD to view the surveillance video at the store her store. Det. BYRD observed a suspect approach the Pizza Hut at 2310 hr stated he could only see the suspect from the shoulder down appearing to be wearing dark color clothing, it looked consisted with Mr. Mitchell and Mr. Ellington described. The suspect appeared to look into the Pizza Hut and then immediately left in the direction of Baker Motor Co. At 2335 Det. BYRD stated the surveillance video showed 2 suspect approach the Pizza Hut from Baker Motor Co. Det. BYRD stated the suspect entered the restaurant and ran past the cleaners in the direction of Baker Motor Co at 2336 hours. Ms. Son couldn't retrieve the video or Det. BYRD. Det. BYRD then went to Baker Motor Co Det. BYRD found out Sgt. Hembree had already contacted them in reference to obtaining a copy of the dealership's surveillance video. Det. BYRD was advised that the video didn't show any vehicles or suspicious person on their property during the time of the incident.

On August 7, 2011 phone call recorded from Mr. Major, I wish I didn't robbed them mother fuckers that night boy. That is not a statement saying I willingly or intentionally. That doesn't even show know sign of a gun or force. How can that explain Arm Robbery? On August 8-3-11 Kenneth Murray did write a statement saying that he forced Mr. Major to go with him. On August 10, 2011 Det. Wilson prepare a subpoena for outgoing calls placed by Cleveland Major. Det. Wilson stated in other plans to have Kenneth Murray prepare a statement that he was not involved in the Robbery. The statement was already written from Mr. Murray and not forced. Mr. Murray also stated to his layer that he didn't write the statement when was question about it. The solicitor told my lawyer Mr. Jason King she didn't think Mr. Murray wrote it neither. Because how can Mr. Major be forced and had a gun. That's the thing I never had any gun. The surveillance video from village cleaner never showed any gun as it was reported to have veiwed all the way to the door of the Pizza Hut. On my phone calls why must I talk about or give any answer to any question to anyone. It is my bussiness and my lawyer bussiness to talk about my case no matter what the situation is. Also in my one of the officer stated I did Piggly Wiggly robbery which one is it?