

3-4-24

Page 1-of-6

From: FRANKIE MCGEE #241658
Perry Correctional, Inst
430-OAKLAWN, ROAD
Pelzer, S.C. #29669

To: South Carolina
Court of Appeals
Clerk of Court
PO, Box #11629
1220-Senate Street
Columbia, S.C. #29201

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MAR 11 2024

SC Court of Appeals

State of South Carolina
County of Richland, Columbia, S.C.
THE STATE

Vs.

FRANKIE MCGEE
DEFENDANT

Court of General Sessions
[2010-GS-40-00121]

TRANSCRIPT OF RECORD
OFFICIAL COURT REPORTER (KAREN AMBROZIAK)

Honorable Judge: Clifton Newman
Judge Newman HAS TAKEN A EARLY
Retirement AS OF (12/30/23)

Solicitor: KATHERIN CAMPBELL AND
Head Solicitor: DAN JOHNSON
Both Were Fired From office
A CHARGED MISS CONDUCT
IN OFFICE (2017)

DOUGLAS STRICKLER ESQ.
Attorney For DEFENDANT
IS DECEASED.

I FRANKIE MCGEE #241658 IS REQUESTING
TO HAVE A (1) SENTENCE REDUCTION OR
(2) A NEW TRIAL OR
(3) A TIME RECONSIDERATION

BASED UPON THE EVIDENCE AT TRIAL
THE DNA AND STATEMENTS FROM THE
WITNESS AND THE COLUMBIA CITY
POLICE DEPT INCIDENT REPORT.

(ON THE NIGHT OF INCIDENT,
#241658 - Frankie McGee) (3/2/24)

FACTS AND EVIDENCE DURING TRIAL (8-1-11)
D.N.A AND STATEMENT FROM WITNESS

- (1) I FRANKIE MCGEE WAS NOT PRESENT AT VICTIM HOUSE WHEN INCIDENT HAPPEN AT 11:35 PM
- (2) THE POLICE INTERROGATED F. MCGEE 1 YEAR AFTER THIS INCIDENT HAPPEN AT VICTIM HOUSE AT 11:45 PM
- (3) NO CONFESSION FROM F. MCGEE CONCERNING THE INCIDENT AT VICTIM HOUSE AT 11:45 PM ON (5/6/09)
- (4) NO D.N.A AT VICTIM HOUSE FROM F. MCGEE
- (5) NO D.N.A ON THE OBJECT USED FROM F. MCGEE
- (6) NO EYE WITNESS TO THE BURGLARY NEITHER THE ASSAULT ON THE VICTIM THE WITNESS ON STAND TESTIFIED UNDER OATH TO SAY SHE WAS IN VICTIM HOUSE WHEN INCIDENT HAPPEN BUT SHE DID NOT SEE NO ONE INSIDE NEITHER OUTSIDE OF VICTIM HOUSE WHEN SHE RAN TO HER CAR.
- (7) THE WITNESS TESTIFIED ON STAND TO SAY SHE SAW A SUSPECT STANDING IN VICTIM DRIVEWAY WHEN SHE CIRCLED THE BLOCK THE SECOND TIME SHE TESTIFIED TO SAY IT WAS REAL REAL DARK NO PORCH LIGHTS NO STREET LIGHTS SHE SAID SHE COULD NOT SEE HIS FACE ONLY SIZE AND CLOTHING SUSPECT WAS (6' 1" TALLER 180 LBS) WEARING BLUE JEANS A WHITE TEACHER T-SHIRT ON HIS HAND WAS WHITE PLASTIC OR RUBBER HOSPITAL GLOVE HE WAS HOLDING A STICK OR PIPE SHE CALLED 911.

(8) THE Witness Testified on STAND TO SAY THE SUSPECT WENT WALKING IN THE DIRECTION WHERE SHE POINTED THE POLICE AND EVIDENCE WAS FOUND.

(9) THE UNIFORM OFFICER ON STAND TESTIFIED TO SAY WHEN HE RECEIVED THE 911-CALL HE OBSERVED TWO SUSPECTS WALKING THE ONE MATCHING THE 911-DESCRIPTION BEGAN TO RUN AWAY THE SUSPECT WAS NEVER IDENTIFIED ONLY THE SUSPECT MATCHING THE 911-DESCRIPTION HE FOOT CHASED HIM HOME AND FOUND HIM HIDING IN A CLOSET HE DID HAVE TIME TO CHANGE CLOTHES.
HIS NAME IS (DAVID WILLIAMS).

(10) THE WITNESS TESTIFIED ON STAND TO SAY SHE POSITIVELY IDENTIFIED (DAVID WILLIAM) IN A POLICE SHOW UP PROCEDURE THE SAME HOUR OF INCIDENT HE WAS THE SUSPECT IN VICTIM YARD WITH OBJECT IN HIS HAND SHE ALSO DID WRITE A 2-PAGE AFFIDAVIT OF STATEMENTS ON (DAVID WILLIAM) AS THE SUSPECT. SHE ALSO WHILE ON STAND READ THE HAND WRITTEN STATEMENTS SHE WROTE THE SAME NIGHT ON (DAVID WILLIAMS) ALSO THE INVESTIGATOR WHILE ON STAND READ THE SAME STATEMENTS.

(11) F. MCGEE WAS NOT PRESENT AT VICTIM HOUSE WHEN THE INCIDENT HAPPEN NO POLICE REPORT ON MCGEE THAT NIGHT AND NO WITNESS NEVER IDENTIFIED MCGEE THAT NIGHT NEITHER THAT YEAR AS BEING PRESENT.
(#241658 - *Frankie McGee*) (3-2-24)

(12) During Trial (8-1-11) No one Never Testified on STAND TO SAY F. Mc Gee WAS Present AT THE Victim House When Incident HAPPEN.

(13) During Trial under ORTH THE INVESTAGATOR While on STAND DID READ THE ORTH OF Sworn Statements From THE Witness (TEMKA ASHFORD) HE Testified on STAND AND SAID THE SUSPECT SHE POSITIVELY IDENTIFIED AT Victim House WAS (DAVID WILLIAMS) Her Description of SUSPECT (6' Foot 1" TALLER 180 LBS)

(14) F. Mc Gee WAS Not Present AT THE Victim House When Incident HAPPEN AT 11:45 PM Inside Neither Outside. Department Motor Vehicle Driver License Description F. Mc Gee (5' Foot 7" AND 230 LBS) NO MATCH TO SUSPECT Description.

(15) Before Trial Started THE Solicitor Told THE Judge THE ONLY Witness AT THE Victim House When Incident HAPPEN CANNOT DO NO In Court IDENTIFICATION OF F. Mc Gee AND she DID NOT IDENTIFY F. Mc Gee THE night OF THE Incident she POSITIVELY IDENTIFIED (DAVID WILLIAMS) AS THE ONLY SUSPECT In Victim YARD With object In His HANDS Wearing White PLASTIC GLOVES.

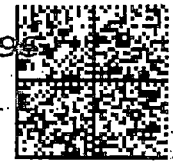
(16) During Trial (8-1-11) THE D, M, A EXPERT TESTIFIED ON STAND TO SAY F. MEGEE D, M, A IS NOT PRESENT ON THE METAL BAR USED IN THE CRIME ANOTHER PERSON D, M, A WAS ON THE HANDLE OF THE METAL BAR (TOUCH D, M, A) ANOTHER PERSON INITIALS WAS ON THE METAL BAR NO NAME TO MATCH UP TO THE WITNESS AT VICTIM HOUSE WHEN THE INCIDENT HAPPEN POSITIVELY IDENTIFIED (DAVID WILLIAMS) AS THE ONLY SUSPECT IN VICTIM YARD WITH A LONG OBJECT IN HIS HANDS HE WAS ARESTED THE SAME NIGHT MINUTES WITHIN THE SAME HOUR OF INCIDENT WEARING CLOTHES MATCHING THE 911-DESCRIPTION OF SUSPECT IN VICTIM YARD. ARESTING OFFICER TESTIFIED.

Im Wrongfull Convicted In Court (8-1-11)
OF 1st Degree Burglary AND
1st Degree Murder

#241658 - Zumbie McGee (3-7-24)

FRANKIE MCGEE #271658
Perry Correction, Inst
430-OAKLAWN, ROAD
Pelzer, S.C. #29669

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