

Hi my name is Kentell Kelly I am a inmate a SCDC my inmate number is 393461 on march 1 2024 I was convicted of trafficking in Herion more than 28 grams with zero proof the arresting officer and the second officer to pull up Both Deleted there Body cam and dash cam on Both uniforms and patrol car's to cover up destruction of evidence my lawyer put in multiple request one which was spoliation of evidence that was Denied on purpose to cover up misconduct By the Mullins police Dept Before I was sentence my Lawyer Brought to light that one of the officers had where He was charged with tampering with evidence in other cases and was known to be of Bad Faith when it came to his cases over the years in evaluating a case, you may consider loss of evidence presented By the State there are allegation that evidence has Been lost or destroyed By the state in this case

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SC Court of Appeals

the state not only has the Burden of proof of guilt But also has the Burden of safe guarding evidence it possessed that could establish the the defendant is innocent or could raise issues of doubt about his guilt when evidence is lost or destroyed By a party you may infer that the evidence that was lost or destroyed would have Been adverse to that party. if you find first the evidence was spoiled or destroyed and if you further find that evidence could help establish innocence of the defendant or create doubt about whether or not He guilty you may consider those facts in deciding whether or not the state met its Burden of proof

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I have sole proof that the solicitors and worked together to frame me Im seeking V.S. SUPREME COURT

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V.S. SUPREME COURT

or a new trial I faced 3 charges and the jury  
found me not guilty on everything except for 1 and that  
what was on camera there is no video because the officers  
never got any drugs off of me failure to preserve police  
video is not left up to the defendant but to the state  
I was denied my due process I has a list of proof and  
a private detective to prove that the Mullins SC police  
dept covered up my case and multiple cases over the  
years please look into my case I am a widowed  
father of 3 children 2 boys and 1 girl ages 3, 4, 10  
I am innocent and can prove everything I'm saying  
is true my notice of appeal was put in march 11, 2024  
is the and process I can do to speed up this process  
to get my case heard my indictment nos: 2021-GS-33-00096  
my lawyer is Thurmond Brooker, Brooker Law Firm  
P.O. Box 1450 Florence SC, 29503 (843) 679-0056  
my family members you can contact are  
Clint K Mason (843) 409 6672  
Aja Jones (803) 413 2223  
Flossie Jeffery (615) 810 4468

and officer Paxton was fired for misconduct in other cases  
plus two DUI's that he was fired for please help me  
and look into my case I know it's a process of  
waiting to get back into court but can I speed  
up the process

The due process clause of the United States constitution obligates  
the prosecution to disclose and retain evidence Brady v. Maryland  
(1963) 373 U.S. 83 California v. Trombetta (1984) 467 US 479 and  
Arizona v. Youngblood (1988) 488 U.S. 51 this evidence includes  
exculpatory evidence meaning evidence that would help defendant  
exonerate himself of the charges or show defendant reduced role  
in the crime

when the prosecution destroys or refuses to share evidence there  
is a due process violation regardless of good faith or bad faith  
of the prosecution such evidence must be disclosed if it is  
material that is if there is reasonable probability to the  
evidence might have altered the outcome of the trial  
United States v. Bagley (1985) 473 US, 667, 682

Dismissal when police and prosecutor fail to preserve video  
the police department had evidence that allowed the case to  
be dismissed but allowed it to be destroyed it was two  
patrol cars and two body cams and dash cams  
but the Mullins police department made no effort to look  
at or preserve this evidence

STATE OF SOUTH CAROLINA

COUNTY OF MARION

State of South Carolina

Vs.

Kentrell Kelly

IN THE COURT GENERAL SESSIONS  
TWELFTH JUDICIAL CIRCUIT

Warrant Nos.: 2020A3310100229  
2023A3310100230; 2020A3310100233

DEFENDANT'S REQUEST TO CHARGE  
NO. 1

SPOLIATION OF EVIDENCE:

In evaluating a case, you may consider the lack of evidence presented by the State. There are allegations that evidence has been lost or destroyed by the State in this case. We refer to this concept as spoliation or destruction of evidence. The State not only has the burden of proof of guilt, but it also has the burden of safeguarding evidence it possessed that could establish that the defendant is innocent or that could raise issues of doubt about his guilt.

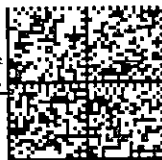
When evidence is lost or destroyed by a party, you may infer that the evidence that was lost or destroyed would have been adverse to that party. If you find first that evidence was spoiled or destroyed, and if you further find that the evidence could help establish the innocence of the defendant or create doubt about whether or not he is guilty, you may then consider those facts in deciding whether or not the State has met its burden of proof. *State v. McBride*, 416 S.C. 379, 786 S.E.2d 435 (S.C. App. 2016)

Kentell Kelly 393461  
Kirkland Broad River Rd  
Columbia, SC 29210

COLUMBIA SC 290

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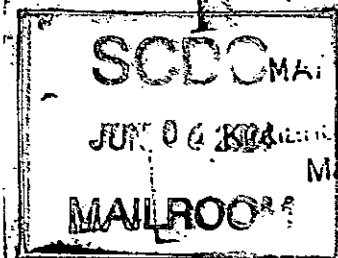
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SC Court of Appeals

Supreme Court, 1231 Gervais  
Columbia SC, 29211

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