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8 August 2013

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Dear Court of Appeals:

SC Court of Appeals

My name is Donte Jarod Stokes and I am currently incarcerated in a South Carolina correctional facility. On June 21, 2012 I was arrested and charged with murder, attempted murder, and possession of a weapon during the commission of a violent crime. During the month of July 2013, I was sentenced to thirty-eight years for those charges. I am writing you to appeal the sentence that I received for the following reasons listed below.

On June 21, 2012 four males and I were in a crime that took place in Santee, South Carolina which is located in Orangeburg County. During the month of July 2012, I was visiting with family in Orangeburg, South Carolina for an annual family gathering. While I was in Orangeburg visiting with family I learned that Rakeem Brown (the driver of the car) and I shared a sister, so I went over to Rakeem's house for a short visit. While at Rakeem's house some of his friends came by, and they were talking about robbing an individual. As I stood up to leave, Jerry McKnight, one of my co-defendants, stated, "I don't know you like that, and you just heard our plan so you are riding with us." When I protested McKnight then pulled a gun. To avoid McKnight from shooting me, I got in the car with the four other guys out of fear. On the above-mentioned date an unintentional murder took place that led to everyone except one individual being charged in the case. There was a dispute with another male which eventually got out of control, and ended in a shooting. The shooting ended in the death of a female victim who no one knew was in the vehicle. Minutes after the shooting occurred we were pulled over by officers. When McKnight saw that we were being pulled over, he stated to the rest of the individuals in the car, "If you all feel the need to tell something then put the gun that I fired in the hands of

Donte.” McKnight went on to talk about how he was already in trouble and has pending criminal charges. The last thing McKnight stated before officers asked us to exit the vehicle was, “I know you all heard about the murder of my cousin which I played a role in, and Donte don’t forget I know where your mother works.” I was terrified for the safety of myself as well as my family because Jerry McKnight seemed to be an extremely violent person. At the time of the initial arrest, I gave officers a false name, but when I arrived at the headquarters I presented my correct name to the officers. I was under extreme duress as I wrote my statement because the threats that McKnight made to me continued to play in my head. I knew that I was going to have to be incarcerated with my co-defendants and it did not matter which side I was placed on, McKnight was a powerful person and I knew that he could have had me harmed, so in my statement I admitted to shooting the gun. On July 22, 2012, Riley Godwin, who at the time was the lead investigator came to me and stated, “The gun that was used in this crime was also used in another homicide earlier this year, so if you help me I will help you.” Even though I was terrified of McKnight I did not want to be charged with something I know I did not do. Under severe mental duress, I told Officer Godwin what I knew about the other homicide. The other homicide is what McKnight was referring to while we were in the car. Before the investigation was over Godwin was fired while he was in the process of getting charges brought against Brown. On June 24, 2012, my co-defendants as well as I were brought in front of a judge for an arraignment. While at the arraignment McKnight was making threatening statements directed towards me, and that is when I told officers that my life was being threatened. I was removed from Orangeburg County Detention Center and placed in Bamberg County Detention Center where I served the majority of time. After being placed in Bamberg County Detention for approximately eight months, I requested to go back to Orangeburg County Detention Center so

until days before I was sentenced. The information stated that the State consulted with a gun expert who *believed* that the alleged weapon I was fired was the murder weapon. The only evidence that the State has is the contradicting statements of the individuals involved and the alleged murder weapon. The reason I say the alleged murder weapon is because the weapon was not found on the bodies or in reach of anyone in the vehicle. I was under mental duress, and admitted to shooting the gun, but a gun powder residue analysis was done and the results came back negative. The gun powder residue analysis clearly shows that I did not fire a weapon.

Based on the entire investigation, I honestly believe that my fourteenth amendment right was violated. The fourteenth amendment states, "...No person should be denied "equal protection of the laws." I feel as if I did not receive equal protection of the laws considering the fact that one individual was not charged and another individual was charged with accessory when in reality we played the same role. If three of five individuals were going to be charged with murder then the other two should have been charged with murder as well. In the situation I was placed in there was no due process of the law. Being placed under duress by my co-defendants as well as legal officers, I was forced in to admitting to a crime I did not do which led to be not being able to confront my accusers. Even though I was appointed counsel, I feel as if my attorney did not provide great legal services. I admitted to my attorney the truth about how I was coerced into admitting to a crime, but I felt like there was some sort of conflict of interest since she worked for the state. I hope that you all take the adequate time to overview the case, and give me a chance in court to prove my innocence.

Thanks,

Donte Jarod Stokes

251-85-2703

that my four year old child could visit me, and so that I could talk to my attorney more frequently. The entire time that I was incarcerated in Bamberg County, I only met with my attorney once, so I thought if I was closer to my attorney then we would be able to talk more which I turned out to be wrong. Approximately a week before I was sentenced, I was placed in a room with attorneys who stated that if I took the case to trial that I was looking to be sentenced to life. The attorneys who theoretical were supposed to be representing me made me feel as if I had no other choice, so I agreed to the plea. I believe that while the state was trying to serve justice for the victim's family that I was being served injustice from the state. The reasons are listed below.

The first reason is the laws are ambiguous. The State of South Carolina has the "Hand of One, the Hand of All" which clearly states that all individuals involved in a crime are to be charged with that crime. I am well aware that there are other laws pertaining to immunity. But based on the "Hand of One, Hand of All" law everyone should have initially been charged with the crime and then immunity should have been offered at a later time. Considering the fact that I along with my co-defendants placed ourselves at the scene we all should have been charged. Out of five individuals myself along with two other individuals were charged with murder, attempted murder, and possession of a weapon during the commission of a violent crime; one individual was charged with accessory before the fact; and the other individual was not charged at all. At the initial arrest officers of the Orangeburg County Sheriff's Department did not know the role each individual played which proves that the Orangeburg County Sheriff's Department did not take adequate time to diligently investigate the case.

Based upon the evidence in my motion of discovery, the state does not have sufficient evidence to charge me with first degree murder. Information pertaining to the case was withheld from me

DONTE STOKES SCDC#356131

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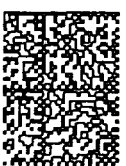
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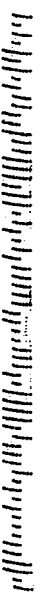
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