

Court of Appeals  
Pro Se Brief

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JUN 21 2024

SC Court of Appeals

The State,

Respondent

Detavious Lamor Cunningham,  
Appellant

Appellate case NO. 2023-001718

This pro se brief is consisted on that the Court charging me with second offense trafficking, when I never had a first offense trafficking. My criminal history shows I've never been charged for trafficking, and here's a copy of my record to prove it. Also the court used a 2010 conviction, which was a PWID marijuana for enhancement. Marijuana does not enhance a trafficking charge because its not a control substance. This charge fell outside of the 10 years for enhancement. Furthermore, the plea judge sentenced me for a second offense before the first offense. Therefore, there was no conviction for a first offense upon which to base an enhanced sentence for the second offense.

Rollison v. State, 346 S.C. 506, 552 S.E.2d 290 (2001) With me coming forward with my own briefing the court sentenced me to an illegal sentence. State v. Smith, 276 S.C. 494, 280 S.E.2d 200 (1981) states that a trial judge had jurisdiction to alter, amend or modify sentence, even though motions were not heard until much later date.

(Exhibits A) Criminal History shows I do not have a first offense trafficking (Exhibits

B) November 2, 2023 transcript page 9 sentences 1-4

In regard of all the erroneous of the law I hope you take my briefing in consideration and vacate my sentence.

Sincerely yours,  
Retarius Cunniff

Response:

GRWCC105. TO: GRWCC105-91548 20210131 00:50:27 003F089987  
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PAGE-02 DATE-01/31/2021 TIME-00:50:27  
REQ ORI-SC0240000 GREENWOOD CNTY SO  
SID-SC01642176 FBI-576629JCS

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CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC  
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SC040015C SC DEPT CORRECTIONS  
CASE-003296  
CIT-44-53-370 (B) (2)-FELONY

CUSTODY STATUS-RECEIVED  
START DATE-03/02/2010

CIT-16-3-50-FELONY

COURT CHARGE 01-MANUFT, POSSES  
S OTHER SUB SCH I, II, III  
WITD-1ST  
COURT DISP-CONVICED; 5 yrs  
ATN-50D300003010

CIT-16-3-620 (2)-FELONY

COURT CHARGE 02-MANSLAUGHTER/  
VOLUNTARY MANSLAUGHTER  
COURT DISP-CONVICED; 15 yrs  
cc

COURT CHARGE 03-ASSAULT AND  
BATTERY W/INTENT TO KILL  
COURT DISP-CONVICED; 15 yrs  
cc

CUNNINGHAM, DETEVIIOUS LAMON  
SC0240000 GREENWOOD CNTY SO  
CASE-20200815  
ATN-240000033624  
WARR-2020A2410200931  
CIT-44-53-370 (D) (2)-MISDEMEANOR

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08/15/2020

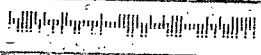
WARR-2020A2410200930  
CIT-44-53-370-FELONY

ARREST CHARGE 1-POSS OTHER  
CONTROLLED SUB IN SCHED I  
TO V-1ST  
OFFENSE DATE-08/15/2020  
PHOTOGRAPH AVAILABLE  
PALM PRINTS AVAILABLE

WARR-20202350145776  
CIT-56-5-2930 (A) (4)-FELONY

ARREST CHARGE 2-MANUF, POSSESS  
OTHER SUB SCH I, II, III  
WITD-1ST  
OFFENSE DATE-08/15/2020

ARREST CHARGE 3-DUI/GREATER  
THAN 16, 4TH OR SUB OFFENS  
E  
OFFENSE DATE-08/15/2020



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Columbia, SC 29211

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