

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM MARION COUNTY
COURT OF GENERAL SESSIONS
WILLIAM SEALS, CIRCUIT COURT JUDGE

CASE No. 2012-212058

STATE OF SOUTH CAROLINA RESPONDANT

V.

EDWARD W. STACKHOUSE JR. APPELLANT

PRO SE ANDERS BRIEF

DATE 8-28-13

RECEIVED

SEP 02 2013

SC Court of Appeals

Edward W. Stackhouse

EDWARD W. STACKHOUSE JR 296243
BROAD RIVER CORRECTIONAL INSTITUTION
4460 BROAD RIVER ROAD
COLUMBIA S.C. 29210

ISSUE 1 Trial court erred in denying appellant's motion for direct verdict base on insufficient evidence to sustain a conviction, where the only evidence was the Solicitors improper vouching for the state's witnesses William and Daquan Brock's testimony and credibility, were they only raised a suspicion. Daquan stated in his testimony that he had seen the appellant stabbing his mother in the abdomen right here, pg 339 trans. There was no such wound.

ISSUE 2 The trial court erred by failing to allow appellant to submit state witnesses written statements to the jury upon request by the appellant, even after appellant had stated he had discussed the issue with his lawyer. It was obvious the reason the appellant was asking, was because his lawyer failed to move pg 362 trans. The court stated to the jury, it's improper to start deliberating on this case until you've heard it all. pg 66 The court also stated I have the duty to rule upon the admissibility of the evidence offered during the trial. pg 405. It's my humble opinion, the judge abuse his discretion. "Especially after him, the solicitor and my lawyer looked over and discussed the statement in the middle of cross examination". pg 351. trans. The court stated the reasons he was charging voluntary manslaughter, involuntary manslaughter, and self-defense. I did, all three of them. I looked at it and I look at the statement in particular and I've listened to the testimony. pg 365 tran. I guess it's possible that it could fall in all three of those categories in some form or fashion if you look at it. pg 365. The jury should of been allowed to see the same evidence they saw. The court stood by and watch the state contrive a conviction from a perjured testimony. The solicitor stated, for the record I have no objection if they want to introduce it. The Court: I can't imagine. This statement was made because he knew the statement would not be introduce pg 363 tran. The court and the solicitor are both arguing lesser included offenses, but yet the appellant was convicted of a higher offense pg 366 (The JUDGE saw the statement and heard the testimony both by Daquan Brock.)

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Marion County
William H. Seals, Jr, Circuit Court Judge

THE STATE

RESPONDENT

v

EDWARD W. STACKHOUSE, JR.

APPELLANT

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

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SC Court of Appeals

Appellant proposes the following be included in the Record on Appeal

- (1) Daquan Brock's written statement
- (2) William Brock's written statement
- (3) Sandra Robinson's written statement
- (4) Ellen C. Riemer (Pathologist - Autopsy Report)
- (5) Sharen Warren - Sharon Stackhouse - Toxicology Report,

I certify that this designation contains no matter which is irrelevant to this appeal.

August 28, 2013

Edward W. Stackhouse

Edward W. Stackhouse, Jr. 296243

Appellant

Broad River Correctional Institution

4460 Broad River Road

Columbia S.C. 29210

MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

Medical University of South Carolina
 Department of Pathology and Lab Medicine
 165 Ashley Avenue, Suite 309
 PO Box 250908
 Charleston, SC 29425

Patient: WARREN, SHARON
 Med Rec: WARSHAR
 DOB: 6/27/1974
 Female Race: Black
 ACCESSION: FA-10-00652
 Date Received: 9/17/2010
 Date Collected: 9/17/2010

Page: 3 of 7

**F o r e n s i c A u t o p s y F i n a l
 R e p o r t**

EVIDENCE OF INJURY

STAB WOUND TO CHEST: There is a 7/8 inch obliquely oriented stab wound on the lateral aspect of the left side of the chest located 15 inches below the top of the head and 6 inches to the left of midline, situated 1 inch below the inferior border of the left breast. The wound is oriented from the 2 o'clock to 8 o'clock position and the anterior most aspect of the stab wound (at 8 o'clock) appears blunt. The stab wound goes through skin, subcutaneous tissue, and musculature of the left side of the chest, the left 7th intercostal musculature between the left 7th and 8th ribs laterally, the lower and upper lobes of the left lung, the pericardium, the free wall of the left ventricle, ascending aortic arch along the outflow tract 1/4 cm distal to the aortic valve, and the lower lobe of the right lung. The stab wound has an approximate depth of penetration into the body of approximately 8 inches. The wound path is directed from left to right with no discernible upward, downward, or front to back deviation. The wound is associated with 450 mL of blood in the left pleural cavity, 30 mL of blood in the right pleural cavity, and 25 mL of blood in the pericardial cavity.

EVIDENCE TRANSFER

The following was transferred by Dr. Riemer to Keely Hucks of the Mullins Police Department:
 clothing in which the decedent was clad consisting of one pair of socks, one pair of blue jeans, one pair of sweat pants, two tank tops, one bra, and one pair of panties, in addition to 3 gray metal rings,
 pulled scalp hair and right and left fingernail clippings.

INTERNAL EXAMINATION

BODY CAVITIES: Blood in the chest and pericardial cavities is described in "Evidence of Injury". Otherwise, no adhesions or abnormal collections of fluid are in any of the body cavities. All body organs are present in normal anatomical positions.

HEAD (CENTRAL NERVOUS SYSTEM): The brain weighs 1140 grams. The dura mater

Department of Pathology and Laboratory Medicine
 Forensic Pathology

Chair: Janice M. Lage, M.D.

Director: S. Erin Presnell, M.D.

Forensic Pathology Phone: 843-792-3500

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MUSC
MEDICAL UNIVERSITY
OF SOUTH CAROLINA

Medical University of South Carolina
 Department of Pathology and Lab Medicine
 165 Ashley Avenue, Suite 309
 PO Box 250908
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Patient: WARREN, SHARON
 Med Rec: WARSHAR
 DOB: 6/27/1974
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F o r e n s i c A u t o p s y F i n a l
 R e p o r t

CASE SUMMARY

A complete autopsy was performed on the body of Sharon Warren at the Medical University of South Carolina Autopsy Suite on 9/17/10. The postmortem examination began at 2:10 p.m. The prosecutor was Dr. Ellen C. Riemer. The autopsy technician was Mr. Raymond Edwards. The autopsy was authorized by the Marion County Deputy Coroner, Ms. Kim Collins.

Significant findings at autopsy included a single stab wound to the left lateral chest with perforation of the left lung, left ventricle of the heart and ascending aorta, and lower lobe of right lung. The wound caused bleeding in the chest cavities and bleeding in the pericardial cavity. There was no other evidence of injury, and no evidence of significant natural disease.

Toxicologic analysis of peripheral blood is being performed at NMS Labs and results are pending. However, results thereof are not expected to influence a determination of the cause and manner of death.

In light of the historical information and the findings at autopsy, it is the opinion of the pathologist that the decedent died as the result of a stab wound to the chest. Furthermore, the manner of death is best deemed homicide.

FINAL DIAGNOSIS

- i. Stab wound to chest
 - A. Entrance on left lateral chest
 - B. Injury to left chest wall, lower and upper lobes of left lung, left ventricle of heart, outflow tract of ascending aorta, lower lobe of right lung
 - C. Approximate depth of penetration, 8 inches
 - D. Direction of wound path: Left to right, with no discernible upward/downward or frontward/backward deviation

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NMS Labs

CONFIDENTIAL

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com
Robert A. Middleberg, PhD, DABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report issued 09/28/2010 10:00

To: 10161
The Forensic Science Network
PO Box 25469

Columbia, SC 29224

Patient Name WARREN, SHARON
Patient ID FA-10-652
Chain 11179500
Age 36 Y
Gender Female
Workorder 10209464
Page 1 of 4

Positive Findings:

Table with 4 columns: Compound, Result, Units, Matrix Source. Rows include Ethanol (271 mg/dL), Blood Alcohol Concentration (0.271 % w/v), Caffeine, Cotinine, Nicotine, and Theobromine.

See Detailed Findings section for additional information

Testing Requested:

Table with 2 columns: Analysis Code (8052B), Description (Postmortem Toxicology - Expanded, Blood)

Specimens Received:

Table with 6 columns: ID, Tube/Container, Volume/Mass, Collection Date/Time, Matrix Source, Miscellaneous Information. Rows 001-003.

All sample volumes/weights are approximations.
Specimens received on 09/22/2010.

Peripheral Blood-271 mg/dL (0.271%) ethanol; other compound(s) reported do not appear to be of toxicological significance
Urine-negative drugs of abuse assays

Dalvan Brock Sharon Warren son in 15 years

Old I have 1 brother ~~William Brock~~ William Brock He is 14

I was sleep I heard my mother calling my name I went in there I seen Edward Stackhouse staining Sharon in the bed so I hit Edward he swung the knife and cut me in the back of the head Edward tried to grab me but I moved then he tried to cut me in my stomach then Edward went out the door I went out the door walking around until my cousin came I went back in the house to check on my mother Sharon told me that she loved me and blanked her eye's for the last time so I went back outside and then the police came and told me to sit in the breezeway. (D.B)

OFFICE OF SOLICITOR
12TH JUDICIAL CIRCUIT
MARION, SC

REC'D BY

Dalvan Brock



VOLUNTARY STATEMENT

Sandra Robinson 503 Johnson st 11-5-78
When Shawn knocked on my door I opened it
and he rush in and said he think Edward
stabbed his mother and brother. After he said he
saw Edward stab his mother he was running
out the door. And I got dressed and walked
to his house and I saw his mom lying on
the bed and I had to leave out.

SK

SK

SK

SK

Sandra Robinson
Signature

Kenneth W. Davis
Witness

CERTIFICATE OF SERVICE BY MAIL

The undersigned appellant hereby certify that I mailed the following Pro Se Anders Brief and Designation of Matter to the Court listed below by leaving same at the Broad River Correction Institution mail room and address as follows:

SOUTH CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

Edward W. Stackhouse
EDWARD W. STACKHOUSE 296243
BRCI - MOULTRIE #2083
4460 BROAD RIVER ROAD
COLUMBIA, S.C. 29210

SWORN TO AND BEFORE ME THIS
29 DAY OF AUG 2013.
Eugene Beeth (L.S.)
MY COMMISSION EXPIRES : _____

My Commission Expires April 4, 2016

RECEIVED

SEP 02 2013

SC Court of Appeals