

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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SEP 27 2013

Appeal From BARNWELL County
Honorable Edgar W. Dickson, Circuit Court Judge

S.C. Supreme Court

TERRY DAVIS

PETITIONER

V.

STATE OF SOUTH CAROLINA

RESPONDENT.

Appellate Case NO: 2012-212078

MOTION TO REMAND

The petitioner, petitions this court to remand this case based on contradictions with the transcript. The undersigned respectfully show the court

1. The transcript in my possession is contradiction who was the court reporter over the proceeding of the trial October 5, 2010 Exhibit A
2. Prima Facie Evidence is evidence that will establish a factor sustain a judgement unless contradictory evidence is produce Exhibit A
19-5-330
19-5-320
3. The transcript was use at the evidentiary hearing on January 25, 2012 Attest by Cheryl Young signature to serve as proof to place a person under oath to bear witness. Because of the contradiction the judgement can not stand. The judgement is void (A new trial)

4. Exhibit C Court reporter Lisa H. Davenport also inform me that she check her records and her records reflect that the transcript has not been made of my trial as of April 18, 2012

5. It was a shock to me because the transcript I have in my possession is fabricate that is label transcript of record heard on October 5, 2010 by Cheri L. Young also has 78 pages, when Lisa H. Davenport stated it is 25 pages.

6. The transcript in my possession is alter in so many ways. The witness Linda Glover and Terry Davis testimony are omitted in such away that it manipulates the content, and context a different meaning is being conveyed.

7. Additionally the indictment documents 2010GS-06-00023 and 00383 which are listed on the trial transcript date October 5, 2010 were never introduced nor read at the hearing.

8. This is not a true reflection of what occur at the trial of October 5, 2010. This is a very critical situation and a real danger to my appeal. I will be deprive of my ability to exercise my right to appeal and have a meaningful appellate review because of state court officials are depriving me of my constitutional rights due process and equal protection of the law to have a true record of what occur at my trial. It is too many contradictions and discrepancies. I also remember what occur at my trial.

9. I will be like A guy NAME Travis Anthony Ladson who had his trial transcript inadequate to give him A meaningful review of his appeal Issues (Citing STATE V. LADSON 644 S.E.2D 271.

10. Im not going file a petition for writ of Certiorari when I know that I would ^{not} have A meaningful appellate review When the right to appeal is granted AN accused must be Afford due process and equal protection of the law Const. Art 1 and 5 U.S.C.A. 5 and 14 Amend and have a meaningful appellate review STATE V. LADSON 644 S.E.2D 271, Whitehead v. State 514 S.E.2D 260. IN CHINA Parrott 251 S.C. 329, 334, 162 S.E.2D 278

WHEREFORE, petitioner respectfully request that this court grant his motion to remand on behalf of him, and commends further proceeding to the discretion of this court

Respectfully Submitted,

Terry Davis

Terry DAVIS, 197349

Trenton Corr. Inst. 3A-24

84 Greenhouse Road

Trenton, S.C. 29847

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S.C. SUPREME COURT

CERTIFICATE OF SERVICE

The prose petitioner hereby certifies that a true copy of the MOTION TO REMAND AS IN THE ABOVE-REFERENCED CASE has been served upon The Supreme Court of South Carolina Daniel E. Shearouse, Clerk of Court post office Box 11330 Columbia, South Carolina 29211 and also notifying opposing Counsel David A Spencer at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201, of the filing of this motion

SWORN TO And Subscribe Before Me

this 24th day of Sept. 2013

Elaine M. Freeman

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires June 22, 2021.

X Terry Davis

Terry DAVIS, 197349

TRENTON Corr. Inst. 3A-24

84 GREENHOUSE ROAD

Trenton, S.C. 29847

1 record that has some violence in it. But I'm doing what I
2 think is correct under the circumstances.

3 ON THE ASSAULT AND BATTERY WITH INTENT TO KILL
4 THE SENTENCE OF COURT IS YOU BE COMMITTED TO THE STATE
5 DEPARTMENT OF CORRECTIONS FOR 13 YEARS.

6 ON THE POSSESSION OF A WEAPON DURING THE
7 COMMISSION OF A VIOLENT CRIME, THE SENTENCE IS A FIVE-YEAR
8 SENTENCE THAT WILL RUN CONCURRENT. YOU'LL BE GIVEN CREDIT
9 FOR TIME SERVED. Good luck to you.

10 MR. THOMPSON: Thank you, sir.

11 MS. MAURICE: Thank you, Your Honor.

12 * * * *

13 CERTIFICATE OF REPORTER

14 I, Cheri L. Young, Registered Professional Reporter, and
15 Official Court Reporter for the State of South Carolina,
do hereby certify that the foregoing transcript of
16 proceedings heard on, Tuesday, October 5, 2010, in
Barnwell, South Carolina, was reported by me using machine
17 shorthand and realtime computer-aided translation and is a
true, accurate and complete transcript of the proceedings
had and evidence introduced in the hearing of the matter.

18 I do further certify that I am neither of kin, counsel nor
19 interest to any party hereto.

20 I have hereunto set my hand this Wednesday, the 1st day of
21 June, 2011.

22
23
24
25


Cheri L. Young, RPR
Official Court Reporter

Exhibit B



State of South Carolina
The Circuit Court of the Second Judicial Circuit

May 25, 2012

Cheri L. Young, RPR
Circuit Court Reporter

Registered Professional
Reporter

P O Box 1154
Aiken, SC 29802
cyoung@sccourts.org

Terry Davis #197349
Ridgeland Correctional Institute BB-59
P O Box 2039
Ridgeland, SC 29936

Dear Mr. Davis

I have received your letter dated April 21, 2012 bearing a RCI mailroom stamp of June 12, 2012 (17 days into the future), but bearing the USPS postmark of May 21, 2012. On October 5, 2010, I was unassigned and therefore would not be the court reporter that you would need to contact concerning the transcript of proceedings.

In response to your question about Amiee J. Zmroczek, no, she has not contacted me.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cheri".

Cheri L. Young

Copy: SC Court Administration

Exhibit C

Lisa H. Davenport, RPR
Post Office Box 5485
Aiken, SC 29804

April 8, 2012

Terry Davis #197349
RCI A-42
Post Office Box 2039
Ridgeland, SC 29936

In Re: SC v Terry Davis; 12/3/2009 & 10/5/2010 Hearings

Dear Mr. Davis,

I received your letter of questions concerning this transcript. Yes, I am the official court reporter present for those hearings. I am the only one who has access to your transcripts. After further investigation I realized the transcript for 10/5/2010 was requested previously. I had another reporter type this transcript for me and she has the information regarding that particular date. If you'd like a copy of that hearing date, please contact Cher Young. She is a court reporter with the South Carolina Judicial Department. Finally, I have no independent recollection of your lawyer contacting me. A lot of transcripts are requested and I can't personally remember each one.

I don't see where the 10/5/2010 transcript was previously typed. It is approximately 25 pages, more or less. If you want this transcript prepared please send \$85.00 made payable to Lisa Davenport. I type transcripts in the order in which they are received. I will consider this an active request upon receipt of the \$85.00.

Thank you.

Sincerely,


Lisa H. Davenport

The Honorable DANIEL E. SHEAROWE
Supreme Court of South CAROLINA
POST OFFICE BOX 11330
Columbia, S.C. 29211

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S.C. Supreme Court

DEAR Mr. SHEAROWE:

Let me keep this simple ANOTHER Court reporter CANNOT transcribe, ANOTHER Court Reporter proceeding. The only thing that matter is Cheril Young SAID that she was unassigned AND therefore would not be the court reporter over the proceeding you need to contact. ITS A CONTRADICTION I dont know what Desiree Allen or Royln W. Frierson is TALKING ABOUT. THIS ABOUT my right for a meaningful appellate review. I will not be ~~following~~ ^{filing} AN appeal until this straighting out. I also have other evidence is my possession. that will put an end to all this. so I would like to remand this case to the lower court, because my constitution rights is a risk. I'm entitle to Due process and equal protection of the law. This is my last step so don't expect me to do A writ of Certiorari

Thank You,
Terry Jans, 197349
Trenton Corr. Inst. 3A-24
84 Greenhouse Road
Trenton S.C. 29847

LEELY DAVIS, 197349

Wentham, Carr. Just 3A-24

84 GreenHouse Road

Trenton, S.C. 29847

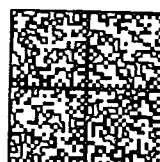
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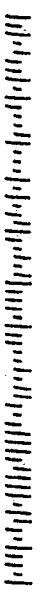
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S.C. SUPREME COURT

The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

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LEGAL MAIL