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SC Court of Appeals

State of South Carolina
In the court of appeals

Appeal from Saluda County
Honorable Debra R. McCaslin, Circuit Court Judge

The State

Respondent

V.

Earl Valentine, JR

Appellant

Appellate case No. 2024-000877

Pro se Brief of Appellant

Argument

1. The trial judge erred in refusing to allow the jury to recess for the night and resume deliberations in the morning, as requested by a juror, when deliberation did not begin until 6:00 PM and trial was lengthy with numerous witnesses and many exhibits.

• Note 3: "Your Honor, based on the amount of evidence presented during this case, much of which I feel I need to review, I would prefer to start fresh in the morning. We are tired and hungry. Also, my mom is 88 and I need to get home before too late." Importantly, this juror did not stand up during jury qualification when asked whether anyone had someone over the age of 65 at home.

- The forced deliberation resulted in a coerced verdict.
- The refusal constitutes an abuse of discretion as an error of law and requires reversal.

2. Juror 177 realized she may know one of the witnesses and declared that she would be unable to be impartial if he testified as she respected him very much. Unfortunately, all of this was discovered and these jurors were dismissed, after they had already been in the jury room with other jurors.

Importantly Deputy Quattlebaum relative and Chief Price Wife were both on the jury pool

and was brought to the courts attention

The judge corrected the problem by telling them not to show up because they knew witnesses in

the case and she didn't want them to get in with

the jury. Unfortunately she couldn't stop the other

problem with the jurors who knew witnesses

until after they were in the jury room.

- Juror 42, who the court asked to be foreman, remembered he knew one of the witnesses as his probation officer.
- Juror 57 was recognized by Deputy Quattlebaum as someone he knew outside of work. All was discovered after they had been in the jury room

3. Inappropriate outburst by Member of the Jury pool.

During the court's preliminary roll call of the jury pool, Juror 114 stood up, gave his name and number, and then proceeded to state loudly "I'm a firm believer that those who shed innocent blood should be put to death."

4. On pg 70 My attorney argued that MS. Quattlebaum testimony would be highly prejudicial and improper and should not be admitted. Importantly the Judge states on pg 75 that "well, it might be prejudicial." On pg 28 the State asked MS. Quattlebaum, where were you when you blacked out?

She testified I was on 119 Quattlebaum Road Street. On pg 29 she said it occurred in a different place than where the shells were found. The State asked her where were you when the altercation occurred? She testified well we was in between both houses. We was at the trailer in front of his house and his grandmother house. pg 30 She testified that I fired the gun after she blacked out. How could she see me fire a gun after she blacked out? pg 39 She testified that it was a long gun, the court asked the question again then she changed it to a short gun.

• Due to the fact that the Judge on pg 75 stated that it was prejudicial, MS. Quattlebaum testimony. She erred in allowing it therefore I should be granted a new trial.

5. The State violated my due process right when they withheld evidence in my case. During a search warrant the Law enforcement found a bumpstock to a rifle. Importantly she testified a long gun. It was never placed into evidence. They also violated my rights when they kept Facebook message that were placed in evidence between me and the victim away from the court/jury. They also withheld Porsha

Quattlebaum Statement She made to the Ridge Spring Police, that Statement would prove that she testified to something different than what she put on paper.

6. The prosecutor cannot force a WITNESS to false testify

ON PG 39 during Porsha Quattlebaum testimony she testified a long gun the State re asked the question then she changed it and said a short gun.

The first time she took the stand she didn't know what a gun

was called. She also testified that the altercation occurred in a different place than where the shells were found. She

ONLY changed her story after she left and talked

with the prosecutor then came back on stand and time.

The 2nd time she took the stand on pg 442 she says a semi-automatic.

pg 444 she change her story to "now we was in my yard" After

she first testified that it occurred in the road on pg 29

7. on pg 47 the Judge erred in allowing the state to speak for an deceased women, After my lawyer objected

stating that "confrontation clause, Ms. Samuels is deceased." But the Judge allowed it. MS. Viola Samuels.

has a daughter Victoria Samuels who stay with

her at 223 Quattlebaum Ave. pg 48 she objected to

authenticity because she is deceased, so there is no way to verify that Viola was the one calling to make that phone call.

The Jurors that rendered a verdict in this case heard and improper prejudicial outburst, were exposed to other jurors who knew witnesses, one was the foreman. The Judge forced the juror to deliberate when they stated they were tired and hungry, deliberation began at 6pm. The forced deliberation resulted in a coerced verdict. The refusal constitutes an abuse of discretion as an error of law and requires reversal. A juror stated that she has a 88-year old mother at home who needed her. Importantly, this juror had not stood up during jury qualification when asked Does anyone have someone over the age 65 at home. These errors requires reversal.

*7 The judge erred in allowing the state to speak for a deceased woman after my lawyer objected on pg 47 based on confrontation clause, also the objection on pg 48 when she objected to authenticity.

State v. Smith, 383 S.C. 159, 168, 679 S.E.2d 176, 181 (2009) (When it is made to appear that anything has occurred which may have improperly influenced the action of the jury, the accused should be granted a new trial.)

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March 05, 2025

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Re: Appellate case NO. 2024-000877

Enclosed is my pro se brief I was
given (45) days to file from the date
of Feb 07, 2025.

Sincerely
Earl Valentine

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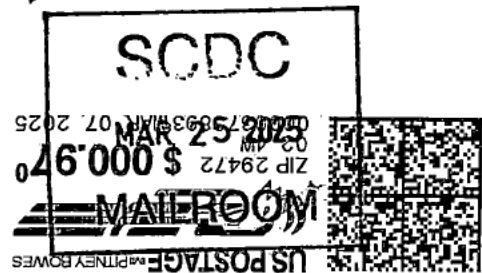
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