

8-13-25

JENNY ABBOTT KITCHINGS, CLERK
I am writing to you about
enclosed pro se brief. Issues I
believe need looked at.

I hope that I have not went
past my deadline. My letter said
within 45 days of your letter which
was July 1, 2025. But I did not
receive your letter until July 7th.

I would like to thank you in
advance for any and all help in
this matter.

Thank You Very Much
Have a great day
And God BLESS

Sincerely *Tracy Jones*

RECEIVED

AUG 18 2025

SC Court of Appeals

Statement of Issue

Whether the Trial Court erred by not instructing a lesser included offense of Poss. of Methamphetamine, IN my case distribution of a .34. So IF I distributed .34 I had to possess IT. ① IT has to be meth ② I have to possess IT ③ has to be less than a gram.

§ 38:17 Error of law Ruling on evidence Misinterpretation of Statute. This Ruling was based off the INCORRECT premise that distribution doesn't have quantity guidelines. The legislative history of this Statute reads more than 1 gram but less than 10 grams.

Statement of Issue

Whether I was deprived of Due Process of law IN violation of The Fourteenth Amendment of THE Constitution of The United States.

By The Knowing use of perjured, False, and or Impeached Testimony

§ 15.7(e) Deception in presenting evidence (178) Whether The defendant is INNOCENT or guilty It IS unacceptable to tip the balance toward The prosecution. By erasing The protection of use of False Testimony

During the First Trial Roderick Oglesby JR. during direct by ms Barry pg 37-38 He describes how he searches Hughey ③ and Davi's.

During cross by Nietering pg 65-66
He testified that he was taught how to
write police reports that were complete,
thorough, and accurate. And when asked
about the report in this case, he admitted
he only wrote about one informant. And
that he had wrote he only searched
one informant.

The State v. Derral L. Stavelly
giving false information in a document
or report required by the State is "Perjury"

Trial #1 pg 65

Oglesby when asked you did not write
about a second informant, testified.
I did not because the purchase was done
with one particular informant. So even
though he testified Trial #1 pg 57 he
called Davis to listen in on purchase
and even though on video and through
testimony she was the one that carried
the alleged bag of meth from my house
to the Sheriff's office and she was the
driver. Oglesby didn't think it important
to mention her in his incident
report. Legal Maxims (136) a person
making contradictory allegations is not
to be heard

Statement of Issue

Whether the trial court erred by allowing testimony from Roderick Oglesby in the 2nd trial, when he impeached himself in the 1st trial.

I feel the following statements by Solicitor Barry tends to show the sufficient relevancy of the admission of the admitted prior inconsistent statement and testimony by state witness about searches, and that it was detrimental to my case.

Ms Barry speaking of Oglesby Trial #2 pg 31 opening statement, he will tell you he has to make sure they don't have their own drugs, he doesn't find anything so the drugs in this case came from Mr. Jones.

Trial #2 pg 127 Closing Argument
He had \$20 in his hand, you see it on video (prior to entering house), and he gives it to the defendant, well how do we know that? No you don't see it, but we know he was searched.

Trial #2 pg 133 Closing Argument

I truly admit there is no hand to hand transaction on this video.

How did Mr. Hughay get these drugs we know he didn't bring them with him.

More perjured testimony from Trial #1 to Trial #2 Three years after the incident Trial #1 Roderick Oglesby pg 39-40 Timothy Tate pg 74 Both testified that they followed both C.R.I.'s from the Sheriff's Office to the V.F.D.

Trial #2 Two weeks later Roderick Oglesby pg. 39-40 Timothy Tate pg 74 Both testified that C.R.I. Hughey rode with them. And that the three of them followed C.R.I. Davis to the V.F.D.

Trial #1 Roderick Oglesby pg 57-58 testified C.R.I.'s Hughey and Davis left my house and went straight back to the Sheriff's Office.

And he and Tate followed, pg 77 Trial #1 Timothy Tate testified they were going. He and Oglesby go back to the V.F.D.

Trial #2 Two weeks later pg 76 Timothy Tate testified that C.R.I.'s missed a turn to the V.F.D. so we just get in behind them.

Trial #1 Roderick Oglesby pg 63 testified lieutenant Jerry Smith signed up C.R.I.

Trial #2 Roderick Oglesby pg 36 testified he didn't know who signed up C.R.I.

Trial #1 Roderick Oglesby pg 52

He Testified IF We can't monitor The actual video. We'll have them call our phones.

Trial #2 Roderick Oglesby pg 52

He Testified That he called Davis's phone to listen IN.

Statement OF ISSUE

Prosecutorial Misconduct

18 U.S.C.A. - § 1515 Knowingly use a trick, scheme, or device with intent to mislead.

Ms Barry corruptly persuaded the Fact Finder with speculations about a bowl, what kind of bowl it is. And the false premise that it is used to distribute drugs.

Trial #2 pg 32 please tell me you brought a bowl pg 46 a bowl is a glass device used to smoke narcotics pg 131 in closing argument This bowl becomes a tool for distribution when Ms Barry says why else would he be asking about a bowl IF he's not dealing drugs.

Ms Barry also uses many leading questions some as prejudicial, some to walk her witness through pg 104

(Q) You've known Larry all your life. You saw him a lot enough to know he dealt drugs.

(Q) And that's how you knew you could get drugs from him?

pg 45 (Q) What else does he get out of the car Those shoes? (Q) And he

doesn't come back with the \$20 cash correct? pg 84-85 Who did you give the drugs to Tate (Q) Was it Tate or Oglesby

Ms Barry stresses through out how important the searches are. But she intentionally avoids asking CRT Davis about being searched.

Ms Barry, Mr Nietering, and Mr Berry all avoid asking Ms Davis. Probably because on pg 107 Davis testified she didn't go IN Sheriff's office, she was in the car. (which would contradict her and her car being searched)

pg 108 (Q) Did you at any point take part in the actual deal of drugs?

(A) NO I did not. (which would contradict the video when Huey hands her a bag and they leave my house)

pg 114 (Q) When did you sign up to become a

C.I.? (A) I didn't Oh I did because there is paper work on that. I drove I did all that but as far as being involved, I was never asked to be. (8)

pg 128 15-18 Ms Davis really didn't play a roll in this. She was a driver. She just drove Mr Hughey To and From and That's all she really did. (Q) pg 69 Mr Hughey attempts to follow your instructions. Ms Davis is the one who said she was going to keep on going.

So what Ms Barry does is when she needs to be a C.I. because she had the drugs, or because they needed to call her to listen in she's a C.I. But when they don't follow instructions or the searches were not thorough. Ms Barry then says oh she was just a driver she wasn't involved.

Ms Barry also attacked my character with questions/statements (Q) You've known Larry your whole life enough to know he dealt drugs (pg 104) (Q) That's how you knew you could get drugs from him.

page 133 Ms Barry He wasn't making a man who had never done this before sell something that he would never do. Law enforcement verified that.

Ms Barry With another one of her leading questions pg 37 You take The information That they give you and you verify It? pg 133 she says law enforcement verified That when she was actually The one who had said They verified

Knowing use of perjured testimony
Speculation
leading questions
attack of character

The actions of The Prosecution in my case smacks of personal agenda and tends to show corruption in our system. These are The types of actions That cause The public to lose faith in Their System of justice.

Statement of Issue

Whether or not IF my Council was ineffective assistance

Trial #2 Judge Kelly Lawyers have a duty to object when they believe something is improper under our rules.

Legal Maxims 666

What is not permitted is certainly not proper

The State v. Christopher Alan Santiago
It is the responsibility of counsel to
preserve issues for appellate review.

counsel

Michael Berry and J Pressley Nietering

- ① Failure to object to leading questions.
- ② Failure to object to attack of character.
- ③ Failure to object to speculation.
- ④ Failure to object to mistrial when jury member said he recognized my nephew Devin Jones who was never in the court room.
- ⑤ Failure to attempt to obtain phone records.
- ⑥ Failure to ask for lesser included offense.
- ⑦ Failure to ask about competency of the witness Michael Hughey. Whom testified that he was disabled, he couldn't remember, his brain was wrong, he didn't trust his self to hold the alleged drugs he would have lost it.
- ⑧ And in closing argument he unfairly prejudiced me by telling the jury that Hughey gets his cousin (me) for giving him \$20. worth of meth.
Speaking of me giving Hughey \$20 worth he doesn't say allegedly ⑩

I ASK The court grant me relief
From judgement or any other relief
That The court may deem appropriate

Trial #2 Ms Barry pg 31 Says I have to
prove three elements beyond a reasonable
doubt ① That The substance was Meth.
② That I possessed The Meth.
③ And That I sold The Meth.
She proves nothing

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GREENVILLE SC 296

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AUG 14 2025

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