

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Antonio Kinloch, #219914
Applicant,

v.

STATE OF SOUTH CAROLINA
Respondent,

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S.C. SUPREME COURT

CASE NO. 2020-CP-10-D4384

Notice of Appeal

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by myself, Antonio Kinloch (Applicant), pro se, on October 5th, 2020.

I'm pleading to the Court to look over all my allegations or complaints along with all other errors and violations in this case with those that I have pointed out in the PCR-application and the notice of appeal. All these allegations and claims are unconstitutional and violations of the S.C. laws, as well as the U.S. laws.

1. The Court and Solicitor lack subject matter of Jurisdiction and prosecutorial misconduct was performed in the case when they amended the indictment in the wrong manner during the Trial. The Court and Solicitor/prosecutor change the victim name during Trial.

See - Trial pg. 443-444, Tr. pgs. 553-554, and Title-17

Chapter-19-Indictments-Criminal Procedures, U.S. v.

Cancelliere, 69 F.3d 1116, 1121 (11th Cir. 1995) State v. Means,

Op. No. 2003-UP-633 (S.C. Ct. App.) (Filed Oct. 23, 2003)

My Fifth, Sixth and Fourteenth amendment of the U.S. Constitution was violated.

2. Prosecutorial misconduct was done and the Court lack Subject Matter of Jurisdiction when two of the Applicants codefendants and the state's two witnesses Cedric Myers and Eric Coaxum didn't stand before the Jurors to be asked, "Are you related by blood or marriage in any way?" See - Trial page, 17-18, 172-173,

Trial pg. - 325, lines 8-25, Tr. pg. - 99-100, Tr. pg. 346, lines 21-25, Tr. pg. 101-102, Tr. pg. 22, This is in violation of my Fifth, Sixth and Fourteenth amendment of the U.S. Constitution.

3. Prosecutorial Misconduct was done and the Court lack Subject Matter of Jurisdiction when they allowed the Trial to proceed when the arrest warrant has three different names on it. The name, the birth date and the social security number don't match at all. The name, Antonio Kinloch, given for the applicant don't exist. This violated my Fifth, Sixth and Fourteenth amendment of the U.S. Constitution.

This is a fatal variance in this case. See Trial page, 431-432, lines 1-9, Tr. pg. 453, lines 1-25.

4. The Court lack Subject Matter of Jurisdiction and prosecutorial misconduct was done when a conflict of interest existed where my Trial lawyer Ms. Tara Anderson and Trial prosecutor - Ms. Cunningham are related by blood, neighbors at the time and are friends. This violated my Fifth, Sixth and Fourteenth amendment of the U.S. Constitution.

5. The Court lack Subject Matter of Jurisdiction in this case due to the Mt. Pleasant, SC - Police Dept. never reading the Applicant's his miranda rights.

6. Prosecutorial Misconduct was done and the Court lack Subject Matter of Jurisdiction in this case when they took the applicant to Trial or charge him for Murder. The applicant is not name at birth -

Antonio Kinloch. The Applicant's name is not on the indictment. The Applicant is name at birth and today as - Antonio Venning. This is in violation of his Fifth, Sixth, and Fourteenth amendment of the U.S. Constitution.

7. Prosecutorial Misconduct was done and the Court lack Subject Matter of Jurisdiction when one of the Jurors was caught speaking with members of the victim or deceased in this case family members as they sit in the audience beside the Juror box. The prosecutor actually caught this herself and told the Judge who refuse to address this properly. Also Jurors were also hold up in the hall way on a Trial day for a very long time with the family members of the victim in this case, as they were having conversations. See Trial pg. 67, lines 13-15, Tr. pg. 121, pg. 181, pg. 189, pg. 11-14, pg. 67-69. This violated applicant's Fifth, Sixth, and Fourteenth amendment of the U.S. Const.

8. Prosecutorial Misconduct was done and the Court lack Subject Matter of Jurisdiction in this case where numerous Jurors were related to Police officers, victim of violent crimes, related to the victim in the case, knew someone who were a victim of violent crimes and some had already heard about the case or was racist and couldn't be fair in the Juror box. All these people had already been amongst the victim's family members which tainted the Jury selection and the box. This violated the applicant's Fifth, Sixth, and Fourteenth amendment of the U.S. Constitution.

9. Prosecutorial Misconduct was done and the Court lack Subject Matter of Jurisdiction in this case where evidence and testimonies from the state support a lower charge under

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Murder. The evidence and testimonies supports - Manslaughter and Self defense of another. This cause a variance, material variance and fatal variance to the case and indictment.

The Judge - Mr. D. Rusting, Prosecutor/Solicitor - Ms. Cunningham and my Trial lawyer had a conversation about this also and the Judge agreed that from evidence and testimonies he see no other choice but to grant the Applicant - Self defense of Another as a defence and plea in this case to the Jurors. See Trial pg. 446-458

The prosecutor/solicitor - Ms. Cunningham also agreed on everything the Judge said and the testimonies and evidence pointing to Self-defense of another. See Trial pg. 453-455

10. Prosecutorial Misconduct was done and the Court lack Subject Matter of Jurisdiction in this case when they change the name of the victim in this case from Eddie Palmer to Eddie Harroth Palmer. Changing the name of the victim or adding a middle name to his name is an error on the Court and solicitor. They created a new person and victim surprising the applicant and prejudicing him to a fair trial. The applicant was surprise at Trial to be tried for the death of someone new and someone who didn't died in this case. The Judge and solicitor amended the indictment during Trial to change the name from Eddie Palmer to Eddie Harroth Palmer. The Grand Jury was never aware of this or reconvened. The applicant has been convicted of killing or taking the life of

someone else who he never met, know or was arrested and indicted for. Eddie Pharoah Palmer was'nt apart of this case, didn't died on April 27, 1994 in Mt. Pleasant, SC or Charleston, SC, or do this person exist. There was no defect in the indictment for the Court and Solicitor to have the name of the victim change during trial. This made the applicant have to defend his self against a new person/victim at trial with no time for preparation. See Trial pg. -553-554, and Trial pg. 419. This violated the applicant's Fifth, Sixth and Fourteenth amendment, of the U.S. Constitution.

11. Judge's faulty charge during Trial on Reasonable Doubt, Counsel at Trial fail to request the Court give a curative charge to the Jury and failure to preserve the issue for an appeal. Ineffective assistance of counsel at Trial. This violated applicant's Fifth, Sixth and Fourteenth amendment of the U.S. Constitution and Article 1 § 14 of S.C. Constitution.
See Trial pg. 556-557, line 14.

12. Ineffective assistance of counsel at Trial when she fail to object to the Court's faulty charge on Voluntary Manslaughter and for failing to request the Court give a curative charge of the lesser offense of Voluntary Manslaughter upon witnessing an attack on another person. See Trial, pg. 574, lines 17 and Trial pg. 575, line 12

13. Counsel failed to provide representation within the requisite range of competent assistance and these omissions were prejudicial to his defence. Tara Anderson is the counsel spoken of here. Ms. T. Anderson was fired and disbarred from practicing law and was also criminally arrested and charged in South Carolina for a crime.

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