

Bryan T. Mitchell 398642
PCI 01B-115
430 Oaklawn Road
Pelzer, SC 29669

September 4, 2026

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
PO Box 11629
Columbia, SC 29211

Honorable Clerk Kitchings,
RE: Case No. 29201-3332

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SEP 11 2026

SC Court of Appeals

I am writing to show due diligence in attempting to preserve argument for my Appellate Appeal. Enclosed please find a copy a letter titled "Argument for Preservation". This letter was sent to Attorney Molly M. Keegan as well as the Attorney General of South Carolina, solely for the purpose of preserving my issue. I am doing everything that I can to preserve my argument against the Inference of Malice which was given by trial court, violating State v. Burdette, 427 S.C. 490, 503-05, 832 S.E.2d 575, 582-83 (2019)

Please stamp copy and send to my address above.
Thank you.

Sincerely,

Bryan T. Mitchell

Bryan Mitchell, 398642
Perry Correctional
430 Oaklawn Road
Pelzer, SC 29669

September 4, 2026

Molly M. Keegan
Division of Appellate Defense
1330 Lady St., Suite 401
Columbia, SC 29201-3332

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SC Court of Appeals

RE: Case NO. 2025-001914

Proposed Issue/ Argument for Preservation

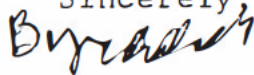
Dear Attorney Keegan,

Thank you for your response letter dated August 26, 2026, referencing my letter dated August 17, 2026. I researched State v. Campbell, 443 S.C. 182, 189, 904 S.E.2d 441, 445 (2024) and here are the findings:

The trial court's malice charge violated S.C. Constitution art. V Sect. 21 and State v. Burdette, 427 S.C. 490, 503-05, 832 S.E.2d 575, 582-83 (2019). Although Campbell recognizes that malice may arise from conduct demonstrating a total disregard for human life, Campbell does not over-rule Burdette's Categorical rule that regardless of the evidence presented, a trial Judge may not instruct the jury that malice may be inferred from the defendant's use of a deadly weapon. Here, self-defense was submitted to the jury, necessarily reflecting evidence from which justification or mitigation could be found. The challenged instruction must therefore be examined in context to determine whether it effectively invited the jury to infer malice from Defendant's weapon use, thereby commenting on the facts and diminishing the State's burden to prove malice beyond a reasonable doubt.

Defendant requests review and reversal; alternatively, this issue should be expressly preserved for further review.

Sincerely,



Bryan T. Mitchell

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PCI Q1B 115
430 OAKLAWN ROAD
PELZER, SC 29669

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PCI MAILROOM

S.C. Court of Appeals
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SC Court of Appeals

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