

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Howard P. King, Circuit Court Judge

Appellate Case No. 2013-213741

The State Respondent

v.

James Walker..... Appellant

REPLY BRIEF

Daniel L. Blake
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Co-Counsel for Appellant

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SC Court of Appeals

TABLE OF CONTENTS

Table of Contents 1
Argument in Reply..... 2

ARGUMENT IN REPLY

Appellant has not raised the issue of the admissibility of his statements to Detective Collins and does not contest the admissibility of those statements.

In the brief of the Respondent, the State has contended that the Appellant attacked the admissibility of his statements to the police. (Respondent's Initial Brief, pp. 8 -10). While apparently misleading, this was not the Appellant's intent. The Appellant does discuss the circumstances surrounding his statements to the police but he is not challenging their admissibility.

With regards to voluntariness, the Appellant in footnote 3 stated "All the testimony in the trial indicates that Mr. Walker wished to talk with Detective Collins." The footnote goes on to mention an anomaly in the record ("he didn't wish to talk to me") but then provides support from the record as to the voluntariness of his statements. Although not stated directly in Appellant's Initial Brief, this anomaly appears to have been either a misstatement by Detective Collins or a typing error in the transcript.

With regards to his Miranda rights, the Appellant does not contend that his Miranda rights were not given. In fact, footnote 3 notes that Appellant's Miranda rights had been read to him and that he "knew his rights." On page 15 of his Initial Brief, Appellant was not contesting the admissibility of his statements but merely bringing forth facts from the record with regards to his interview with Detective Collins.

In conclusion, the Appellant is not challenging the admissibility of his statements to Detective Collins.



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v.

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PROOF OF SERVICE

I, Gloria H. Quick, an employee of Blake Law Firm, PA, hereby certify that I have served the REPLY BRIEF, dated February 3, 2014, by depositing in the United States mail, postage prepaid, to the following:

Mr. Tracy A. Meyers
Asst. Deputy Attorney General
POB 11549
Columbia SC 29211-1549

Mr. Robert Dudek, Chief Appellate Defender
S.C. Commission on Indigent Defense
Division of Appellate Defense
POB 11589
Columbia SC 29211- 1589

I further certify that all parties required by Rule to be served have been served, on this day, the 3rd of February, 2014.

Gloria H. Quick
Gloria H. Quick, Employee
Blake Law Firm, PA

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SC Court of Appeals

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February 3, 2014

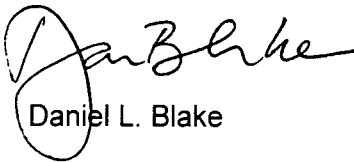
Mr. Tracy A. Meyers
Asst. Deputy Attorney General
POB 11549
Columbia SC 29211-1549

Re: State v. James Walker
Appellate Case No. 2013-213741

Dear Mr. Meyers:

I have enclosed a copy of the Reply Brief in the above-referenced case.

Sincerely,



Daniel L. Blake

Enclosures

C: The Honorable Jenny A. Kitchings
Clerk of Court, South Carolina Court of Appeals
POB 11629
Columbia SC 29211

Mr. Robert Dudek, Chief Appellate Defender
S.C. Commission on Indigent Defense
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