

JANUARY 8, 2014

HERMAN BELTON #256396
BRCI-MURRAY-285-B
4460 BROAD RIVER Rd.
Columbia, SC 29210

Att: The South Carolina Court of Appeals

RECEIVED

To: JEANETTE F. BARBER, CLERK

JAN 09 2014

SC Court of Appeals

P.O. BOX 11629

Columbia, SC 29210

RE: HERMAN BELTON

To: Whom it MAY CONCERN;

State of South Carolina

2011-204374
APPELLATE CASE NUMBER

Enclosed is SEVERAL copies of the "Alleged
trial court evidence exhibit bag" which clearly
show(s) that the date it was alleged to have been
sealed has been MARKED OUT/OVER, and it also
show(s) that the NAME of the person alleged to
have sealed it is also MARKED OUT/OVER. It's
only obvious that the alleged evidence has been
"tampered" with. Why else would someone MARK
OUT/OVER this information if they was not trying
to hide OR COVER-UP some thing?

I ALSO ASK THAT YOU TAKE NOTE THAT THE ALLEGED TRIAL COURT EVIDENCE EXHIBIT BAG ALSO HAS AN ATTACHED CASE NUMBER OF LO6-06901 AND AN ATTACHED BEST KIT CONTROL NUMBER OF B177528.

ALSO ENCLOSED IS THE SECOND PAGE OF A POLICE REPORT WHICH CLEARLY SHOW THAT... MY ALLEGED CASE NUMBER IS .. 06-11213 AND NOT LO6-06901. IT ALSO SHOW(S) THAT LO6-06901 WAS LOGGED IN AND RELEASED TO KARONDA WILLIAMS ON 5-11-2005, WHICH WAS BEFORE I WAS ARRESTED. POLICE REPORT SHOW(S) THAT MY ALLEGED BEST KIT CONTROL NUMBER IS/WAS B177556 AND NOT B177528.

ALSO ENCLOSED IS A FORM C (RULE 6) FORM THAT CLEARLY SHOW(S) THAT CONTROL NO. B177556 HAS BEEN MARKED THRU AND B177528 HAS BEEN ADDED; AS A RESULT OF THAT, THAT DOCUMENT IS NOTORIZED; SWORN BEFORE ME ON THIS 4th DAY OF APRIL, 2006; WHICH IS ALSO BEFORE I EVER WAS ARRESTED. PLEASE NOTE: MY "WRONGFUL ARREST" DATE IS 5-3-06. I AM ALSO ENCLOSED A LETTER FROM LT. KENNETH R. EBERNICKLE OF THE ANDERSON CITY POLICE ADMITTING THAT THEY HAVE UP; WHY IS IT SUCH A PROBLEM TO LET THE RECORD(S) REFLECT THE OUT-COME?

THE RECORD(S) CLEARLY SHOW(S) THAT IT WAS VIRTUALLY IMPOSSIBLE FOR ME TO HAVE EVER ACTUALLY HAD ACTUAL POSSESSION OF ANY ALLEGED DRUGS ON 5-3-2006.

I HEREBY CONTEND THAT I HAVE BEEN "KIDNAPPED" AND AM NOW BEING HELD "HOSTAGE." THEREFORE I'M ASKING THAT, WHATEVER DECISION YOU-ALL IS GOING TO MAKE, "PUT IT ON PAPER," CAUSE I'M TIRED OF BEING HELD "HOSTAGE" FOR AN ALLEGED CRIME THAT.. NEVER ACTUALLY HAPPEN-ED.

I NEVER EVER POSSESSED ANY ALLEGED DRUGS ON 5-3-2006. AND I'M NOT BY ANY MEANS TAKING "NO CONVICTION." (REFERENCE THE RECORD(S))

- CC: ATT. (GENERAL SESSIONS & COMMON PLEAS COURT)
- (1) C/O: ANDERSON COUNTY CLERK OF COURT
 - (2) ATTORNEY GENERAL'S OFFICE
 - (3) GOVERNOR: NIKKI HALEY

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SC Court of Appeals

"Affidavit"

I HERMAN BELTON, DO DECLARE (ATTEST, CERTIFY, VERIFY OR STATE) UNDER THE PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Herman Belton #256396
NAME AND NUMBER

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 8th DAY OF JANUARY, 2014
Susan H. Frye
NOTARY PUBLIC (3)

My Commission Expires
March 5, 2018

My COMMISSION EXPIRES

STATE'S
EXHIBIT

1

YSH

CONTROL NUMBER B 177528 ✓



SLED DRUG ANALYSIS SECURITY ENVELOPE

AGENCY A. J. [unclear] PO

DATE SEALED 7-25-2008

NAME OF PERSON SEALING ENVELOPE

[Redacted]

ADDRESS OF PERSON SEALING ENVELOPE

[Redacted]

L06-06901 #1
Anderson Police Department
Agency Case #: 0611213
B177528*

STATE'S
EXHIBIT

1
RSH

CONTROL NUMBER B 177528 ✓



SLED DRUG ANALYSIS SECURITY ENVELOPE

AGENCY Anderson PD DATE SEALED 10/16/06

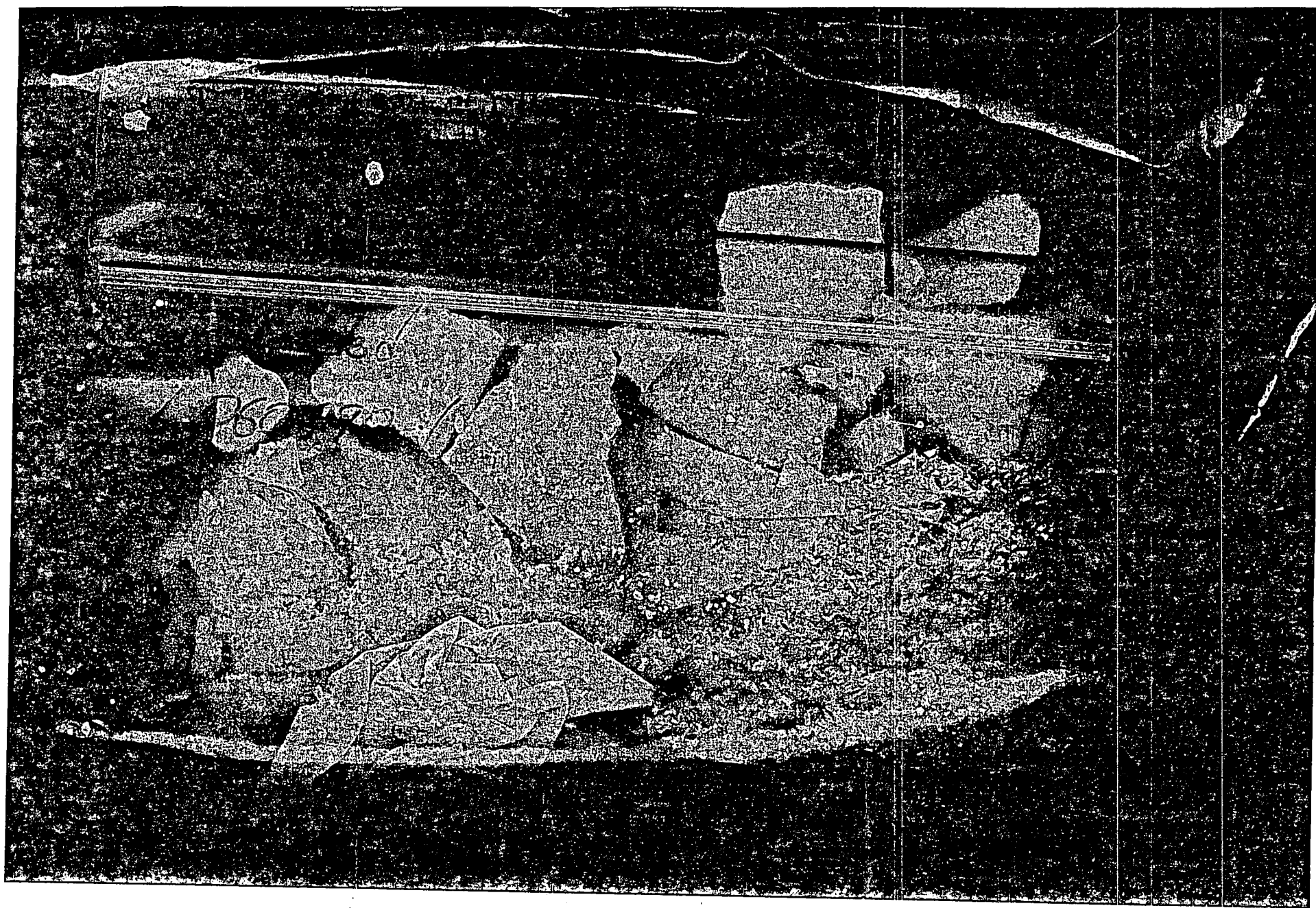
PRINT NAME OF PERSON SEALING ENVELOPE [REDACTED]

SIGNATURE OF PERSON SEALING ENVELOPE [Signature]

NOTES/SPECIAL INSTRUCTIONS:

Sealok JRS 10/16/06 I 714 684 06-11213

Anderson Police Department
Agency Case # 0511213
-B177528*



Case Number 06-11213

Evidence List

COLLECTED 5/3/2006 21:39 HOURS FROM IN THE WOODS ACROSS FROM 504 HUDGENS ST BY ANDY HEATON, ANDY HEATON TO DRUG BOX 5/3/2006, MIKE BASKIN SECURES IN BEST KIT B177556 IN EVIDENCE ROOM TO GO TO SLED, DRUGS ARE WET, MIKE BASKIN CALLS SLED 5/4/2006 REFERENCE WET DRUGS, BEST KIT & PLASTIC EVIDENCE BAG WILL HAVE TO BE OPENED IN FRONT OF ANDY HEATON. DRUGS PUT IN PAPER EVIDENCE BAG AND DRIED BEFORE PUTTING INTO ANOTHER BEST KIT & SENT TO SLED, MIKE BASKIN LOGS IN AT SLED & RELEASES TO KARONDA WILLIAMS 5/11/2005 L06-06901

Case Log

Narrative/Notes

CASE NOTES ON HERMAN BELTON SR 06-11213

May 3, 2006 RO was on patrol with Cpl. Andy Heaton working extra duty in a high crime area of the city. Officers were checking on a suspected drug house at the corner of Hudgens St. and Bailey St. As officers rode by the location, officers observed a very unique bicycle parked at the back door of the residence. The bicycle belongs to Herman Belton who is known to officers as a known drug user and transporter. Two vehicles were also parked in the back yard of the residence.

Officers circled the block in order to attempt to get the tag numbers of the vehicles in the back yard. As officers turned onto Hudgens St. officers saw Mr. Belton riding east on Hudgens St. back towards his home. Officers did identify themselves and attempted to make contact with Mr. Belton at that time. Mr. Belton was holding an unknown shiny object in his left hand while still riding his bicycle. Mr. Belton is known to run or fight if he is holding drugs on his person because he did last time we arrested him. Mr. Belton did not stop after officer attempted to contact him about his presence at the suspected drug house. Officers asked Mr. Belton to stop several times. Mr. Belton instead attempted to flee from officers on his bicycle. Officer used the unmarked police vehicle to pass Mr. Belton and attempt to stop him. Mr. Belton then jumped off the bicycle and pushed it towards the vehicle. Mr. Belton then ran into a wooded lot at the side of the road. Mr. Belton still had the item in his hand as he ran into the wooded lot. Officers chased Mr. Belton into the woods on foot. Mr. Belton ran about 30 feet when he ran into some very large thorn vines and was stopped and gave up to officers. Mr. Belton was still carrying the shiny item when he ran into the woods. Mr. Belton did have a glass pipe, and set of digital scales in his left front pants pocket. In his right front pants pocket was cell phone.

RO took Mr. Belton into custody and walked him back up to the patrol vehicle. Cpl. Heaton who had his flashlight stayed in the woods to search for the item Mr. Belton had in his hand. Cpl. Heaton found the item about 5 feet from where officers took Mr. Belton into custody. The item was a piece of aluminum foil in the shape and size of a taco. Cpl. Heaton opened the item and RO heard him exclaim "Oh My God!" RO asked him if he had found any drugs Cpl. Heaton again repeated "Oh My God". Cpl. Heaton walked over to the vehicle and placed the item onto the hood of the vehicle. The item was a very large amount of an off white rock like substance believed to be Crack Cocaine. RO called Capt. Kevin Marsee to the scene to examine the suspected drugs. I am certified to conduct field test of suspected narcotics. I did field test the suspected item and it did test positive for Cocaine Content. Mr. Belton was transported to the city jail where he later requested an attorney

CONTROL NO. 0177556 B177528

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED

FORM C (RULE 6)
CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL
CUSTODY OR CONTROL
(Subsequent Change of Custody)

This is to certify that I Mike Baskin am employed by
(Name)

Anderson PD as Evidence Officer and that on
(Name of Agency or Department) (Capacity of Employment)

5-4, 2006, I received in Person
(Date) (Specify Whether by Mail or In Person)

from Doug Boy of Anderson PD
(Name of Person) (Law Enforcement Agency)

the following substance(s) or container(s) which were originally seized by

Andy Heaton
(Name of Person Making Original Seizure)

(Describe substance or container with sufficient particularity to distinguish it.)
APD Item # 14595-1, Aluminum Foil Containing Rocklike Substance
wrapped in Two Paper Towels

On 5-12, 2006, I made delivery of the above described
(Date)

substance(s) or container(s) to Kenneth Williams of
(Name)

SLEP in substantially the same condition
(Law Enforcement Agency)

as when I received it.

Place: SLEP
Date: 5-12-2006

2
(Signature)

Sworn before me on this 4th day of April, 2006

Army W. Sexton
Notary Public for South Carolina
My Commission expires: 7-2007

The City of Anderson Police Department
401 South Main Street
Anderson, SC 29624



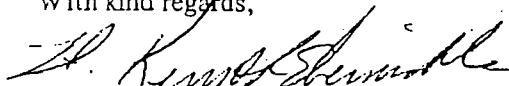
Date: December 30, 2009

Mr. Herman Belton #256396
Perry Corrections Institute Q2A-114
430 Oak lawn Road
Pelzer, SC 29669

Mr. Belton,

I have received your letter/complaint in regards to the false allegations. I am not very clear on what you mean by false allegations. I am guessing you mean by way of the errors that you have located on the enclosed forms. These mistakes do not indicate false allegations. It could however, indicate some mistakes made in processing your paperwork and possibly mistakes made with the evidence paperwork. What you have indicated to me does not say you did not commit the crime and or was falsely accused. However, it does say to me that someone made errors in your paperwork. You need to speak with your attorney about filing a possible appeal due to a possible compromise of the evidence, if you feel that this is the case in this matter. An attorney maybe able to shed more light on this matter for you in regards to, if it would be cause for some type of an appeal. I do understand your concerns in this matter and I am sorry I cannot help you further with these issues.

With kind regards,


Lt Kenneth R Ebermickle

Administrations Division
Anderson Police Department
401 South Main Street
Anderson, SC 29624
