

Troy Hunter # 226094

Lee Correctional Institution Darlington S. # 2250

990 Wisacky Highway

Bishopville South Carolina 29010

Date: 4-15-14

LARA M. Caudy, Appellate Defender

S.E. Commission on Indigent Defense

Post office Box 11589

Columbia South Carolina 29211

RECEIVED

APR 23 2014

SC Court of Appeals

Re: The State v. Troy Hunter

Dear Ms. Caudy

On April 8, 2014, I received the Initial Brief of Respondent in which the attorney for the state is opposing the claim we raised in our Initial Brief. I am told you will file a final Brief before my case will be submitted to the Court for review. I noticed a point of law raised by Respondent that isn't substantiated by the record; and if you will please do so, I ask that you will address this issue in the final Brief you file on my behalf.

Our Claim is, the trial court improperly admitted a statement made by the victim to his mother identifying me as the person who assaulted him

since the statement was hearsay and did not meet any of the exceptions to the hearsay rule; and the statement was unduly prejudicial and cumulative. In an attempt to refute our claim, Respondent claims the Victim's mother statement is admissible pursuant to Rule 801(d) SCRE provides; the declarant's statement must have been made before the alleged fabrication, or before the alleged improper influence or motive arose. In this case the declarant isn't the victim as the respondent is attempting to misconstrue the facts; but instead, is the victim's mother since it is her testimony that is under review. As provided by Rule 801(d)(1)(B), SCRE, in order for the victim's mother testimony to be admissible, a "prior consistent statement" must have been made prior to the alleged fabrication, or before the alleged improper influence or motive arose. It's clearly shown from the record that the point of fabrication; improper influence or motive arose when the victim was told by victim services he could not get his mouth fixed unless he gave a statement. At trial when the victim's credibility was attacked the state offered his mother's testimony to show that he told his mother Z did it. However, the victim's mother never gave a statement to the police prior to him speaking to victim services, or prior to trial, that corroborated her testimony.

Her testimony was offered to prove the truth of the matter asserted and to bolster his credibility. The victims mother never gave a statement to the police saying I was the person that assaulted him but yet she testified before the jury that this conversation occurred between her and her son. Had she given a statement prior to him speaking to victim service ← (the point of fabrication, improper influence →) the record would substantiate Respondent's claim that the statement fell within the exception of the hearsay rule, but there isn't a statement at all made by the victims mother; only her testimony that isn't substantiated.

Moreover, on the day the incident occurred, she encountered the police when she took him to the emergency room. Logically thinking seeing her son in whatever condition he was in, had he told her prior to going to the hospital that I did it don't it seem plausible that she would had told the police her son told her I did it and gave a statement sayin the same. All that stuff about him being afraid of his life was connected later to excuse him < before the eyes of the jury > for not cooperating with the police before he talked to victim services.

His mother did not tell the police I did it the same day he was assaulted and didn't contact police prior to trial to give a statement concerning what was told to her. Thus, her testimony didn't fall within the exceptions of the hearsay rule.

Respondents attempt to construe the victims mother testimony as admissible lacks the necessary elements provided by 801 (d) (1) (B), SCRE, that must be present. Ms. Leudy I ask that you will address this point in the final Brief you file on my behalf. The facts and points of law clearly supports our claim, but if you place emphasis on Respondent's lack of supporting facts and points of law, it will strengthen our claim.

Please contact me in the near future to inform me of the course of action you will take regarding this matter.

s/ Troy Hunter
Troy Hunter #226094

THE STATE OF SOUTH Carolina
In the Court of Appeals

The State of South Carolina
Respondent

V.

Troy Hunter #226094

Appellant

RECEIVED

APR 23 2014

SC Court of Appeals

PROOF OF SERVICE

The undersigned appellant hereby certifies that a true copy of the enclosed letter addressed to his Appeal Counsel, Lara M. Caudy, was filed with the clerk of Courts office on this 15 day of April, 2014, addressed as follows.

Jenny A. Kitchings, Clerk
South Carolina Court of Appeals

Post office Box 11629

Columbia, South Carolina 29211

Troy Hunter

Troy Hunter #226094

Troy Hunter 226094
L.C.I. Danl South 2250
990 Wibaeky Hwy
Bishopville, SC 29010

RECEIVED

APR 23 2014

SC Court of Appeals

Leson

South Carolina Court of Appeals
Jenny ARBETT Kitchings, CLERK
Post office BOX 11629
Columbia, SC 29211

5 3
MAY 14 2014

MAIL ROOM

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS.

LEE CORRECTIONAL INSTITUTE
SC DEPARTMENT OF CORRECTIONS

RECEIVED

APR 18 2014

LEE CORRECTIONAL INSTITUTE ROOM