

State Of South Carolina
In The Appellate Court

Appeal From Greenville County
Honorable Letitia H. Verdin, Judge

The State..... Respondent,
vs.
Nathaniel Glenn, Jr.,... Appellant.

Final Reply Brief

Case No. 2013-000919

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JUN 12 2014

SC Court of Appeals

Nathaniel Glenn Jr.
Lee C. I.
990 Wisacky Hwy.
Bishopville, S.C. 29010

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Table of Authorities

Case

U.S. vs. Fisher, 711 F.3d 460 (2013) 7

Statement of the Issue on Appeal

Whether the lower court erred in concluding that Appellant is not entitled to have an evidentiary hearing upon his Rule 29(b) Motion that was filed upon the detective's, informant's and solicitor's misconduct of false testimony under Oath.

Statement of Case

Greenville County grand jurors indicted Appellant for trafficking cocaine by testimony of Detective Bobby Carias lead detective, on December 17, 2002. Appellant was tried during the July 2004, term of the Greenville County Court of General Sessions before the Honorable Edward W. Miller and a jury. The jury found Appellant guilty of trafficking cocaine. The Court sentenced him to (27) years (85) percent of confinement.

Appellant appeals. This brief follows.

Argument

Whether the lower court erred in concluding that Appellant is not entitled to have an evidentiary hearing upon his Rule 29(b) Motion that was filed upon the detective's, informant's and solicitor's misconduct of false testimony under oath.

In-support of the following after-discovered evidence and attachments upon the record during the course of his judicial process he was deprived of due process.

Appellant was not found with any drugs, nor money that belonged to the narcotic agency. The only witness who identified him as being the one who sold some drugs was the Informant Chadwick Teasley. Teasley's statement was the fruit of the crime leading to the Appellants arrest and conviction.

Appellant have the burden of proving that the grounds raised in his Motion for Rule 29(b) SCR Crim P. could not have been raised in any previous appeals because his case involves unique factual circumstances.

Based upon information provided by the detectives and confidential informant's trial testimony, the after-discovered evidence of material facts states the opposite.

The Following Facts Are Undisputed: Lead Detective Bobby Carias was fired for officer's misconduct after pleading to unknown criminal charges, and Detective Melissa Lawson was demoted for unknown reasons of officer's misconduct that the Appellant could not retrieve as an inmate.

Appellant states that both detectives and the informant gave false reports and lied upon the arrest warrant, the grand jury indictment hearing and his trial to conceal a conviction after his acquittal in the Federal District Court of Greenville County for a conspiracy to trafficking charge from the dates of January 1, 2000, til December 17, 2002, the date of his indictment upon the same act of trafficking.

Upon the Record Detective Bobby Carias did the following:

1. recorded the video footage
2. deposited all the evidence
3. typed and signed the warrants

4. testified at the grand jury hearing that he actually videoed a buy of drugs
5. signed out the States money
6. gave the informant some money
7. was the lead detective controlling the case
8. lied to internal affairs about an unknown investigation - exhibit enclosed

The informants false testimony and the officers misconduct formed the basis of the charge and tinged the entire proceeding, rendered the Appellants trial as a wrongful conviction and violated his due process of rights to have a fair trial. (law enforcement officer responsible for the investigation that led to the defendant's arrest and guilty plea himself later pled guilty to having defrauded the justice system in connection with his duties as an officer), Fisher vs. U.S., 711 F.3d 460 (2013).

Failure of the State's Solicitor, Joyce K. Monts to correct the false testimony with the key witnesses warrants the relief that Appellant seeks for a New Trial; which had a significant impact on the jury's verdict.

Wherefore, if Appellant had known of the States misconduct during the course of his trial, he would have motioned for a direct verdict due to false testimony under Oath by the States two main witnesses.

Conclusion

Appellant pleas before Your Honorable Courts to have his Final Reply Brief and Attachements Upon the Record to be Granted, which Warrants Review for a New Trial.

Respectfully Submitted,


Nathaniel Glenn Jr.

Lee C. I.
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Bishopville, S.C. 29010

State of South Carolina,
Plaintiff,

vs.
Nathaniel Glenn, Jr., #303563,
Defendant.

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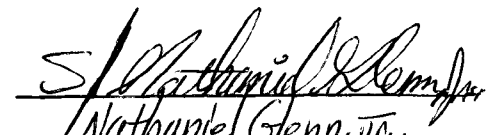
Case No. 2013-000919

Proof of Service

I certify that I have served the Final Reply Brief to Jenny A. Kitchings, Clerk of S.C. Court of Appeals, on Christina J. Catoe, Asst. Atty. General by depositing a copy of it in the U.S. Mail, postage prepaid, on June 9, 2014.

addressed to the following:

Christina J. Catoe, Asst. Atty. Gen.
Post Office Box 11549
Columbia, S.C. 29211-1549


Nathaniel Glenn, Jr.
Lee C.I.
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cc: Filed
cc: Christina J. Catoe
Asst. Atty. Gen.

Dear Clerks Office:

May I please have the letter that was received in your office June 6 or 9 of 2014, and ~~to be~~ ~~to be~~ to be disregarded, because I had spoken to my Case worker at the Clerks office of Appellate Court Ms. Christina under Case number 2013-000919 and she explained that I had to file the enclosed Final Reply Brief.

Wherefore, may I please be forwarded a clock-dated stamp copy of my Final Reply Brief to the address below:

Nathaniel Glenn #303365
Lee C.I.
990 Wisacky Hwy.
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With Kind Regards,
Nathaniel Glenn Jr.

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JUN 12 2014

SC Court of Appeals

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