

#1. RE: Filed Petition & Motion.

#2. Reinstate appeal.

Appellate # 2014-000577
Lower Court # 2012-CP-12-0184

Dear, Mr. Shearouse

June, 11, 2014

I am informing the court ^{"that"} the Honorable Judge denied my request to hold a hearing on the Indictment investigation saying that the Case had been previously dismissed - and the Case would have to be reviewed by the Supreme Court. Thus I was advised by Chief Magistrate Dianne Moore to request for an investigation through the South Carolina Law Enforcement division, therefore I have sent all ~~the~~ documents to SLED requesting an investigation on Mr. Clifton Newman for violation of S.C. code 16-9-10 perjury within the Order of P.C.R application on Dec, 19th, 2013 and Failure to Alter or Amend the Judgment when he had the opportunity.

"Note" False Statement on page #6 of the Order states the applicant testified that Mr. Ford was murdered two months after the letter was written. This statement which against applicant's credibility was 100% not testified to by applicant and a new trial is warranted on appeal.

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JUN 16 2014

S.C. SUPREME COURT

Sincerely,

James B. Curry #186737

LEGAL MAIL ONLY

**CHESTER COUNTY MAGISTRATE COURT
2740 DAWSON DRIVE
CHESTER, SC 29706**

June 8, ~~2008~~²⁰¹⁴

803/581-5136

**James B. Curry#186737
Lee C.I Ker. 1185
990 Wisacky Highway
Bishopville, SC 29010**

Appellate# 2014-000577
Lower Court# 2012-CP-0184

Dear Mr. Curry:

Any warrants for Police Officers and/or Attorneys would have to be requested after an investigation by the South Carolina Law Enforcement Division. I am returning your request and all Affidavits.

Sincerely,



**Dianne H. Moore
Chief Magistrate
Chester County**

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S.C. SUPREME COURT

Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Land, Id.

In this case, the Applicant alleges that he could not have raised this claim previously because of newly discovered evidence. A defendant requesting a new trial based on after-discovered evidence must show that the evidence:

(1) Is such as would probably change the result if a new trial was had; (2) Has been discovered since the trial; (3) Could not by the exercise of due diligence have been discovered before the trial; (4) Is material to the issue of guilt or innocence; and (5) Is not merely cumulative or impeaching. Hayden v. State, 278 S.C. 610, 611-12, 299 S.E.2d 854, 855 (1983).

The Applicant has the burden of proving he has met the requirements for newly-discovered evidence. I find that the Applicant failed to meet this burden of proof.

The Applicant testified that, while "scrounging around the office getting Band-Aids and alcohol swabs," at the SCDC facility where he was located on April 24, 2011, he found a letter addressed to the Applicant from Mario Ford. The Applicant testified that in Ford's letter, dated January 15, 2008, Ford accepts responsibility for the crimes for which the Applicant had been convicted. The Applicant testified that Mr. Ford was murdered two months after the letter was written. The Applicant subsequently submitted two newspaper articles showing Lamario Ford was killed on March 31, 2009.

I do not find the testimony of the Applicant regarding Ford's letter to be credible. Specifically, I do not find it credible that Lamario Ford wrote a letter to the Applicant dated one month prior to Applicant's conviction in 2008, but did not send the letter to Applicant until 2009—as Applicant claimed the copy of the envelope reflected—which was then not discovered until 2011, more than two years later. Due to the Applicant's lack of credibility regarding the timing of the alleged discovery date of the "letter," I find that the Applicant has failed to meet his

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"Agency mail"

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Clerk of Court Office
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