

# The Supreme Court of South Carolina

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June 17, 2014

Mr. Devatee Tymar Clinton, #317521  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899


Re: The State v. Devatee Tymar Clinton  
Appellate Case No. 2014-000594  
Lower Court Case No. 2012GS2900616

Dear Mr. Clinton:

This responds to your letter to Chief Justice Toal dated June 10, 2014. Please be advised that the Chief Justice cannot consider your ex parte communication about the above case that is pending before the South Carolina Court of Appeals.

If you have issues or concerns about your case, you should contact the Division of Appellate Defense which is now representing you in this matter. You may contact the Division by phone at 803-734-1343 or by mail at 1330 Lady Street, Suite 401, Columbia, SC 29201-3332.

Very truly yours,

  
CLERK

**RECEIVED**

JUN 17 2014

**SC Court of Appeals**

cc: Division of Appellate Defense (with copy of letter)  
Donald J. Zelenka, Esquire (with copy of letter)  
✓ The Honorable Jenny Abbott Kitchings (with copy of letter)

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To: The Honorable Jean H. Teal,

JUN 16 2014

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OFFICE OF THE  
SOUTH CAROLINA COURT OF  
JUSTICE

I am respectfully requesting to you concerning the following. I filed a

S.C. SUPREME COURT

timely notice of appeal in this court and this court transferred that case down to the South Carolina Court of Appeals case number 2014-000594 now I would like to bring to your attention to a matter that is in the interest of justice and fairness. I was tried before the honorable R. Knox McMahon and a jury during the March 10-14 2014 General Sessions Court of Lancaster County and I just realize that the Honorable R. Knox McMahon is a justice on the South Carolina Supreme Court (See STATE-V-Amos Lamont Mattison) my concern is what assurances do I have of receiving fairness in this appeal already my court appointed lawyer was in violation of rule 3.7 rules of professional conduct and couldn't act as an effective advocate because he was a witness to my interrogation upon request and shouldn't have been allowed to act as advocate pursuant to the rules the interrogation statement was read into record during trial, I Deatee Clinton was not called PRO/OFFER Nor was counsel even though he was a witness I made no incriminating statement, and interrogation statement was submitted solely for the purpose of violating defendant rights to remain silent, court appointed counsel couldn't act as an effective advocate should as a result counsel couldn't object to his own conduct and was even intimidated by the honorable R. Knox McMahon counsel failed to object to anything even though counsel knew the state's witness co-defendant Wayne Blakeney Jr was allowed to testify without being sequestered counsel did not object or did anything to protect defendant's constitutional rights, evidence of prior bad acts were unconstitutionally admitted inadmissible hearsay testimony was admitted all without an objection, On 4-17-14 the prosecution proceeded upon an alleged unconstitutional direct indictment, when a true billed indictment was handed down by the grand jury for co-defendant Wayne Blakeney Jr, for murder the solicitor told the jury not to worry about wayne, but stated that this was a hands of one hands of all trial and on 4-17-14 the solicitor proceeded with a plea, and the terms of the plea was not disclosed before trial on March 10-14 2014 for the purpose of impeachment and for consideration by the jury. Wayne Blakeney Jr was further allowed to testify that he hid murder weapon, but was not charged court appointed counsel failed to subpoena witness who weapon was allegedly hid too and this case resulted in a miscarriage of justice.

LEGAL MAIL

SWORN to and subscribed before me this 16<sup>th</sup>

day of June, 2014

Penny G. Muta  
NOTARY PUBLIC

My Commission Expires: Feb 28, 2018

Devalze Clinton

CC: Devalze Clinton 317591