



# The Supreme Court of South Carolina

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September 17, 2014

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

Re: The State v. Devatee Tymar Clinton  
Appellate Case No. 2014-000594

Dear Mr. Clinton:

This responds to your letter to Chief Justice Toal dated September 11, 2014. It is apparently related to the above appeal that is pending before the South Carolina Court of Appeals.

Please be advised that the Chief Justice cannot consider this *ex parte* communication or assist you with this matter. Instead, if you need assistance or have concerns about this appeal, you should contact your counsel.

Very truly yours,

CLERK

cc: Donald J. Zelenka, Esquire (with copy of letter)  
Susan Barber Hackett, Esquire (with copy of letter)  
The Honorable Jenny Abbott Kitchings (with copy of letter)

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SC Court of Appeals

Jean H. Tool,

I'm respectfully requesting to you concerning the following. As the Smith Court explained the purpose of the Corroboration requirement, "It is to prevent 'errors in convictions based upon untrue confessions alone.'" Its foundation lies in a long history of judicial experience with confessions in the realization that law enforcement requires police investigations which extends beyonds the words of the accused. Confessions may be unreliable because they are coerced or induced and although separate doctrines excludes involuntary confession from consideration by the jury further caution is warranted because the accused may be unable to establish the involuntary nature of his statement. Moreover although a statement may not be voluntary within the meaning of the exclusionary rule still its reliability may be suspect if it is extracted from one who is under the pressure of a police investigation whose words may reflect the strain and confusion attending his predicament rather than a clear reflection of his past. Finally the experience of the courts, the police and the medical profession records a number of false confessions voluntarily made.

Smith v. United States 348, U.S. 147, 152 U.S. Ct. 194, 197. 99 L. Ed 192 (1954)

U.S. v. Gresham 585 F.2d 103, 106 (5<sup>th</sup> Cir 1978)

Opper v. U.S. 348 US 84, 91 75, S. Ct. 158, 163, 99 L. Ed 101 (1954)

Corroboration Rules Applies To Admission Of Statements/ Confessions  
Connecting me to the crime.

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Nothing

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(Supporting Fact)

**S.C. SUPREME COURT**

All elements of the offense must be established by independent evidence or corroborated admissions but one available (MDDI) of corroboration is for the independent evidence to bolster the confession itself and thereby prove the offense through the statement of the accused. Now that means if Wayne Blakeney Jr statement was corroborated that it could be proven by the gun that would have shown trustworthiness of his statement which the prosecution is required to present substantial independent evidence. Wayne statement did not sufficiently demonstrate trustworthiness because there was no corroboration or substantial independent evidence therefore as a matter of law the evidence was insufficient to support a murder conviction. There was insufficient corroboration of confession.

Respectfully Submitted

Berratu Uinton

**LEGAL MAIL**