



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

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CHIEF DEPUTY CLERK

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September 12, 2014

Susan Barber Hackett, Esquire  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

**RECEIVED**  
SEP 15 2014  
**SC Court of Appeals**

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

Dear Counsel:

Enclosed is correspondence that Mr. Clinton sent to Chief Justice Toal. The Chief Justice cannot consider this *ex parte* communication about this case that is pending before the South Carolina Court of Appeals.

Further, to the extent this correspondence may be seeking relief from this Court, no action will be taken on this request since you represent him in this matter. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Very truly yours,

CLERK

Enclosure

cc: Donald J. Zelenka, Esquire (with enclosure)  
~~The~~ Honorable Jenny Abbott Kitchings (with enclosure)  
Mr. Devatee Clinton, #317521

RECEIVED

SEP 10 2014

S.C. SUPREME COURT

Justice Jean H. Toal,

My name Devante Clinton and I'm doing a life sentence without parole...

I was charge with murder as a principle. Also Wayne Blakeney Jr and Al Maurice Green was charge with murder as a principle... All of us was charge and indicted by Lancaster County Grand Jury as principle... Now at trial the solicitor proceed under the Hands of one Hands of all theory; only me and Al Green went to trial under that theory... The solicitor eliminate Wayne Blakeney Jr from the Hands of one Hands of all theory... Also the solicitor Note prosted Wayne Blakeney Jr murder indictment after it was handed down by Lancaster County Grand Jury and came with a direct indictment of accessory after the fact of a felony. Also at trial the solicitor submitted DNA evidence of a person name Detrick Mc Dow who is not charge or was not a co-defendant to implicate me in a crime and place me at the crime scene when his own DNA did not get him charge or indicted. Also at trial the judge made a ruling that Pomp Blackmon could not identify anyone at trial... The judge made a ruling that the identification of Clinton and Green was not admissible, but the solicitor still submitted photo as exhibits into evidence for the jury... Also at trial the solicitor put up two witness D. Davis and J. Twitty who testify that they heard me and Al Green talking about a Lick/Robbery to which me or Al Green was never charge with or indicted... Also at trial my co-defendant Al Green attorney Ms. Rancy committed fraud on page 170 1-15-05 of my transcript Ms. Rancy said I gave a statement 3-9-00 saying that I saw Al Green and Wayne Blakeney Jr in the white car at the scene of Miss Jones murder... On page 171 1-7-9 of my transcript the solicitor said he intentionally of doing that not to create a Breton issue so they can try me and Al Green together. The breton issue was already in a effect. In 2003 I was charge with first degree burglary and Armed Robbery for a Robbery that took place in 2001... Me, Al Maurice Green, and Snobie Truesdale was all charge with first degree burglary and Armed Robbery in 2003 for a Robbery that took place in 2001... Now in March I plead to a Lesser Included offense, I plead to second degree burglary and they drop the Armed Robbery. Now I plead to 10 years to second degree burglary and other charges. I still had the murder pending... As for my co-defendant Al Green he never enter no type of plea for the first degree burglary or Armed Robbery he still have them charges pending... create the Breton issue cause me and Al Green had two different defense...

I got my transcript June 17, 2014... I did not get a copy of my motion of discovery or copies of my indictment or my

co-defendant indictments, I was entitle to them things along with my transcript, but I was deny them.

RECEIVED  
 SEP 10 2014  
 OFFICE OF THE ATTORNEY GENERAL  
 LEGAL MAIL

I got my transcript June 17, 2014, but my transcript is not in the correct order... Ms. Aileen Butler said my transcript is true, accurate, and complete transcript of record of all the proceeding in the captioned case. My transcript is not accurate! My transcript is not in the correct order as now the people testify at trial... Also my transcript is not in the correct order as now the judge made his ruling... On page 314 L-14-13 the solicitor submit photo into evidence, Now on page 377 L-18-25 and 12 to page 378 L-1-4 of my transcript the judge made a ruling that the identification of Clinton and Green is not admissible... The court reporter print out my transcript backward to help cover up the errors the solicitor and the judge made. The judge made his ruling first that the identification was not admissible but in my transcript they got it backward. My transcript is not accurate! I already informed my appellate counsel but my appellate counsel cannot effectively represent me on appeal because my transcript is not in the correct order and will only confuse appellate counsel further especially where record shows exhibits being admitted then the court ruling they are not allowed in.

CONFIDENTIAL

Respectfully Submitted

Derratus Clinton

WORN to and subscribed before me this 24

day of Sept, 2014

  
Notary Public

My Commission Expires: 12-16-2019

Through state and federal case matters have broad constitutional latitude to establish rules of evidence in criminal trials this is limited by the guarantee the criminal defendant have a meaningful opportunity to present a complete defense "A right protected both the compulsory process clause of the sixth Amendment and the due process clause of the fourteenth Amendment." I was denied meaningful opportunity to present a complete defense by a protected right. How? I plead not guilty and remained silent pursuant to my constitutional right, As far how I was denied meaningful opportunity to present a complete defense, How can I also be called upon to Answer to DNA evidence involving Debra Mc Dow... Holmes 547 U.S. 319 The court summarized the ruling in four cases that would found arbitrary rule of evidence unconstitutional. Washington v Texas 388 U.S. 14 (1967), Chambers v Mississippi pp. 410 U.S. 937 (1973), Goss v Kentucky 476 U.S. 693 (1986), Rock v Arkansas 483 U.S. 41 (1987)

To whom this may concern,

My name Debrae Clinton the reason why I'm writing because I got my transcript, but my transcript is not in the correct order. Ms. Aileen Butler said my transcript is true, accurate, and complete transcript of record of all the proceeding in the captioned case. My transcript is not accurate. My transcript is not in the correct order as how the people testify at trial. Also my transcript is not in the correct order as how the judge made his ruling. On page 377 L-18-25 and 18 page 378 L-1-4 of my transcript the judge made a ruling that the identification of Clinton and Green is not admissible. Now on page 314 L-14-18 the solicitor submit evidence of photo into evidence. The court reporter print out my transcript to help cover up the errors the solicitor and the judge made. The judge made his ruling first that the identification was not admissible, but in my transcript they got it backward. My transcript is not accurate. I attorney informed my appellate counsel, but my appellate counsel cannot effectively represent me on appeal because my transcript is not in the correct order and will only confuse appellate counsel further especially where record shows exhibits being admitted then the court ruling they are not allowed in.

Respectful Submitted

Debrae Clinton

SWORN to and subscribed before me this 04

Day of Sept, 2014

  
Notary Public

My Commission Expires: 12/10-2019

**LEGAL MAIL**

Though state and federal rule makers have broad constitutional latitude to establish rules of evidence in criminal trials this is limited by the guarantee the criminal defendant have a meaningful opportunity to present a complete defense "A right protected by both the compulsory process clause of the fourteenth amendment. I was denied a meaningful opportunity to present a complete defense by a protected right. . . How? I plead not guilty and remained silent pursuant to my constitutional right. . . As far how I was denied meaningful opportunity to present a complete defense, How can I also be called upon to answer to DNA evidence involving Detective McDow. . . Holmes 549 U.S. 319. . . The court summarized the ruling in four cases that had found arbitrary rule of evidence unconstitutional. . . Washington v Texas 388 U.S. 14 (1967)

Chambers v Mississippi 410 U.S. 284 (1973)

Grane v Kentucky 416 U.S. 683 (1974)

Rock v Arkansas 483 U.S. 414 (1987)

**WITNESSES**

Catalano - LCSO #12-02271

*Luciano*

**ARREST WARRANT NUMBER/DOA**

M742581 (DOA-3-9-12)

**ACTION OF GRAND JURY**

**TRIE**  
*Roger Walsh*  
Foreperson of Grand Jury  
Date: JUN 7 2012

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2012-GS-29- *607*

*P. Review*

**The State of South Carolina**

**County of Lancaster**

2012 JUN 7 PM 12:24

COURT  
LANCASTER, SC

**COURT OF GENERAL SESSIONS**

**JUNE TERM 2012**

**THE STATE**

**vs.**

**Wayne Anthony Blakeney, Jr.**

*Devoted Clinton 616*

*Bill Green 636*

*Not pros. Cooperated w/ LCSO during  
investigation & w/ solicitor in prosecution  
of Clinton & Green and pled to  
Accessory After the Fact.*

*[Signature]* 4/11/14

**Indictment for**

**Murder**

SC Code: §16-3-10  
CDR Code: 0116  
Class: Felony, EXM

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

INDICTMENT

At a Court of General Sessions, convened on June 7, 2012, the Grand Jurors of Lancaster County present upon their oath:

**MURDER**

That Wayne Anthony Blakeney, Jr., did at 1963 Roseanna Lane, in Lancaster County on or about January 19, 2012, feloniously, willfully, and of his malice aforethought kill and murder Jenika Jaraya Jones by shooting the victim in the head and the victim did die as the proximate cause thereof then and there, in violation of Section 16-3-10 of the *Code of Laws of South Carolina*.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



\_\_\_\_\_  
Douglas A. Barfield, Jr., SOLICITOR

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## ADDITIONAL NARRATIVE

Agency Name: LANCASTER COUNTY SHERIFFS OFFICE	ORI #: SC0290000	Report Date/Time: 01/19/2012	22:00	OCA #: 12-02271
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12-02271 Inv. Frederick Thompson

On 03/09/12 Investigator F. Thompson did serve Arrest Warrant M-742583 on Devantee Tymar Clinton for the offence of Murder at the LCDC. The affiant to this warrant is Joseph Catalano and the issuing judge is D. Vecchio

While serving the Arrest Warrant on Clinton, he asked to speak with Investigator Thompson about the probable cause in this case. Thompson told Clinton that his attorney would have to be present before he (Thompson) would discuss the case with him (Clinton). Clinton reported to Thompson in the presence of Inv. Catalano and E. Jaiette that he wanted to talk about the case without his attorney being present.

Thompson, Catalano, and Jaiette escorted Clinton to the LCSO. Capt. T. Bailey and Thompson advised Clinton of his Miranda Rights and he (Clinton) opted to waive his rights and spoke freely about his limited knowledge of this incident.

Thompson advised Clinton that he was not completely truthful about being in Blackmon's white Cadillac, or about who was in it. At that time Clinton reported that Wayne Blakeney and Al Green were in it at the Hole in the Wall.

Clinton reiterated that he learned about the shooting death of Jenika Jones when MK came back to the club talking about it.

Clinton was asked if his DNA would be found in the car or in the residence of Jones and he reported that it would not.

Clinton was asked if he would submit to a Buccal Swab to be compared against any standards that were taken from either location and he reported that he would.

Thompson read Clinton the Consent to Search Form and he opted not to consent. At that time is when Clinton reported that he was ready to end this interview. Before leaving, he reported that he initially came to jail for a petit larceny, and a CDV, which he reported that he did. After getting here he was charged with an Armed Robbery, and he reported that he did that too. "Now," said Clinton, "I'm in jail for a murder that I don't know nothing about".

Thompson escorted Blakeney back to the LCDC.