

9-29-14

Chief Justice,

I'm respectfully requesting to you concerning the following. I'm submitting to copies out of my transcript... Page 76 & 77 Lines 21-25 & Lines 1-4 of page 77. Then page 14 when the solicitor Amend the Indictment at trial on March 10, 2014 but the Amend Indictment got March 6, 2014... That mean I went in front of the same Grand jury that Amend the Indictment on March 6, 2014 and I went to trial March 10, 2014... Now on page 176 the judge made a ruling that ~~is~~ is not a logical nexus between the robbery that took place in 2011 and the homicide of Miss Jones the judge say its a link missing. Now on page 374 the judge made a ruling that the Identification of Clinton and Green by Mr. Blackman is not admissible and on page 379 the judge told Mr. Frick and Miss. Raney that they cant identify so and so, and so and so cant be asked. I submitted all of them pages to my attorney but she avoiding my letters the only time she write back is when I write some one in the higher court... Please assist me with my matters!

**RECEIVED**

Respectfully Submitted

OCT 03 2014

Beverly Clinton

**SC Court of Appeals**

9-27-14

4-29-14

I'm respectfully requesting to you concerning the following: Your recent communication dated 4-16-14. Now I appreciate you informing me of the Amended Indictment from March 6, 2014. Now there are several facts that I would like to bring to your attention; first take notice of the Indictment you sent indicating that the Grand jury convened on March 6, 2014 then on March 10, 2014 I proceeded to trial and if you'll look at page 76 Lines 21-25 then on page 77 Lines 1-6 of my transcript the solicitor made a motion to Amend the Indictment at trial. So how could the Indictment have been Amended on March 6, 2014 before trial? When errors are made more errors are made in covering them up,

(Supporting Facts)

Now if the Grand jury amended the Indictment on March 6, 2014 and I proceeded to trial on March 10, 2014 then I actually selected my petit jury from the same Grand jury that Indicted me on March 6, 2014 and that is in violation of the constitution of the United States and what is further this is highly prejudicial and deprived me of a fair and impartial trial. Now you said there was no discovery on appeal what about the designation of matters to be included on or in the record on appeal such as copies of true billed Indictments / Co-Defendants Indictments, arrest warrants and accompanying affidavits and statements, Exhibits specifically Exhibit (1) and (2) that the court ruled was inadmissible that the solicitor admitted anyway even though you were saying that the judge ruled in my favor you overlooked where the judge would not allow my attorney or my co-Defendant attorney to Impouch Blackman about him not being able to identify anyone, Page 378 Lines 23-35 then on page 379 Lines 1-5 of my transcript. In case of (COM 3 Cash 279 Chief Justice Shaw said; where it is found there is some mistake in the Indictment as a wrong name or addition or omission or the like and the Grand jury can again be appealed too, as there can be no amendment of an Indictment by the court, the proper course is for the Grand jury to return a new Indictment avoiding the defects of the first. So yet I'm going to write the United States Supreme Court to show them so they'll know well before what the South Carolina Supreme Court expects you to cover up for them. How can a Grand jury amend an Indictment and that I must select my petit jury from that same Grand jury? I couldn't even tell who the foreman of the Grand jury was, but all that is not even relevant what is relevant is that it's stamped and dated by the Lancaster County clerk of court. The transcript of record is sufficient proof and if the Amended Indictment was served before trial then the solicitor would not have had to make a motion to have it Amended at trial which did not even commence until March 10 2014 but I know I'm not supposed to recognize the truth or Inform the court of the injustice.

LEGAL MAIL

Now I received the Indictment that you enclosed I'm now requesting for you to review the Indictment that you enclosed to me carefully; Would you please take notice that when the Grand Jury convened on June 7, 2013 the witnesses who appeared were Catalano and Crump would you also please take notice that when the Grand Jury convened on March 6, 2014 then the witnesses were Catalano and Adams. Now you're the profession why would you have to change who the witnesses were? Why was Crump eliminated? Why was Adams added? You see I wrote you earlier about obtaining the Grand Jury minutes, and the purpose of that was I knew something unconstitutional had occurred during the Grand Jury proceedings and all this just confirms that. Now another thing why would the Grand Jury convened on March 6, 2014 and they didn't use a 2014 Indictment number? Why would they attempt to use the same 2013 Indictment number? So if you can justify that then tell me why would you change who the witnesses are from the 2013 Indictment Catalano and Crump to Catalano and Adams? But I'm not suppose to recognize that and when you can't answer it I'm not suppose to address it to the courts. Well this my life and its a serious matter and you goes home everyday. I'm just another pay check to you. Just like I told you I know something improper occurred at that Grand Jury proceeding and right now even you all are thinking that the courts may inquire into it and you all are making every effort to cover your track and I'm going make every effort to show the courts why?

Respectfully Submitted

Devalis Clinton 9-29-14

**WITNESSES**

Catalano - LCSO #12-02271

fAdams

**ARREST WARRANT NUMBER/DOA**

M742583 (DOA-3-9-12)

**ACTION OF GRAND JURY**

*S. B. Willy*  
Foreperson of Grand Jury  
Date: *6 March 2014*

**VERDICT**

**TRUE BILL**

Foreperson of Petit Jury  
Date:

MAR 06 2014

DOCKET NO. 2012-GS-29-616

**The State of South Carolina**  
**County of Lancaster**

**COURT OF GENERAL SESSIONS**

**MARCH TERM 2014**

**THE STATE**  
**vs.**

**Devatee Tymar Clinton**

Amended  
**Indictment for**

**Murder**

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

FILED  
OFFICE OF CLERK  
OF COURT

2014 MAR -6 PM 2:24

CLERK OF COURT  
LANCASTER, SC

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

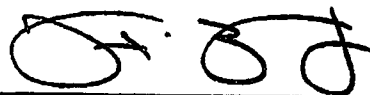
AMENDED INDICTMENT

At a Court of General Sessions, convened on March 6, 2014, the Grand Jurors of Lancaster County present upon their oath:

**MURDER**

That Devatee Tymar Clinton 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.



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Douglas A. Barfield, Jr., SOLICITOR

1 3:30. Be back about 3:30. Hopefully the deck will be  
2 cleared to the extent that we can then get started in  
3 the afternoon with the opening statements. I have a  
4 very brief opening that I give just kind of  
5 procedurally, and we will see how far we get today.  
6 If any of you have issue, if you have to be a  
7 particular place at particular time this evening I  
8 usually work until 5:30. I have been known to work  
9 later, but I usually work until about 5:30, but if you  
10 do, just write out a note. If you have child care or  
11 anything like that let the bailiff know. They will  
12 get it to my attention and I will certainly try to  
13 accommodate you in that regard. Any questions? Thank  
14 you. Thank you, very much. You may now go with Mr.  
15 Bailiff.

16 Thank you all very much. Hope you all have a  
17 pleasant lunch. Thank you.

18 MR. BARFIELD: Can I do one brief matter on the  
19 record before we break?

20 THE COURT: Sure. Certainly.

21 MR. BARFIELD: Your Honor, Mr. Clinton is indicted  
22 2012-GS-29-616 with murder and in the original  
23 Indictment -- which you have in your hand -- I can't  
24 recall the date the Grand Jury acted upon it, but it  
25 was true billed, but I had a misspelling of his last

1 name and I would move -- it is clearly a scrivener's  
2 error. It is spelled correctly on the back of the  
3 Indictment it is spelled incorrectly in the text of  
4 the Indictment and I would move to amend the spelling  
5 of the text of the original indictment of Mr.  
6 Clinton's last name, C-L-I-N-T-O-N.

7 THE COURT: How was it spelled?

8 MR. BARFIELD: I apologize to Mr. Clinton, but it  
9 was spell, Clingon with a G.

10 THE COURT: Well, I noticed that Mr. Frick had  
11 James Kirk as witness is that Captain Kirk of the USS  
12 enterprise.

13 MR. FRICK: It is Your Honor, yes, sir. I am glad  
14 you caught that.

15 THE COURT: All right. Thank you. Any objections  
16 to that, Mr. Frick?

17 MR. FRICK: Your Honor, I take no position. I  
18 think after Gentry, such things are of a little  
19 comport for us.

20 THE COURT: Miss Raney, to the extent that Mr.  
21 Green would want to put anything on the record in that  
22 regard.

23 MS. RANEY: We have no objections, Your Honor.

24 THE COURT: Anything further?

25 MR. BARFIELD: No, sir.

1           d not commit the murder; is that correct?

2           MR. BARFIELD: Yes.

3           THE COURT: All right. I find there is not a  
4           logical nexus between that robbery and the homicide of  
5           Miss Jones. There's a link missing. Even as it goes  
6           to identity, given the fact that Mr. Roseborough and  
7           Miss Jones had moved from the Carolina Apartments to  
8           Roseanna, 1763 Roseanna, Highway 200 South, whatever  
9           trailer park -- they had moved very recently as I  
10          understood it from January 19th of 2012. I just don't  
11          see the fact that they committed, Clinton and Green,  
12          the November robbery specifically points to identity  
13          to the clear and convincing evidence that they then  
14          committed the homicide.

15          Now that's my ruling based on what has been  
16          presented to the Court at this point. It is a motion  
17          in limine. Facts could develop during the course of  
18          the trial. I guess what I am saying by way of a  
19          motion in limine that does not preclude revisiting  
20          that issue if the facts develop differently. But  
21          there is just a logically missing link.

22          Now, that being said, the testimony of Miss Davis,  
23          the testimony of Mr. Twitty, as far as conversations  
24          between -- and I mean no disrespect I just use the  
25          nicknames between Tate and Al -- that Miss Davis

1 line-up, is unduly suggestive and therefore the in  
2 court identification of Mr. Clinton and Mr. Green by  
3 Mr. Blackmon is not admissible in the State's case in  
4 chief.

5 MR. BARFIELD: How about testimony about the  
6 seventy percent identification during the photos  
7 presentation when Clark Crump was interviewing him.

8 THE COURT: I don't think that is admissible even  
9 though there are two -- even though there was no  
10 photographic line-ups of Mr. Green shown, I think just  
11 showing one photograph a large size is unduly  
12 suggestive with that passage of time.

13 MR. BARFIELD: Yes, sir.

14 THE COURT: You know, to flip that, thirty percent  
15 might be reasonable doubt.

16 MR. BARFIELD: That's right.

17 THE COURT: You know when you think about that, if  
18 thirty percent of the jury thought it wasn't Mr.  
19 Green, well then you know where the jury is headed.

20 Now of course Mr. Blackmon can testify.

21 MR. BARFIELD: I will have to speak to him  
22 briefly.

23 THE COURT: Yes, sir, I understand. Like I say  
24 again I am referring to the State's case in chief I am  
25 not going to allow a question, well, you can't

1 identify so and so, and so and so be asked, because  
2 that will be perpetuating fraud on the jury. I am not  
3 saying Mr. Frick or Miss Raney would ask those type of  
4 questions, but you can't wade out in there on the flip  
-5 side of that coin either. All right.

6 MR. BARFIELD: Yes, sir.

7 THE COURT: Take about ten minutes. Court will be  
8 in recess ten minutes.

9 (WHEREUPON, there was a brief recess.)

10 THE COURT: Solicitor, do you want to step up a  
11 minute.

12 THE COURT: Yes.

13 (Whereupon, there was an off the record  
14 discussion.)

15 THE COURT: All right. Anything further before we  
16 bring in the jury.

17 MR. BARFIELD: No, sir.

18 (Jury enters the courtroom.)

19 THE COURT: All right. Welcome back ladies and  
20 gentleman of the jury panel. Continuing the trial of  
21 the case by the presentation of the evidence and  
22 testimony by the State in its case in chief. If you  
23 would please continue to give the parties your  
24 complete and undivided attention. Solicitor.

25 MR. BARFIELD: Call Pomp Blackmon.

Dorothy Clinton # 317521

MCC I

386 Redemption Way

Mc Cormick

S.C. 29899

**RECEIVED**

OCT 03 2022 Honorable Chief Justice of South Carolina Court of Appeals

**SC Court of Appeals**

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