

Summary of Facts

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DEC 15 2014

SC Court of Appeal

I hope in my attempt to show the Court of Appeals that your ruling on State v Hook 559 S.E. 2d C.S. 856, 864 / S.C.

Ct. App. 2001 / Trial Court erred in allowing use of involuntary statements / this violation along with miranda violation are found in testimonies in the state v Keiron Coleman transcript Appellate Case no. 2013-000604 Miranda violation statements obtained as a result of Custodial interrogation when the suspects was not advised of, and voluntarily waived, his or her rights are presumptively inadmissible in the government case-in-chief. The following testimonies are proof of misconduct in suppressing facts and evidence at trial.

Mr Mureddu at trial had this to say during pre-trial matters / judge there are various statements out there that i've been given assurances that prosecutors is going to do their best to keep them from coming out. / Tr #9. p17-25 / Mr Mureddu at trial had this to say during pre-trial matters / All the witnesses to get into various statements that were made by Mr Dudley, statements that were made by Mr Coleman, and statements by a corroborating defendant that they may or may not use. / Tr #9. p21-25 / Mr Mureddu at trial had this to say during pre-trial matters / I think that that could turn into a potential Brewer issue. / Tr #10. p1 / [Continue on next page]

Brewer v Williams Explains, the court held that the defendant statements taken in violation of his or her sixth Amendment right to counsel, was inadmissible at trial.

These statements Mr Muredda had concerns with are recorded on "state evidence exhibit number 15" police dash cam video which shows from the time of stop when into the interrogation starts until we are transported to Horry County police station while through the entire video not once were there a miranda warning not for the initial 911 call for a prowler on /Tr #145 p 19-21/ which after searching me and finding jewelry opened a new line of questioning which lead to the suspicion that another crime had been committed still no miranda warning given /Tr #157 p 1-20/ The last event the finding of marijuana during the search of the car belonging to Shakerra Cowan. /Tr #252 p 4-5/ Three separate incidents and no miranda warnings given by any of the officers on the scene and this is all on state exhibit number 15 video evidence.

Further proof comes from prosecutor Mr DeBust testimony during pre-trial matters had this to say we're not going to bring in "any" of the statements made by defendants to law enforcement. /Tr #10. p 18-19/

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Mr DeBusk during pre-trial matters had this to say but were not bringing in any "custodial" or even pre-custodial statements to police officers / Tr #10, p 22-24 / The court at trial had this to say during pre-trial matters All right, sir. / Tr #10, p 25 / Mr DeBusk during pre-trial matters had this to say "we're not bringing any of those in" / Tr #11, p 1 / Mr DeBusk during pre-trial matters had this to say and "we" have so instructed our witnesses, your honor / Tr #11, p 3-4 / If a statement was obtained as a result of custodial interrogation to secure the admission of that statement, the state must affirmatively show the statement was "voluntary" and taken in compliance with miranda. Further proof Mr Long Attorney during trial had this to say "There is some "audio interrogation" that occurs and this, of course, is "pre-miranda" so the solicitor and i" have agreed that basically once the officers gets them out of the car and determines their identity we're going to turn the speakers off" on the video continue to watch the video but "we will not have any possibility of "interrogation or interview". / Tr #104, p 12-14 / [Continue on next page]

An incriminating response State v Coulter 339 S.E 2d 876, 882 / SC Ct App 1986 / emphasis in original" Statement was incriminating within meaning of Miranda simply because the state used it against him at trial. further proof The court at trial had this to say Okay. / Tr #165. p 1 / Mr DeBust at trial had this to say Turning off the audio after he secures the names. / Tr #165. p 2-3 / The court at trial had this to say Okay, / Tr #165. p 4 / The court and counsel agreed to these findings and terms of agreement which the court allows this to be heard by the jury The court at trial had this to say All right, Ladies and gentlemen of the "jury" we're about to watch part of a disk that was an audio disk and video disk that was introduced earlier by "agreement". The parties have limited this. This was actually about five CDs long, a very extensive and long video, but by "agreement" the parties are going to introduce only about thirty minutes of it and part of that is going to be "muted". And that's what you will "consider". Okay / Tr #166. p 17-25 / This is further evidence to show suspicion relating to why the audio portion could not be played and the answer came from Mr Long at trial had this to say There is some audio Interrogation that occurs, and this of course is pre-miranda. / Tr #164. p 13-14 /

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Mr DeBusk at trial had this to say

Isn't it true that that very day when police Officer Tibbott stopped you and he asked you what are you doing in that neighborhood you said looking for a gentleman that owes me money, sir. /Tr 377. p 12-15 / Mr DeBusk at trial had this to say

"Isn't it true you said that?" /Tr 377. p17 / Mr DeBusk at trial had this to say "It's in evidence, you said four minutes later he owes me money. Isn't that correct?" /Tr 377.

p 21-22 / The court at trial had this to say

"Well, if its in the evidence, the jury will remember it.

/Tr 378. p 5-6 / Mr DeBusk at trial had this to say

Your honor, we would ask to publish it at this time. /Tr 378.

p 7-8 / The court at trial had this to say "The part we've already seen?" /Tr 378. p#9 / Mr DeBusk at trial had

this to say your honor, the part we saw without

"sound." I would like to publish the sound portion.

/Tr 378. p 10-11 / The court at trial had this to say

"All" right. /Tr 378. p12 / This play of the police interrogation

audio portion being heard by the jury automatically breeches

the agreement made by counsel not playing any of the

audio to be heard by the jury which the statement was

invalid for impeachment purpose any way because statement

was made pre-miranda Accord state v victor 387 S.E 2d

248, 249 1SC 1984 / An accused involuntary incriminating

statement is inadmissible for any purpose, including

impeachment.

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The court at trial had this to say "I'm going to allow it." 1Tr 378. p 25 | on page 379 or 1r 379. p 1-2

The Audio is played where upon state's exhibit number 15, CD is played for the jury. 1Tr 379. p 1-2 |

Then is played a second time as well Mr DeBusk at trial had this to say "your honor there's one other portion where upon states exhibit number 15 CD, is played for the jury. 1Tr 379. p 7-8 | 1Tr 379 p 9-10 | This is in violation of my right to fair trial. When court was asked if questioning was was in violation of miranda the court had this to say The court of trial had this to say "well, I think it is admissible. Okay or at least "I've not been asked to rule on whether or not a statement was made freely and voluntarily in this case. "I dont know whether it was or not." "I dont know even about miranda" "When it was given" or "if it was not given" or what the circumstances are. "But i dont think it makes any difference". Even if miranda was required, this is impeachment and i think it can be used, even if there was a miranda violation for impeachment purposes. And i think thats clear in the law I'm going to allow it." his testimony 1Tr 383. p 5-15 |

After hearing his reply his lack of the miranda rule and court room rules on agreement proves he was not prepared for this trial please review my transcript for there are many errors that took place that day thank.

Iceiron Coleman, 359333

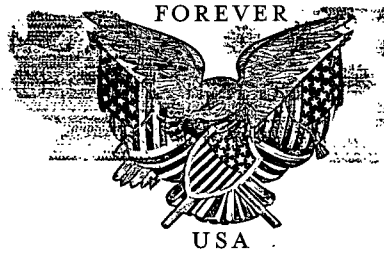
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