

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

John C. Hayes, III, Circuit Court Judge

APPELLATE CASE NO. #2014-001158

State of South Carolina Respondents,

vs.

Elder Prescott Leach Appellant.

INITIAL PRO SE BRIEF OF APPELLANT

Elder Prescott Leach
Wando-B-149 #197673
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina
29472-205

PRO SE APPELLANT

March 26th, 2015

rds/EPL

cc: FILE
STROM

Respectfully Submitted,

Elder Prescott Leach

Elder Prescott Leach

Wando-B-149 #197673

Lieber Correctional Institution

Post Office Box 205

Ridgeville, South Carolina

29472-0205

PRO SE APPELLANT

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STATEMENT OF ISSUES ON APPEAL

- 1). The trial court erred by denying Appellant's motion to suppress as to the drugs found in the vehicle.
- 2). The trial court erred by denying the appellant's motion for directed verdict motion of acquittal on both counts of trafficking in crack cocaine where the state failed to present sufficient evidence of an Essential Element of Trafficking in crack cocaine, thereby denying his due process.
- 3). Did the trial court err, where at the close of the trial, when the case was to be given to the jury for consideration as to the evidence and allegations charged within the indictment, in entertaining and granting the prosecutor's motion amend offense charged in the indictment to a onerous offense, in chambers, thereby altering the punishment of the original offense and causing the subject matter jurisdiction to entertain the improperly amended indictments?
- 4). Appellant "asserts" the trial court erred in not finding the chain-in-custody was broken.
- 5). The Appellant also "asserts" prosecutor misconduct by prosecution making false statements regarding a drug conviction in 1992, and in further failing to correct the Confidential Informant's false testimony.
- 6). The trial court erred in sentencing the Appellant to two Life sentences under S.C. Code §17-25-45 for a prior charge the Appellant has no conviction for on the accusation dates, which the two charges the Appellant were found guilty upon should have been considered one offense under Section §17-25-50,

which resulted sentencing enhancement of two life sentences imposed currently.

- 7). Did the trial court error, and was the Appellant 5th, 6th, and 14th Amendment rights of the U.S. Constitution violated, as well as Article IV, §2, and his due process rights violated, as well as the court lacking subject matter jurisdiction, and or prohibited from enacting and or invoking and or continuing its subject matter jurisdictionary "[p]owers" due to the "[p]rocedural defect" in that there was no "[w]ritten" order of continuance obtained pursuant to Article V, §4, of South Carolina Constitution.

TABLE OF AUTHORITIES

CASES

- State v. Valentine, 386 S.C. 499, 689 S.E.2d 608
- State v. Pollard, 261 S.C. 389, 200 S.E.2d 233
- United States v. Bagguley, 838 F.2d 468 (1987)
- State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009)
- United States v. Turpin, 65 F.3d 1207 (4th Cir. 1995)
- State v. Joseph, 328 S.C. 352, 491 S.E.2d 275 (1997)
- State v. Cribb, 310 S.C. 426 S.E.2d 306 (1992)
- State v. Chisolm, 355 S.C. 175, 584 S.E.2d 401
- State v. Fripp, 397 S.C. 453, 725 S.E.2d 136 (Ct.App. 2012)
- Arizona v. Gant, 556 U.S. 332 (2009)
- Minnesota v. Olson, 495 U.S. 91, 110 S.Ct. 1684, 109 L.Ed.2d 373 (1998)
- Jones v. United States, 362 U.S. 257 (1960)
- State v. McHoney, 344 S.C. 85, 544 S.E.2d 30 (2011)
- State v. Daniels, 252 S.C. 591, 167 S.E.2d ____ (1969)
- United States v. Rivas,
- State v. Tabory, 260 S.C. 355, 196 S.E.2d 111 (1973)
- United States v. Adolphe,
- State v. Schrock, 283 S.C. 129, 322 S.E.2d 450 (1984)
- State v. Curtis, 356 S.C. 622, 591 S.E.2d 600 (2004)
- State v. Hudson, *supra*.
- State v. Dantzler, Opinion No. #2014-MO-020 (S.C.Ct.App. filed June 18, 2014)
- Agurs, 427 U.S. at 103, 96 S.Ct. at 2397
- Bagley, 473 U.S. at 678-80, 105 S.Ct. at 3381-83
- Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972)

United States v. Williams, 952 F.2d 418 (1991)
United States v. Foster, 783 F.2d 1087 (D.C. Cir. 1986)
Virginia v. Taylor,
Goldsmith v. Witkowski, 981 F.2d 697 (4th Cir. 1992)
Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560
(1979)
State v. Kimbrell, 294 S.C. 290, 376 S.E.2d 630 (1987)
United States v. Blue, 957 F.2d 106 (4th Cir. 1992)
State v. Williams, 297 S.C. 290, 376 S.E.2d 773 (1989)
State v. Jackson, 395 S.C. 250, 717 S.E.2d 609 (Ct.App. 2011)
State v. Brown, 267 S.C. 311, 227 S.E.2d 674 (1976)
State v. Crawford, 362 S.C. 627, 608 S.E.2d 886 (Ct.App. 2005)
In re Kaleem S., ___ S.E.2d ___ (Ct.App. 2010)
S.C. Dep't. of Soc. Servs. v. Cochran, 364 S.C. 621, 614 S.E.2d
642 (2005)
State v. Zeigler, 364 S.C. 94, 610 S.E.2d 859 (Ct.App. 2005)
State v. Wilds, 355 S.C. 269, 584 S.E.2d 138 (Ct.App. 2003)
State v. Gaster, 349 S.C. 545, 564 S.E.2d 87 (2002)
Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217
(1959)
State v. Stewart, 275 S.C. 447, 272 S.E.2d 628 (1980)
State v. Muldrow, 259 S.C. 414, 192 S.E.2d 211
United States v. Foreman, 369 F.3d 776 (4th Cir. 2004)
United States v. Digiovanni, 650 F.3d 498 (4th Cir. 2011)
United States v. Foster, 634 F.3d 243 (4th Cir. 2011)
United States v. Black, 707 F.3d 531 (4th Cir. 2013)
United States v. Duty, at 238
United States v. Gray, 883 F.2d 320 (4th Cir. 1989)
United States v. Jones, 678 F.3d 293 (2012)
United States v. Mendenhall, at 554
Guijan-Ortiz, 660 F.3d 757 (4th Cir. 2011)
United States v. Everett, 601 F.3d 484 (6th Cir. 2010)

Table of Authorities:

Moss V. Aetna Life Ins. Co., 228 S.E. 2d 108

State V. Broad d River Power Co., 177 S.C. 240, 181 S.E. 41; 31 C.J.S

Bass V. Isochem, 617 S.E. 2d 369 (S.C. App 2005)

State V. Brannon, 666 S.E. 2d 272 (S.C. App. 2008)

State V. Pittman, 647 S.E. 2d 144 (S.C. 2007)

Liberty Mutins V. Second Injury Fund, 611 S.E. 2d 297 (S.C. App 2005)

Toyota of Florence Inc. V. Lynch, 314 S.C. 257 442 S.E. 2d 611, 615 (1994)

Robinson V. Shell Oil Company, 117 S.C. 843 (1997)

U.S V. Meyers, 106 F 3d 936, 941 (C.A 10 1997)

Seckinger V. The Vessel Excalibur, 483 S.E. 2d 775 (S.C. App 1997)

U.S. V. Ron Pair Enterprises Inc., 109 SCT 1026 1030 (1989)

State V. Carson, 317 S.C. 430, 431,454 S.E. 2d 888, 889 (1995)

Duinka V. Judges of Superior Court of the State of California, for the county of Los Angeles, Supra

Jones V. State of Arkansas, Supra

Hicks V. Oklahoma, Supra

Dozlier V. Loop College, City of Chicago, Supra

Lugar V. EdmondsonOil Co., Supra

Bell V. Monsanto Corp., 579 S.E. 2d 325 S.C. 553 (S.C. 2003)

Mathis V. State 355 S.C. 87, 584 S.E. 2d 366 (S.C. App 2003)

Brown V. State, 343 S.C. 342, 540 S.E. 2d 846 (2001)

State V. Browning, 320 S.C. at 368, 46 S.E. 2d at 359

State V. Munn, 357 S.E. 2d 461 (S.C. 1987)

Jackson V. Virginia, 443 U.S. 307, 99, S.Ct 2781, 61, L.E. 2d, 560 (1979)

State V. Mitchell, 341 S.C. 406, 409, 535 S.E. 2d 126, 127 (2000)

State V. Williams, 321 S.C. 327, 332, 468, S.E. 2d 626, 629 (1996)

State V. Schrock, 283 S.C. 129, 134, 322 S.E. 2d 450, 452, 453 (1984)

State V. Manis, 214, S.C. 99, 51 S.E. 2d 370 (1947)

State V. Irvin, 270, S.C. 539, 543, 243 S.E. 2d 332, 197 (1978)

State V. Massey, 267, S.C. 432, 239, S.E. 2d 332 (1976)

State V. Martin, 340, S.C. 597, 602, 533 S.E. 2d 572, 574 (2000)

State V. Cherry, 348, S.C. 281, 559, S.E. 2d 297, (CT. App. 2001)

Utah V. thatcher, 108, Utah 63, 157, P. 2d 258 (1945)

Cox V. Arkansas, 345, Ark. 391, 475 S.W. 2d 244, 248, (2001)

State V. Hatcher, 392, S.C. 86, 708, S.E. 2d 750

State v. White, 382, S.C. 265, 676, S.E. 2d 684, (2009)

United States v. Wright, 856 F.Supp.2d 736 (E.D.N.C. 2012)

United States v. Griffin, 589 F.3d 148 (4th Cir. 2009)

State v. Danny Cortez Brown,

State v. Tindall,

James Michael Flippo v. West Virginia, No. #98-8770 (October 18,1999)

State v. Smith, 301 S.C. 371, 392 S.E.2d 182

Imbler v. Pachtman, 424 U.S. 409 (1976)

Riddle v. Ozmint, 631 S.E.2d 70 (2006)

Holland, supra, 348 U.S. at 140; 144 U.S.App.D.C. 225, 227. 445 F.2d 701 (1971)

State v. Payne, 332 S.C. 266, 504 S.E.2d 335 (Ct.App. 1998)

State v. Boyd, 288 S.C. 206, 341 S.E.2d 144 (Ct.App. 1986)

RULES OF COURT

Rule 103(a), South Carolina Rules of Evidence

Rule 403, South Carolina Rules of Evidence

Rule 901, South Carolina Rules of Evidence

Rule 1002, South Carolina Rules of Evidence

Rule 1003, South Carolina Rules of Evidence

Rule 6(A), South Carolina Rules of Criminal Procedures

Rule 6(B), South Carolina Rules of Criminal Procedure

Rule 36, South Carolina Rules of Criminal Procedure

Rule 73-80, South Carolina Criminal Law Articles

Rule 73-90, South Carolina Law Articles

Statutes:

5th Amend US Const.

6th Amend US Const.

14th Amend US Const.

Article 1 SC Const.

Article 2 SC Const.

Article 4 SC Const.

Article 5 SC Const.

Article 12 SC Const.

Article 23 SC Const.

S.C Code Ann § 1-7-730

S.C Code Ann § 17-13-150

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Rule 59 Rule 3(c)

STATUTES

S.C. Code Ann. §16-9-10
S.C. Code Ann. §17-25-45
S.C. Code Ann. §17-25-50
S.C. Code Ann. §44-53-392
S.C. Code Ann. §44-53-485
Article I, §3, South Carolina Constitution
Article I, §10, South Carolina Constitution
Article I, §15, South Carolina Constitution
Fourth Amendment, United States Constitution
Sixth Amendment, United States Constitution
Eighth Amendment, United States Constitution
Fourteenth Amendment, United States Constitution

- 2) **The trial court erred in denying the appellant's motion for a directed verdict motion of acquittal on both counts of trafficking in crack cocaine where the state failed to present sufficient evidence of an Essential Element of Trafficking in crack cocaine, thereby depriving him of due process.**

A person accused of a crime has a due process right to have each element of the offense charged proved beyond a reasonable doubt. Here, there was no direct evidence and no substantial circumstantial evidence tending to prove the essential element of trafficking in crack cocaine. The resulting convictions for both counts of trafficking in crack cocaine are a violation of State law and Federal Constitutional due process.

The trial court's ruling was in error. Due process requires that the state prove each essential element beyond a reasonable doubt. **Jackson vs. Virginia**, 443v.s.307 (1979); **U.S. Const. Amend. XIV**. Here, the State failed to prove the essential element of trafficking in crack cocaine.

Appellant, Elder Prescott Leach, was indicted for two counts of trafficking in crack cocaine. The indictment for count one reads:

On or about June 19, 2013, the defendant, Elder Prescott Leach, did knowingly sell, manufacture, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of ten(10) grams or more of crack cocaine, a cocaine base, as defined and otherwise limited in section 44-53-110,44-53-210(d)(1), or 44-53-210(1)(2). Said incident occurred in York County, South Carolina, all in violation of Section 44-53-375, **Code of Laws of South Carolina, (1976, as amended)**.

Indictment No. 2014-GS-46-00678

Tr. P.7 lines 12-15; Tr. P. 69, line 24- tr. P. 70, line 17; Tr. P. 322-323.

The Indictment for count two reads:

On or about June 19, 2013, the Defendant, Elder Prescott Leach, did knowingly sell, manufacture, deliver, purchase, or bring into this state, or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this state, or was knowingly in actual or constructive possession or knowingly attempt to become in actual or constructive possession of twenty-eight (28) grams or more of crack cocaine, a cocaine base, as defined and otherwise limited in Section 44-53-110, 44-53-210(2)(1), or 44-53-210(2)(2).

Said incident occurred in York County, South Carolina, all in violation of Section 44-53-375, Code of Laws of South Carolina, (1976 as amended).

Indictment No. 2014-GS-46-00679.

Tr. P. 7 lines 12-15; Tr. P. 69, lines 24- Tr. P. 70, line 17; Tr. P. 325-326.

In pertinent part, the statutory definition of "crack cocaine is defined as:

"Cocaine Base" means an alkaloidal cocaine or freebase form of cocaine, which is the end product of a chemical H evation whereby the cocaine in salt form is converted to a form suitable for smoking. Cocaine base is commonly referred to as "rock" or "crack cocaine. South Carolina Code of Laws Section 44-53-110 (2013Supp.)

South Carolina's trafficking statute, SC Code Ann. 44-54-375 (c) (Supp. 2013) provides in pertinent part. "A person who knowingly sells, manufactures, delivers, purchases, or brings into this state,... or who is knowingly in actual or constructive possession of ten (10) grams or more [Section 44-53-375 (c) (1) and twenty-eight (28) grams or more[Section 44-53-375(c)(2)... of cocaine base,... is guilty of a felony which is known as "trafficking in... cocaine base" and, upon conviction, must be punished [to varying sentences and fines depending on] the quantity involved." The statute then provides different sentences and fines, depending upon the amount of drugs trafficked.

Trafficking in crack cocaine requires proof of an element that is not present in the instant case, and the failed to prove that Appellant (1) knowingly (2) possessed, (3) a form of cocaine in smokable alkaloidal state,

Here, the state failed to prove that appellant trafficked in crack cocaine.

At the close of the State's case. Defense counsel moved for a directed verdict on both counts, on the ground that "the testimony from the chemist in this case is that the same test that tested positive for crack cocaine is also the exact same test used for powder cocaine. She never differentiated between the two. Counsel then stated that "I asked specifically on cross examination that's the same test used to test powder cocaine. I would move for a direct verdict as to the crack cocaine charges. **The charge should be dismissed because nobody has clearly established this is crack cocaine versus powder cocaine.**" The trial court denied the motion. Tr. P 239, lines 9-17; 22, **the trial court goes on to state "that's fair game to argue to the jury that the state has not proven that it was crack. It may very well be powder cocaine, but the evidence from her [chemist] was that it was crack. The trial court denies that motion also.** Tr.p 240, lines 12-16.

Trial counsel renewed the motions for a directed verdict at the close of evidence, when the defense rested.

The State's case turned on the testimony of its witness, Ms. Cynthia Mitchum, chemist in York County Sheriff's office drug analysis laboratory. Tr. P. 197, lines 14-17.

During direct examination by Solicitor Shelton, Ms. Mitchum, testified that the substances in the three bags were very wet. Almost the consistency of wet cake batter. That she had to dry them under a hood in her laboratory. Tr. P. 202, lines 11-12; 16.

Ms. Mitchum testified to performing a color test and then an instrumental test on samples. Tr. P 201, lines 21- Tr. P. 202, line 7.

During cross examination, Ms. Mitchum explained that the test performed on the samples of alleged crack cocaine, specifically, that both the color test and the

instrumental test were the same tests used on powder cocaine. Tr, p. 215, lines 2-22. And that she performed no other tests on the particular alleged contraband.

Tr. P. 215, lines 24 Tr. P. 216, lines 1.

In this case, the state did not prove that the alleged contraband- was crack cocaine, as Appellant was alleged to have been trafficking in. The chemist, Ms. Mitchum's testimony proved that the alleged contraband was not a form of cocaine in a smokable alkaloidal state.

A case should be submitted to the jury when the evidence is circumstantial "if there is any substantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced". **State V. Williams**, 321 S.C. 406, 409, 535 S.E. 2d 126, 127 (2000); "the jury weighs the evidence but when there is an absence of evidence, it becomes the duty if the trial judge to direct a verdict..." **State V. Shrock**, 283 S.C. 129, 134, 322 S.E. 2d 450, 452-453 (1984). Evidence must constitute positive proof of facts and circumstances which reasonably tend to prove guilt. *Id.* At 133, 322 S.E. 2d at 452 citing **State V. Manis**, 214 S.C. 99, 51 S.E. 2d 370 (1949). "Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error. " **State V. Irvin**, 270 S.C. 539, 543, 243 S.E. 2d 195, 197(1978) (citing **State V. Massey**, 267 S.C. 432, 229 S.E. 2d 332 (1976). On appeal of the denial of a directed verdict of acquittal, this court must look at the evidence in the light most favorable to the State. **State V. Martin**, 340 S.C. 597, 602, 533 S.E. 2d 572, 574 (2000).

"Substantial circumstantial evidence "is a term of art: the court does not weigh evidence in determining whether these exists substantial circumstantial evidence; rather, substantial is used in the sense of having substance. **State V. Cherry**, 348 S.C. 281, 559 S.E. 2d 297 (ct app. 2001)(Anderson, j. concurring and dissenting)(quoting **Utah V. Thatcher**, 108 Utah 63, 157 P. 20d 258 (1945).

"Substantial evidence is evidence that is of sufficient certainly and precision that it compels a conclusion one way or another. " **Cox V. Arkansas**, 345 Ark. 391, 47 S.W. 2d 244, 248 (2001) (quoted in **State V. Cherry**, 559 S.E. 2d at 304 (Anderson, J. concurring and dissenting).

In this case, the evidence of the alleged contraband [allegedly] crack cocaine] samples, that was very wet, almost the consistency of wet cake batter that had to be dried before it was or could be tested was insufficient to submit the case to the jury. The State failed to meet its burden of proving the essential element of crack cocaine. Ms. Mitchum's [chemist] testimony concerning the alleged contraband received for testing by herself, support that the State failed to prove an essential element that the alleged contraband was crack cocaine. The State had the burden of clearly establishing that the appellant knowingly trafficked in crack cocaine.

Taken in light most favorable to the State, the evidence introduced by the prosecution failed to prove the necessary element of trafficking in crack cocaine, namely that appellant possessed and trafficked in a form of cocaine in a smokable alkaloidal state.

For these reasons, the appellant was entitled to a directed verdict of acquittal. In denying the appellant's motion for directed verdict, the trial court deprived the appellant of due process of law.

3). Did the trial court err, where at the close of the trial, when the case was to be given to the jury for consideration as to the evidence and allegations charged within the indictment, in entertaining and granting the prosecutor's ~~motion~~ to amend offense charged in the indictment to a greater or more onerous offense, in chambers, thereby altering the punishment of the original offense and causing the court to lack subject matter jurisdiction to entertain the improperly amended indictment?

Elder P. Leach ("Appellant") contends the trial court lacked subject matter jurisdiction on the basis of an improper amendment to the original indictment at the close of the case and evidence at trial.

Appellant was indicted for Trafficking Crack Cocaine in violation of S.C. Code Ann. §44-53-375 (c)(1) - CDR Code: 450, and §44-53-375 (c)(2) - CDR Code: 392. At the close of the case and evidence at trial the prosecutor requested that they go back in chambers to make sure the indictment numbers were correct. (Tr.p. 249). Appellant has copies of the indictment from the discovery, i.e., Rule 5, Brady, that were provided him prior to trial, that demonstrates the indicted offense was for second offense.

After trial was concluded and Appellant was found guilty, the charge was enhanced to Trafficking Crack Cocaine in violation of S.C. Code Ann. §44-53-375 (c)(1) - CDR Code: 452, and §44-53-375 (c)(2) - CDR Code: 349. This is clear evidence that the nature of the offense were changed from second offense to third offense.

S.C. Code Ann. §17-19-100 permits the amendment of an indictment, provided the nature of the offense charged is not changed. Here the amendment increases the lesser charge of Trafficking Crack Cocaine second offense, to Trafficking Crack Cocaine third offense. Clearly the offense charged was changed, and therefore, the court lacked subject jurisdiction to convict and sentence Appellant.

We must observe the appropriate analysis is whether the amendment to the indictment changed the nature of the original offense charged, not whether the amendment in any way surprised or prejudiced the Appellant. State v. Lynch, 344 S.C. 635, 641, 545 S.E.2d 511, 514 (2001); State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005), applies only to permissible amendments, those which do not change the nature of the offense charged. (emphasis in original).

State v. Means, 367 S.C. 374, 626 S.E.2d 348 (2006); (1). When the State before trial amends an indictment previously issued or true billed by the Grand Jury, the court first should determine whether the existing indictment is sufficient to place the defendant of a particular offense, and identifying the nature of that offense; (2). The court should determine whether the amended indictment would be sufficient to place the defendant on notice of a particular offense, and if so, identify the nature of the offense; and (3). The court should determine if the proposed amendment changes the nature of the offense set forth in the original indictment. If it does, the motion to amend must be denied.

Amendments to an indictment are permissible only if: (1) they do not change the nature of the offense; (2) the charge is a lesser included of offense of the crime charged in the indictment; and (3) The defendant waives presentment to the Grand Jury and pleads guilty.

The amendment of the indictment at the close of evidence clearly exceeds the terms of the statutes. State v. Riddle, 301 S.C. 211, 391 S.E.2d 253 (1990)(Amendment of indictment at close of evidence to charge assault with intent to commit first degree criminal sexual conduct, rather than assault to commit third degree criminal sexual conduct was improper; amendment increased charge and possible punishment); S.C. Code Ann. §17-19-100 (1976). Such a change to the nature of the offense has been previously held to deprive the court of subject matter jurisdiction.

The State has conceded, Hope v. State, 328 S.C. 78, 492 S.E.2d 76 (1997), amendment was improper and deprived the court of subject matter jurisdiction; Matters of subject matter jurisdiction may be raised at anytime. Browning v. State, 320 S.C. 366, 465 S.E.2d 358 (1995); Slack v. State, 311 S.C. 415, 429 S.E.2d 801 (1993); and Hopkins v. State, 317 S.C. 7, 451 S.E.2d 389 (1994).

An indictment is a notice document; the primary purpose of an indictment is to put the defendant on notice of what he is called upon to answer, this is, to apprise him of the elements of the offense, and to allow him to decide whether to plead guilty or stand trial; and to enable the circuit court to know what judgment to pronounce if the defendant is convicted. S.C. Code Ann. §17-19-20; Edwards v. State, 372 S.C. 493, 643 S.E.2d 738 (2007). In determining whether an indictment meets the sufficiency standard, the court must look at the indictment with a practical eye in view of all surrounding circumstances. S.C. Code Ann. §17-19-20; and §17-19-90.

State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005), the trial court lacks subject matter jurisdiction to convict a defendant for an offense, when there is no indictment

charging him with that offense, when the jury is sworn. Whether the trial court has the power to hear a case, and whether the indictment is sufficient.

Appellant is of the position and belief that the indictment in question did not meet the sufficiency standard, and placed him upon trial as to allegations not indicted at the time of the swearing of the jurors. There is no record of any evidence presented, nor purportedly obtained that would justify any amendment for the greater offense that Appellant is aware of or tried upon. This type of circumstance has the propensity in which to cause this Appellant to be tried without benefit of notice, and present a viable defense to the purported allegations. This is a deprivation which violated the very core of the Due Process Clause and should cause this Court to reverse the conviction and vacate the indictment for failing to provide the essential notice related to these types of matters.

CONCLUSION

WHEREFORE, for the foregoing reasons Appellant prays this Court reverse the conviction, and vacate the indictment due to the above argued violations and deprivations.

- 4) Appellant "asserts" the trial court erred in not finding the chain in custody was broken.

The Appellant "asserts" that his Fifth and Fourteenth Amendment due process rights were violated along with Rule 403, of the South Carolina Rules of Evidence, SCRE; also in violation of Rule 6(b), of the South Carolina Criminal Procedures, SCRCrimP; also in violation of Chain Of Custody Card Rule required by the P.D.E.A. and P.N.P.; also in violation of South Carolina Law Articles under Statute §44-53-485; Articles 6, Rules 73-80, Duties of Seizing Officer of Handling of Controlled Substance; (see South Carolina Dep't. of Soc. Servs. v. Cochran, 364 S.C. 621, 614 S.E.2d 642 (2005), and State v. Williams, 297 S.C. 290, 376 S.E.2d 773 (1989)); Also it violated Articles 6, Rules 73-90, Duties Of Evidence Custodians, (Tr.p. 177), which provides the originally signed initial chain of custody form shall accompany the evidence until presented to the forensic laboratory for analysis; it further provides that a properly sworn and notarized signature of the seizing officer is required in a chain of custody and chemical analysis to be effective under South Carolina Criminal Practice Rules. Also in violation of Rule 6(A) Form for chemical analysis and chain of custody provides the report is to be "accompanied" by an "Affidavit" of the chemist, states that he or she has performed the test and is certified and approved with certification by the South Carolina Law Enforcement Division (SLED). (Tr.p. 208, 209, and 210). The Appellant also asserts the chemical analysis report was a photo copy, not the original report which violated Rule 1002 and 1003, SCRE. (Tr.p. 208, 209, and 210).

Also violated Rule 6, Substance Evidence Forensic Testing Methods and Results. State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009), where the Court held that an expert cannot testify to an opinion on an unreliable test. (Tr.p. 212, 215, 216, 239, and 240). Also in violation of Rule 36, Forms of the South Carolina Rules of Criminal Procedure, that clearly provides the Supreme Court shall provide the content and format of forms required by these Rules and the use of the forms as prescribed is mandatory. The Appellant also asserts there were no chain of custody forms from the seizing officer, Investigator Gander, relevant to Rule 6(b), SCRCrimP, to establish and distinguish the description of the weight of the substances as results to [no foundation] in a missing link in the broken chain of custody. See United States v. Turpin, 65 F.3d 1207 (4th Cir. 1995); (Trp.p. 141, 144, and 158). Also see (Tr.p. 202) where the chemical analysis testified that the drugs the substance was like "cake batter" and "wet" so she placed it under a hood before weighing the substance, (Tr.p. 203), changing the substance from a wet form to a rock form which clearly changed the original substance. In Turpin, the Court required that a prosecutor seeking to admit seized evidence must established by a chain of custody from the time the items were taken to show that they are substantially in the same condition as when they were seized.

The Appellant also "asserts" the chain of custody was broken due to the fact the officers lost sight, failed to maintain "visual" or "direct observation" and corroboration of the Confidential Informant ("C.I."). (Tr.p. 95, 117, 130, 223, 283, 286, and 288). (Citing State v. Valentine, 386 S.C. 499, 689 S.E.2d 608. The court ruled the chain of custody was sufficient from the time the C.I. purchased the drugs, to the time the C.I. gave the drugs to the officer, and the C.I. was under direct

police observation. The Appellant also asserts the chain was broken because the C.I. is the [head] of the chain which placed the drugs on the ground and never handed them over to the officer, (Tr.p. 121), which violated the Buy-Bust Operation Procedure. The Appellant also "asserts" the officers violated procedure for a Buy-Bust Operation on a control buy, that clearly states the officers must maintain a clear visual and direct observation for the control buy to be effective as prescribed by the P.D.E.A. and P.N.P. Also see State v. Pollard, 261 S.C. 389, 200 S.E.2d 233 (proper trace of chain and foundation of C.I.). The Appellant also "asserts" the video used in the buy-bust was not working properly, was fabricated and not authentic, with the wrong date in the video in violation of Best Evidence Rule. (Tr.P. 109, 117, 226, and 227).

Also the recording device, the "audio" was altered in violation of South Carolina Rules of Evidence, Article IX (Rule 901), Requirement of Authentication or Identification. (Tr.p. 60, 61, 114, 115, and 165). See United States v. Bagguley, 838 F.2d 468 (4th Cir, 1987). Also in violation of procedure for Buy-Bust Operation for a control buy prescribed by the P.D.E.A. and P.N.P., which clearly states the video must be working with no defect and show the actual transaction between the buyer and pusher to establish a control buy. As in the Appellant's case, Sergeant John Rainer, Head Investigator, for the case testified that he did not see the actual transaction take place between the C.I. and Mr. Leach. (Tr.p. 236) All the video of the transaction shows is two hands exchanging, no actual verification of the Appellant's face or the C.I.'s face. See State v. Fripp, 397 S.C. 453, 725 S.E.2d 136 (Ct.App. 2012). The Appellant also asserts the C.I.'s [car] was never searched properly, when Officer Leland

testified he searched the C.I. and his vehicle before he left to go through with the deal, but never searched under the "hood area" of the C.I.'s car. (Tr.p. 81, 117, 283, and 286).

The Appellant also "asserts" a major break within the chain of custody on two grounds dealing with changes in the weights from it's original weight when confiscated by the officers, and it's difference in weight when the actual chemical analysis was conducted by Cynthia Mitchum in her report, was in violation of Section §44-53-392.

First, the actual weight of the substance found on the "ground" that was recovered by Investigator Gander, in a brown bag, (Tr.p. 140, 157, and 288), weighed 90.2 grams of the 3 ounces of the control buy. When Cynthia Mitchum, the Analysis, conducted her test, the report weighed the substance at 38.03 grams. (Tr.p. 205, 209, 210, and 212). There existed a weight difference of 52.2 grams from the weight as recorded had been when originally confiscated.

Secondly, The actual drugs found in the [c]ar, (Tr.p. 139, 158, 176, 177, and 185), Officer Flaukenburg, recorded a weight of 28 grams of crack cocaine, but also testified he did not know if the scales were accurate, (Tr.p. 176). When Cynthia Mitchum, the Analysis, made her report the weight tested 12.55 grams. This would mean there was 16 grams missing. (Tr.p. 206). See Joseph v. State, 328 S.C. 352, 491 S.E.2d 275 (1997); State v. Cribb, 310 S.C. 518, 426 S.E.2d 306 (1992); and State v. Chisolm, 355 S.C. 175, 584 S.E.2d 401 (Ct.App 2003).

The Appellant also asserts the chain of custody was broken dealing with the actual bag the so-called drugs were discovered in. (Tr.p. 119). The C.I. testified the Appellant handed him 3 rocks of crack cocaine in a brown plastic grocery bag, (Tr.p. 157), but in the Case Summary Report, Investigator Gander, stated he located a [brown paper bag] containing 90.2

grams of crack inside it. The Appellant asserts there is two conflicting stories and testimony relating to the actual bags with the drugs discovered in it. United States v. Turpin, 65 F.3d 1207 (1995). The Appellant also asserts a missing link, a break in the chain of custody regarding the so-called buy-money. On (Tr.p. 131), the C.I., Tezo Ervin, testified that the Appellant gave back \$300.00 dollars. But the actual video-tape of the Buy-Bust does not demonstrate that. The C.I. also testified that the \$300.00 was laying in the seat of his car. During the bust, Officer Dantzler testified there was no evidence in the car when got into the car. (Tr.p. 161 and 163). Officer Faulkenberry testified there was approximately \$3,000.00 on the ground. (Tr.p. 167). So, where did the C.I. get \$300.00 from, and where was it found resulting in a broken chain of custody.

~~10~~ PROSECUTORIAL MISCONDUCT

The Appellant "asserts" prosecutorial misconduct , alleging the prosecutor knowingly and willingly made a false statement regarding a drug conviction in 1992. (Tr.p. 312-316). See also NCIC REPORT (rapsheet). Imbler v. Pachtman, 424 U.S. 409 (1976). Also the Appellant alleges "false testimony" by the government's witness, Confidential Informant - Tezo Ervin, regarding the actual video-tape of the transaction as to what transpired in a hand off, (Tr.p. 120 and 121), and the variation relating to the Confidential Informant's actual written statement in the Rule 5 discovery regarding the actual transaction. (See Attached hereto and incorporated herewith, a true and accurate copy of the Affidavit of the Confidential Informant's written statement). The video transaction only shows two hands exchanging a bag. The Confidential Informant stated the Appellant leaned in and tossed the crack cocaine into the car. The Appellant alleges the prosecutor failed to correct his key witness and permitted him to give false testimony, thereby violating the Sixth and Fourteenth Amendment rights which enable this Appellant to be assured of a fair and impartial trial. Riddle v. Ozmint, 631 S.E.2d 70 (2006). The State's primary witness testified falsely and the Prosecutor failed to correct it. Napue v. Illinois, 360 U.S. 264, 269, 79 S.Ct. 1173, 1177, 3 L.Ed.2d 1217 (1959); and Giglio v. United States, 405 U.S. 150, 153, 92 S.Ct. 763, 765-66, 31 L.Ed.2d 104 (1972). Even if the false testimony relates only to credibility of the government witness, and other evidence has called the witnesses credibility into question, a conviction "must" be reversed when there is any reasonable likelihood that the false testimony could have affected the judgment of the jury.

Augurs, 427 U.S. at 103, 96 S.Ct. at 2397; Bagley, 473 U.S. at 678-80, 105 S.Ct. at 3381-83.

6) SENTENCE ENHANCEMENT

The Appellant asserts that his due process rights were violated, along with the Sixth, Eighth and Fourteenth Amendment rights to the United States Constitution (and it's progeny, Articles I, §3; and I, §15, of the South Carolina Constitution). The trial court erred when sentencing Appellant to two Life sentences under Section §17-25-45, for a prior charge the Appellant has no conviction for on the date alleged. The two criminal offenses the Appellant was found guilty on should have been considered one offense under Section §17-25-50. This effectively resulted in a sentencing enhancement of two Life sentences running concurrent. (Tr.p. 312-316). See State v. Payne, 332 S.C. 266, 504 S.E.2d 335 (Ct.App. 1998)(holding once the State has proven a prior conviction that the State seeks to use under a sentencing enhancement statute, the defendant has the burden of proving it is Constitutionally defective or otherwise invalid by a preponderance of the evidence). In State v. Boyd, 288 S.C. 206, 341 S.E.2d 144 (Ct.App. 1986), the Court of Appeals held that if the defendant has been convicted on two or more counts for violation of a controlled substance in the course of a single incident, the conviction will be considered as one for the purpose of sentencing. See State v. Stewart, 275 S.C. 447, 272 S.E.2d 628 (1980); State v. Muldrow, 259 S.C. 414, 192 S.E.2d 211 (1972).

7) Did the trial court error, and was the Appellant 5th, 6th, and 14th Amendment rights of the U. S Constitution violated, as well as Article IV :2, and his due process rights violated, as well as rules of court, to include rules of criminal procedure, as well as the court lacking subject matter jurisdiction, and or was prohibited from enacting and or invoking and or continuing its subject matter jurisdictionary “[p]owers” due to the” [p]rocedural [d]effect” in that there was no [w]ritten” order of continuance obtained pursuant to Article V :4 of the South Carolina Constitution.

Judicial Notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof or facts, matters of common and general knowledge, Mass V, Aetna Life Ins. Co., 228 S.E. 2d 108: State V. Broad River Power Co; 177, S.C. 290, 181, S. E. 2d 41,31, C.J.S. Evidence 6 and 9; Federal rules of Evidence, Rule 201(a)

This is a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the on the proceedings to such a degree that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the Appellant did not object at the proceedings (Black Law Dictionary 8th Edition).

The Appellant humbly contends, in pursuant to Article V: 4 of the South Carolina Constitution:

It is so ordered, that all criminal cases in the State of South Carolina “[s]hall” be disposed of within (180) days from the date of the defendants arrest. Provided, however, the Circuit Court may continue a criminal case beyond the (180) days by “[w]ritten” order. If the court determines that exceptional circumstances exist in the case. This order does not created or defined a right to a speedy trial, (see S.C Rules of Court 2004 edition on page 659).

Article V privileges, Rule 501 General Rule Provides:

“Except as required by the South Carolina Constitution, by the constitution of the United States, or by South Carolina statutes. The privilege of a witness, person, or governed by the principles of the common law as they may be interpreted by the courts in light of reason and experience. This rule modifies the federal rule to refer to the South Carolina Constitution”.

Article V provisions in this case make it mandatory, draconian, requiring any interpretation of this provision to be referred to the South Carolina Constitution as a primary rule and or first choice, and not to common law or state law as it pertain to normal administrative matters, especially in light of the fact that we are dealing with a judicial order issued by the SC. Supreme Court under Article V not only by judicial order, but also the provision of the South Carolina are to be deemed and construed as mandatory unless there is some language contained therein that would dictate otherwise. This Article V order has never been rescinded. Therefore it applies today.

This order was issued by the SC Supreme Court in 1980, renewed in 1999 making it draconian, mandatory, being applicable to every criminal court within the state, and every P.C.R. court in the state regarding the (365) day provisions.

The South Carolina Supreme Court intent legislature or otherwise should be ascertained from the plain language of this provision of law. The language must read also in a sense which harmonizes with its subject matter and accord with its general purpose. Once the SC Supreme Court has made a choice there is no room for the court to impose a different judgment based upon their own notions. If the provisions of law language are unambiguous and clear, there is no need to employ the rules of statutory and or common law construction, even pursuant to the court action, it has no right to look for or impose another meaning. Where the language of this of this provision of law is clear and explicit, the court “[c]annot” rewrite the provision of law and interject matters into which are not in the SC Supreme Court language. Under the plain meaning rule it is not the courts place to change the meaning of a clear and unambiguous provision of law, Bass V Isochem, 617 S.E. 2d 369 (SC App. 2005; State V Brannon, 666 S.E. 2d 272 (S.C.

App. 2008); State V Pittman, 647, S.E. 2d 144 (S.C. 2007); Liberty Mutual Ins. V Second Injury Fund, 611, S.E. 2d 297 (S.C. App. 2005).

To further bolster the proposition that this rule, order, or provision is mandatory, draconian by nature. The Appellant brings the courts attention to South Carolina Rules of Courts 2005 edition pages 296,297,303 and 304 they states:

Pursuant to Article V: 4 of the South Carolina Constitution;

“It is so ordered that upon the filling of a post-trial motion under rules 50, 52, 59 or 60(a) S.C. RCP, by a party in a jury or non-jury action, the party [s]hall within (10) days provide a copy of the motion to the Trial Judge.

It is further order

The Chief Judge for administrative purposes in each circuit shall ensure compliance with this order also see SC rules of court 2013 edition”.

It is perspicuous that if the lower court is not in compliance to rule 50, 52, 59 or 60 (a) by these judicial orders issued from the South Carolina Supreme Court, the higher court cannot entertain jurisdiction, and must remand for further adjudication by the lower court in question, making this Article V provision and or order draconian, mandatory. On this same premise, criminal court under the (180) days provision and or the Court of Common Pleas court under (365) day provision, “[c]annot” continue to invoke and or enact their “[p]powers” of subject matter Jurisdiction if they fail to be in compliance to this order even though they do indeed possess such power.

Additional proof that this provision is draconian, mandatory attached the court and parties will find is a copy of a similar Article V: 4 orders from the South Carolina Supreme Court. Please note the words that are specifically circled by me related to this order. It is perspicuous that by the language of this particular order the action of the court are made discretionary by the language contained therein. Note that the language of the Article V order relied upon for this particular issue is significantly, materially, distinctly different demonstrating that this particular provision of law is draconian, mandatory.

Pursuant to the governments blatantly disobeying this order issued by the SC Supreme Court, in the appropriate cause "trial court and or other relevant court, shall not hesitate to grant relief or a mistrial where its rulings and or orders were violated to the prejudice of those they were intended to protect; Toyota of Florence Inc. V Lynch, 344, S.C. 257, 442, S.E. 2d 611, 615 (1994) (S.C. Rules of Court Annotated 2006 Edition, pg. 270)...

To make use of the holdings in STATE V. GENTRY related to subject matter jurisdiction would be misplaced. That case dealt with indictment defects. To make use of the holding in STATE V. CULEBRET regarding Rule 3(C) would be misplaced. Rule 3 (C) is totally administrative. If the honorable court would take notice of the bottom of the page of 652 and 659 (South Carolina Rules of Court 2003 Edition) as it relates to the mandate, you will see that the administrative factors relate to the provisions of the law have been rescinded. Further, there are two material and distinct differences between Rule 3(C) and this requirement of Due process Law. Rule 3 (C) is not tied to the provisions of the South Carolina Constitution. This requirement of criminal and or civil procedure is. Secondly, Rule 3 (C) is not a judicial order issued by the S.C. Supreme Court. This requirement of criminal and, or civil procedure for the court of common pleas is. This has absolutely nothing to do with a speedy trial issue. This is not what an appellant is arguing. This is simply a matter of judicial order, "Stare Decisis Et Non Qalienta Movere," South Carolina Rules of criminal and or Civil Procedure and Due Process Law.

One this provision was issued as a judicial order, and then tied to the provisions of the South Carolina Constitution pursuant to Article V§4 its observance became mandatory by the provisions contained therein making it draconian in nature.

S.C. Code Ann §1-7-730, and S.C. Code Ann§ 17-13-150 Require that the prosecution and or prosecuting body "[S]hall" fulfill and see that all duties, requirements, and rules of Criminal Procedure related to Due Process and the Constitution are adhered to and completed within the court.

In order to understand the meaning of any statue or phrase of law, it is necessary to determine the meaning of the language as it is used in the particular

context. Robinson V. Shell Oil Company, 117 S.Ct 843(1997) Article 12§utilizes the words “[s]hall” provide in this context “[s]hall” is mandatory, **SEE United States V. Meyers**, 106, F.3d, 936 941 (CA 10 1997). In order to understand the meaning of any word, sentence or phrase, “[t] he cardinal rule is that the word should be given their plain and ordinary meaning and or interpretation without the court interjecting into them matters or a construing that’s not in the language,” **Seckinger V. The Vessel Excalibur**, 483 S.R. 2d 775 (S.C. App. 1997); **United States V. Ron Pair Enterprises Inc.** 709 S.Ct 1026, 1030 (1989); **Bass V.Isochem**, 666 S.E. 2d 144 (S.C. 2007); **Liberty mutual Ins. V.S.C. second Injury Fund**, 611 Article 1§23 of the South Carolina Constitution Dictates:

“The provisions of the South Carolina Constitution Shall are taken deemed and construed to be mandatory and or prohibitory and or prohibitory and not merely directory. Except where made directory or promissory by its terms.”

Article 12§2 of the South Carolina Constitution is clear and unambiguous, [s]hall” is mandatory **STATE V. CARSON**, 317 S.C. 430, 431, 454, S.E. 2d, 888,889 (1995).

Therefore it can be factually stated that not only the provisions of Article V§4 of the South Carolina Constitution, also by judicial order issued by the South Carolina Supreme Court, it is mandatory that the appellant due process matters be disposed of before the criminal court within (180) days of his arrest. If the court would please look at the arrest warrants in this related to these matters, you will see that the arrest warrants were served on the appellant, and or he was arrested on June 19th, 2013.

If the court would take notice of the sentencing sheet, the court would see that the appellant was convicted May 14th 2014. By the arrest warrants, the date pursuant to service and or arrest related to said accusations, this means that the appellant’s due process matters should have been disposed of and concluded by December 19th, 2013. Yet they were not disposed of until May14, 2014, over (134) days past the (180) days prescribed by the judicial order and the provisions of the South Carolina Constitution. There is no “[w]ritten” order of continuance filed with the Clerk of Court before the (180) days’ time period expired, or which was served on the appellant. Such an order of continuance by the appellants rights of due process and

pursuant to judicial order issued by the S.C. Supreme Court, “[c]annot” be obtained before the (180) day time period expires. To go beyond the prescribed time period and or deadline without a “[w]ritten” order of continuance creates a “[p]rocedural [d]effect” which deprives the trial court of Subject Matter Jurisdiction, and or the “[p]ower” and or [a]bility to enact and or invoke and or continue its “[p]owers” of Subject Matter Jurisdiction in compliance with judicial order from the South Carolina Supreme Court, Rules of Court and Due Process Law to adjudicate the appellants trial and or to accept any guilty plea.

This is a crucially, materially, distinctly different question related to subject matter jurisdiction that was never answer by the (3) three courts involved pursuant to Gentry. This is a new question of law and fact. Thus using the holdings made in the Gentry court would be misplaced. Such a new question of law and fact is not barred in seeking relief for, does relate to Subject Matter Jurisdiction “[c]annot” be waived by the appellant, can be raised at “[a]ny” time, and the court “[s]hall” not fail to take notice.

The trial court, and or prosecuting body, acting arbitrarily, conspiring under color of state law in blatant defiance to rules of court, S.C. Supreme Court judicial order and the provisions of the South Carolina Constitution, has again failed to be in compliance to their own state laws in violation of the appellants substantial Federal Constitution Rights of Due Process. Thus such action serves to violate the appellant’s rights under the Equal Protection of the law clause, subjecting him to unjust prosecution. **Screws V. United States Supra; Dubinka V. Judges of Superior Court of the State of California; For the County of Los Angeles Supra; Hicks V. Oklahoma Supra; Dozier V. Loop College, City of Chicago Supra; Lugar V. Edmundson Oil C. Supra.**

Subject Matter Jurisdiction is the “[p]ower” to hear and determine cases of general class to which the proceeding in question belong, **Bell V. Monsanto Corp; S19, S.E. 2d 325, S.C. 553 (2003).**

In as much, Subject Matter Jurisdiction does not only cove and or involve whether or not the matter resides in a proper court of jurisdiction to her and determine a case, is also defined as the courts “[a]bility” to hear and determine a case. Thus

Subject Matter Jurisdiction also involves any issue that may “[a]ffect” and or “[h]inder” that “[p]ower” and or “[a]bility to act in accordance to Rule of Court, Rules of Criminal Procedure and Due Process law.

Such matter can be raised at “[a]ny” time, “[c]annot” be waived by the defendant, and the court “[s]hall” not fail to take notice. **Mathis V. State, 355, SC 87, 584 S.E.2d 366 (S.C. App 2003); Brown V. State, 343, S.C. 342, 540 S.E. 2d 846 (200); State V. Browning, 320 SC at 368, 46 S.E. 2d 359; State V. Munn 357 S.E. 2d 461 (S.C. 1987).**

Without a “[w]ritten” order of continuance filed with the Clerk of Court issued, the parties were prohibited for continuing the cause such deprives the Court of Subject Matter Jurisdictionary “[p]owers” given to them to adjudicate the appellants trail and or guilty plea.

Therefore, due to the overwhelming prejudice experienced by the appellant, the sentence and conviction must be ~~violated~~
vacated.

ELDER PRESCOTT LEACH APPEAL BRIEF

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