

RECEIVED

JUL 20 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

✓

CORNELIUS DAVIS,

APPELLANT

APPELLATE CASE NO. 2014 - 000806  
PRO SE BRIEF

CORNELIUS DAVIS #358938  
Appellant

LIEBER CORRECTIONAL INSTITUTION  
P.O. BOX 205  
Ridgeville, SC 29472

TABLE OF CONTENTS

TABLE OF CONTENTS \_\_\_\_\_ 1

TABLE OF AUTHORITIES \_\_\_\_\_ 2

STATEMENT OF ISSUE ON APPEAL \_\_\_\_\_ 3

ARGUMENT \_\_\_\_\_ 4

CONCLUSION \_\_\_\_\_ 7

## Table of Authorities

### Cases

STATE V. BELL 410 S.C. 436. 765 S.E. 2d 4 S.C. App. (2014)

## Statement of Issue on Appeal

Whether the Appellant guilty plea was involuntary due to not having a clear understanding of the sexually violent predator Act. Which without contradiction it shows Appellant was not predatory.

By Appellant filing a pro se motion to reconsider his sentence on grounds that the sentence was excessive. Appellant did not have the knowledge to include the sexually violent predator Act.

## Argument

Appellant's guilty plea was involuntary due to not having a understanding of the sexually violent predator act.

The sexually violent predator act along with the excessive sentence should be included in the Appellant reconsideration, because the facts support Appellant was not predatory.

## Statement of Facts

Counsel for Appellant allocuted to Judge Jefferson that "the victim's mother knew [Appellant] very, very well. To the point that she was contacting [Appellant] thousands of times" R. 17, lines 12-14. Specifically, the two were texting and would meet personally. Counsel for Appellant submitted to Judge Jefferson a "whole book" of text messages between the two. Counsel also explained, "At some point they did talk about her daughter as well. And then on a couple of occasions, the daughter contacted my client. . ." R, 17 lines 9-11.

After Appellant was sentenced, He filed on March 17, 2014 a pro se motion to reconsider his sentence on grounds that the sentence was excessive. R. 29-31 The State filed a return on April 3, 2014. R. 32-33. On May 1, 2014, Judge Jefferson issued an order denying

Appellant's motion to reconsider. R. 34-38. The order specifically stated Appellant's sentence was appropriate considering, inter alia, "the predatory acts" of Appellant. R.37.

## Discussion

Before Appellant's plea hearing there was no discussion of the sexually violent predator act. Appellant had no knowledge of the Act nor did he understand the nature of it, which makes it involuntary. STATE V. BELL 410 S.C. 436. 765 S.E. 2d 4 S.C. App. (2014).

The pro se motion to reconsider should have the sexually violent predator act in it but Appellant believed the excessive sentence covered the whole sentence within the case.

In this case, the evidence in the record does not support the conclusion that Appellant preyed on the victim.

Conclusion

For the foregoing reasons, Appellant requests this Court reverse the ruling of the plea judge and remand for a new sentencing hearing.

Respectfully submitted,

Cornelius K. Davis

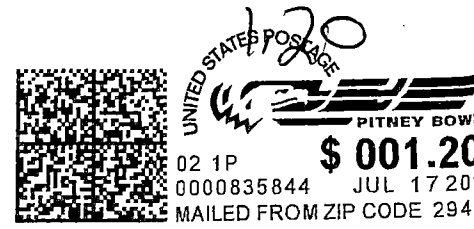
Cornelius K. Davis  
Appellant

This 17th day of July, 2015

Cor [redacted]  
Lieberman Correctional Institution WD-278  
P.O. Box 205  
RIDGEVILLE, SC 29472

TIME  
SENSITIVE  
MATERIAL

FIRST CLASS



**RECEIVED**  
JUL 17 2015  
MAILROOM  
LIEBER CI

**RECEIVED**  
JUL 20 2015  
SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE STREET  
COLUMBIA, SC 29201



THE DEPARTMENT OF CORRECTIONS HAS  
INSPECTED OR CENSORED THIS ITEM; THEREFORE,  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.

LIEBER CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS



9 X 12

