

THE STATE OF SOUTH CAROLINA

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In The Court of Appeals

SEP 16 2015

↳ In The Supreme Court ↳

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

L. CASEY MANNING, Circuit Court Judge

Case No. 2015-00138

Terrance Adams

Appellant,

v.

The State,

Respondent.

↳ INITIAL BRIEF OF APPELLANT ↳

Terrance Adams
Pro-se Appellant
4460 Broad Road Rd
Columbia, SC 29216

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STATEMENT OF THE ISSUE ON APPEAL

1. Are Appellant Convictions on First degree Burglary Illegal By a statutory element where the evidence used was insufficient in S.C. Code Ann. § 16-1-60?
2. Are Appellant sentences of Life without Parole By unconstitutional Convictional where the evidence ~~was~~ insufficient in S.C. Code Ann. § 17-25-45

STATEMENT OF THE CASE

Appellant Convictions of First degree Burglary is illegal based upon fact the statutory element used ~~were~~ undue prejudice

The convictions depend on by the court are not convictions in S.C. Code Ann. § 17-25-45

ARGUMENT

On April 19, 2005, the Appellant was illegally seized before the fact and falsely accused for committing six first-degree burglaries he did not commit, but because of items found on his person the court ordered him to death. The ~~Appeal~~ follows.

APP. 54 Ln. 1-23

ARE APPELLANT CONVICTIONS ON FIRST DEGREE BURGLARY ILLEGAL BY A STATUTORY ELEMENT WHERE THE EVIDENCE USED WAS INSUFFICIENT IN S.C. CODE ANN. § 16-1-60?

On July 22, 2005, the Grand Jurors of Richland County presented upon their oaths:

That Terrance Adams did in Richland County on April 19, 2005 unlawfully enter the dwelling _____ without consent and intent to commit a crime therein and the defendant has two prior convictions for burglary / housebreaking all in violation of Code Section 16-11-311, Code of Laws of South Carolina (1976 as amended),

Appellant declare that the Government submitted insufficient evidence to the Court and Grand Jury to imprison him illegally for first-degree burglary he did not commit. See State v. Robinson, 2014 WL 1614768

According to the two prior convictions used as evidence for a statutory element to prove Appellant been convicted of a common law burglary is either defected, invalid and or clearly not equivalent to first degree burglary.

For example: The January 8, 1997 conviction in (Case no. 1993-GS-40-9516 burglary nonviolent must be classified insufficient due to sentence sheet unsigned by prosecution attorney, court-appointed attorney or appellant is unduly prejudicial. See [Exhibit 1]

The JULY 12, 1995 Conviction in case no. 1993-GS-40-9536 burglary nonviolent must be classified insufficient due to fact it's not a violent offense. App 298-299

Under South Carolina Law Burglary second degree (A) is not equivalent to first degree burglary or burglary second degree (B) under section 16-1-60, because it is classified as a nonviolent offense - see S.C. Code Ann. §16-1-70.

If the legislature wanted to exclude burglary in the second degree under subsection 16-11-312(A) from being classified nonviolent it could have done so by classifying it as violent offense as it second degree burglary under subsection 16-11-312(B). see *Hair v. state*, 305 S.C. 77, 406 S.E.2d at 334

In addition, to the argument that there is no case law on enhancing second degree burglary (A) nonviolent to make first degree burglary

Under provision of 1986 Omnibus Crime Bill setting parole eligibility at one fourth of sentence for nonviolent crimes impliedly repealed provision of second-degree burglary statute making defendants convicted on theory they entered dwelling without consent and with intent to commit crime ineligible for parole until one third of sentence. Code 1976 § 16-1-60, 16-1-70, 16-11-312, 16-11-312(A)(C), 24-21-610.

Because of the insufficient evidence presented did not prove guilt. Citing *state v. Odem* 720 S.E.2d 48, (*state v. Bostick*, 392 S.C. 134, 708 S.E.2d 774 S.C. 2011, *state v. Mitchell*, 341 S.C. 406, 535 *state v. Jenkins*, 727 S.E.2d 761 (S.C. 2012). The appellant continues to suffer prejudice. As well as public interest in these matters.

ARE APPELLANT SENTENCES OF LIFE WITHOUT PAROLE
BY UNCONSTITUTIONAL CONVICTIONS WHERE THE
EVIDENCE WAS INSUFFICIENT IN S.C. Code Ann. 17-25-45?

On the day of February 1, 2006. The Court
sentence Appellant to Life without Parole because
the Court failed to comply with legislature intent.

The enhancement to Burglary First was improper
due to the two Prior Convictions were nonviolent.

The sentences of Life without possibility of Parole
is illegal because the evidence presented to prove
that Appellant has two Prior of said Most serious
or serious offense is incorrect and duly prejudicial.
Const. Art. 19 15, 18; Code 1976 16-11-312(A)(C); 17-
25-45; 17-27-20(b)

In Appellant case the Agreement or stipulation in
the record show the Court read in the record that
Case No. 1993-GS-40-9516 a January 8, 1997 and Case
No. 1993-GS-40-9530, a conviction in July 12, 1995
if valid were nonviolent burglary, App. 298 Ln. 21-25.
App. 299 Ln. 1-8. See *Sprouse v. State*, 355 S.C. 336, 585
2d 278 S.C. 2603

Considering the fact on the evidence there is no
Case law on enhancing Burglary second degree (A)
nonviolent to make First degree Burglary or sentenced
Appellant under section 17-25-45. This violation
was undue prejudice, reversible error.

Appellant declares that insufficient evidence is illegal and must not stand to support or sustain a illegal sentence. See State v. Johnston, 333 S.C. 459, 462, 510 S.E.2d 423 (S.C. 1999) Jackson v. Virginia, 99 S.Ct. 2781; Blakely v. Washington, 134 S.Ct. 2531 (2004)

In the matter of record Appellant has shown a Constitutional violation which in the setting constitutes a denial of Fundamental Fairness shocking to the universal sense of Justice.

CONCLUSION

Wherefore, Appellant ~~Pray~~ this Court
Vacate, set aside or correct sentence with
new trial. APP. 312 Ln. 20-25 APP. 313 Ln. 1

STATE OF SOUTH CAROLINA

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

Case No. 2015-001385

Terrance Adams Appellant,
v.

The STATE Respondent,

PROOF OF SERVICE

I certify that I have served the Initial Brief on L. Clayton Matthew, by depositing a copy of it in the United States mail, postage on September 11, 2015, addressed to the Attorney of record, Post Office Box 11549

Sworn to Before me
This 11 day of September 2015
[Signature]
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 10/10/2018

/s/ Terrance Adams
Pro-Se Appellant
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Columbia, SC 29216

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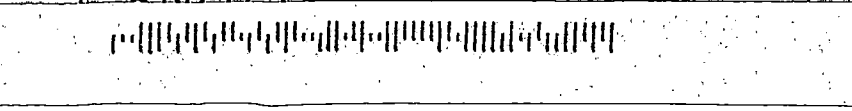
CERTIFICATION OF SERVICE

The Pro-se Appellant hereby certifies that a copy of Appellant's Initial Brief and Designation of Matter in the above - entitled case has been served upon opposing counsel L. Clayton Matthews, Assistance Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail, Post Prepaid, this 11 day of September 2015

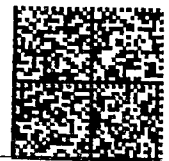
Sworn to before me
This 11 day of September 2015
[Signature]
NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 6/12/2018

/s/ Terrance Adams
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