

## ARGUMENT

THE TRIAL JUDGE ERRED IN PERMITTING A PATHOLOGIST TO TESTIFY REGARDING THE RESULTS OF HIS AUTOPSY, AND IN PERMITTING OTHER EXPERTS TO TESTIFY REGARDING DNA TESTING OF BLOOD RECOVERED FROM THE BODY OF THE DECEASED, WHERE THE STATE FAILED TO PRESENT EVIDENCE OF A COMPLETE CHAIN OF CUSTODY CONCERNING THE BODY  
RELEVANT FACTS

APPELLATE AVERS THAT WHEN DR. BRADLEY MARCUS, A PATHOLOGIST, WAS CALLED BY THE STATE TO TESTIFY APPELLANT OBJECTED. ID. APPELLANT MOTION THE COURT TO SUPPRESS DR. MARCUS'S TESTIMONY, DUE TO THE STATE'S FAILURE TO ESTABLISH A CHAIN OF CUSTODY FOR THE DECEASED'S BODY. SEE TRANSCRIPT OF RECORD, DATED SEPTEMBER 9 13, 2013 APPELLANT FURTHER CONTESTED "THAT THE LAW CLEARLY ESTABLISHED WHEN " PRODUCTS OF THE BODY " ARE TESTED THAT A COMPLETE CHAIN OF CUSTODY MUST BE PROVEN. ID APPELLANT EMPHASIZED TO THE TRIAL COURT " THAT ONCE YOU HAVE A STANDARD FOR PRODUCTS OF THE BODY THAT ARE TESTED, IF THE WHOLE BODY IS TESTED, THEN THE STANDARD MUST BE APPLIED TO THE WHOLE <sup>BODY</sup> ID SEE TRANSCRIPT OF RECORD " THE SOUTH CAROLINA SUPREME COURT HAS LONG HELD THAT A PARTY OFFERING INTO EVIDENCE FUNGIBLE ITEMS SUCH AS DRUGS OR BLOOD SAMPLES MUST ESTABLISH A COMPLETE CHAIN OF CUSTODY AS FAR AS PRACTICABLE." STATE V. SWEET, 374 S.C. 1, 6, 647 S.E. 2D 202, 205 (2007) APPELLANT CONCEDES THAT THE TRIAL JUDGE ERRED IN PERMITTING DR. MARCUS TO TESTIFY, DESPITE DR. MARCUS'S TESTIMONY THAT HE DID NOT "SIGN FOR THE BODY," ID.

IN VIOLATION OF THE S.C. SUPREME COURT'S ESTABLISHED STANDARD, REGARDING OFFERING INTO EVIDENCE FUNGIBLE ITEMS, AND A COMPLETE CHAIN OF CUSTODY. JUDGE WILLIAM JEFFERY YOUNG'S ERROR HAS PREJUDICE APPELLANT'S INITIAL PROCEEDING, AND DEPRIVED APPELLANT OF THE RIGHT TO A FAIR TRIAL, IN ACCORD TO THE APPLICABLE STANDARD(S). STATE V. SWEET, 374 S.C. 1, 6, 647 S.E. 2D 202, 205 (2007)

APPELLANT FURTHER CONTESTS THAT IN BENTON V. BELLUM, 232 S.C. 26 (1957) "IT IS GENERALLY HELD THAT THE PARTY OFFERING SUCH SPECIMEN IS REQUIRED TO ESTABLISH, AT LEAST AS FAR AS PRACTICABLE, A COMPLETE CHAIN OF EVIDENCE, TRACING POSSESSION FROM THE TIME THE SPECIMEN IS TAKEN FROM THE HUMAN BODY TO THE FINAL CUSTODIAN BY WHOM IT IS ANALYZED." ID. APPELLANT DID OBJECTED WHEN THE STATE FAILED TO MEET THE STANDARDS IN SWEET, 374 S.C. 1 (2007), BY FAILING TO PROVIDE FOR THE TRIAL COURT WHO HANDLED THE BODY OF THE DECEASED, FROM LOCATION TO LOCATION, AND PROVIDED NO PHYSICAL EVIDENCE, ESSENTIAL TO LINK APPELLANT TO THE CRIME, ALLEGED AGAINST HIM. WHEN EVIDENCE HAS "PASSED THROUGH SEVERAL HANDS," THE TESTIMONY "MUST NOT LEAVE TO CONJECTURE AS TO WHO HAD IT AND WHAT WAS DONE WITH IT BETWEEN THE TAKING AND THE ANALYSIS." ID @ 33 34, 100 S.E. 2D @ 537. NEVERTHELESS, IT IS NOT REQUIRED THAT EACH CUSTODIAN OF FUNGIBLE EVIDENCE TESTIFY AS LONG AS "OTHER EVIDENCE ESTABLISHES THE IDENTITY OF THOSE WHO HAVE HADLED THE EVIDENCE AND REASONABLY DEMONSTRATES THE MANNER OF HANDLING OF THE EVIDENCE." ID. @ 7, 647 S.E. 2D @ 206.

APPELLANT RESUBMITS HE IS INNOCENT OF ALL CRIMES ALLEGED AGAINST HIM, AND THAT HE BE RIGHTFULLY & RESPECTFULLY GRANTED THE RELIEF BELOW.

## CONCLUSION

WHEREFORE, APPELLANT REQUESTS THIS COURT RIGHTFULLY & RESPECTFULLY CONSIDER THE TRIAL JUDGE'S ERROR IN PERMITTING EXPERT'S (PATHOLOGIST) TESTIMONY OF FUNGIBLE EVIDENCE TO BE OFFERED INTO EVIDENCE, DESPITE AN INCOMPLETE CHAIN OF CUSTODY, AND APPELLANT'S RIGHT TO A FAIR TRIAL. APPELLANT REQUESTS THIS COURT VACATE THE CONVICTION, AND RIGHTFULLY & RESPECTFULLY GRANT HIM A NEW TRIAL, DUE TO THE TRIAL COURT'S FAILURE TO PROVE BEYOND A REASONABLE <sup>DOUBT</sup> APPELLANT WAS INVOLVED, NOR COMMITTED THE OFFENSES ALLEGED AGAINST HIM. APPELLANT CONCEDES THAT TO ALLOW THE TRIAL COURT'S ERRORS TO REMAIN WOULD VIOLATE CLEARLY ESTABLISHED PRECEDENCE.

DATED:

BISHOPVILLE, SC

RESPECTFULLY SUBMITTED,  
*Faraiy Siffians*

DATE 11-10-15

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

LAQUINCY M. WILLIAMS  
APPELLANT

v.

THE STATE  
RESPONDENT

APPELLATE CASE NO. 2014-002769  
APPELLATE'S PRO SE BRIEF

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SC Court of Appeals

PRO SE APPELLANT LAQUINCY M. WILLIAMS HEREBY SUBMITS  
THE ABOVE-CAPTIONED BRIEF, TO BE FILED & CLOCKED-STAMPED,  
WITH RETURN PROOF OF SERVICE, WITHIN THIS OFFICE AND COURT.

DATED:

BISHOPVILLE, SC

RESPECTFULLY SUBMITTED,  
*Laquincy Williams*

DATE 11-10-15

LAQUINCY M. WILLIAMS #357074  
LECC.I.  
990 WISACKY HWY.  
BISHOPVILLE, SC 29010  
NOVEMBER 18, 2015

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SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINS, CLERK  
P.O. BOX 11629  
COLUMBIA, SC 29211

RE: LAQUINCY M. WILLIAMS V. THE STATE OF S.C.  
APPELLANT CASE NO. 2014-002764

DEAR CLERK:

PLEASE FIND ENCLOSED FOR FILING WITHIN THIS  
OFFICE & COURT PRO SE APPELLANT'S BRIEF. PLEASE  
PROVIDE TO APPELLANT A CLOCK STAMPED COPY OF THIS  
MOTION. THIS BRIEF IS TO BE SUBMITTED FOR CONSIDER-  
ATION OF THIS COURT. THANK YOU FOR YOUR TO & ASSISTANCE.

SINCERELY,

Jadwinay Siffians

RAQUINNES M. WILLIAMS #35

R HU #102

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