

STATEMENT OF FACT

The trial court did error by allowing the jury to convict on evidence not in the indictment

During closing arguments the state misstated evidence (tr.p 503 lines 9-18, tr.p 504 lines 5-9) while making personal attacks on opposing counsel (tr.p 505 lines 4-7) while insidiously vouching for the credibility of an unproduced state key witness (tr.p 509 lines 8-12)

Appellant asserts that the impropriety of these inflammatory misleading remarks along with other flagrant remarks seriously affect the integrity of the judicial proceeding and trial counsel knew it, despite failing to object (tr.p 522 lines 5-6, 12-15, tr.p 523 lines 10-25, tr.p 524 lines 1-10, tr.p 525 lines 4-10).

Appellant asserts that the Fifth Amendment prohibits a jury to convict a defendant for a different offense than for which he was indicted (tr.p 527 lines 9-14) (tr.p 529 lines 5-22) (tr.p 539 lines 22-24).

Appellant asserts that this right was violated when the proof offered by the state permitted the jury to convict for a different offense (trp 558 lines 6-8).

Black Law Dictionary: Transfer intent doctrine. The rule that if one person intends to harm, a second person but instead unintentionally harms a third, the first person's criminal or tortious intent toward the second applies to the third as well. Thus, the offender may be prosecuted for an intent crime sued by the third person for an intent tort.

Appellant asserts that the indictment did not provide appellant with adequate notice of transfer intent to which is inapplicable to appellant as such appellant did not inadvertently harm anyone to which the trial court was cognizant (trp 539 lines 22-24).

Appellant asserts that his Fifth, Sixth, and Fourteenth amendments were violated as such the variance surprised appellant and hindered appellants preparation of a defense and trial counsel's failure to object creates a defect that affects substantial rights of appellant

See United States v. Fletcher, 747. 3d 49, 53

(4th Cir 1996. United States v. Olano 507 U.S. 725

731-20 113 S.Ct. 1770 123 Ed 2d 508 (1993)

Appellant further asserts that the verdict in this case is plain and obvious the result of caprice, passion, prejudice, partiality, corruption or other improper motive as such trial counsel along with the state and trial court prevented the Judicial Machinery from performing in the usual manner of impartiality and or adjudging cases that are presented for adjudication. Judgement
Key 375.

Appellant asserts that the evidence which trial counsel failed to object to should have been excluded because it caused the emotions of the jury to be excited and compel them to irrational behavior to which resulted in appellant receiving the PreJudicial effects of unfair PreJudice in violation of appellants 4th, 5th, 6th, 8th, and 14th amendments.

CONCLUSION

Based on the above argument appellants sentence should be vacated

Respectfully Submitted

Appellant assert that his Fifth and Fourteenth amendments were violated as the jury instructions misstating the law of mutual combat amounts to an error of constitutional magnitude and is presumed prejudicial and trial counsels failure to object creates a defect that affects substantial rights of appellant. See State v. Burkhardt (S.C. 2002) 350 S.C. 252, 565 S.E. 2d 298, United States v. Olano, 507 U.S. 725, 731-32, 113 S. Ct. 1770 128 Ed 2d 508 (1993)

Appellant further asserts that the verdict in this case is plain and obvious the result of caprice, passion, prejudice, partiality, corruption, or other improper motive as such trial counsel along with the state and court prevented the Judicial Machinery from performing in the usual manner of impartiality and or adjudging that are presented for adjudication. Judgement Key 375

Appellant asserts the misstated instructions to the jury which trial counsel failed to object to should have been excluded because it caused the emotions of the jury to be excited and compel them to irrational behavior to which resulted in appellant receiving the Prejudicial effects of ~~unfair~~ Prejudice in violation of appellants 5th, 8th, 6th and 14th amendments.

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURTS OF APPEALS

APPEAL FROM BEAUFORT COUNTY

COURT OF GENERAL SESSIONS

THOMAS W. COOPER, JR., CIRCUIT COURT JUDGE

STATE OF SOUTH CAROLINA)

RESPONDENT)

vs.)

AARON YOUNG, JR.)

APPELLANT)

CASE NO.: 2014-GS-07-01940

2012-GS-07-01932

CERTIFICATE OF SERVICE

I, Aaron Young, Jr. hereby certify that on the 17th day of October, I caused a true and correct copy of two respectfully submitted written arguments in the above captioned matter to be served via United States Mail, postage prepaid, addressed as follows:

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