

Trial court did error when it tried and convicted appellant with an constructively amended indictment.

Prosecution constructively amended indictment as such indictment did not substantially contain in the language the common law or statute of the offense charged. (Read transcript page 186 lines 15-19.)

Appellant asserts that the indictment is fatally vague and overbroad as such does not provide the appellant with sufficient certainty and particularity to enable the court to know what judgement to pronounce and trial counsel knew it despite failing to challenge the courts authority or power to hear the case. (Read transcript page 186 lines 23-25). (Read transcript page 187 lines 1-12).

Appellant asserts that the Fifth Amendment prohibits a jury to convict a defendant with an indictment that does not provide adequate notice of the charges against him and is not sufficient to allow defendant to plead it as to bar to subsequent prosecutions. (Read transcript page 547 lines 7-6).

Appellant asserts that this right was violated when appellant was convicted with indictment that did not provide appellant with adequate notice of the charge against such appellant thus hindering the preparation (Read transcript page 569 lines 16-18).

South Carolina Code of Law: Section 17-19-20

Every indictment for murder shall be deemed and adjudged sufficient and good in law which, in addition to setting forth the time and place, together with a plain statement divested of all useless phraseology, of the manner in which the death of the defendant did feloniously, willfully, and of his malice aforethought kill and murder the deceased.

South Carolina Code of Law: Section 17-19-20

Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place, as required by law charges the crime substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense be statutory offense, that the offense be alleged to be contrary to the statute in such case made provided.

Appellant asserts that indictment is insufficient because mutual combat is neither a statute to murder nor criminal offense but rather a jury charge which prosecution was cognizant. (Read transcript page 191 lines 17-25). (Read transcript page 192 lines 1-4).

Appellant asserts that his Fifth, Sixth, and Fourteenth amendment was violated when appellant was convicted with indictment that did not provide appellant with the adequate notice to the charge against him and trial counsels failure to challenge the courts authority or power to hear the case creates a defect that affects substantial rights of appellant. See United States v. Miller, 471 U.S. 130, 134-35, 105 S.Ct. 181, 85 L.Ed.2d 99 (1985), Hope v. State 328 S.C. 78 492 S.E.2d 76 (S.C. 1997).

Appellant further asserts that prosecution deprived appellant of his right to due process and fair trial under the Fifth amendment by changing the nature of the offense charged in violation of S.C Code Ann § 17-19-100 to which deprived the trial court of subject matter jurisdiction. See Indictment and Information Key 171

Appellant asserts that fraud upon the court is a fraud perpetrated by officers of the court so that the Judicial Machinery can not perform in the usual manner its impartial task of adjudging cases that are for adjudication. Judgement Key 375.

Appellant asserts the indictment to which trial counsel failed to challenge should have been quashed because it caused the emotions of the jury to be excited and compel them 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 ABOVE ARGUMENT appellants
Sentence should be vacated.

Trial courts did abuse it's discretion by denying appellants motion for directed verdict.

While interacting with trial courts in regard to appellants motion for directed verdict defense counsel made factual findings supported by the record which entitled appellant to a directed verdict. Read Transcript pages: 478; lines 24-25, 479; lines 1-25, 480; lines 1-2, 482; lines 14-25, 483; lines 1-25, 484; lines 1-16, 489; lines 9-25, 490; lines 1-4.)

Partially, trial courts made biased prejudicial comments and ruling that impuged and inhibited defense counsel. Read Transcript pages: 490; lines 18-25, 491; lines 1-13 + lines 18-25, 492; lines 1-10

Appellant asserts the Fifth and Sixth Amendment of the United States Constitution and the corresponding provisions of Canons (1), (2), and (3) of the Judicial Conduct prohibits trial courts from performing duties of Judicial Office partially and indiligently.

Appellant asserts that such rights were violated when the judicial prejudice of these partial remarks impaired the fairness of the proceeding and brought the judiciary into disrepute.

Appellant asserts that his Fifth, Sixth, and Fourteenth Amendments were violated as such court did not act with absolute impartiality in the performance of judicial duties and the record did not justify the trial courts factual findings on the merits of appellant motion for directed verdict.

See State v. Pace (S.C. 1994) 316 S.C. 71, 447 S.E. 2d 186
Ellis v. Procter and Gamble Distributing Co. (S.C. 1993)
315 S.C. 283, 433 S.E. 2d 856.

Appellant asserts that courts deprived appellant of his right to due process and fair trial under the Fifth Amendment by denying appellant's entitlement to a directed verdict when the state failed to produce evidence of the offense charged. Criminal Law Key 1159.2(6)

Appellant further asserts that there was neither any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, and denial of such motion resulted to appellant receiving the prejudicial effects of unfair prejudice in violation of appellants 4th, 5th, 6th, 8th, and 14th amendment.

CONCLUSION

BASED ON ABOVE ARGUMENT APPELLANTS SENTENCE SHOULD BE VACATED.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL from Beaufort County
Thomas W. Cooper, Circuit

RECEIVED
NOV 12 2015
SC Court of Appeals

State of South Carolina
RESPONDENT

v.

Aaron S. Young Jr.
APPELLANT

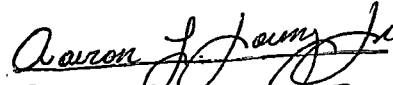
case number: 2014-GS-07-01940
2014-GS-07-01932

CERTIFICATE OF SERVICE

I, Aaron S. Young Jr., hereby certify that on the 2nd day of November 2015, I caused a true and correct copy of appellants arguments in above captioned matter to be served via United States, postage prepaid, addressed as follows:

Frederick Elliotte Quinn, IV Esquire
Parker, Poe, Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston, SC 29401

Jennifer Kirk Dunlap, Esquire
Parker, Poe, Adams & Bernstein, LLP
200 Meeting Street, Suite 301
Charleston, SC 29401


Aaron S. Young Jr.

RECEIVED

NOV 12 2015


SC Court of Appeals

daron young, Jr., SCDC # 363175
Lieber Correctional Institution
P.O. Box 205
Ridgeville, SC 29472

November 2, 2015

The South Carolina Court of Appeals, Clerk
Kenneth A. Richstad, Clerk
P.O. Box 11629
Columbia, SC 29211

Please find enclosed appellants arguments
and a certificate of service for filing in your
court. Would you please be kind and courteous
and notify me when filing is complete.
Thank you and good day.

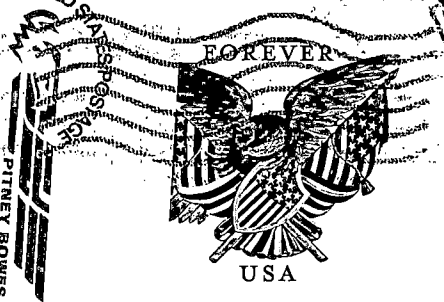
Sincerely,

Daron S. Young Jr.
Appellant

AARON YOUNG, Jr. # 363175
LIEBER CORRECTIONAL INSTITUTION
P.O BOX 205
RIDGEVILLE, SC 29472

AB53

CHARLESTON SC
09 NOV 2015 PM

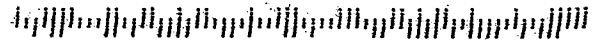
1P 4
008398444
FILED FROM ZIP CODE 29472
NOV 06 2015
\$ 000.720
PITNEY BOWES



KENNTH A. RICHSTAD, CLERK
P.O Box 11629
Columbia, SC 29211

RECEIVED
NOV 12 2015
SC Court of Appeals

29211+1629



02 00 MA
FIRST CLASS
E
S
TIVE
MATERIAL

THE DEPARTMENT OF CORRECTIONS HAS NOT
CENSORED THIS ITEM. THE DEPARTMENT
DOES NOT ASSUME RESPONSIBILITY FOR ITS CONTENTS.

LIEBER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS

 SUSTAINABLE
FORESTRY
INITIATIVE
Certified Fiber Sourcing
www.sfiprogram.org

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

© USPS 2013