

4/16 15-454

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ANDERSON

FILED-CLERK'S OFFICE
ANDERSON SC
2016 MAY -5 PM 4: 55
COMMON PLEAS AND
GENERAL SESSIONS

STATE,

VS.

ROYRES A. PATTERSON,

NOTICE OF MOTION AND MOTION FOR
NEW TRIAL

DEFENDANT.

Indictment Nos. 2015-GS-04-456 & 457

PLEASE TAKE NOTICE THAT Defendant Royres A. Patterson, by and through his undersigned attorney, will move before the Honorable R. Scott Sprouse, Circuit Judge, for a New Trial pursuant to S.C.R.Cr.P. 29(b) based upon after-discovered evidence that the State did not disclose to the Defendant prior to trial.

Defendant asserts that he is entitled to a new trial on the basis that the State failed to produce evidence pursuant to Defendant's Discovery Request under S.C.R.Cr.P 5 and **Brady v. Maryland, 373 U.S. 83 (1963)**. The newly discovered evidence of co-defendant Terence West's cellphone was found in the desk of the lead investigator Danny Barton, ACSO. The State notified and produced the evidence to Defendant's counsel on May 4, 2016. Defendant was convicted on April 27, 2016, following trial which began on April 25, 2016 of Murder, Attempted Murder and Possession of a Firearm during the commission of a violent crime. The case was a circumstantial evidence case and the newly discovered evidence goes to the credibility of the Defendant's co-defendant Terence West (Defendant's uncle) who testified against the Defendant. Mr. West's testimony was critical to the State's prosecution. Defendant would request the Court schedule a hearing on this motion as soon as possible. Defendant would

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Richard S. Kite
ANDERSON CLERK OF COURT

further request that the Court order the SC Department of Corrections return him to the Anderson County Detention Center so he may appear at the hearing.

Defendant would rely upon the case of State v. Goodson, 276 S.C. 243, 277 S.E.2d 602 (S.Ct. 1981) and other argument and authority presented at the hearing.

Defendant Royres A. Patterson respectfully requests the Court grant him a new trial based upon the State's failure to disclose and produce the newly discovered evidence that deprived Defendant Patterson of a fair trial. The phone and phone records of Mr. West go the credibility of one of the State's primary witnesses and this evidence could cast doubt upon the credibility of this witness.

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May 5, 2016

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