

South Carolina
State

vs

Eric D. Marsh

South Carolina Court of Appeals

Appellate Case No. 2013-002816

Honorable G. Thomas Cooper Circuit

Court Judge

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Statement of Basis For Appeal From

Guilty Plea Pursuant to Rule 203(d)(1)(B)

MAY 23 2016

SC Court of Appeals

I the Defendant believes that my rights were violated by being charge with a crime that was not committed within Lexington County and this same charge was held also within Richland County. I also feel that there has been a tampering of evidence. I feel that my rights were further violated by the failure of the state to fully investigate this case as well as an investigator being promoted on my behalf. I also feel these a violation of my rights being held within Richland County for such a great period of time on hold for Lexington County without a warrant. I feel that the lack of the full discovery hurt and/or harm me within my conviction, on the grounds of being refuse this information is also a violation of my sixth and fourteenth amendment. This failure effected my plea at a critical stage of this (plea/trial) proceeding, including protecting my rights to due processing of law. The adversarial process protected by the sixth Amendment requires that the accused have counsel acting in the role of an advocate. Anders v. California, 87 s. ct 1396 (1967). The failure of acknowledgement of the lack of a full discovery and investigation violates my due processing of the law rights. Cronic, 466 U.S. At 656-57, 104 S. ct at 2045-46. A Criminal defendant is also protected from unfairness in the Criminal process by the due process requirement that his guilt be proved beyond a reasonable doubt. The acknowledge ment of not fully understanding this processing violates this law. Defendant's Attorney here by requested

disclosure of all information available to the defendant pursuant to Rule 5, SCRCrimP. This failure to address this information during the plea at a critical stage may have change the outcome of this case. 116.S.Ct 1581 (1996), U.S.V. Hanna 55.F.3d 1456, 1460-61 (9th Cir 1995). The Failure to disclose (All) material evidence favorable to an accused violates due process whether or not the prosecutor acted in good faith. United States V. Bagley The court held that evidence is material if there is a reasonable probability that disclosure of the evidence would have change the outcome of the proceeding. This is the material of the fact that there was a DNA test done that come back not the defendant, and the tampering of the second test. This is also a violation where the prosecutor appeared to have deliberately suppress evidence corroborating defense. This nondisclosure unintentional, carelessness denied defendant, must critical aspect of defense. (1121) Brady, 373 U.S. at 87 compare U.S.V. Udechukwu 11.F.3d 1101, 1106 (1st Cir 1993). This is the failure to disclose the first DNA report, the location of alledge crime and the first test done by SLED. The failure to have all information given to defendant prior to (plea/trial) was prejudicial. West Federal Practice Digest 4th 40A Evi 53 to 427 C.A.8 (1984) And in closing. This is the basis for this Appeal from a Guilty Plea I wish and desire to litigate these issues in this Appellate Court.

5/19/2016
Dak

Eric Marsh

Eric Marsh

Defendant & Inmate # 354766.

RECEIVED May 19 2016

To the Court of Appeals

MAY 23 2016

SC Court of Appeals

I responce to this letter sent to me bye
my Attorney that is over this lexington county case, I send to you
my arguable basis to appeal this issue that has been properly
persered for appeal, This is case number 2013-002816

Thank you

Emate 354716

Eric Marsh

OFFICE OF THE PUBLIC DEFENDER

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Eleventh Judicial Circuit
Lexington, Saluda, Edgefield,
and McCormick Counties

ROBERT M. MADSEN
Circuit Public Defender

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Telephone (864) 852-9555
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May 13, 2016

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MAY 23 2016

SC Court of Appeals

Mr. Eric Dewayne Marsh (SCDC#: 354716)
Broad River Correctional Institution
4460 Broad River Rd.
Columbia, SC 29210

Dear Mr. Marsh,

I filed an appeal from the guilty plea that you entered on March 20, 2013, in Richland County. This plea resolved your charges in Lexington County. After speaking with the clerk's office at the Court of Appeals, the issue regarding your appeal on your Lexington County case has been resolved and out of an abundance of caution I am resending some important information to you regarding the Lexington County appeal.

Please know that I do not believe there are any appealable issues arising out of this matter and I have submitted a form explaining this to the Court, which is required under Rule 203 (B).

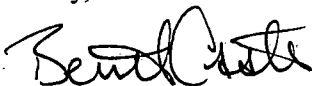
This explanation to the Court does not take away your right to appeal issues arising out of your guilty plea. If you believe there exists an arguable basis to appeal an issue that has been properly preserved for appeal, you have (20) days from receipt of this letter to inform the South Carolina Court of Appeals of any issues that you would like to raise.

The mailing address for the Court of Appeals is as follows:

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

The new assigned appellate case number is: **2013-002816**. The Court of Appeals has asked that you use this number on all future correspondence relating to this matter.

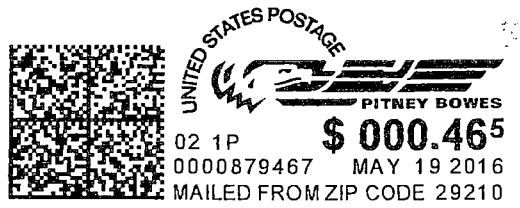
Sincerely,



Bennett Elliot Casto
Tri-County Public Defender

Eric Marsh #354716
BRCI
4460 Broad River Rd
Columbia SC 29210

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SC Court of Appeals

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