

Lynel Witherspoon #2540726
Turbeville Corr. Inst.
1575 Clarence Coker Hwy.
Turbeville, S.C. 29162

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JUL 14 2016

S.C. SUPREME COURT

Dear Mrs. Durant,

Thank you for contacting me, informing me of your appointment.

I have some concerns that I need to address with you and have rectified before you proceed forward.

First is filing a 59(E) motion. When my PCR was dismissed, my PCR Attorney went ahead and filed the notice of Appeal *without* proof-reading the final order to insure the Judge Ruled on all my issues raised and ruled on in the application and in the hearing.

Once I received the order and reviewed it, I noticed some claims I raised was not addressed and ruled on in the order. But, by my Attorney not reviewing the order and filing a 59(E) motion those issues can not be addressed by the Appeals Court.

Before you proceed, I would like for you to move to have my case Remanded and have the PCR court rule on All my issues raised because if not those claims will be lost. Also it would be futile to move forward without that being done. These are the claims that was raised but was not ruled on by the PCR Court in the order:

1) Failure of trial Counsel to object to or suppress irrelevant evidence. It is established in record that this video evidence doesn't show A drug transaction (crime) or the accused (defendant) or make any matter in this issue any more clear. It actually

further confused the issue, as shown by record in transcript.

2.) Failure of trial counsel to object to the suggestive i.d. of the Affiant's prejudicial statements made in this video or failure to have statements redacted to prevent this undue prejudice.

3.) trial counsel's failure to object, where judge allows jury to put defendant's identity in jeopardy during deliberation (transcript pg. 146, ln. 24 - pg. 147, ln. 2) where trial counsel states "I would, your honor, but..."

4.) trial counsel's failure to have a Neil vs. Biggers hearing to determine the accuracy of identification

5.) trial counsel's failure to object to or have stricken from the record hearsay testimony of Affiant that had no firsthand knowledge of crime or i.d. of accused

6.) And the objection to the Allen Charge

7.) And issues in supplemental memorandum (about hearsay)

Also, I would have you notice and argue that I did not waive my right to testify at my PCR hearing and my lawyer did so without my consent and I wanted to testify in my own behalf, and due to this was not able to adequately present my case. It must be waived on record or by a signature in order to waive this right.

In closing, the 59(E) must be done to allow the appeals court to have an adequate record that will allow it to make an informed decision.

In advance, thank you and I look forward to your prompt reply.

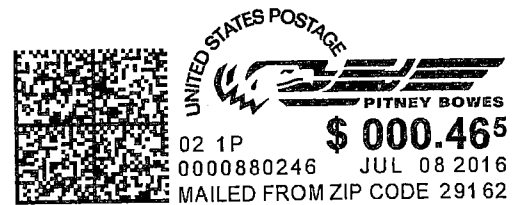
cc: Mrs. Lanelle Cantey Durant

Lynel Witherspoon
7/7/16 #254076

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TURBEVILLE, S. C. 29162

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The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

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