

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM GREENVILLE COUNTY
HON. R. KNOX McMAHON, Cir. COURT

THE STATE OF SOUTH CAROLINA Respondent
v.
BRADON D. ADAMS Appellant,

APPELLANT CASE NO:
2016-00090
APPEAL MATTER

HERE COMES APPELLANT, MR. BRADON D. ADAMS, ACTING PRO SE, IN THE ABOVE REFERENCED CASE NO: 2016-00090 TIMELY FILE THIS RESPONSE TO THE FORTY-FIVE (45) DAYS COURT DEADLINE PURSUANT TO ANDERS V. CALIFORNIA 386 U.S. 738, 87 S.Ct 1396 (1967) ADDRESSING THE FOLLOWING ISSUES TO BE CONSIDER ON APPEAL AND WHY APPELLATE COUNSEL FOR RECORD OF APPEAL SHOULD NOT BE RELIEVED AS COUNSEL IN THIS APPELLATE COURT MATTER.

PROCEDURAL HISTORY

DURING THE JULY 2013 TERM, A GREENVILLE COUNTY GRAND JURY INDICTED APPELLANT FOR MURDER (2013-GS-23-5553) 1ST DEGREE BURGLARY (2013-GS-23-5554 ARMED ROBBERY (2013-GS-23-5556) AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME (2013-GS-23-5556) ON JANUARY 5TH, 2016 APPELLANT PROCEEDED TO TRIAL BY JURY AND WAS REPRESENTED BY TRIAL COUNSEL MR. IVAN J TONEY, ESQ. THE STATE WAS REPRESENTED BY MR. LALUS C. MARCHANT, SOLICITOR FOR GREENVILLE COUNTY. A JURY FOUND APPELLANT GUILTY OF ALL CHARGES ON JANUARY 6TH 2016. THE HON. McMAHON SENTENCED APPELLANT TO THIRTY (40) YEARS FOR MURDER THIRTY (30) YEARS FOR BURGLARY 1ST DEGREE THIRTY (30) YEARS FOR ARMED ROBBERY AND FIVE (5) YEARS FOR THE POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME. APPELLANT FILED AND SERVED A NOTICE OF APPEAL ON JANUARY 15, 2016.

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SC Court of Appeals

APPELLANT IS REPRESENTED BY MS. SUSAN B. HACKETT, ESQ FOR APPELLATE DEFENSE WHO, ON THE DATE OF 2016 FILED UPON THIS COURT OF APPEALS AN ANSWERS BRIEF AND MOTION TO BE RELIEVED AS COUNSEL DUE TO HER FINDINGS THAT APPELLANT APPEAL IS WITHOUT MERITS

APPELLANT WAS NOTIFIED BY THIS COURT ON THE DATE OF 12-6-2016 THAT APPELLATE COUNSEL FOR THE RECORD HAS FILED UPON THE COURT A MOTION TO BE RELIEVED AS COUNSEL IN THIS APPELLATE MATTER DUE TO HER FINDINGS AND HAS GIVEN APPELLANT FORTY-FIVE (45) DAYS TO FILE HIS PRO-SE PETITION ADDRESSING ANY ISSUES APPELLANT BELIEVES THIS COURT SHOULD CONSIDER ON APPEAL.

APPELLANT RECEIVED THIS LETTER FROM THIS COURT OF APPEALS ON THE DATE OF 12-6-2016 FROM THE KIEBER CORR INST MAILROOM PERSONAL. APPELLANT PRO SE PETITION TIMELY FOLLOWS:

APPELLANT PRO SE PETITION ADDRESSING ISSUE THAT SHOULD BE CONSIDER ON

APPEAL

ISSUE 1

THE TRIAL COURT ERRED IN NOT EXCLUDING APPELLANT'S ALLEGED STATEMENT FROM THE TRIAL OF THIS CASE, VIOLATING APPELLANT'S 5TH AND 14TH AMENDMENT'S OF THE U.S. CONST.

THE JACKSON V. DENNO HEARING HELD ON JANUARY 5TH, 2016

INVESTIGATOR WAYNE TAYLOR CAMPBELL FOR THE GREENVILLE COUNTY SHERIFF'S OFFICE WAS THE HEAD INVESTIGATOR OVER THIS CASE WHICH INVOLVES THE MURDER OF MR. JOSEPH CRITE THAT OCCURED DURING THE COMMISSION OF AN ARMED ROBBERY AND FIRST (1ST) DEGREE BURGLARY THAT HAPPENED ON THE APPROX DATE OF 12-11-2012 IN GREENVILLE COUNTY. TR.P. 38 LINE 10-11. MR. CAMPBELL COULD NOT GET ANY LEADS ON THE SUSPECTS INVOLVING HIS CRIMINAL INVESTIGATION UNTIL HE RECEIVED INFORMATION FROM A WITNESS MR. JIMMY COBB ON 12-28-2012 WHICH PLACED APPELLANT AT THE SCENE OF THE CRIME. TR.P. 75 LINE 3-7. DUE TO THAT INFORMATION APPELLANT THEN BECAME A SUSPECT IN MR CAMPBELL'S CASE. TR.P. 38 LINE 10-17. MR. CAMPBELL THEN TESTIFIED THAT HE DISCOVERED THAT APPELLANT WAS BEING DETAINED BY GREENVILLE COUNTY SHERIFF'S OFFICE ON UNRELATED CRIMINAL CHARGES. TR.P. 38 LINE 20-21. MR. CAMPBELL THEN WENT AND MET WITH APPELLANT AT THE GREENVILLE COUNTY DETENTION CENTER ON THE DATE OF FEBRUARY 11, 2013. TR.P. 38 LINE 14-17. ACCORDING TO INVESTIGATOR CAMPBELL APPELLANT WAS DETAINED IN HANDCUFFS AND WAS PLACED IN THE INTERROGATION ROOM WITH ONLY HIMSELF. TR.P. 39 LINE 20-25, TR.P. 40 LINE 1-25 MR. CAMPBELL THEN QUESTIONED APPELLANT WHETHER APPELLANT KNEW AND UNDERSTOOD HIS MIRANDA RIGHTS WHICH APPELLANT STATED THAT HE COULDN'T READ OR WRITE TR.P. 40 LINE 23-25 TR.P. 41 LINE 1- . MR. CAMPBELL TESTIFIED THAT HE THEN WENT BACK OVER APPELLANT MIRANDA RIGHTS A SECOND TIME AND THAT APPELLANT DID SIGN A WAIVER FORM. TR.P. 41 LINE 25, TR.P. 42 LINE 1-4. INVESTIGATOR CAMPBELL THEN STARTED QUESTIONING APPELLANT CONCERNING THE MURDER OF MR. CRITE THAT HAPPENED ON 12-11-2012. APPELLANT HAD

DENIED ALL ALLEGATIONS CONCERNING HIM INVOLVED IN THE MULLOY ARMED ROBBERY AND 1ST DEGREE BURGLARY THAT HAPPENED ON 12-11-2012. TR P. 42 LINE 18-25, TR P 43 - LINE 6-22. MR. CAMPBELL THEN TESTIFIED THAT THE INTERROGATION WASN'T MAKING NO LEADS SO HE JUST ENDED QUESTIONING APPELLANT. TR. P. 44 LINE 7-13. THIS STATEMENT WAS VIDEO RECORDED TR P. 42 LINE 8-11. ON SEPTEMBER 18TH, 2014 WHICH WAS APPROX 7 MONTHS AFTER MR. CAMPBELL'S FIRST INTERVIEW WITH APPELLANT, MR. CAMPBELL HAD APPELLANT ESCORTED FROM THE GREENVILLE COUNTY DETENTION CENTER AND TAKEN TO THE GREENVILLE COUNTY LAW ENFORCEMENT HOMICIDE INTERROGATION ROOM. TR. P 44 LINE 19-24. MR. CAMPBELL WAS ACCOMPANIED BY MR. LUCAS MARCHANT FOR THE GREENVILLE COUNTY SOLICITOR'S OFFICE AND MR. MATT CANADY WHO WAS APPELLANT COUNSEL AT THAT TIME ON OTHER CHARGES. TR. P 44 LINE 24-25.

MR. CAMPBELL TESTIFIED THAT APPELLANT TALKED TO HIS LAWYERS IN PRIVATE AND THEN CAME FORTH WITH COUNSEL AND ~~STATED~~ STATED HE WANTED TO TALK. TR P. 45 LINE 2-5. INVESTIGATOR CAMPBELL THEN STARTED QUESTIONING APPELLANT ABOUT THE CRIME THAT HAPPENED ON DEC 11, 2012 WHICH LED TO APPELLANT SUPPOSLEY GIVEN A CONFESSON TO INVESTIGATOR CAMPBELL. TR P. 46 LINE 5-25, ⁴⁷⁻⁴⁸⁻⁴⁹ TR. P. ~~HOWEVER~~, THERE'S NO VIDEO RECORDING OR WRITTEN CONFESSON TR. P 50 LINE 6-9, THE RECORD ALSO SHOWED ~~THAT NO~~ WRITTING WAIVER WAS EVER GIVEN TO APPELLANT TO SIGN BEFORE HE STATED GETTING QUESTIONED

By Investigator Campbell. TR P. 60 line 1-4, Additionally, Investigator Campbell testified that he never once prior to questioning Appellant MIRANDARIZE Appellant pursuant to MIRANDA V. CALIFORNIA TR. P. 60 line 1-4. THE PROSECUTION EVEN ADMITTED TO THIS VIOLATION TO THE TRIAL COURT. TR. P. 62 line 12-21.

AT THE JACKSON V. DENNO HEARING MR. CANADY WAS NOT PRESENT TO TESTIFY TO APPELLANT BEING MIRANDARIZED BY HIM. TR. P. 60 line 20-25, TR. P. 61 line 1-5.

TRIAL COUNSEL MOVED TO SUPPRESS BOTH STATEMENTS BY STATING THAT THE 1ST STATEMENT WAS IN VIOLATION OF MIRANDA BECAUSE THE INVESTIGATOR NEVER QUESTIONED APPELLANT WHETHER HE UNDERSTOOD THAT HE WAS WAIVING HIS RIGHTS, KNOWINGLY AND INTELLIGENTLY. TRIAL COUNSEL ADDITIONALLY MOVED TO SUPPRESS THE SECOND STATEMENT OF APPELLANT BECAUSE OF MIRANDA VIOLATION BECAUSE (1) THE INVESTIGATOR FAILED TO READ APPELLANT HIS MIRANDA RIGHTS BEFORE QUESTIONING APPELLANT, (2) FAILED TO READ OR PRESENT TO APPELLANT A MIRANDA WAIVER FORM SO APPELLANT COULD HAVE READ AND SIGNED. TR. P. 61-62-63-64-65-66-67. CLEARLY LEGITIMATE ISSUES WAS PRESENTED THAT REQUIRED THE 1ST AND 2ND STATEMENT TO BE SUPPRESSED. HOWEVER, THE TRIAL COURT DENIED THE MOTION TO SUPPRESS AND ALLOWED THE STATE

TO USE BOTH STATEMENTS AGAINST APPELLANT. TR.P. 61
LINE 10-25, TR.P. 62-63-64-65-66-67. THROUGHOUT
APPELLANT'S TRIAL THE 1ST AND 2ND STATEMENT WISHTED
HEAVY UPON APPELLANT BY THE PROSELUION. TR. P 103 LINE
13-23. THE PROSECUTOR QULSTIONED INVESTIGATOR CAMPBELL
CONCERNING THE STATEMENTS IN FRONT OF THE JURY. AND THE
PROSECUION ENTERED IN EVIDENCE STATEMENT (1) THE
VIDEO TAPE. TR. P 313 LINE 24-25, TR.P. 314-315-316-317-318 AND
319. THE JURY HEARD INVESTIGATOR CAMPBELL TESTIMONY AND
RETURNED WITH A VERDICT AGAINST APPELLANT FINDING
HIM GUILTY AS CHARGED.

ARGUMENT

APPELLANT ARGUES THAT THE TRIAL COURT ERRED IN FAILING
TO SUPPRESS HIS 2ND SUPPOSED STATEMENT TO INVESTIGATOR
CAMPBELL WHICH WAS GIVEN ON SEPT 18, 2014. APPELLANT
ARGUES THAT THE TRIAL COURT PREJUDICED HIM BECAUSE
THE 2ND STATEMENT OF HIS SHOULD HAVE NEVER BEEN
ALLOWED IN FRONT OF THE JURY BECAUSE OF THE
VIOLATION OF MIRANDA V. CALIFORNIA. 384 U.S. 436,
86 SCT 1602 (1966) WHICH HELD: A PERSON BEING
ARRESTED MUST BE TOLD THAT HE/SHE HAS THE RIGHT TO
REMAIN SILENT. IN THIS PRESENT CASE INVESTIGATOR
CAMPBELL FAILED TO DO SO TR.P 62 LINE 18-~~25~~²⁵, THIS EVEN COVERS
ANY SUSPECT OF A CRIMINAL CRIME U.S. V. HURST 228 F 3d
751 (6TH CIR 2000) INTERROGATION TRIGGERS THE NEED TO
GIVE MIRANDA WARNINGS. U.S. V BUTLER 249 F 3d 1094

(9TH CIR 2001) H10, A PERSON MUST BE ADVISED OF HIS MIRANDA RIGHTS PRIOR TO QUESTIONING. U.S. V. KIM 292 F3d 964 (9TH CIR 2002) NEW TRIAL WAS GRANTED BECAUSE AT NO TIME DID KIM RECEIVE MIRANDA WARNINGS. ESCOBEDO V. ILLINOIS 378 U.S. 478 (1964) GARCIA V. SINGLETARY 13F3d 1487

THE 5TH AMENDMENT HAS ESTABLISHED THAT [NO] PERSON SHALL BE ~~BE~~ COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF. U.S. CONST AMENDS. 5TH, [UNLESS] HE WAS GIVEN MIRANDA WARNINGS AND HAS KNOWINGLY, VOLUNTARY AND INTELLIGENTLY WAIVED HIS RIGHT NOT TO TALK. ESCOBEDO V. ILLINOIS

IN THIS PRESENT CASE APPELLANT NEVER RECEIVED NO MIRANDA WARNINGS SO THEREFORE HE DID NOT KNOWINGLY, VOLUNTARY OR INTELLIGENTLY WAIVE HIS RIGHT NOT TO TALK, AND WITH THAT BEING PRESENT WHAT EVER APPELLANT SUPRETELY TOLD INVESTIGATOR CAMPBELL CANT BE USED AGAINST HIM IN NO COURT OF LAW. [MIRANDA] ANY THING YOU SAY CAN AND WILL BE USED AGAINST YOU IN THE COURT OF LAW. 384 U.S. 436, 86 SET 1602 (1966). THE TRIAL COURT SHOULD HAVE SUPPRESS APPELLANT 2ND STATEMENT. JOCKS V. TAVERNIER 316 F3d 128 (2ND CIR 2003) HEID THE APPROPRIATE REMEDY FOR VIOLATIONS OF MIRANDA RIGHTS IS TO EXCLUDED STATEMENT FROM TRIAL.

CONCLUSION

DUE TO TRIAL COUNSELL BEING DENIED OF HIS MOTION TO SUPPRESS APPELLANT'S INVOLUNTARY CONFESSION THE ISSUE WAS PRESERVED FOR APPELLATE REVIEW, THEREFOR FOR THE PRESENTED REASON, APPELLANT RESPECTFULLY ASK THIS COURT TO GRANT CERTIORARI AND REVERSE AND REMAINS APPELLANT CONVICTIONS AND SENTENCES BACK TO THE LOWER COURT FOR A NEW TRIAL.

Respectfully Submitted

THIS _____ DAY OF JANUARY,
2017

S/.

PRO SE

APPEALS

BRADON ADAMS SCDC#

APPELLANT

v.

STATE OF SOUTH CAROLINA

RESPONDENT

CASE NO 2016-00090

CERTIFICATE OF SERVICE

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I CERTIFY THAT A TRUE COPY OF THIS PETITION FOR CONSIDERATION OF ADAMS V. CALIFORNIA APPEAL IN THIS CASE HAVE BEEN SERVED ON THE FOLLOWING PARTIES ON THIS DAY OF _____ 2017.

PARTIES ADDRESSES

COURT -> THE SOUTH CAROLINA COURT OF APPEALS
PO BOX 11627
COLUMBIA SC 29211

S/ BRADON ADAMS
PRO SE APPELLANT

LAWYER -> SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE
PO BOX 11589
COLUMBIA SC 29211-1589

RESPONDENT -> SENIOR ASSISTANT DEPUTY ATTORNEY GENERAL
ATTORNEY GENERAL OFFICE
P.O. BOX 11549
COLUMBIA SC 29211

Sworn TO BEFORE ME THIS
____ DAY OF January 2017
Debra Beard

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission EXPIRES 6/1/2018