

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 25 2017

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

SC Court of Appeals

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2016-002548

The State, Respondent,

v.

John Mark Cureton, III Appellant.

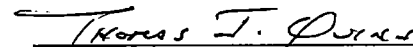
STATEMENT OF ISSUES

John Mark Cureton, III has appealed his conviction and sentence in this case. The sentence was imposed by The Honorable Edward W. Miller on December 12, 2016 pursuant to a guilty plea entered by Mr. Cureton. At the time of filing of the Notice of Appeal no written explanation showing that there is an issue which can be reviewed on appeal was provided. By letter of Ms. Jenny Kitchings, Clerk of the South Carolina Court of Appeals dated January 11, 2017 this explanation was requested.

Counsel for Mr. Cureton, Thomas J. Quinn, has not been able to identify any issues from the guilty plea which should be reviewed on appeal.

Mr. Cureton has provided to Mr. Quinn a six page statement of the grounds he believes should be reviewed by this Court. That original document is attached and made a part of this Statement by reference. None of the issues identified by Mr. Curteon were raised to the lower court or ruled upon as part of his guilty plea nor can counsel cite authority that any issue raised by Mr. Cureton should be reviewed. While issues addressed by Mr. Cureton may be appropriate for post-conviction relief none are appropriate for direct appeal to The Court of Appeals.

January 23, 2017



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Other Counsel of Record:

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Attorney for Respondent

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I inmate "John Cureton" SeDC # 312745 am stating the following grounds for a Direct Appeal. The following grounds are under-lined as follows and are star marked ☆:

- In the South Carolina Code of Laws under:

Article 6

Protection of Persons and Property Act

Section 16-11-420. Intent and findings of General Assembly.

(A) It is the intent of the General Assembly to codify the common law "Castle Doctrine" which recognizes that a person's home is his castle and to extend the doctrine to include an occupied vehicle and a person's place of business.

☆ (B) The General Assembly finds that it is proper for law abiding citizens to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others.

(C) The General Assembly finds that "section 20" Article 1 of the South Carolina Constitution guarantees the right of the people to bear arms and this right shall not be infringed.

☆ (D) The General Assembly finds that persons residing in or visiting this state have a right to remain unmolested and safe within their homes businesses and vehicles.

☆ (E) The General Assembly finds that no person or victim of a crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

(History: 2006 Act, No. 379, Section 1, eff June 9, 2006.)

☆ • I inmate "John Cureton" SeDC # 312 745 took this case to trial before pleading guilty using a "Gideons plea" meaning I was stating I was not guilty, but was pleading because I felt it was a chance I could lose in proceeding forward onward with the trial. I took it to trial before pleading.

☆ • During trial investigator "Michael Fortner" took the stand and admitted to the prosecutor that the incident did take place on our property and "Javar io Brook" was on our property when he was shot. I was living with my brother "Justin Cureton" and sister-in-law "Brandi Wilson" and at the time we had two little children which were my niece and nephew inside the home when this intrusion took place leaving

me to protect my family and myself.

- ★ Also under Article 6, I am justified by the law to protect our home, plus if you check my motion of discovery; there is evidence that our home was ran inside against our will, and that's when I let off a warning shot to get them out. Then they came back and assembled another crowd again. Two or more people assembled together for the same reason is considered a gang.

- ★ During trial the people who took the stand also testified the exact story I had told investigators when I turned myself in to authorities also proving I was telling the truth...

- ★ No where can you find I was an aggressor. Nor can you find that I pre-meditated my actions. Factual evidence me and my brother "Justin Cureton" were indeed inside our home when fighting broke out in our back yard and my brother "Justin" slide open the back sliding door and asked "was everyone okay! There fore being a good citizen and making sure no one was hurt! And the deceased "Javarrio Brooks" yelled back to my brother "Justin Cureton" and said "Fuck you, your next" and him and the people with him barricaded our back door, so I "John Cureton" stepped outside to stop the crowd of people from entering our back door which we had two children inside our residence between the ages of 4 and 8 yrs. old. Plus I even let off a single warning shot into the air to defuse the situation; may I add it was 11 p.m. at night in a crime riddled neighborhood called Dixie - Estates where alot of crimes and shootings take place. And

- ★ may I add the reason I let a single warning shot go into the air was because the crowd forced their way past me into the house where the children resided. After the warning shot I ran back into my brother's house and forced the intruders out. But they threatened me and my brother that they were coming back to shoot our residence up. After this me and my brother were in the house making sure everything and everyone inside the house was okay! 2 to 3 minutes later they came back to our back porch and that's when my brother ran outside on the porch and I went behind him to make sure they didnt run back into our residence and

- ★ After this me and my brother were in the house making sure everything and everyone inside the house was okay! 2 to 3 minutes later they came back to our back porch and that's when my brother ran outside on the porch and I went behind him to make sure they didnt run back into our residence and

* that's when about four people from out of the crowd ran up and surrounded my brother "Justin" and that's when I shot a single round striking "Javario Brooks" and "Sitton" with a single round as they attempted to lynch my brother "Justin Cureton"...

* South Carolina code of Law:
Article 6 Protection of Persons and Property Act
SECTION 16-11-430. Definitions

IMPORTANT
* * * ↓
(They attacked our porch us...)

As used in this article, the term:

* (1) "Dwelling" means a building or conveyance of any kind, including an attacked porch whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people, lodging there at night.

* SECTION 16-11-430 Definitions. As used in this article, the term:

↓ (3) "Residence" means a dwelling in which a person resides temporarily or permanently or is visiting as an invited guest.

I was living with my brother Justin and Brandy Wilson temporarily and was a invited guest *.

* Also my sister-in-law "Brandy Wilson" stated to me that the Assistant Solicitor "Julie Anders" was trying to get her to say certain things (which can be called abuse of a witness.) "Also intimidation of a witness..."

* In my motion of discovery my brother "Justin Cureton" stated in a statement at the Greenville County Police Department that "I was protecting him" this is in the Investigators Report...

* Enduring trial Witness # 4 (Tavio Garnett) took the stand and admitted that "Javario Brooks" incited the altercation and ran on our porch in a threatening nature trying to assault us!

* SOUTH CAROLINA CODE OF LAWS
Article 6 Protection of Persons and Property Act.
SECTION 16-11-440. Presumption of reasonable fear of imminent peril

when using deadly force against another unlawfully entering residence, occupied vehicle or place of business.

* (A) A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to him self or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person:

(1) against whom the deadly force is used is in the process of unlawfully and

forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if he removes and is attempting to remove another person against his will from the residence or occupied vehicle; and

★ (2) who uses deadly force knows or has a reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring or has occurred.

↑ (They forced their way into our home the first time and came back to do it a second time.) ★

★ • I also would like to appeal on the grounds due to the alleged technicalities and the misinterpretation of evidence, when the evidence, and physical evidence clearly justifies my actions by the full statute's of South Carolina's Code of Laws, Title 16, Crimes and Offenses Chapter 11, Article 6 Protection of Persons and Property...

★ SECTION 16-11-410. This article may be cited as the Protection of Person's and Property Act.

★ • Also look up "South Carolina v. Spicer" May 2011

★ • Based upon testimonies that confirmed my preceding story identifies that I told the truth...

★ • SOUTH CAROLINA CODE OF LAWS

↙ SECTION 16-11-440 ↘

★ (C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including but not limited to, his place of business, has NO DUTY TO RETREAT and has the right to STAND HIS GROUND and meet FORCE WITH FORCE, including DEADLY FORCE, if he reasonably believes it is necessary, to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as defined in Section 16-1-60.

★ • SOUTH CAROLINA CODE OF LAWS

★ SECTION 16-11-440 ↘

★ (D) A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or a violent crime as defined in Section 16-1-60.

★ SOUTH CAROLINA CODE OF 1976
Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

Section 16-23-415. (Savings Clause)

★ SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or or (appeal existing) as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures and liabilities as they stood under the repealed or amended law.

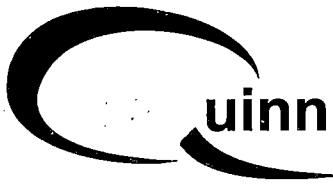
(Severability clause)

★ SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise inoperative.

- Time effective -

★ SECTION 6. This act takes effect upon approval by the Governor.
Ratified the 7th day of June, 2000
Approved the 9th day of June, 2000

- (GROUNDS) pg 6
- ★ The trial was based on how the solicitor felt instead of facts...
 - ★ The victim initiated the confrontation.
 - ★ Me and Brother "Justin" was on our property when the incident occurred. Investigator "Fortner" testified on the stand that me and my brother were on our property.
 - ★ The most important factor is me and my family were all victims to crime and we had two little children inside our residence who depended on us to guard them and they started crying and panicked when our home was intruded by people at the party next door, also to remind you this was a drug party next door. The officers smelled an excess of marijuana proceeding out of next door. It's written in the narrative of the police report.
 - ★ A lot of evidence wasn't presented in court that would have proven my actual innocence and that evidence is needing to be submitted and should! A lot of evidence was suppressed...
 - ★ My brother was going to testify on my behalf but I was tricked into taking a plea before that happened, also my sister-in-law "Brandi Wilson" was going to testify to the events that happened. This was her and my brother "Justin's" house, I stayed with them.
 - ★ I know the Supreme Court will look into the Law and will act diligently on the law itself! And is the highest court in the country, and upholds its citizens rights...



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January 23, 2017

Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: The State v. John Mark Cureton, III
Appellate Case No. 2016-002548

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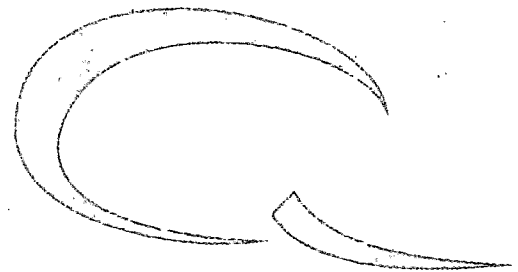
Dear Clerk of Court Kitchings,

Enclosed please find the Statement of Issues requested in your letter of January 11, 2017. If anything further is needed please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to be 'TJ Quinn', written over a horizontal line.

Thomas J. Quinn

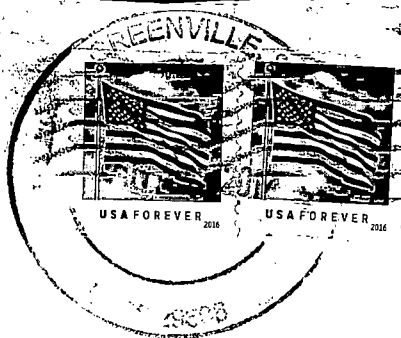


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