

HOW LONG DOES IT TAKE FOR JUSTICE TO  
BE SERVED WHEN YOUER INNOCENT!

Hello ~~in~~ Noah Mumford SCDC #348375 an Honorable discharged veteran of 3/178th Field Artillery of Bennettsville S.C. ~~in~~ writing this letter to ask for help with the wrongful process of my case #2015-000544 I have been in a South Carolina Courtroom three times and have not received a fair or just day in court yet! Pages in this letter are attached.

My Trial Lawyer Larry W. Knox did not represent me proper in trial such as no investigation as to the facts of the case or the reason of my reactions. SEE ATTACHED PAGES 423-445-446 No objection to Redmond saying the bottle didnt break PAGE226 or to the ABHAN charge which there had to be no malaice; as ATTEMPTED MURDER there has to be malaice and aforethought PAGES 461-462-463 which I was attacked so that kills the malaice and aforethought! No Preliminary Hearing PAGE 459 There was limited information an a preliminary hearing would have gave us more to work with! Mr. Knox impeached my main witness this is just a few things that violated my Constitutional Rights and there is more that I can show and prove, he was completely ineffective. If you can help and you need anything just let me know and I will send it to you!

At PCR Mr. Jack Swerling represented me and won but Judge Paul Burch didn't rule on all (14) fourteen issues which was not correct and nothing was done. Judge Burch did rule in my favor on corporal Scott's testimony but he also ruled cumulative prejudice which does not exist in the fourth circuit to hinder my process. When he could have ruled on the direct Constitutional Violations of each issue of the case!

A 59(e) was filed on my behalf concerning Mr. Knox impeaching Mr. Teal after the solicitor Kanard Redmond told him that Mr. Teal's prior conviction for vehicular homicide was not admissible. PAGES 204-205 TRIAL TRANSCRIPT PAGES 411 and 419. Which Judge Burch did not fix in the 59(e). This is a direct prejudice to my case by his negligence.

I also went to Chesterfield Court House for an 243(k) Appellate Bond Hearing for (10) Ten years or less!! Judge Hymne words where you can't have your cake and eat it too you can fire your lawyer and proceed and I will dismiss it or you can get your lawyer to file it. Mr. Alexander refuse to file a 243(k) on my behalf! I have not received a transcript or no paperwork from this proceeding! The State argued it was Hybrid representation my understanding is it's not Hybrid because I don't have an lower court attorney I just have an Appellate Attorney and this is a circuit issue!

How does the judge give a proposed charge at the end of a trial which I had no clue of. I would think that a just or fair trial would give you every thing that you face to meet your burden of proof at the beginning and not at the end as Judge Russo did here in my case! SEE PAGE #312 Trial Transcript.

CC: File  
Joyce Quick  
David Alexander  
David Pascoe  
Daniel Sherhouse  
Cheif Justice Pleicones  
A.G. Alen Wilson  
Governor H. McMaster  
President Trump  
Breitbart News Network, LLC  
60 Minutes  
Gm.  
Palmetto Innocence Project  
Center On Wrongfully Convictions  
Innocence Project - Robert Warden  
WSOC T.V. Station

Thanks, Noah Mumford SCDC 348375  
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RECEIVED

JUN 19 2017

S.C. SUPREME COURT

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Chesterfield County Clerk of Court's Order of Commitment. The Applicant was indicted by the Chesterfield County Grand Jury for Attempted Murder (2011-GS-13-0096). The Applicant was represented by Larry W. Knox, of the Chesterfield County Bar. The Applicant proceeded to trial on October 24, 2011, and on October 26, 2011, the Applicant was found guilty of the lesser included offense of Assault and Battery of a High and Aggravated Nature. He was sentenced to ten (10) years by the Honorable Thomas A. Russo. A Notice of Appeal was timely filed on the Applicant's behalf, but was subsequently abandoned in order for the Applicant to file an Application for Post-Conviction Relief.

## II.

### ALLEGATIONS RAISED

In his Amended Application for Post-Conviction Relief, the Applicant alleged that he is being held in custody unlawfully for the following reasons:

1. The defendant alleges that trial counsel failed to adequately investigate the case.
2. The defendant alleges that trial counsel failed to interview the state's witnesses.
3. The defendant alleges that trial counsel failed to call to trial several witnesses for the defense.
4. The defendant alleges that trial counsel failed to adequately investigate the injuries of the alleged victim in the case.
5. The defendant alleges that trial counsel failed to effectively cross-examine several of the witnesses called by the state during the trial of this case.
6. The defendant alleges that trial counsel failed to adequately investigate the scene of the alleged offense.
7. The defendant alleges that trial counsel failed to have a preliminary hearing.

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8. The defendant alleges that trial counsel failed to submit jury instructions relating to the facts of the case.
9. The defendant alleges that the South Carolina Legislature passed what is known as the "Protection of Persons and Property Act" effective June 9, 2006. The Act provides immunity from prosecution pursuant to section 16-11-450 of the S.C. Code of Laws (1976 amended).
10. The defendant alleges that the South Carolina Supreme Court handed down the opinion in *State v. Duncan*, 709 S.E.2d 662 (May 9, 2011) which held that the defendant was entitled to immunity under the Act.
  - (i) The defendant alleges that trial counsel failed to request a pretrial determination of immunity pursuant to the above-referenced statute and case law.
  - (ii) The defendant alleges that trial counsel failed to request jury instructions that would have been applicable under the Act and case aforementioned.

On July 29, 2014, the Applicant, by letter to Joshua L. Thomas, added three additional grounds to the Application and the Court will consider these grounds as amendments to the original Application for Post-Conviction Relief:

11. The defendant alleges that several witnesses observed the victim talking to a juror and counsel failed to investigate the matter or inform the Court.
12. The defendant alleges that counsel asked several questions of defendant's witnesses which were improper and undermined their credibility.
13. The defendant alleges that counsel failed to investigate or present evidence as to the effect of the defendant's PTSD, and injury to his shoulder and left ear from service related injuries.

At the Post-Conviction hearing the Applicant added the following additional ground which the Court will consider as an amendment to the original Application for Post-Conviction Relief: *Simpson v. Moore*, 627 S.E.2d 701, 708 (2006), Rule 15(b) SCRPC.

14. The defendant alleges that trial counsel was ineffective for failing to object to portions of Corporal Daniel Scott's testimony.

PMB

MR. KNOX ON DIRECT

- 1 Q. Four Thousand Dollars. Okay, and you would not have  
2 had funds to hire an investigator?
- 3 A. No.
- 4 Q. Now, let's see what you did yourself. Did you at-  
5 tempt to -- one of the witnesses was a fellow named Todd  
6 Harold? One of the individuals that was there when this  
7 took place? When the fight took place?
- 8 A. Yes.
- 9 Q. Did you interview Todd Harold?
- 10 A. No, I did not.
- 11 Q. Okay, and he was one of the witnesses. Correct?
- 12 A. Yes.
- 13 Q. Did you interview yourself Antonio Sellers, who was  
14 one of the witnesses who was at the scene?
- 15 A. No, I did not.
- 16 Q. Did you interview Dana Wallace, who was the respond-  
17 ing deputy?
- 18 A. No, I did not.
- 19 Q. Did you interview Daniel Scott, who was the respond-  
20 ing investigator?
- 21 A. No, I did not.
- 22 Q. Did you interview prior to the day of the trial --  
23 you said you did not interview Steven Teal until the day of  
24 the trial. I assume the same goes for Sam (inaudible)  
25 as well.

MR. KNOX ON DIRECT

1 A. No, I wasn't aware of that.

2 Q. You were not?

3 A. No.

4 Q. You were not aware of the fact that he also had --  
5 I may not pronounce this right -- tendonitis.

6 A. No, I was not aware of that.

7 Q. This was a service-connected injury, and he was  
8 on disability?

9 A. . . .

10 Q. Did you know he was getting disability from the  
11 military?

12 A. I knew he was getting disability. I didn't know  
13 the source of it.

14 Q. Why didn't you ask him?

15 A. I didn't think it was significant.

16 Q. You knew he had some service connected injuries.

17 You knew that? Some combat-related injuries?

18 A. Yes.

19 Q. You knew he had a head injury?

20 A. Yes.

21 Q. Why didn't you pursue those types of things in a  
22 self-defense case, and particularly where there is testi-  
23 mony that he said to one of the officers -- I believe  
24 Officer Scott -- that during the video he said he had  
25 blacked out a couple of times during this event?

## MR. KNOX ON DIRECT

1 I'm trying to understand why you wouldn't ask your  
2 client about these medical problems, physical problems,  
3 when you were representing an individual in a self-defense  
4 case?

5 A. I didn't think it had any bearing as far as self-  
6 defense, nor did the fact that he was on any type of a  
7 disability.

8 He told me that he was very much aware of what hap-  
9 pened. He recalled the events very clearly, so I don't  
10 think that had any bearing.

11 Q. You don't think that had any bearing?

12 A. No.

13 Q. You don't think the fact that he had post-traumatic  
14 stress disorder, plus the fact he had tendonitis in his  
15 left shoulder and had had a severe left shoulder injury  
16 in any way could have affected his fear or his apprehens-  
17 ion in a self-defense situation?

18 You don't feel that way?

19 A. No, I don't.

20 Q. Did you know about that?

21 A. I knew that he had some health issues.

22 Q. Yet you didn't pursue those?

23 A. No, I didn't.

24 Q. Let me move on. There were no ballistics tests?

25 A. No, there weren't.

1 out of shape? Was that because Mr. Funderburk ---

2 A. They both got bent out of shape.

3 Q. Both of them?

4 A. Both of them got bent out of shape.

5 Q. Both of them bot bent out of shape. And I'm almost  
6 done. I'm not going to be long with you, Mr. Teal, but  
7 you demonstrated for the jury that Mr. Funderburk -- stand  
8 up for me, Paul. Mr. Funderburk hit Noah with the bottle  
9 across his head, and it went on the shoulder and hit him  
10 hard enough that he went down like that, correct?

11 A. Correct.

12 Q. State's One, does that like look a broken bottle to  
13 you? That's the bottle that was recovered by law  
14 enforcement at the scene that night. Does that look like  
15 a broken bottle to you?

16 A. Well, I've seen bottles not break.

17 Q. ~~That ain't what I asked you. Does that look like a~~  
18 broken bottle to you?

19 A. No, sir.

20 Q. But yet he hit him so hard -- you want me to hit you  
21 with it since you can feel it? You want me to it you with  
22 it? I don't think so because if I did it would probably  
23 break, now, wouldn't it?

24 A. I don't know.

25 Q. And I ain't as big as him.

MR. KNOX ON DIRECT

1 (Brief pause in the proceeding)

2 BY MR. SWERLING:

3 Q. The Defendant, Mr. Mumford, was charged with at-  
4 tempted murder. Correct?

5 A. Yes.

6 Q. And the Judge decided to go ahead and charge the  
7 jury on assault and battery of a high and aggravated  
8 nature?

9 A. Yes.

10 Q. Attempted murder, aggravated assault -- assault  
11 and battery of a high and aggravated nature, a lesser  
12 included offense?

13 A. Yes, sir.

14 Q. Did you object to that?

15 A. No.

16 Q. Did Mr. Mumford tell you he wanted you to object  
17 to that?

18 A. I don't recall.

19 Q. If he had told you he didn't think they had proof  
20 of malice and he didn't want that charge . . .

21 A. I don't recall having that conversation with him.

22 Q. You don't recall it, but you could have?

23 A. . .

24 Q. Is that what you're saying?

25 A. I'm saying I don't recall.

60

MR. KNOX ON DIRECT

1 Q. Let me ask you this. You didn't object, and my  
2 question is this. Why didn't you ask for the lesser  
3 charge of assault and battery in the first degree?

4 Are you familiar with the fact that that is a les-  
5 ser charge?

6 A. Yes.

7 Q. Are they under the same statute?

8 A. Yes.

9 Q. And what is the difference between assault and  
10 battery first degree and assault and battery of a high  
11 and aggravated nature?

12 A. One you could get, if I recall, twenty years, and  
13 the other you could get ten years.

14 Q. For the assault and battery of a high and aggra-  
15 vated nature, Mr. Mumford got ten years. Correct?

16 A. Yes, sir.

17 Q. With no parole?

18 A. Yes.

19 Q. So that means he has to serve eight and a half  
20 years?

21 A. . .

22 Q. For assault and battery in the first degree, it's  
23 ten years but it's parole eligible?

24 A. Yes.

25 Q. My question is this. Why didn't you ask for that

MR. KNOX ON DIRECT

1 charge as a lesser included offense?

2 A. I didn't do that.

3 Q. That was a mistake, wasn't it?

4 A. I'm not saying it was a mistake. I just didn't ask  
5 for it.

6 Q. You don't think asking for a lesser included offense  
7 for your client to get a parole eligible sentence, ver-  
8 sus a non-parole eligible offense? You don't think that  
9 is important?

10 A. I didn't do it. I was shocked when they returned  
11 a verdict of guilty of assault and battery of a high  
12 and aggravated nature.

13 Q. Mr. Knox, wouldn't it have been a prudent and a  
14 proper thing to do to discuss that with Mr. Mumford?

15 A. Yes, sir.

16 Q. And ask for that as a lesser charge?

17 A. Yes, sir.

18 Q. And if the Judge was giving a lesser charge on  
19 assault and battery, wouldn't it have been smart if you  
20 knew about it, to go ahead and ask for a lesser charge  
21 so he could get a parole-eligible sentence?

22 A. . .

23 Q. Looking back, wasn't that the smart thing to do?

24 A. Yes.

25 Q. So you gambled his life?

MR. KNOX ON DIRECT

1 Q. But you could have done one of those in this case,  
2 could you not?

3 A. Could have.

4 Q. Did you ever discuss that with Mr. Mumford?

5 A. No, I did not.

6 Q. And the Castle Doctrine -- you didn't have a prelim-  
7 inary hearing and you had limited discovery. You didn't  
8 interview many of the witnesses, get photos or diagrams  
9 or measurements or anything like that.

10 Wouldn't it have been important to have a Castle  
11 Doctrine pre-hearing so you could get educated more as  
12 to the case? To help your client?

13 A. No. My interpretation of the Castle Doctrine is  
14 a person has a right not to retreat if he is in his  
15 dwelling place. It has to be lawful activity he is  
16 engaged in.

17 Notwithstanding the facts and what I was told by  
18 my client, I didn't think that applied.

19 Q. He had a right to be where he was?

20 A. Yes.

21 Q. So that would qualify under this statute?

22 A. That part of it.

23 Q. And so my point is that you gave away another oppor-  
24 tunity to learn something more about the case that had  
25 no interviews, no discovery, no measurements or photos

1 THE COURT: Okay. And you've discussed it with your  
2 lawyer, and he's given you his thoughts. But the final  
3 decision has been yours; is that correct?

4 MR. MUMFORD: Yes, Your Honor.

5 THE COURT: And has anybody forced or coerced you  
6 into making that decision?

7 MR. JONES: No, Your Honor.

8 THE COURT: All right, sir. Do you have any  
9 questions for the Court regarding that decision to  
10 testify?

11 MR. MUMFORD: No, Your Honor.

12 THE COURT: Okay. And, of course, and I don't know  
13 that the Defense's position is. If you have other  
14 witnesses certainly you may call those as well, but I'm  
15 really just dealing with your decision. So, okay, thank  
16 you, sir. I appreciate that. So we'll proceed  
17 accordingly. While I've got them back there, cause it's  
18 about 3:30, well, are there any other motions that I need  
19 to deal with at this point?

20 MR. REDMOND: No, Your Honor.

21 MR. KNOX: No, Your Honor.

22 THE COURT: Do we need to go over these criminal  
23 histories or is there any question about any of them?

24 MR. REDMOND: The only one, Mr. Cranford does have a  
25 criminal history. Looks like Mr. Teal, his exceeds the

1 ten year limit.

2 THE COURT: All right.

3 MR. REDMOND: We have nothing that we intend to  
4 impeach on with Mr. Teal, but Mr. Cranford, we do have  
5 several items.

6 THE COURT: All right. You understand -- are there  
7 any questions about those items or are y'all in agreement  
8 on those?

9 MR. REDMOND: I can show them to Mr. Knox.

10 THE COURT: All right. Of course, Solicitor, you are  
11 well aware, that as I in speaking with Mr. Mumford, you  
12 can ask them, that witness, about whether or not they have  
13 been convicted of that offense and that pretty much ends  
14 it.

15 MR. REDMOND: Yes, sir. That pretty much is it. And  
16 I don't know if I put on the record or not. The defendant  
17 does not have anything in the last ten years that would be  
18 able to be utilized as well for the purpose of  
19 impeachment.

20 THE COURT: So there would be no question of Mr.  
21 Mumford as to criminal history?

22 MR. REDMOND: Correct.

23 MR. KNOX: I have no objection.

24 THE COURT: All right. So we'll allow you to proceed  
25 as appropriate. Since I've got the jury out we are going

MR. KNOX ON DIRECT

1 A. That was my understanding.

2 Q. And in this particular case, it was brought out by  
3 you from your own witness that he had a conviction from  
4 thirty-five years ago?

5 A. Yes, I did.

6 Q. When did you first interview Mr. Teal? The day of  
7 the trial?

8 A. I can't recall.

9 Q. Well, was it the day of the trial?

10 A. I think so.

11 Q. Okay. So you've got a man facing an attempted murder  
12 charge, and this is a key witness in the case, and you in-  
13 terviewed him the day of trial when you had been on the  
14 case yourself a number of months?

15 A. . .

16 Q. Correct?

17 A. Yes.

18 Q. Okay. Don't you think you owed it to your client to  
19 interview Mr. Teal well before the trial date?

20 A. Yes. What happened, Mr. Swerling, is I asked my  
21 client to provide me with a list of witnesses that he  
22 wanted me to interview, the particular witnesses that he  
23 would want, and he gave me a list of witnesses.

24 One of them was Mr. Steven Teal. I asked him what  
25 was an address where I could locate him. That was never

MR. KNOX ON DIRECT

1 A. . .

2 Q. You asked if he had ever used illegal drugs, and  
3 he said yes.

4 Then you said, how long ago did you last use il-  
5 legal drugs, and he said I have been clean for twenty-  
6 five years -- five years.

7 I've been clean for five years. Now, under what  
8 possible circumstances would a lawyer want to bring out  
9 the fact that his witness was using drugs five years  
10 ago?

11 A. Because I wanted to show the jury that he was not  
12 under the influence of drugs at the time.

13 Q. Was there any evidence that he was?

14 A. That wasn't what I asked.

15 Q. There was no evidence that he was?

16 A. Right.

17 Q. So the Solicitor could not have asked him that  
18 question. Do you agree with that?

19 A. . .

20 Q. Do you agree that the Solicitor could not have  
21 asked the question that you asked that undermined your  
22 witness?

23 A. I don't think it undermined my witness.

24 Q. Well, let me ask you this question, Mr. Knox.

25 If you are examining a witness on cross examination,

1 and assess that.

2 MR. KNOX: Thank you, Your Honor.

3 THE COURT: So I respectfully deny that. All right.  
4 Anything further from the State?

5 MR. REDMOND: Nothing further from the State.

6 THE COURT: From the Defense?

7 MR. KNOX: Nothing from the Defense, Your Honor.

8 THE COURT: All right. Guys, Patrick has gone over  
9 to the Clerk's Office and is getting a copy of the charge  
10 that I propose. When you get it how about look through  
11 it. It is just a proposed charge, okay. It's so if there  
12 are any changes you want to make just -- we'll get  
13 together and you can let me know that. If it's okay then  
14 that's fine, too. Whatever you want to do, but I want to  
15 give you a few minutes to look over that and then we'll  
16 talk about it. We'll just be a ease.

17 (WHEREUPON, a short break was taken.)

18 MR. REDMOND: Your Honor, the State has reviewed the  
19 proposed charge, and has no objection.

20 THE COURT: Okay. All right.

21 MR. KNOX: Likewise, the Defense has reviewed it and  
22 we have not objection, Your Honor.

23 THE COURT: All right. Thank you, gentlemen. All  
24 right. If there is no problem we're going to be ready to  
25 go so I'm going to get with Faye about bringing lunch in

PROOF OF SERVICE

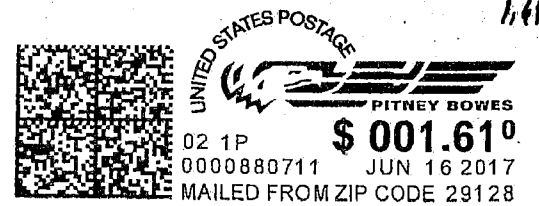
I Noah Mumford swears under penalty of perjury that all information in this packet is true and that I have served all the listed people with a copy of this packet!

Noah Mumford SCDC # 348375  
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Noah C. Mumford  
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