

STATE OF South CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM GREENVILLE COUNTY
HONORABLE R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

CARL STANLEY AIKEN APPELLANT

The STATE V. RESPONDENT

APPELLATE CASE NO. 2017-000907

PRO SE BRIEF OF APPELLANT
TO BE INCLUDED IN THE RECORD ON APPEAL:

CARL STANLEY AIKEN, 218840
APPELLANT
MANNING CORRECTIONAL INSTITUTION
502 BECKHAM DRIVE
COLUMBIA S.C. 29203

RECEIVED

DEC 18 2017

SC Court of Appeals

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WARRANT

INDICTMENTS

STATEMENTS OF ISSUES ON APPEAL

TRIAL COURT erred by NOT giving APPELLANT A FAIR TRIAL ON THE OF OBTAINING GOODS UNDER FALSE PRETENSES.

TRIAL COURT erred by CONVICTED APPELLANT FOR OBTAINING GOODS UNDER FALSE PRETENSES, APPELLANT WAS ON TRIAL FOR EXPLOITATION OF A VULNERABLE ADULT.

TRIAL COURT erred by DENIED MOTIONS MISTRIAL, DIRECTED VERDICT AND NEW TRIAL.

TRIAL erred by SENTENCE APPELLANT ABOVE SENTENCING GUIDELINE. UNDER STATUTE §16-13-240 sec(3)

STATEMENT OF CASE

APPELLANT WAS FOUND NOT GUILTY ON APRIL 4, 2017 FOR THE CHARGE OF EXPLOITATION OF A VULNERABLE ADULT AND CONVICTED ON APRIL 4, 2017 ON THE CHARGE OF OBTAINING GOODS UNDER FALSE PRETENSES AFTER A JURY TRIAL HELD BEFORE THE HONORABLE R. LAWTON MCINTOSH ON APRIL 3, 4, 2017 IN GREENVILLE COUNTY. APPELLANT WAS SENTENCED TO 10 YEARS SUSPENDED UPON 4 YEARS WITH 5 YEARS PROBATION THEREAFTER. RESTITUTION OF \$14,250⁰⁰ WAS ALSO ORDERED. DOTO THY MANIGAUITE ESQ. WAS DEFENSE COUNSEL. JOHNATHAN GREGORY ESQ. JENA HENDRICKS ESQ. WERE THE ASSISTANT SOLICITORS.

Argue MENTS

The APPELLANT WAS ON TRIAL APRIL 3, 4, 2017 FOR EXPLOITATION OF A VULNERABLE ADULT. ALL STATE WITNESSES AT TRIAL TESTIFIED ABOUT MR. POORE HEALTH. DID APPELLANT EXPLOITED MR. POORE BY PAINTING AND OTHER ODD JOBS?

The INDICTMENT READ AS FOLLOWS

EXPLOITATION OF A VULNERABLE ADULT:

THAT CARL STANLEY AIKEN did in Greenville County, between the 1ST day of December 2012, and the 1ST day of March 2013, knowingly and willfully Abuse, neglect or exploit RAYMOND POORE, A VULNERABLE ADULT, to wit: The defendant obtained funds from the victim who suffers from dementia, claiming to have performed painting, and/or other odd jobs, which were never done. This is in violation of §43-35-85 OF THE SOUTH CAROLINA CODE OF LAWS (1976) AS AMENDED.

APT: 13, 2017

Mr. Gregory opening STATEMENTS, IN APRIL OF 2012 MR. POORE WAS DIAGNOSED AND BEGAN TREATMENT FOR DEMENTIA. (R. P. 38, line 5 - P. 41, line 9).

TERRY FORD TESTIFIED THAT SHE WAS A COUSIN OF RAYMOND POORE. HE WAS NOT ABLE TO BE AT TRIAL BECAUSE HE HAD MOVED INTO AN ASSISTED LIVING HOME. PRIOR TO THAT SHE WOULD COME BY AND LOOK AFTER HIM AND HIS AFFAIRS (R. P. 69, line 1 - P. 74, line 7).

ELIZABETH EUDY TESTIFIED THAT MR. POORE HAD MEMORY LOSS (R. P. 100, line 4 - P. 101, line 22).

DENNIS LARSON TESTIFIED TERRY ASKED ME TO START LOOKING AFTER HIM TWO DAYS A WEEK, LET SEE, IN MARCH 13. (R.P. 108, line 15-P. 109, line 18).

DR. KENT KISTLER TESTIFIED HIS FIRST ENCOUNTER WITH HIM WAS APRIL 16, 2012 (R.P. 121, line 12-P. 124, line 3).

JERRY BROWN TESTIFIED TERRY FORD CALLED HIM TO COME LOOK AT THE POORE HOUSE AND SEE IF HE COULD TELL HER WHAT HAD BEEN DONE. (R.P. 145, line 10-P. 147, line 14)

INVESTIGATOR J.D. HOWARD TESTIFIED I BELIEVED I MET WITH THE COMPLAINANT SOME TIME I WANT TO SAY, AROUND APRIL, MAY TIME FRAME (R.P. 156, line 1-P. 168, line 23).

APRIL 4-17 CLOSING ARGUMENTS MS. MANIGAULT, THE ISSUES IN THIS CASE, IS HOW WOULD MR. AIKEN KNOW THAT MR. POORE WAS DIAGNOSED WITH DEMENTIA? (R.P. 242, line 16-P. 248, line 19).

APRIL 4-17 CLOSING ARGUMENTS MR. GREGORY I WANT TO TAKE A MINUTE JUST TO TALK ABOUT EACH CHARGE AND THE FACTS OF THE CASE AND WHAT YOU HEARD AND APPLY IT TO THE LAW. (R.P. 250, line 21-P. 255, line 16).

APPELLANT WAS CONVICTED ON APRIL 4, 2017 FOR OBTAINING GOODS UNDER FALSE PRETEXTS, ON A DIRECT PRESENTMENT INDICTMENT
INDICTMENT READ AS FOLLOWS:

DIRECT PRESENTMENT

OBTAINING GOODS UNDER FALSE PRETENSES

THAT CARL STANLEY AIKEN did in GREENVILLE COUNTY between the 1ST DAY OF December 2012 AND THE 1ST DAY OF MARCH 2013, WITH INTENT TO CHEAT AND DEFRAUD THE VICTIM, RAYMOND POORE, TO OBTAIN U.S. CURRENCY, VALUED AT MORE THAN TEN THOUSAND DOLLARS, FROM THE VICTIM BY MEANS OF FALSE PRETENSES AND REPRESENTATIONS TO WIT; THE DEFENDANT RECEIVED FUNDS FROM THE VICTIM UNDER THE FALSE PRETENSE OF HAVING PERFORMED "HAND MAN" WORK. HOWEVER, THE WORK WAS NEVER DONE. THIS IS IN VIOLATION OF §16-13-0240 OF SOUTH CAROLINA CODE OF LAWS (1976) AS AMENDED.

APPELLANT FAILED TO GET A FAIR TRIAL ON OBTAINING GOODS UNDER FALSE PRETENSES, BOTH INDICTMENTS WERE FOR THE SAME ISSUES RECEIVED FUNDS OF \$14,250 FOR WORK ALLEGED WASN'T DONE. BOTH INDICTMENTS CAME FROM SAME WARRANT #2013A2330203952.

WITHOUT A JOINT INVESTIGATIVE WITH ADULT PROTECTIVE SERVICES (APS) "WAS A DSS CASE")
EXPLOITATION OF A VULNERABLE ADULT
WARRANT READS AS FOLLOWS

THE DEFENDANT DID, BETWEEN 12-01-2012 AND 03-01-2013 OBTAIN APPROXIMATELY \$14,250⁰⁰ FROM THE VICTIM, RAYMOND POORE, WHO SUFFERS FROM DEMENTIA. THE DEFENDANT DID TAKE ADVANTAGE OF THE VICTIM'S DIMINISHED MENTAL CAPACITY TO OBTAIN SAID FUNDS FROM THE VICTIM

Under The FALSE PRETENSE OF DOING "HANDYMAN" WORK FOR THE VICTIM.

AFFIANT HAS STATEMENTS FROM A LICENSED CONTRACTOR ADVISING THAT THE WORK THE DEFENDANT CLAIMED TO DO WAS NEVER DONE. THIS OFFENSE DID OCCUR IN THE COUNTY OF GREENVILLE, SOUTH CAROLINA.

APPELLANT RIGHTS TOO CROSS EXAMINE HIS ALLEGE ACCUSED WAS VIOLATED. COURT DENY MOTION FOR MISTRIAL (R.P. 46, line 13 - P. 51 line 25).

APPELLANT DIRECTED VERDICT WAS DENY ALL STATE WITNESS HAD NO DETAILS OF THE AGREEMENT, TERRY FORD (R.P. 95, line 7 - line 9). ELIZABETH EUDY (R.P. 105, line 23 - P. 106 line 3). JERRY BROWN (R.P. 150, line 8 - line 18). (R.P. 177 - P. 188 line 16).

APPELLANT FAILED TO GET A FAIR TRIAL THE STATE PRESENTED 13 CHECKS AS EXHIBITS (R.P. 58, line 13 - P. 62, line 21). ALL EXHIBITS CHECKS EXCEPT EXHIBIT # (2) WERE MISDEMEANOR TRIABLE IN MAGISTRATES COURT OR MUNICIPAL COURT IF THE VALUE OF THE PROPERTY IS TWO THOUSAND DOLLARS OR LESS STATUTE 16-13-0240 OBTAINING GOODS UNDER FALSE PRETENSES (SEC 3). STATE HAD TERRY FORD TO TESTIFIED TOO ONLY 4 EXHIBITS CHECKS (R.P. 83, line 17 - P. 86, line 25).

The INDICTMENT STATED over \$10,000⁰⁰ dollars, but STATE used Theses 4 Checks ONLY before the JURY. APPELLANT MAY HAVE BEEN CONVICTED ON ONE OF THESE CHECKS OR ALL 4 OF THEM. THESE 4 EXHIBITS DID NOT TOTAL UP TO THE AMOUNT IN THE INDICTMENT. THERE WERE 9 MORE EXHIBITS THAT WASN'T TESTIFIED TO BY STATE WITNESS.

INDICTMENT FOR OBTAINING GOODS UNDER FALSE PRETENSES WASN'T FILED WITH CLERK OF COURT.

CONCLUSION

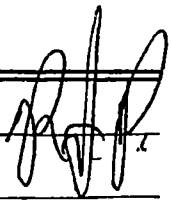
APPELLANT'S CONVICTION SHOULD BE VACATE.

Carl Stanley Aiken

CARL STANLEY AIKEN

This 14 DAY OF December 2017

WITNESSES



Jon D Howard

Greenville County Sheriffs Office

2/9/2015

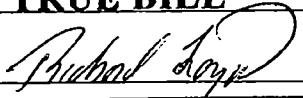
ARREST WARRANT NUMBER

DIRECT PRESENTMENT

D.O.B. 9/29/57 B/M SSN: 251-11-8552

ACTION OF GRAND JURY

TRUE BILL

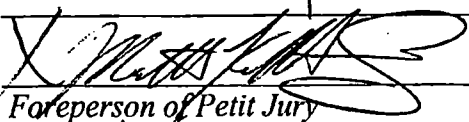


FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty (RUC)



Foreperson of Petit Jury

Date: 4-4-17

DOCKET NO. 2016-GS-23-

JMG

006460A

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

July

TERM 2016

THE STATE

vs.

CARL STANLEY AIKEN

Indictment for

3471

OBTAINING GOODS UNDER FALSE
PRETENSES

VIOLATION § 16-13-0240

ENTERED
ACCT. 1/31

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
OBTAINING GOODS UNDER FALSE PRETENSES

At a Court of General Sessions, convened on **JUL 26 2016** the Grand Jurors of Greenville
County present upon their oath:

DIRECT PRESENTMENT

That CARL STANLEY AIKEN did in Greenville County, between the 1st day of December 2012, and the 1st day of March 2013, with intent to cheat and defraud the victim, RAYMOND POORE, to obtain U.S. CURRENCY, valued at more than Ten Thousand Dollars, from the victim by means of false pretenses and representations, to wit: The defendant received funds from the victim under the false pretense of having performed "handyman" work. However, the work was never done. This is in violation of §16-13-0240 of South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

BAR # 73601

5005
2-11-15
ARREST WARRANT
2013A2330203952

STATE OF SOUTH CAROLINA)
()
 County/ Municipality of)
Greenville)

AFFIDAVIT ORIGINAL
Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

STATE OF SOUTH CAROLINA
 County/ Municipality of
Greenville

THE STATE 01-2013-072869
against

Carl Stanley Aiken

Address:
Donalds, SC 29638-8708

Phone: _____
Sex: M Race: B Height: 6 1 Weight: 220

DL State: SC DL #: _____
DCB: _____ Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: Jon D Howard - 1191

Offense: Exploitation / Exploitation of a vulnerable adult

Offense Code: 2657

Code/Ordinance Sec: 43-35-0085(D)

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Carl Stanley Aiken
on 02-11-2013

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Greenville General Sessions
305 E. North Street
Greenville County Courthouse
Greenville, SC 29601-2120

Garrett

ORIGINAL ORIGINAL

Personally appeared before me the affiant Jon D Howard who
being duly sworn deposes and says that defendant Carl Stanley Aiken
did will this County and state on or about 12/1/2012 violate the criminal laws of the
State of South Carolina (or ordinance of County/ Municipality of Greenville)
in the following particulars:
DESCRIPTION OF OFFENSE: Exploitation / Exploitation of a vulnerable adult

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THE DEFENDANT DID, BETWEEN 12-01-2012 AND 03-01-2013 OBTAIN APPROXIMATELY \$14,250 FROM THE
VICTIM, RAYMOND POORE, WHO SUFFERS FROM DEMENTIA. THE DEFENDANT DID TAKE ADVANTAGE OF THE
VICTIM'S DIMINISHED MENTAL CAPACITY TO OBTAIN SAID FUNDS FROM THE VICTIM UNDER THE FALSE
PRETENSE OF DOING "HANDYMAN" WORK FOR THE VICTIM. AFFIANT HAS STATEMENTS FROM A LICENSED
CONTRACTOR ADVISING THAT THE WORK THE DEFENDANT CLAIMED TO DO WAS NEVER DONE. THIS OFFENSE
DID OCCUR IN THE COUNTY OF GREENVILLE, SOUTH CAROLINA.

Signature of Affiant

STATE OF SOUTH CAROLINA
 County/ Municipality of
Greenville

Affiant's Address 4 Mcgee Street
Greenville, SC 29601-
Affiant's Telephone (864)271-5210

COMPUTER ENTERED

MAY 13 2013

GREENVILLE COUNTY
SHERIFF'S OFFICE

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/1/2012 defendant Carl Stanley Aiken

did violate the criminal laws of the State of South Carolina (or ordinance of
 County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: Exploitation / Exploitation of a vulnerable adult

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 5/10/2013

Signature of Issuing Judge
Lotta Porter

Judge's Address 4 Mc Gee Street Room 116-A

Greenville, SC 29601-2256

Judge's Telephone (864)467-5315

Judge Code: 526 5077

Issuing Court: Magistrate Municipal Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Jon D Howard

MS 5/21/16

Greenville County Sheriffs Office

2/9/2015

ARREST WARRANT NUMBER

2013A2330203952

ACTION OF GRAND JURY

TRUE BILL

Thomas J Pad

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-23-

WCM

903751

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

May

TERM 2015 *2016*

THE STATE

vs.

CARL STANLEY AIKEN

Indictment for

2657

EXPLOITATION OF A VULNERABLE ADULT

VIOLATION § 43-35-0085(

FILED

MAY 19 2015

Clerk of Court
Greenville County


STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
EXPLOITATION OF A VULNERABLE ADULT

At a Court of General Sessions, convened on _____ the Grand Jurors of Greenville
County present upon their oath:

That CARL STANLEY AIKEN did in Greenville County, between the 1st day of December 2012, and the
1st day of March 2013, knowingly and willfully abuse, neglect or exploit RAYMOND POORE, a vulnerable
adult, to wit: The defendant obtained funds from the victim, who suffers from dementia, claiming to have
performed painting, and/or other odd jobs, which were never done. This is in violation of §43-35-0085 of the
South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

 11605

SOLICITOR BAR # 11605

STATE OF South CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
HONORABLE R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

CARL STANLEY AIKEN APPELLANT,

THE STATE V. RESPONDENT

RECEIVED

DEC 18 2017

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

SC COURT OF APPEALS

APPELLANT PROPOSES THE FOLLOWING BE INCLUDED IN THE
RECORD ON APPEAL:

- (2) TRUE-BILLED INDICTMENT
- (1) ARREST WARRANT

I CERTIFY THAT THIS DESIGNATION CONTAINS NO
MATTER WHICH IS IRRELEVANT TO THIS APPEAL.

December

2017

Carl Stanley Aiken
CARL STANLEY AIKEN
APPELLANT

MANNING CORRECTIONAL INSTITUTION
502, BECKHAM DRIVE
COLUMBIA, S.C. 29203

STATE OF South CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

HONORABLE R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

CARL STANLEY AIKEN

APPELLANT

The STATE

V.

RESPONDENT

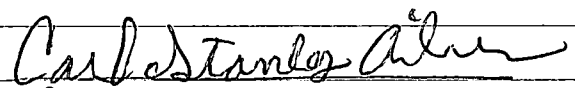
RECEIVED

DEC 18 2017

CERTIFICATE OF SERVICE

SC Court of Appeals

The undersigned hereby certifies that
the original copy of Pro Se Brief of
Appellant and Designation of Matter
in the above case has been served
upon Jenny Abbott Kitchings South
Carolina Court of Appeals Clerk.


CARL STANLEY AIKEN

Subscribed and sworn to before me

this 14th day of Dec.

2017 Yolanda King

Notary Public for South Carolina

My Commission Expires 1/20/2022

Dear Clerk:

Will You Please send Copies
to The Attorney General office
AN PLEASE send me A Copy back
when filed for MY record

THANK YOU

Carl S. [Signature]

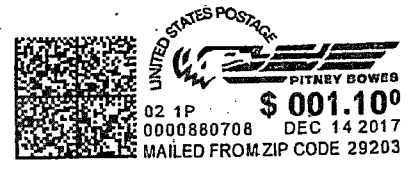
RECEIVED

DEC 18 2017

SC Court of Appeals

AKA STANLEY HINDEN-ALDORE
AN [redacted] 916B

02, BECKHAM DRIVE
Columbia S.C. 29203



RECEIVED
DEC 18 2017
SC Court of Appeals

SOUTH CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHINGS CLERK
P.O. BOX, 11629
Columbia, S.C. 29211