Damican Cantey #296190
VS.
The State of South Carolina
The South Carolina Court of Appeals

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SC Court of Appeals

The Court of Common Pleas Horry County" & S.C. Court of Appeal

"Motion to Allow Applicant to Conduct Discovery"-
"Motion to have Applicate released on all charges-

Applicant should be released on all charges for the following reason 1. **Rule 403** exclusion of relevant evidence on grounds of **prejudice, confusion,** and **waste of time**. The rule is indentical to federal rule, and is consistent with the law in South Carolina. State **VS.** Alexander, 303 S.C. 377, 4(a) S.E.2d 146 (1991) relevant evidence may be excluded where it's probative value is substantially out weighed by the danger of unfair prejudice. State v. Gregory 198 S.C. 98, 16 S.E. 2d 532 (1941) Trial judge properly limited the defendant's presentation of certain evidence to against confusion of the jury by the injection of collateral issues. Attorney Cezar E. McKnight, Solicitor Joshua D. SC88007, and Judge John (Judge Code 129) all committed the crime of perjury with stating on the sentence sheet that I receive this 22 year (Without Negotiations or Recommendation) clearly Lesser Included offense of Murder resulted into me facing Voluntary Manslaughter 2 years - 30 years which I receive 22 without the option of the nolo contendere (no contest plea / Alford plead) as option never occure because the ethical misconduct of every person that took place in the manipulation of the dockets in Applicants case. Clearly the fact that the sentence sheet states the unjustice here marked as Lesser Included offense of the orginal charge which I was trick into this plea. 2-30 years the judge was aware of this madness. Please I beg the Honorable Court of this Great Rightous land of America. Deeming land of the Braves homes to those still evolving from the hatred of the past that lead to me still being ignorant of the law. Thank God I took the laws advice and studied to the best of my ability and found one of many errors that must respectfully be corrected. By law I'm intitled the the attorney Client privelge Not to be broken. Manipulation of these dockets. Threw this

2. (The Court Not)
Attorney and as well of the attorney that has been appointed to me once you receive the issues, are intitled to me having the Appointment of an private investigator to review the complete case starting from the exact moment the warrant was issue to the present of the motion of the "private investigator", "Motion to Conduct Discovery", Motion to be released on all charges, with the said motion's requested as reminding this Court respectfully, the nature of the offense proper investigation through the private investigator to investigate the plea I took which I spoke to attorney, Attorney spoke to solicitor, and the solicitor spoke the the judge The Noticiated plea took place & the Cover up I Could have receive the plea that allowed me to maintain my innocence & still take the plea to 2-30 years which would that the judge still options to sentene between 2-30 years that proof to place. With that plea Nolo Contendre (no content) Judge paradise defense Counsels question - Gayle V. Scully, 72 F.2d 802, 807-08 n (2d cir. 1998) People V. White 440 N.E.2d, 1310, 1315 (N.Y. 1982) discrediting alibi witnesses. Splunge V. Clark, 960 F.2d 1705 (7th Cir 1992) U.S. -vs- Novak, 918 F. 2d 107 (10th Cir 1990). Post V. State, 315 So2d 230 (Fla. 1975) defendants criminal record reference. State V. Serrano 498 P.2d 547 (Ariz. 1972) reference to criminal back ground. U.S. V. Jones 338 F.2d. 553 (D.C. Cir 1964 reversible errors. Langford vs. Stated 400 S.C. 421, 735 S.E 2d. 471. SC/2012) manipulated dockets — Greene vs. State of South Carolina Request Pursuant to S.C Code Ann § 17-27-150(A). Applicant is in the department of Correction of S.C. S.C. Code of Laws section 17-27-20(a) Discovery hasn't ever taken places Applicent request this Honorable Court. 296190

CC. File. Date: 2-24-18 Name: Damion Cantey Damion Cantey

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10th S.Cir. Court of Appeals

Damiean L. Cantey #296190
McCormick C.I. cell #144
386 Redemption Way
McCormick SC 29899

Please send me a copy for my personal record

RE: Appellant's explanation in reply to the "motion to restore" within the 30 days given. Cantey vs. The State

Arguable Issue of Cantey

1. Ineffective assistance of trial counsel for failure to properly prepare and investigate, specifically, but not limited to the following claims: (A) Failure to review all, and explain the complete discovery materials to Application of Applicate prior to trial. Applicant D. Cantey plead guilty, and wasn't properly given the option that the State of South Carolina gives in that matter of the Nolo-Contendere plea (No Contest) plea Could have receive same sentence, but maintain innocence for this appeal (B) Attorney Cezar E. McKnight office 105 South Acline St. Lake City SC 29560, Failure to conduct an independant investigation into the evidence and witnesses that formed the States case against Applicant. There are witnesses that Could have change the out come of this case. Dover vs. State 405 S.E 2nd 391 (SC 1991) gives Applicant the right to more than the (2) visit prior to trial and the right to understand the plea agreement (which didn't take place in this matter. (C) Failure to call witness whose testimony was vital to clients defense.

2. Ineffective assistance of Counsel for failure to object to the solicitors manipulation of the dockets in prosecution of Damiean L. Cantey: (A) Specifically that the Applicants Constitutional rights were violated by the purposeful manipulation of the dockets to obtain this conviction that has affected the Applicant D. Cantey's decision to take the stand in his own defense.

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3. As noted Solicitor Holford, Joshua D. SCB80071 along with attorney Cezar E. McKnight didn't give the option of the (No content plea) the sentence sheet states clearly marked with an (X) without negotiations or Recommendation, leaving Negotiated sentence, and recommendation by the State NON-Void... Deeming Damiean L. Canty #296190 labled as Violent, and most serious of the Voluntary Manslaughter charge. Applicant Canty received 22 years and for ineffective assistance of counsel of Attorney McKnight I have the sentence sheet as evidence (2 years - 30 years) he could have received. Nolo contendere (No Content plea) if given as option would have reflect the sentence of 22 years. For (without negotiations or Recommendation) to be marked clearly proves someone, some place talk and negotiated pior to leaving the Judge John Judge Code 129 power to sentence Canty 22 years. Applicants due process of law leaves merits of factual dispute not resolved in that state hearing. Note. Proves Negotiated plea see Lesser Included offence

4. Applicant Canty didn't have adequate materials facts developed at this state court hearing. Private investigat is needed to investigate case stating for reason to receive the arrest warrant that ended me being convicted 2-30 years "planned plea" & ended with 22 years clearly with 2yrs option I'm considered Intitled investigator to investigate Attorney, Solicitor, Judges, and complete Case file which I haven't received and the Court needed me to send this information.

cc.
File.

Date: 2-24-18 Name: (Damiean Canty) 296190

Damiean L. Cantey #296190
McCormick Corr. Institution #1WH F-4(B)
386 Redemption Way
McCormick SC 29899

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