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JUN 04 2018

SC Court of Appeals

Joshua Poacher

May 29, 2018

## Argument

The identification in the present case resulted from an unduly suggestive and unnecessary police procedure. The crime took place at a motel in Yemassee. Hardik Patel, the person who identified I Mr. Poacher, was the manager of a different motel located in Ridgeland. Yemassee and Ridgeland are small communities. Mr. Patel may have identified I because I was the only local. A line-up containing only one local person would be unduly suggestive and unnecessary.

## Conclusion

Based on the above argument, this court should reverse Appellant's convictions and sentences and remand the case for a new trial.

## Direct Examination of Johnson by Stone pg.15-16 Argument

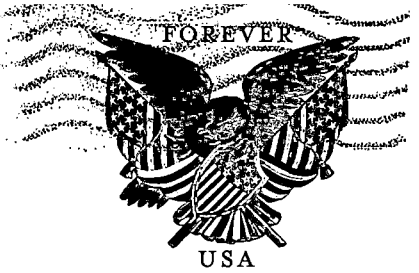
Detective Johnson said he received a call from Major Donald Hipp that he received information that Mr. Poncher requested to speak with the agents. The person who gave them this information was a jailer at the Jasper County Detention Center her name was Batiste. Detective Johnson ask Major Hipp to double check again and make certain that this information came from Mr. Poncher to Batiste then they proceeded to come talk with me after I requested for a lawyer my first interview my lawyer object to all this saying it was hearsay because the state failed to produce witnesses (Batiste, Hipp) and the Court overruled which is against my Constitutional rights which is the 6th Amendment. I have the right to confront my accuser.

### Conclusion

Based on the above argument, this Court should reverse appellant's conviction and sentences and remand the case for a new trial.

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