

State of South Carolina

County of Orangeburg

Richard Sprinkle Maxins

Petitioner

vs

The State of S.C.

Respondent

In the S.C. Court of Appeals

2015-CP-38-01075

Indictment no: (2011-GS-38-1561-1562)

(2011-GS-38-1563) (2013-GS-38-0287)

Motion to Suppress S.C. Code § 17-30-110

Motion to the Reviewing Authority

Now comes the above captioned appellant who would move for this court to suppress all evidence garnered from a illegal investigation, by Investigator Shumpert in violation of the Interception of Wire, Electric, or Oral communications act.

To wit, Investigator Shumpert in violation of S.C. Code § 17-30-70, and S.C. Code § 17-30-80, by illegally recording co-defendant "Sean Echols", in a video recorded statement for a investigation on armed robbery, attempted murder, and burglary, first degree, without processing an application / or approving order. Furthermore, co-defendants "Sean Echols", video recorded statement, was used during trial without a application being processed, for the Interception of Wire, Electric, or Oral communications. It would appear that the extent of Mr. Shumpert's violations in this matter should extend the scope to include but not limited to S.C. Code § 17-30-20 through S.C. Code § 17-30-145. The investigator also violated Sled Policy 13.30, "Use of informants for investigations", by not having Sean Echols registered with Sled, for a violent crime investigation.

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SC Court of Appeals

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Furthermore, I was not aware, nor did my attorney make my privy to Title 17, Chapter 30 and /or the exclusive remedy for the violation of this chapter.

In addition due to Investigator Shumpert's breach of proper procedure and /or protocol, as well as illegal actions, any and all evidence produced in this matter by this investigator should be suppressed and excluded from this case.

Investigator Shumpert's violations are:

- (1) Investigator Shumpert illegally garnered evidence in violation of Title 17, Chapter 30, to include but not limited to subsection 70, S.C. Code § 17-30-70, By no application being processed /or authorizing order issuing for S.C. Code § 17-30-80.
- (2) Investigator Shumpert illegally disclosed said evidence in violation of S.C. Code § 17-30-75.
- (3) Investigator Shumpert also failed to report said evidence to the Administrative United States Court as outlined in 18 U.S.C. subsection 2519, and in violation of S.C. Code § 17-30-130.
- (4) Investigator Shumpert failed to furnish and /or afford a copy of the court order authorizing such actions against Appellate and /or the application that was to have been processed to obtain said court order under which interception would have been authorized, in violation of S.C. Code § 17-30-105, as is required by Federal law: not less than ten (10) days prior to any hearing and /or not less than thirty (30) days prior to trial.

(5.) Investigator Shumpert violated my 14th amendment right to Due Process by failing to adhere to these promulgated steps to obtain authorization.

Conclusion

Therefore, the Appellant would respectfully ask this court to suppress and exclude all garnered evidence in this case produced by the investigator.

Subscribed and Sworn to before me

This 13 day of June 2018

Notary: Tameara Conwell

Expires: **My Commission Expires**
September 25, 2023

s/ Richard Marvin Sprinkle

Perry Corr. Inst.

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Pelzer, SC 29669