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JUN 20 2018

CLERK OF COURT

SC Court of Appeals

This is my Pro Se brief addressing my issues about why I believe the court should consider my appeal. I did not have a fair or proper trial, my public defender took me to trial without a full motion of discovery. At that time I only had documents of Police reports, photo line-ups, and witness statements; they brought me more documents of my Rule 5 on the second day of my trial. Certain things that the solicitor brought up in court against me (shouldn't have been admitted in court). There was never a GSR Done on me when I was arrested by US Marshalls AND the lead Detective never did a full investigation. Before I went to trial the lead Detective Ms. Aiken had got fired from Knoxville Police Department and she was still a witness at my trial. The trial Judge had err when he allowed the State to introduce three text messages sent from a phone number. The main eye witness Jesneisha claimed she saw the suspect peeking around the corner, she also said that the suspect shot Slim then ran and came back and shot Slim 4 more times. But her statement she gave the police on that day was different. She told them that Slim and the shooter was sitting on the porch together, Slim got up and tried to go in the house and the shooter stood up and shot him. Jesneisha was unsure of the gun the shooter used, when she spoke to police she the gun was

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Black small like a nine and at trial Jesneisha revealed that the police ~~was~~ ^{was} the gun used was probably a nine so she included that in her statement. When the state first sought to introduce text messages sent from a phone purportedly connected to suspect, Judge Burkart ruled the messages were inadmissible. According to Judge Burkart, the messages were testimonial, and as a result, admission of them violated the confrontation clause. There was no testimony that the suspect sent the text messages. High tower admitted he could not say who sent the text messages. Jesneisha admitted she never spoke to the suspect by phone. Jesneisha was a weak witness for the state because her testimony at trial contradicted her earlier statement to police in ~~any~~ ways; primarily, whether the shooter was on the porch with Slim prior to the shooting and whether Slim tried to enter the apartment but was unable to do so because the door was jammed. Jesneisha testimony also contradicted her sister, Barneisha because Barneisha claimed she could not see the shooter's face. The solicitor tried to explain Jesneisha's inconsistencies by claiming she was distraught. Likely fearing even more inconsistencies the state did not even call Erica as a witness. If you go back in my trial transcripts on page 30, line 20-21, she gave I.D. me. on page 143, line 17-23 the officer did not know whether his vest cam was on or off when he pulled up on the crime scene. on page 150, line 4-18 another officer said he believed his vest cam was on but there was no audio or video at trial indicating that it was on while talking to witnesses at the crime scene.

on page 176, line 14-21 there was two other Primary witnesses they never question them for I.D. on page 191 line 20-24 A Revolver was said that it was a kind of gun that doesn't eject a shell casing not a nine that the officers and witness said could've been used. on Page 199 line 15-17 there was no shells found. on Page 236 line 18-25 witness said she seen shooter on the porch and didn't said he was Peeking. on Page 237 line 1-21 The witness never gave a name all she said was "Dude". on Page 238 line 1-7 witness said "They" But who is they? line 8-15 police told witness what kinda gun it was. The state lacks in its investigation because they didn't give any DNA or fingerprints. If you look back at the statements Jesneisha told police in her statements the shooter was NyTaa chisholm and not Nailurwan chisholm But at trial she changes her story now right then and there she was suppose to be impeach. If by chance that my appeal dont be granted may I please ask in advance for an Post Conviction Relief form. Thank you.

Sincerely
Nailurwan