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OCT 18 2018

SC Court of Appeals

10-15-18

In regards to my last letter to the court of appeal the state of south Carolina offer me 45 days for a pro se brief on my behalf for court purposes on this written memorandum I will elaborate on all indictments and all November 27 2017 ruling. For indictment on Murder in the first degree: Elaborate murder is the unlawful killing of another person with malice hatred, ill will, and hostility and according to that it can be express or inferred. Express malice is shown when a person speaks words which express hatred, ill will for another or when a person prepared beforehand to do an act. Inferred malice can be shown with conduct showing a total disregard for human life. A Homicide when a person are found dead on arrive or found weeks/months later by another individual. Suicide when a person dies by natural human causes. Due to circumstantial evidence that was not enough facts to bring murder with a firethought as physical evidence cause there was not any intent to inflict on bodily harm injury and malice did not intended to exist any particular time before the act that was committed neither was any previous evil, hatred, ill will, or hostility, in that act. Lack of evidence.

For indictment for burglary in the first degree: Elaborate burglary is entry without consent with intents to commit a crime. The mere entry into a dwelling without consent is not burglary if the intent to commit a crime is formed after the entry is not burglary there was not an intent to commit a crime therein on or during the premises in the nighttime that would pretty much be trespassing not a burglary cause burglary in the first degree has to have 3 or more convictions of burglary on theirs not any photographs signs of a forced entry nor are there documents saying of a forced entry that would be hearsay. Lack of evidence.

For indictment on possession of a weapon during commission of a violent crime. First they would have to show that the weapon was use to commit a

crime, was it used to inflict injuries. Then on possession charges you  
ave to have the intents to use, the intents to commit a crime of  
violence with the intentional doing of a wrongful act without cause  
or excuse and whether he/she shown express malice or inferred  
malice using a weapon during a violent crime or attempting to  
commit a violent crime using a weapon, knife, shotgun, rifle, cause  
actually any individual has to have full custody of any type of weapons,  
knife, shotgun, rifle to be called possession, you have to own a weapon,  
knife, shotgun, rifle to be called possession. Lack of evidence

for indictment on possession of cocaine base substance can be  
constructive or actual. Actual means that the crack was in the actual  
physical custody of the defendant. Constructive means the defendant  
had an dominion and control or the right to exercise dominion or  
control either by the crack itself or the property on which the  
crack was found there was not a photo, or officer camera to determine  
where this white rock like substance came from cause (2) two - presumptive  
test were made either a chemical test or preliminary test then a  
confirmatory test was made at the end using unquestionable gas???. If  
its already less than a gram then whats left from the actual control  
substance to be charge with.

Next I would like to introduce to the court  
+ appeal the 5 ruling the honorable judge errored in November 27  
2017 on the photographic line-up pages 110, 155, 165 based on the  
real judge errors on refusing to suppress identification testimony and  
evidence when it was an result of an unnecessary and suggestive  
identification procedure. Then page 183 miranda rights forms (4) four  
different types of miranda rights the miranda rights from the scene  
was totally different from officer Nick Ginn that was shown to me  
during the interview recording. Officer David DeLoach says may be used

against you in a court of law and that's on page 197 lines 7-8 and officer Nick Ginn says can and will be use against you in a court of law and that's on page 183 lines 24-25 but both procedun also says that you can decide at any time to exercise these rights page 184 lines 4-5 The 4 miranda rights are miranda rights for Blood for DNA purposes, miranda rights for DNA Oral Swabs, miranda rights for clothing to obtain articles which these officer thought or thought I seemed to understand those rights. Finally the white rock like substance page 198 on officer David Deloach incident Supplement says the container that held the control substance or white rock like substance was blue and white but on November 27 2017 he said that it was green and white so my lawyer said on page 198 lines 17-19 I would object, your honor and move to strike and ask for a curative instruction that he does not have the actual pieces to analyze what it is some officer that give a different miranda rights on Hwy 601 right off of Holly street. I hereby say to the state of South Carolina that was cruel and ~~unusual~~ <sup>unusual</sup>, on behalf that the state accused the wrong individual for a terrible crime one of the worse. For one it was cruel to have put multiply charges like murder, burglary, when they never found the now deceased victim dead during the accused crime for murder and burglary. Its unusual to have a trial Judge not suppress the photoline-up and identification testimony by a eyewitness that has been sworn on oath. With all due respect in the state of South Carolina court of appeal have mercy on state charge for burglary in the first degree be overturned with the state mercy charge for murder in the first degree be overturned with the state mercy charge for cocaine base be overturned and with the state mercy charge for possession of a weapon during commission of a violent crime be overturned

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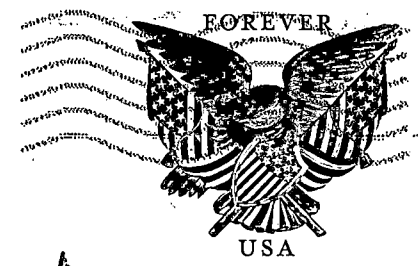
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