

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Fairfield County
Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT

V.

LARRY CORNISH,

RECEIVED

NOV 26 2018

SC Court of Appeals
APPELLANT

APPELLATE CASE NO. 2017-001866

ANDER'S PRO SE RESPONSE

LARRY CORNISH

Appellant Proceeding Pro Se

McCormick Correctional Inst.

386 Redemption Way

STATE OF ISSUES ON APPEAL

- Whether the trial court judge abused his discretion by failing to grant Appellant's motion to quash or in the alternative sever the indictment, specifically the indictment number- 2016-GS-20-416?

- Whether the trial court judge abused his discretion by failing to grant Appellant's motion to dismiss or give the included jury instruction regarding spoliation of evidence?

- Whether the trial court judge abused his discretion by failing to grant Appellant's motion to dismiss on the Brady violation and any destruction of evidence?

- Whether the trial court judge abused his discretion by failing to grant Appellant's motion for a change of venue?

- Whether the trial court judge abused his discretion by failing to grant Appellant's Batson Motion on the states first two strikes, juron number 83 and juron number 128?

- Whether the trial court judge abused his discretion by overruling Appellant's objection to ^{the} state moving into evidence: Exhibits, 1, 2, 3, 4 and 5 and allowing these Exhibits into evidence?

- Whether the trial court judge abused his discretion by overruling Appellant's objection to the prosecutor's questioning of Deputy, Jacob Little, in reference to the pictures that Deputy, Jacob Little had taken, "would the pictures that you took depict a very similar image to what has been captured by your body camera?"

- Whether the trial court judge abused his discretion by overruling Appellant's objection and allowing Javonya Key, former crime scene agent for the State Law Enforcement Division-SLED to testify in an area outside of her expertise?

- Whether the trial court judge abused his discretion by overruling Appellant's objection to the hearsay testimony offered by ~~Adekanmbi~~ Adebola Adekanmbi's medical doctor

- Whether the trial court judge abused his discretion by overruling Appellant's objection to recalling Lieutenant Carrell? to testify twice?

- Whether the trial court judge abused his discretion by denying Appellant's motion for directed verdict under Rule 19?

STATEMENT OF THE CASE

Appellant was indicted by the Fairfield County Grand Jury for the offenses of attempted murder, possession of a weapon during the commission of a violent crime, and unlawful possession of a firearm by a person convicted of a violent crime, R. 480-485. Appellant's case was called to trial on August 29, 2017, before Daniel D. Hall, Circuit Court Judge, and a jury. Amy Zmroczek represented appellant. Croom Hunter was the assistant solicitor, R.1.

On August 31, 2017, the jury found appellant guilty on all three charges, R. 461, 1. 20-468, 1. 12. Judge Hall sentenced appellant to thirty years imprisonment for attempted murder, and imposed two consecutive prison sentences on the weapons charges, R. 477, 1.

13-478, 1.6. This appeal follows:

STANDARD OF REVIEW

"On appeal, the conclusion of the trial judge will not be disturbed unless manifestly erroneous as to show an abuse of discretion."

Abuse of discretion occurs when an error of judgement by a trial court in making a ruling that is clearly unreasonable, erroneous, or arbitrary and not justified by the facts or the law applicable in the case.

ARGUMENT

The court erred/Abused its discretion in the present case by denying a combination of motions presented by Appellant throughout the course of trial and further by overruling Appellant's objections on a host of violations that occurred, ultimately denying Appellant a fair trial.

Relevant Facts

This case involves the alleged shooting by appellant Larry Cornish of his allegedly live-in girlfriend. Appellant allegedly shot his girlfriend in the face in Fairfield County, and she drove herself to the hospital. She was then airlifted to Palmetto Richland Hospital in Columbia where she ~~received~~ treatment for her injuries.

Now comes Larry Cornish, Appellant in the above indicated case, additionally ~~also~~ raising

all grounds indicated in the STATEMENT OF ISSUES
ON APPEAL in his ANDERS BRIEF pro se response
in addition to the ANDERS BRIEF OF APPELLANT
submitted by Robert M. Dudek, Chief Appellate Defender.

Appellant respectfully request that this
court considers in totality the host of violations
that occurred in this case, in which, ultimately
denied Appellant a fair trial:

1. Whether the trial court judge abused his
discretion by failing to grant Appellant's
motion to quash or in the alternative sever
the indictment, specifically the indictment number
2016-GS-20-415? Transcript page 9. Lines 23-25,
Transcript page 10. 1-25 and Transcript page 11.
Lines 1-24

2. Whether the trial court judge abused his
discretion by failing to grant Appellant's

Motion to dismiss or give the included jury instruction regarding Spoliation of evidence? Transcript page 12. Lines 20-25. Transcript page 13. Lines. 1-25, Transcript page 14. Lines. 1-25, Transcript page 15. Lines. 1-25, Transcript page 16. Lines. 1-25, Transcript page 17. Lines. 1-25, Transcript page 18. Lines. 1-25, Transcript page 19. 1-25, Transcript page 20. 1-25, Transcript page 21. Lines. 1-25, Transcript page 22. Lines. 1-25, Transcript page 23. Lines. 1-25, Transcript page 24. Lines. 1-25, Transcript page 25. Lines. 1-21.

3. Whether the trial court judge abused his discretion by failing to grant Appellant's motion to dismiss on the Brady violation and any destruction of evidence? Transcript page 24. Lines. 23-25 Transcript page 25. 1-21.

4. Whether the trial court judge abused his discretion by failing to grant Appellant's motion for a change of venue? Transcript page 26. Lines 5-25, Transcript page 27. Lines 1-25, Transcript page 28. Lines 1-25, Transcript page 29. Lines 1-9.

5. Whether the trial court judge abused his discretion by failing to grant Appellant's Batson Motion on the states first two strikes, juror number-83 and juror number-128? Transcript page 79. Lines 23-25, Transcript page 80. Lines 1-20.

6. Whether the trial court judge abused his discretion by overruling Appellant's objection to the state moving into evidence:

Exhibits: 1, 2, 3, 4 and 5 and allowing those Exhibits into evidence?

- Whether the trial court judge abused his discretion by overruling Appellant's objection to the Prosecutor's questioning of Deputy, Jacob Little, in reference to the pictures that Deputy Little had taken, "Would the pictures that you took depict a very similar image to what has been captured by your body camera?" Transcript page. 139. Lines 20-25
- Whether the trial court judge abused his discretion by overruling Appellant's objection and allowing Javonya Keys Former crime scene agent for the State Law Enforcement Division - SLED to testify in an area outside of her expertise?

Transcript page. 177. Lines. 1-2.

- Whether the trial court judge abused his discretion by overruling Appellant's objection to hearsay testimony offered by Adebola Adekanmbi, Medical doctor? Transcript page. 237. Lines. 1-3.

- Whether the trial court judge abused his discretion by overruling Appellant's objection to recalling Lieutenant Carrell to testify twice? Transcript page. 352. Lines. 10-25. Transcript page. 353. Lines 1-25.

- Whether the trial court judge abused his discretion by denying Appellant's motion for directed verdict under rule 19? Transcript page. 354. Lines. 1-25

Transcript page. 355. Lines. 1-25., Transcript
page. 356. Lines. 1-11.

• Whether the trial court judge abused his discretion by denying Appellant's motion to set aside the verdict reach by the jury, due to, deliberation time was less than an hour and the jury didn't request to see any of the videos that were introduced into evidence? Transcript page. 472. Lines. 19-25, Transcript page. 473. Lines. 1-7.

This case should be simple, clearly Appellate in the present case has been denied his 6th and 14th Amendment rights to the United States Constitution, in which guarantees him a fair trial, as

well as Art. I section 14 of the South Carolina State Constitution pursuant to the argument submitted in the ANDERS BRIEF of Appellant by Robert M. Dudek, Chief Appellate Defender and additional arguments submitted by Appellant in this Pro se response

CONCLUSION

By reason of the foregoing arguments, appellant's conviction should be reversed and this case remanded to the Fairfield County Court of General Sessions for a new trial

Larry Cornish
Larry Cornish
Proceeding Pro se

This 9 day of November, 2018
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Appeal from Fairfield County
Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT

v.

LARRY CORNISH,

APPELLANT

PROOF OF SERVICE

I, Larry Cornish, Appellant in the above indicated matter, hereby certifies that the original and one (1) copy of my ANDERS Pro se Response was made upon the following with first-class postage having been prepaid this 9 day of November, 2018 and addressed as follows:

[South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211]

Larry Cornish
Larry Cornish
Proceeding Pro se

[Office of the Attorney General
Attn: J. Benjamin Aplin, Esquire
P.O. Box 11549
Columbia, SC 29211]

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Honorable Daniel O. Hall, Circuit Court Judge

THE STATE,

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LARRY CORNISH,

APPELLANT

CERTIFICATE OF SERVICE

I, Larry Cornish, Appellant in the above indicated matter, hereby certifies that the original and one(1) copy of my ANDERS Pro se Response was made upon the following with First-Class postage having been prepaid this 9 day of November, 2018 and addressed as follows:

[South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211]

Office of the Attorney General
Attn: J. Benjamin Aplin, Esquire
P.O. Box 11549
Columbia, SC 29211

Larry Cornish
Larry Cornish
Proceeding Pro se

SUBSCRIBED AND SWORN TO and before me
on this 9 day of Nov. 2018.
Bea I. Widemar (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9-30-26

2018 MCI / F-3 180
386 Redemption Way
McCormick, S.C. 29899



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