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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS**

Marvin H. Dukes III, Master in Equity & Special Circuit Court Judge

**CIRCUIT COURT CASE NO. 2018CP0701080
APPEAL COURT CASE NO. 2018-002225**

JOSEPH C. SUN Appellant

v.

THE STATE OF SOUTH CAROLINA Respondent

**REPLY OF APPELLANT TO LETTER FROM
STATE ATTORNEY GENERAL**

In reply to the letter dated January 9, 2019 from the office of the State Attorney General, Appellant submits that the after discovered evidence in the hearing for a new trial if granted at the Magistrate Court would include the proof with the well established Theory of Momentum and other circumstantial evidence that the TR-310 accident report is patently false and impossible and the new amended TR-310 from the state highway patrol are evidence that could not have been discovered before trial and would probably change the result if a new trial is had because the other driver was going illegally on the wrong side of the road where he had no right of way where Appellant had already completed the left turn and had the right of way.

Even though this argument was attempted in the trial, the proof of the state's falsity and the

corrected TR-310 were not available at the trial therefore must be considered as “after discovered evidence” and not cumulative. For reason unknown to Appellant, Officer Mazzone was terminated from his job as highway patrol officer the next month after the Magistrate Court trial.

Wherefore, a new trial should be granted at the Magistrate Court.

Respectfully submitted,

This 28th day of January, 2019



JOSEPH C. SUN
P. O. Box 2543
Bluffton, SC 29910
843-226-8788

CERTIFICATE OF SERVICE

This is to certify that I have this date served the Respondent a copy of this document by delivering a copy of same by U.S. Mail with sufficient postage to:

Sarah Fowler, Esq. Office of Beaufort County Solicitor
P. O. Box 1880, Bluffton, SC 29910

This 28th day of January, 2019.



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SC Court of Appeals

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

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