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SC Court of Appeals

Simon v. Government of Virgin Islands

- ① First thing I would like for to be looked at is. If I'm charged with Trafficking firsts offense and thats what the indictment reads. How is it so if trial was over the charge was changed to Trafficking third,

Simon vs Government of Virgin Islands

Headnote - Because of the fifth amendments

grand jury guarantee, a court cannot permit a defendent to be tried on charges that are not made in the indictment against him.

U.S. C.A Const. Amend 5

- ② United states of America, Plaintiff
Appellee

v.

Shannon Maurice Boyd, Defendant
Appellant

I don't understand how they charge me with Trafficking when the charge should have been Possession with the intent. On the warrants it states that they found two bags with white substance that was tested as crack cocaine. But then when the drugs was tested at the lab, she clearly stated that she didn't test all the drugs she just tested part of it. Like my lawyer stated.

Quantity of a given Cocaine Sample will ① inevitably decrease. ② By as much as 3.54 grams over eight months for a roughly fifty gram sample. Crack Cocaine has a oil and water mixture.

③

State Vs Mabe

Headnote - Section of rule addressing Chemical analysis in "drug cases" providing that nothing in rule precludes right of any defendant to obtain experts to test substance on his behalf, does not create right to independent chemical analysis for benefit of defendant but, rather merely insures that otherwise existing rights which defendant has to procure independent analysis or to otherwise attack reports of chemical analysis are not abrogated by presumption of validity accorded reports of chemical analysis perpared in accordance with rule.

Crim. Proc. Rules 6.6 (A, d)

④

officers never turned in there Body Cam Videos.

Body Cam Evidence

State V Geer

Headnote - While proof need that negate all possibility of tampering it is generally held that the party offering such specimen is required to establish, at least as far as practicable, a complete chain of evidence, tracing possession the time the specimen is taken from the human body. To the final custodian by whom it is analyzed. Conversely, if the state had failed to establish an adequate chain of custody such that the inconsistency or discrepancy in the chain was critical, the chain of custody would have been considered totally deficient and the trial court would have erred in "admitting the evidence"

- United States of America, Plaintiff

Appellee VS

Sigfrumino Pineda - Flores

Defendant - Appellant U.S. Sentencing Guidelines

U.S.S.G 2 L1.2(B)(1)

- United States V. Jimenez

258 F3d 1120, 1123-24 (9th Cir 2001)

Subject Matter Jurisdiction

Indictment

⑤ I don't think I was indicted properly. I wrote my Counsel and asked to review the indictment Document but I never got and response back.

The primary purposes of an Indictment are to put the defendant on Notice of what he is called upon to answer i.e., to Apprise him of the elements of the offense and to allow him to decide whether to plead guilty or stand trial. and the enable the Circuit Court to know what Judgment to pronounce if the defendant is convicted " See Evans v. State " 363 S.C. 495, 508-13, 611 SE 2d 510, 517-19 (S.C. 2005 citing Gentry 363 at 102-03, 610 SE 2d at 500

A plain reading to Section 17-25-10 requires that a Criminal defendant cannot be punished ~~sent~~ Sentenced for a offense until after state has duly and legally convicted the individual.

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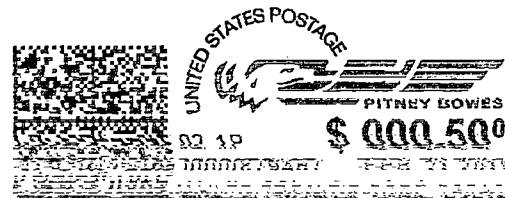
JAMES Lamont Arthur #30001

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SC Court of Appeals

South Carolina Court of Appeals

Jenny Abbott Kitchings, Clerk

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