

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
G. Thomas Cooper, Circuit Court Judge

The State

Respondent

v.

Jeff Chestnut

Appellant

Appellate case No# 2012-213027

APPELLANTS PRO-SE BRIEF

RECEIVED

NOV 01 2013

SC Court of Appeals

Jeff Chestnut
McCormick Inst. / F3-284
386 Redemption Way
McCormick, SC 29899

David Alexander
Attorney for Appellant

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STATEMENT OF ISSUES ON APPEAL

- (1) Whether the trial court erred in admitting appellant's in-court identification when the photographic line-up was engendered by suggestive elements from other witnesses and the first identification procedure "by law enforcement," which made the photographic line-up suggestive and unreliable - when the eyewitness never identified appellant prior to the photographic line-up.

- (2) Whether the trial court erred by not directing a verdict of not guilty because the State failed to prove the required elements of armed robbery, kidnapping and/or in the alternative hand of one / hand of all.

STATEMENT OF THE CASE

For the record of this brief, the Appellant agrees with his Appellate Defender's Statement upon his Anders brief.

ARGUMENT (1)

The trial court erred in admitting appellant's in-court identification when the photographic line-up was engendered by suggestive elements from other witnesses and the first identification procedure, "by law enforcement"; which made the photographic line-up suggestive and unreliable - when the eyewitness never identified appellant prior to the photographic line-up

Relevant Facts From In Camera Hearing

On the evening of May 23, 2010 shortly after 6:00 one of the victims, Ms. Angela K. Diaz-Garcia, manager of Carolina Gold Bingo, was working in a portion of the back office behind the counter, she notice that the employees at the counter to her right

were looking and there was a lot of noise. So she looked out over the counter, and she saw a tall guy with a bandana and a gun. At which time she thought it was an employee, "Peanut" playing because he was tall and he joked around a lot and then by the time she realized that the guy wasn't Peanut - there was another gentleman coming behind the counter already into my area with a gun and a bandana on his face, and he asked "where is the money" SEE: R. 111 L 16 - R 113 L 5.

The bandana came right above his nose, but she could clearly see his eyes. Ms. Garcia further testified that the area was lit, and she was about three feet close to him, and it took maybe one or two minutes. And, she was paying very close attention to what he was doing SEE: R 113 L 20 - R 115 L 18. On June 9, 2010 Ms. Garcia met with Investigator Isenhourd

and a couple of other employees at the bingo they stood at the first counter where the computers were not in her area, and everyone -- moved away from the area and Inv. Isenhoward said that he had six pictures and that if she could pick out the person, that was fine. If not, he understood because she didn't get a look at their whole face.

But when she looked at the pictures she immediately felt sick and immediately picked out number two - stating that there was no question - His eyes. She'll never forget those. And, Inv. Isenhoward said "Are you sure." And, she said, that she did not need any more time. Without Inv. Isenhoward telling her that the person was definitely in it or not in it.

nor did he tell her who to pick. Ms. Garcia goes on to identify Mr. Chestnut in court as the person who robbed her at gun point, based on her observations of Mr. Chestnut that evening.

ON CROSS EXAMINATION

Ms. Garcia could not tell why Mr. Chestnut eyes was so distinguishable SEE:

R 119 L 21 - L 25 nor how many minutes this person was back there in her area or how much money was taken SEE R 120 L 19 - L 24.

Ms. Garcia identification was made two weeks after the robbery, where she called Inv. Isenhourd regarding the identification SEE: R 121 L 8 - R 122 - L 10. Ms. Garcia also testified that she could not honestly recall having a conversation with any other employees during that two-week period

other than her daughter, Kayla Sharpe
SEE: R 122 L 11 - L 19.

Counsel for Mr. Chestnut made motion on the fact, from the testimony, that Ms. Garcia's attention was not necessarily on the person's eyes -- her identification was done at least two weeks after the actual event. She contacted Mr. Iseahoward -- notes say that she couldn't be sure but she would try. And, I've seen the video of this, and she's testifying that she was in front of this person for two to three minutes and I think it would be more like SEE: R 125 L 18 - R - L 4.

The Solicitor argued, while it is our burden to prove that the photo line-up is reliable by a preponderance of the evidence -- she testified before the court that she will never

forget his eyes, that she was staring right at him from a short distance from him, that the lighting was good, that there was nothing obstructing her view of that portion of his face - her exact words are she will never forget it as long as she lives.

Further, there's nothing that law enforcement did to suggest to her who to pick out. She was shown a six-person line-up, and the testimony was that she went immediately to him. She felt sick to her stomach when she saw him again. She was absolutely sure. She said she did not need any more time and that there was nothing in the way the police presented the line-up that was suggestive in any way. - so I believe that the identification is reliable, and we have proven, in our opinion, that beyond a preponderance of the evidence. SEE: R126-L18-
R127-L11.

The trial Judge ruled that Mr Garcia could identify Mr. Chestnut in court. I believe by the preponderance of the evidence I think she had an adequate opportunity to view the accused in a well-lit close quarters. She had a heightened degree of attention based on the fact that she says that she's in a position to --- very much like a bank teller would be trained to try to pick out identifying factors or marks that could be later used for identification. She said that's what she concentrated on, what she could see.

So I think her degree of attention was probably necessarily heightened by the fact that was a gun, that she saw, and that her instinct was to try to pick out identifying features of whoever was in front of her. I think the --- certainly there's a high level of certainty demonstrated by the witness when she eventually confronted

The photo line-up.

The two-week period does give the court some concern, although it's not a disqualifying factor. In-court identifications or eyewitness identifications can be made on in greater time periods than that and have been approved by the courts. I recognize the fact that eyewitness identifications are inherently suggestive and perhaps unreliable, but I think in this case the witness has convinced me that she clearly saw and could identify the defendant based on what she says are the - I'm quoting her - never forget those eyes.

So I will allow her to make an in-court identification of the defendant. SEE: R 127 L 12 - R 128 - L 15.

Relevant Facts During Trial

Chauncey Smith, deputy Sheriff with Richland County Sheriff Dept. was the first officer arrived on the scene within four to five minutes. Which he initially met with Ms. Garcia

who provide him with a description of the suspects, the first subject description she gave that was in the register area - was a black male about 5'9" 160 to 170, black shirt, black pants, with a bandana on his face and a Braves cap. Although, Ms. Garcia did not give a description of the second suspect that was on the gaming floor
SEE: R 155 L 11 - R 160 - L 2.

Deputy Smith testified that once he had spoken with some of the witnesses he tried to locate a girl who had known something about it, but she had gone at the time he arrived, and she was making phone calls that people had alerted him to
SEE: R 160 L L - R 161 - L 7.

Drenita Ore one of the employees, testified Teidra was working - but she was constantly on the cell phone, switching out with different worker's cell phone, going out the side door, which was kind of odd that she was on all these different peoples cell phones
SEE: R 170 L 15 - R 174 - L 17.

Also Ms. Ore testified that Teidra went

back to get Scooter's telephone and made a call, disappeared without talking to the cops or clocking out and she walked out towards the street - without a ride SEE: R 177 L 23 - R 180 L 25.

Ms. Ore further testified she got Scooter and Kayla's telephones. Because those were the two cell phones that she was using that day - WE started comparing numbers - she was calling these numbers during the time of the robbery. she was on Scooter's phone. The same number that we called back off of Kayla's phone. Ms. Ore, said "Hi How are you - I'm calling to check on Teidra - because we need her back here at the job"

The young man on the other line stated, Oh, I heard y'all just got jammed up. You know, it was profanity. No you know. I'm nonchalant - No. what are you talking about Well, just let the two young men know everything is all right now. they can breathe easy. Nonchalant. Okay I said, well, can

you please tell Teidra to come back up to the -- Teidra never called back. And, the only people that would know about the robbery - would have been the police and the people there. Further, Ms. Ore identified Tyward Jordan as one of the robbers SEE: R 184 L13 - R 185 - L25. And that she remembered seeing Jordan at hot dog night before the robbery SEE: R 184 L13 - R 185 - L25. And that Mr. Chestnut was dating Teidra SEE: R 182 L16 - L20.

Ms. Ore further testified that she identified Mr. Chestnut from the color of his skin - what he had on and from the hot dog night the next day, when her and Angela "Ms. Garcia" looked at the photo on the tape, Although, she could not remember the officer that showed them the photo on the tape SEE: R 195 L7 - R 198 - L23.

Timothy Bell, Ms. Ore brother, testified that he was also working that evening in question. Although, he never identified anyone - he only testified that he recognized the voice of the person on the floor, "suspect one," from hot dog night, which Teidra and her son, her son said that was his friends or whatever SEE: R 202 L 13 - R 213 - L 20.

Kayla Sharpe, Angela Diaz-Garcia's daughter, testified that Teidra had borrowed her cell phone on the evening in question. And gave a general description of the suspects and further testified that only the employees knew where the money drawer had been switched to SEE: R 220 L 13 - R 223 - L 25.

ON CROSS EXAMINATION

Ms. Sharpe testified that her, Ms. Garcia, Mr. Bell, Scooter, Ms. Ore watched the

Videos with the detectives and "all" talked about what they saw SEE: R 227.L19 - R 228.L15.

Marva Coates, one of the bingo players testified that she gave the officer a description of the first guy and second guy - the second guy dressed in all black, had a cap on and a bag with money in it - either dreads or twists hanging out of the cap SEE: R 233L18 - R 235.L21.

ON CROSS EXAMINATION

Ms. Coates testified that immediately right after the robbery, on her questionnaire, she described the second person as black, dark male around 18 to 20 years old. Hair color unknown. Hair length unknown. Hairstyle unknown. unique features N/A.

But over two weeks later - she remembered that the person (second) had dreads - although, she never identified either person. SEE: R 239 L21 - R 240.L3.

Deputy. Margaret Fisher, with the Richland County Sheriff's Dept. was working a security detail at the Carolina Gold Bingo on the evening in question, had no idea who cancel the security detail SEE: R265 L11-L23.

But. Teidra Dennis had call him out-side and told him that the detail had been cancelled. Which he got in touch with Sergeant. Culp who confirmed that it had been cancelled SEE: R261 L1-R264-L7.

During trial; Ms. Garcia basely testified to her same testimony during the in camera hearing. that after the robbery, (about two weeks later), on June 9, 2010 she contact Sergeant, Kevin Isenhoward and told him that she thought she could identify the person who held her at gunpoint and robbed her.... that Sergeant, Isenhoward met her at the bingos and showed her

a six - person photo line - up. Which she pick number two Jeff. Chestnut, and identified MR. Chestnut in - court SEE: R 281 L 17 - R 283 - L 25.

ON CROSS EXAMINATION

Ms. Garcia testified that the whole thing happened so fast SEE: R 291 L 15 - L 20; R 295 L 25 - R 296 - L 2; Don't know how long it took SEE: R 298 L 23 - R 299 - L 17.

Ms. Garcia testified that she stared into that person eyes - but didn't know the color, and did not know why she did not fill out a questionnaire right after the robbery SEE: R 295 L 14 - L 24; R 296 L 8 - L 14. Did not identify nobody when the police came SEE: R 305 L 17 - R 308 - L 6; R 311 L 15 - L 17. although she was in

contact with Sergeant, Isehoward many times.

Ms. Garcia further testified that she believed Teidra Dennis, "Mr. Chestnut girlfriend," was involved because somebody that worked there knew about the secret drawer SEE: R 309 L19 - R 310 - L5.

Ms. Garcia also testified that after an employee meeting - lot of talking - they saw the videos. She contact Det. Isehoward, to try to identify the man who robbed the office SEE: R 312 L25 - R 313 - L24. Although, Ms. Garcia testified that when Ins. Isehoward showed her the six-pictures she immediately spotted

Mr. Chestnut eyes because they were thin, slanted SEE: R 315 L18 - L25.

But during in camera hearing, Ms. Garcia could not tell why Mr. Chestnut eyes was so distinguishable SEE: R 119 L21 - L25.

Inv. John Carwell, with the Richland County Sheriff's Dept. testified that Corporal Smith had made contact with Ms. Garcia SEE: R 319 L10 - R 320 - L20 which Corporal Smith had provided him with information... that Ms. Garcia had already provided a physical to him SEE: R 320 L24 - R 321 - L12. But Officer Carwell was never given this description from Officer Smith SEE: R 342 L15 - L18.

Inv. Carwell further testified about

The phones Ms. Teidra had used SEE:
R 325 L 8 - R 326 - L 11; R 334 L 14 - L 25;
R 338 L 5 - R 339 - L 9; R 341 L 23 - R 342 - L 12
And, that his report focus on Teidra
Dennis, and he did not ask Ms. Garcia
about any description R 331 L 2 - R 337 - L 18
But he never received a description from
Officer, Smith SEE: R 342 L 15 - L 18 .

Scott McDonald, lieutenant in the Major
Crimes Division with Richland County Sheriff's
Dept. testified that Miss Kayla Sharpe and
Mr. Darren Von Calhoun phones had been
used by Teidra - when they checked these
records of Jeff Chestnut - once he became
identified - "boyfriend of Teidra Dennis - they
look at the co-defendant phone records they
matched SEE: R 353 L 15 - R 362 - L 24 .

Inv. Kevin Isehoward with the Richland
County Sheriff's Dept. testified that Officer,
Carwell had relayed information about

employee. Teidra Dennis, and Drenita Ora identified a man she believed his nickname was Rocca who was with Teidra and Jeff Chestnut on hot dog night. And, that Ms. Dennis behavior was very suspicious, which led him to believe that there was some planning prior to the crime SEE: R 371 L 24 - R 373 - L 18 ↓

And, throughout the course of his investigation he learn that Teidra Dennis had been using other employees cell phones - to call her boyfriend Jeff Chestnut SEE: R 376 L 13 - R 378 - L 25. Inv. Isehoward further testified that he showed Ms. Ore a line-up containing Tyward Jordan, the person that robbed the individuals on the floor - with she positively identified as the person she know as Rocca SEE: R 379 L 22 - R 380 - L 5. But there was no line-up on May 24, 2010 SEE: R 375 L 10 - R 376 - L 14.

Inv. Isehoward also testified that on June 8, 2010 based on the information and identifications they had obtained, they obtained a warrant for Mr. Chestnut and brought him into the Sheriff's Office
SEE: R 380 L6 - L20.

* And, after Mr. Chestnut's arrest he showed Ms. Garcia a line-up. But Ms. Garcia never indicated before Mr. Chestnut had been developed as a suspect, that she believed that she could identify the person that robbed her SEE: R 421 L10 - L17.

Inv. Isehoward further testified that on June 9, 2010 he went to the Carolina Bingo to show Ms. Garcia a six-person photo line-up, which she immediately identified photograph number two - Mr. Chestnut. Counsel's objection

to the photograph line-up was overruled by the trial Judge SEE: R 422 L17-L23

Inv. Isehoward testified that he did nothing to suggest who to pick. Ms. Garcia was 100 percent sure - without any consulting from anybody else SEE: R 421 L25-R 423-L15.

ON CROSS EXAMINATION

Inv. Isehoward testified he focused on Mr. Chestnut had braids or twists - you could see in the robbery video SEE: 432 L23-R 434-L2 And, Drenita Ore identification of Tyward Jordan, Teidra Dennis's behavior was very suspicious during the robbery, and the phone number belonged to Mr. Chestnut SEE: R 441 L21 - R 442 - L25.

DISCUSSION

To determine the admissibility of an in

court identification. The state must prove that the identification is reliable by clear and convincing evidence SEE: Neil v Biggers 93 S.Ct. 375 - Biggers deal with SUGGESTIVE identifications, as in this case, Biggers and its points speak to the fact that unnecessary suggestive identification procedures create a harm of irreparable misidentification. Now, Biggers is a two prong test, the first prong is identification unduly suggestive. After the first prong is satisfied, Biggers and its points says, it nevertheless so reliable based on the five factors and the facts of the case - must be determined by considering the totality of the circumstances.

- (1) the witness opportunity to view the perpetrator at the time of the crime.
- (2) the witness degree of attention

- (3) The accuracy of the witness prior description of the perpetrator.
- (4) The level of certainty demonstrated at the confrontation. And.
- (5) The length of time between the crime and the confrontation.

Here, in the case at bar, the trial judge abused his discretion when he did not suppress the photo line-up and Mr. Chestnut in-court identification. Because of the first identification procedure provided by the officer/detective(s) made the photo line-up unduly suggestive and unreliable.

Where Ms. Ore testified that an officer showed her and Ms. Garcia photo on the tape. But she could not remember the officer who showed them the photo SEE:

R 195 L17 - R 198 L23. And, Ms. Garcia's daughter, Kayla Sharpe testified that her, her mother "Ms. Garcia," Mr. Bell, Scooter, and Ms. Ore watched the videos with the detectives and "all" talked about what they saw SEE: R 227 L19 - R 228 L15. Also see R 312 L25 - R 313 L24; R 121 L8 - R 122 L10.

Mr. Chestnut further argue that although Ms. Garcia testified that she was paying close attention - she could not tell why his eyes was so distinguishable SEE: R 119 L21 - L25; R 315 L18 - L25. Nor the color of his eyes SEE: R 295 L14 - L24; R 296 L8 - L44 Nor did she know how long the robbery took SEE: R 298 L23 - R 299 L17.

And, although Ms. Garcia testified that she gave a description of Mr. Chestnut, she never MR. Chestnut had any braids or twists. Although, Inv. Isenhoward testified that MR. Chestnut had braids or twists in the picture Ms. Garcia picked SEE:

R. 433 L1 - L25; R 421 L25 - R 423 - L3

Also see Ms. Garcia testimony from in camera hearing SEE: R 111 L16 - R 125 - L15 and testimony from trial SEE: R 271 L12 - R 317 - L25.

Nor did the trial judge note this issue in his ruling SEE: R 127 L12 - R 128 - L15.

Moreover, Mr. Chestnut argues that the trial judge abused his discretion -

regarding the length of time between the crime and Ms. Garcia's photo line-up identification - some two weeks after the crime, which the trial judge did in fact have some concerns about
SEE: R 128 L4-48.

Mr. Chestnut further argues that he has met (2) (3) and (5) of the 5 points out of Neil v Biggers 93 S Ct. 375 - most of all the suggestive prong - where the first identification procedure provided by the officer/detective(s) made the photo line-up unduly suggestive and unreliable SEE: R 195 L17-R198-L23; R 227 L19-R228-L15; R 312 L25-R313-L24; R 121 L8-R122-L10 Although Ms. Garcia testified that she did not recall talking to her former employees during the two-week period after the robbery SEE: R 122 L11-L19. Therefore, the photo line-up

as well as his in-court identification should have been suppressed — plus due to the suggestive elements from the other witnesses as argued in his brief.

ARGUMENT (2)

The trial court erred by not directing a verdict of not guilty because the state failed to prove the required elements of armed robbery, Kidnapping and or in the alternative hand of one/hand of all.

Relevant Facts

MR. Chestnut testified in his own defense. MR. Chestnut's girlfriend, Teidra Dennis worked at the Carolina Gold bingo parlor SEE: R 47 L 9 - L 17. On a Friday night, "hot dog night" MR. Chestnut went to the bingo parlor to take MS. Dennis some cigarettes SEE: R 461 L 12 - R 462 - L 5. MR. Chestnut's co-defendant, Tyward Jordan drove MR. Chestnut to the bingo parlor SEE: 462 L 13 - L 16. MR. Chestnut did not enter into the bingo that evening SEE: R 464 L 24 - L 25 MR. Jordan

and another one of Mr. Chestnut's friends went into the parlor and bought some hot dogs
SEE: R 463 L 19 - R 464 - L 2.

On the following Sunday, May 23, 2010, two men robbed the bingo parlor. SEE: 278 L 5 - R 281 - L 16 The men were disguised with bandanas SEE: R 278 L 5 - R 281 - L 16. One of the employees identified Mr. Jordan as one of the robbers. SEE: R 184 L 13 - R 185 - L 25. She remembered seeing Mr. Jordan at hot dog night SEE: 184 L 13 - R 185 - L 25. The same employee testified that Ms. Dennis was making suspicious phone calls from other employees cellphones before the robbery SEE: R 173 L 10 - L 14. Ms. Dennis did not wait to speak with the police after the robbery and immediately left SEE: R 178 L 2 - R 179 - L 8. Another employee, Ms. Angela K. Diaz-Garcia testified that she identified Mr. Chestnut about two weeks after the robbery - after an employee meeting - alot

talking - she contact. Det. Isehoward
SEE: R 312 L25 - R 313 - L24 R281 L17 -
R 283 - L25. Ms. Garcia also testified
she stared into that person eyes - but
did not know the color of his eyes -
And, did not know why she did not
fill out a questionnaire right after the robbery

SEE: R 295 L14 - L24; R 296 L8 - L14;

Nor did she identify Mr. Chestnut when
the police came SEE: R 305 L17 - R 308 - L6

R 311 L15 - L17. Nor was Ms. Garcia
able to tell why Mr. Chestnut eyes
was so distinguishable SEE: R 119 L21 -
L-25.

Mr. Chestnut testified that the Sunday
of the robbery, he caught a ride with Mr.
Jordan to the Comedy House which was next
door to the bingo parlor SEE: R 466 L7 - L22
Mr. Jordan was planning a robbery SEE: R 467
L3 - L12. His partner in the robbery was
going to be a man named Mr. Quantis Sims
SEE: R 467 L10 - L22; Mr. Chestnut initially

asked Mr. Jordan whether he could join in the robbery, but later decided against it SEE: R 468 L6 - R 469 L7 Mr. Chestnut loaned his shirt and hat to Sims, but did not participate in the robbery SEE: R 469 L8 - R 470 L2

Mr. Chestnut testified that by loaning his clothes to Mr. Sims, he was able to extricate himself from their robbery plan SEE: R 469 L8 - R 470 L2

Mr. Chestnut was still at the Comedy House when he saw Mr. Jordan and Mr. Sims run back to their car and leave SEE: R 471 L19 - R 472 L22. Mr. Chestnut did not leave with Mr. Jordan and Mr. Sims SEE: R 472 L18 - R 473 L6. Mr. Chestnut later learned that Mr. Jordan spent that night with Ms. Dennis SEE: R 476 L20 - R 477 L9.

After the state rested its case, counsel for Mr. Chestnut moved for a directed verdict which the trial judge denied SEE: R 450 L15 - R 451 L18.

DISCUSSION

When analyzing the denial of a directed verdict motion, this court must view the evidence in the light most favorable to the State SEE: State v McHoney 544 SE2d 30

The trial court, in a directed verdict motion, is concerned with the existence or non-existence of evidence, not with its weight SEE: State v Elmore 628 SE2d 271. However, in the case at bar the trial judge should have granted a directed verdict when the evidence merely raised a suspicion MR Cheshnut was guilty, there was no direct or SUBSTANTIAL circumstantial evidence reasonably tending to prove the guilt of MR. Cheshnut SEE: State v Collis 541 SE2d 254; State v Ballenger 470 SE2d 851. "Suspicion" implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof SEE: Buckmon 555 SE2d at 404-05

Under the hand of one is the hand of all theory (accomplice liability), under this theory, one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose SEE: State v Langly 515 SE2d 98.

Also under an accomplice liability theory, a person must personally commit the crime or be present at the scene of the crime and intentionally or through a common design, aid, abet, or assist in the commission of that crime through some overt act SEE: State v Condrey 562 SE2d 320; State v Leonard 355 SE2d 220; Wilson v Wilson 461 SE2d 816.

Mere presence and prior knowledge that a crime was going to be committed, without more, is insufficient to constitute guilt SEE: State v Barroso 493 SE2d 854

In this case at bar, the only evidence of Mr. Cheshnut's involvement was Ms. Garcia suggestive and unreliable identification some two weeks after the robbery. Thus, other than Ms. Garcia testimony - there was no evidence that Mr. Cheshnut was at the scene of the crime and intentionally or through a common design, aid, abet or assist in the commission of the crime(s) through some overt act.

And, mere presence and prior knowledge that a crime was going to be committed without more, is insufficient to constitute guilt. Here, the trial court erred by not directing a verdict of not guilty where the state failed to prove the required elements of armed robbery.

Kidnapping and or in the alternative hand of one / hand of all, where the state failed to present any direct or SUBSTANTIAL circumstantial evidence of any agreement(s) or overt act(s) to intentionally commit the charged offenses - in the alternative hand of one / hand of all SEE: State v Larmand 739 SE2d 898.

CONCLUSION

Based on the foregoing arguments, Counsel's motion to be relieve as Appellant's counsel should be denied. And, ordered to fully brief his issue, and Appellant arguments upon his pro-se brief. Where Appellant's case should be remanded for a new trial. Where Appellant's statement, in-court identification, and the photo line-up should have been suppressed. Also, he was entitled to a directed verdict upon armed robbery, kidnapping and or in the alternative hand of one / hand of all.

Date: 10/30/13

Respectfully submitted
Jeff Chestnut

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#2012-213027

I, Jeff Chestnut certify that I
have served my pro-se brief upon the Hon.
S.C. Court of Appeals Clerk. By depositing
the above said in the McCormick Corr. Inst.
mail room to be deposited in the U.S.
mail with postage prepaid on this 30 day of
October 2013

the Hon. S.C. Ct. of Appeals Clerk
Jenny A. Kitchings
PO Box 11629
Columbia, SC 29211

SWORN to before me
this 29 day of OCT 2013

[Signature]
Notary Public

My Commission Expires

12-16-2019

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SC COURT of Appeals

the S.C. Ct. of Appeals
The Hon. Clerk of Ct.
Jenny A. Kitchings
PO Box 11629
Columbia SC 29211

Re# 2012-213029
pro-se brief

Date:

Dear Hon. Clerk of Ct.

Please find enclosed for filing
my pro-se brief in the above case.

Would you be so kind as to return
me back a filed copy.

Thank you

Sincerely

cc: personal file

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