

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Appeal From Aiken County
Donald B. Hocker, Circuit Court Judge

THE STATE,

VS

RESPONDENT,

BERNARD DAGGART FRAZIER,

APPELLANT

APPELLATE CASE No. 2014-001178

APPELLANT Pro, SE PETITION
BRIEF

BERNARD DAGGART FRAZIER,
Pro, SE Appellant
McCormick Correctional Inst
386 Redemption Way
McCormick, S.C. 29899

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SC Court of Appeals

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TABLE OF AUTHORITIES

case

State v Pinckney (S.C. 2000) 339 S.C. 346 529 SE2d 526 (7)

State v Todd, 290, S.C. 212, 343 SE2d 339 1986. (6)

Constitutional Provisions

S.C. Const, Art 1, § 3. (6)

U. S. Const. 14th Amend. (6)

STATEMENT OF ISSUE ON APPEAL

Did the trial court judge erred in refusing
Renew defendant directed verdict motion as
it was for the jury decide if defendant had
entered the house with the intent to commit
A crime inside home,

STATEMENT OF THE CASE

Appellant was convicted of burglary in the first degree after a jury trial held before the Honorable Donald B. Hacker on May 19-21, 2014. In Aiken County, a fifteen (15) year sentence was imposed. Michael Routzong, Esquire, was trial counsel, Kevin Malony, Esquire, and Samuel Grimes, Esquire, were the solicitors.

This appeal follows.

ARGUMENT

Did the trial court Judge err in refusing
review defense directed verdict motion AS it
was for the jury to decide if defendant
had entered the home with the intent to
commit A crime inside.

At trial transcript pg 179 At Line 21
The court; Any motions for the record
from the Line (22) defense? Pg 179) Line
(23) Mr. Routzon; your Honor the defense
renews its pg 179) Line (24) directed
verdict motion, your Honor Pg. 179 Line (25)
The Court:

THANK you very much Denied pg 179)

Pursuant to trial transcript At pg 98)
Line (23)-(24) state witness consent that
she open the door for the defendant on
Night of December 16, 2013 By state witness
JACQUELINE Key - Redirect by Molony.
At trial transcript Line (23) Did you open
the door for him? Pg 98) Line (24) yeah, Pg 98).

The law to be charged is determined from the evidence presented at trial, cite at State v Todd 290, S.C. 212, 348 SE2d 339 1986 "Here there was ample of evidence in support of a charge based on TRESPASS LAW; S.C. Code of Law Ann 16-11-620) § S.C. Code of Law Ann 16-11-520); malicious injury to tree, house outside fence or fixture trespass upon real property.

The error violated appellate's right to due process of Law guaranteed under the Fourteenth Amendment to the united states constitution and Article 1 § 3, of the south carolina state constitution.

At hand in a matter of Law all Evidence presented at trial does not constitute a burglary first degree, and the state has failed to prove each elements of the offense of burglary which the victim only admit that there was some damage to the back door of the victim Jacquiline Key home pursuant to trial transcript record that victim states that her boyfriend the defendant kick the door open on December 16, 2013.

Pursuant to trial transcript At pg(99)
Line(14)-(19) state witness confess to
the true that state witness Jacqueline
Key - admit that she consent to
open door for her boyfriend on Dec-
ember 16, 2013 Line(14) By Mr. Molony:
Line(15) ultimately A month ago prior
to December 16,th when Line(16) he
entered your house -- Line(17) uh-huh,
Line(18) -- did you open the door for
him? Line(19) yes, ma'am --
yes, sir I'm sorry,

Burglary defendant's actions after
he entered the home were some evi-
dence of his intent to commit a
crime therein, and thus trial Judge
did not err in refusing to direct a
verdict as it was for the jury to
decide if defendant had entered
the house with the intent to commit
a crime inside, cite at State v. Pinc-
ney (S.C. 2000) 339 S.C. 346 529 SE2d
526,

conclusion

Pro, se Appellant conviction and sentences should be set aside and vacate.

Respectfully submitted
~~S/ Bernard D. Frazier~~
Bernard Daggart Frazier
Pro, se Appellant

This 12 day of
8, 2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Aiken county
Donald B. Hocker, circuit Court Judge

THE STATE,

v

BERNARD DAGGART FRAZIER

RESPONDENT

Appellant

APPELLATE CASE NO. 2014-001178

DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL

Appellant propose the following be included
in the Record on Appeal:

- (1) true -billed indictment(s);
- (2) entire trial transcript may 19-21, 2014)

I certify that designation contains no
matter which is irrelevant to this Appeal.

Date 12-8-2014.

s/ Bernard D. Frazier
Bernard Daggart Frazier,
386 Redemption way
McCormick, S.C. 29899

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Appeal from Aiken County
Donald B. Hocker, Circuit Court Judge

THE STATE,

VS

RESPONDENT

BERNARD Daggart Frazier

Appellant

Pro, se Appellant Petition AS Counsel

Pro, se Appellant Bernard Daggart Frazier states.

- (1) He is the pro, se appellant represent himself AS pro, se Appellant Petition Brief.
- (2) I have reviewed the record of my trial before Judge Donald B. Hocker, which was held on May 21, 2014, and in my opinion, the appeal does has merits for a New trial.
- (3) I Bernard Daggart Frazier states his brief is a merits brief by pro, se Appellant.

Wherefore, I request the court to reviewed my pro, se brief by Bernard Daggart Frazier.

Date 12-8- 2014

Respectfully Submitted
s/ Bernard D. Frazier
306 Redemption Way
McCormick, S.C. 29809

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Appeal From Aiken County
Donald B. Hocker, Circuit Court Judge

THE STATE,

VS

RESPONDENT

BERNARD DAGGART FRAZIER,

APPELLANT,

Certificate of Service

The undersigned pro, se Appellant hereby certifies that a true copy of the pro, se brief Appellant and Designation of matter in the above referenced case has been served upon Selley W. Elliott, Esquire at Pembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC, 29201; and a copy of the pro, se Petition Brief of Appellant and Designation of matter and Record on Appeal have been served on V. Claire Allen Deputy Clerk of the SC, Court of Appeals This 8 day of Dec 2014.

Subscribed and sworn to before me this 08 day of Dec, 2014

Bernard D. Frazier
Bernard D. Frazier
386 Redemption Way
McCormick, SC, 29877

Notary Public for South Carolina
My commission expires 12-16-2019

Bernard Daggart Frazier 237617
386 Redemption Way
McCormick, S.C. 29899

Date 12-8- 2014

The State v Bernard Daggart Frazier,
Appellate case No: 2014-001178

Dear: Sailey W. Elliott, Esquire

Enclosed Please Find my Appellant Pro,
se Brief along with Certificate of
Service, and Designation of matter
to be included in Record on Appeal,
And Please Find pro, se Appellant as
counsel.

C: C: B: D: F:
C: C: S: W: E:
C: C: H: C: A: V: C: A:

Respectfully Submitted
~~By Bernard D. Frazier~~
Bernard Daggart Frazier

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SC Court of Appeals

Bernard Daggart Frazier, 237617
386 Redemption Way
McCormick, SC, 29879

Date 12-2- 2014

Re: The state v Bernard Daggart Frazier Appellate
CASE No: 2014-001178

Dear Honorable V. Claire Allen Deputy clerk:

Please find my Appellant Pro, se Brief along
with certificate of service, and Designation
of matter to be include in Record on Appeal,
and Please find Pro, se Appellant AS counsel,

It would be one great Honor if you
will please returned to me A clocked-dated
stamped copy.

Respectfully Submitted
s/ Bernard D. Frazier

C.C. B. D. F.
C.C. S. W. E. E.

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SC Court of Appeals

The South Carolina Court of Appeals
V. CLAIR ALLEN Deputy clerk
Post office Box 11629
Columbia, S.C. 29211