

In June of 2016, the Hampton County Grand Jury indicted Appellant, Maurice Demon Mitchell, for Murder in the first degree, Burglary in the first degree, possession of a weapon during the commission of a violent crime, and possession of cocaine base, indictments # 2015-GS-25-369, # 2015-GS-25-373, # 2015-GS-25-375, # 2016-GS-25-229. On November 27, 2017, Appellant proceeded to jury trial before the Honorable Roger Young. Stephen T. Plexico represented Appellant at trial. Solicitor Isaac Mc Duffie Stone and Deputy Solicitor Sen. P. Thornton prosecuted the case. The jury returned verdicts of guilty as charged. Judge Young sentenced Appellant to life without parole for murder and burglary, five (5) years concurrent for the weapon charge and three (3) years concurrent for the drug charge. A timely notice of intent to appeal was served on November 30, 2017.

This appeal follows, and that's the statement of the case that was represented by Attorney Kathrine H. Hudgins Appellant Defender from South Carolina Commission on Indigent Defense Division of Appellant Defense in Columbia on the record on appealing Alan Wilson to the Attorney General at the Rembert Dennis Building 1000 Assembly Street Room 519 in Columbia. The South Carolina Supreme Court wrote:

Under the totality of the circumstances, the factors to be considered in assessing the reliability of an otherwise unduly suggestive identification procedure are:

1. the witness's opportunity to view the perpetrator at the time of the crime.
2. the witness's degrees of attention.
3. the accuracy of the witness's prior description of the perpetrator.
4. the level of certainty demonstrated by the witness at the confrontation.

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SC Court of Appeals

5. the length of time between the crime and the confrontation.

Manson v. Brathwaite) 432, U.S. 98, 114, 97, S.Ct. 2243, 53, L.Ed 2d 140 (1977) citing Biggers) 409 U.S. at 199-200, 93, S.Ct 375

Maurice Demon Mitchell wrote to the five factors that listed Manson v. Brathwaite

witness (shelleveese) opportunity to view the perpetrator at the time of the crime: page 37 line 20 pulled my front door open, saw Eddie and I saw a man Neil v. Biggers Hearing

Question: We someone immediately does something their movement and reactions is to move as fast as they can or as soon as possible. page 43 Line 1 I never said his name Neil v. Biggers 409, U.S. 188, 93 S.Ct, 375, 34, L.Ed. 2d 401 (1972)

Question: When identifying someone you know or saw everyday you should know the name of the person when it comes to photograph or writting statements. page 150 Line 21 Kind of like diagonally, he wasn't directly, but he was like sideways. state v. Liverman 398, S.L 130, 727, S.E2d, 422 (2012)

Question: When you identifying someone from a side shot of a person you'll not coming up or identifying the right person thats being a suspected individual thats in a photographic line-up state v. Traylor 360, S.C. 74, 81-82, 600, S.E. 2d 523, 526-27 (2004)

Rodney) page 45 line 17 Eddie was in the doorway and the man was standing over him (now deased)

Question: Can you identify someone by the name black mate or black man if you supposedly know this individual State v. Traylor 360, S.C 74, 81-82 600, S.E. 2d. 523, 526-27 (2004) Neil v. Biggers 409, U.S 88, 93, Sct 375, 34 L.Ed. 2d. 401 (1972) page 46 Line 15-16 By the time

I pulled in and turned the corner, it went in the house, it been about 15 seconds.

Question: How (Rodney Stokes) had a opportunity to view a perpetrator at the time of a crime. State v. Traylor 360 S.C. 74 81-82, 600 S.E. 2d 523, 526-27 (2004) page 49 Line 8 About from me to you

Question: If the witness had something blocking his vision that was about from me to you he could not have identify the defendant Sellner v. state) 416 S.C. 606, 610, 787, S.E. 2d 525 527 (2016)

Question: If both the witness's were in the apartment together during the photographing page 174 Line 15-17 He was in the apartment why were a Hearing for identification purposes, page 170 Line 21 I mentioned a black man, my statement said a black male I think they just wanted me to describe the man, he was a black male.

2 **Witnesses degree of attention:** Quick peek, Diagonally peek, immediately peek, a peek is known to be as a fast look, and barely saw shelleveese stokes degree of attention

Pulled in / turn in while driving, pulled in / turn in parking lot while driving Rodney stokes degree of attention

Question: Both were occupied by something at the time of their attention looking for a suspect, memorizing a description operation a vehicle, using awareness, checking there surrounding Both came up with a 15 second look at a defendant, both had sadness, both had worried upon them there focus was not complete to have a degree of attention.

Question: Wasn't (Neil v. Biggers) a hearing for the challenge of a witness identification to determine whether due process requires suppression. State v. Liverman) 398, S.C. 130, 138, 727 S.E. 2d, 422, 471. (2012) Biggers) 409 U.S. at 198-200 93 sct at 381-82, 34 L.Ed. 2d

at 410-411. It was brought up twice November 27, 2017 trial and with the Appellant Defense for the court of Appeal September 17, 2018

3. The accuracy at the witnesses prior description of the perpetrator
Out of court witness description of a subject as a black male wearing blue jeans pants and a white t-shirt or blue jeans shorts and a white t-shirt.

Question: Witness statement said she didn't know the defendant, witness didn't describe any of this on the 911 called, she stated a peek and she immediately close the door, Officer stated he did not know how he got a photo of the defendant that night.

4. The length of certainty demonstrated by the witness at the confrontation. The individual in this case was diagonal, during anyone of the witnesses length of certainty demonstrated by the witness at the confrontation, *Neil v. Biggers* 409 U.S. 188 93 Sct 375 34 L. Ed 2d. 401 (1972) witnesses and officers *Manson v. Brathwaite*, 432 U.S. 98, 97 Sct. 2243, 53 L. Ed 2d 40 (1977), *State v. Liverman*, 398 SC 130 727 SE. 2d 422 (2012) *State v. Traylor*, 360 SC 74, 600 SE. 2d 523 (2004) Question:

If the officers and witnesses had such of a certainty of the defendant the day of the incident October the solicitors would not have prepare a Hearing for this trial on the day of November 2017

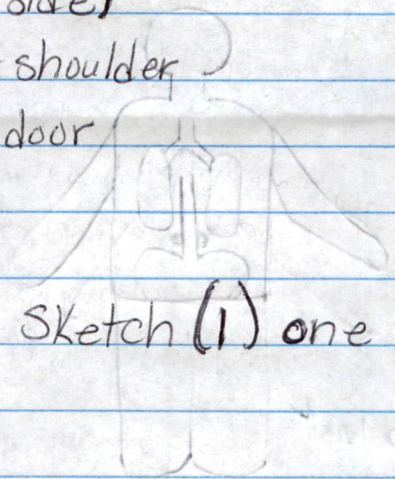
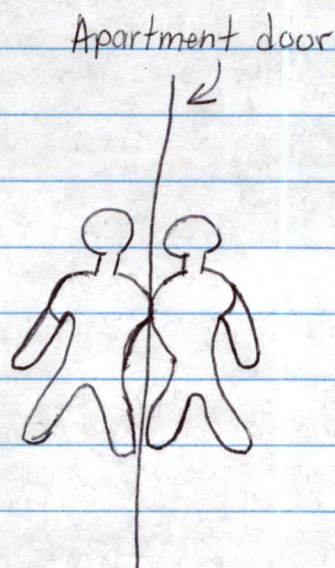
5. The length of time between the crime and confrontation. Witness and officers *Neil v. Bigger* 409 U.S. 188 93 sct, 375, 34 L. Ed 2d, 401 972) Question: Witnesses and officers do not have a reliable length all the officers do not remember the exact time between the crime and the confrontation the photographic line-up, the officers that was second coming to the scene that was operating his radio, occupied

by his radio and computer along the way which would put them in movement as well as the defendant that they saw running.

Here a few sketches of how things indicating the testimony and statements that were provide by the solicitors and the defendant and the doctors both Frank Davis and Maria Lee Tormos. Back in October in regarding to this statement and the interview with the following officers Cpt. Russell and Sgt. Cainn in November of 2018 I wrote to the court of appeal that the words of the interview officer (Russell) was influenced, and that I lied to them at the timing of the interview session October 28, 2015 with the two (2) officers that were at Hampton County that night

Outside (defendant
Leftside)
Right shoulder
on door

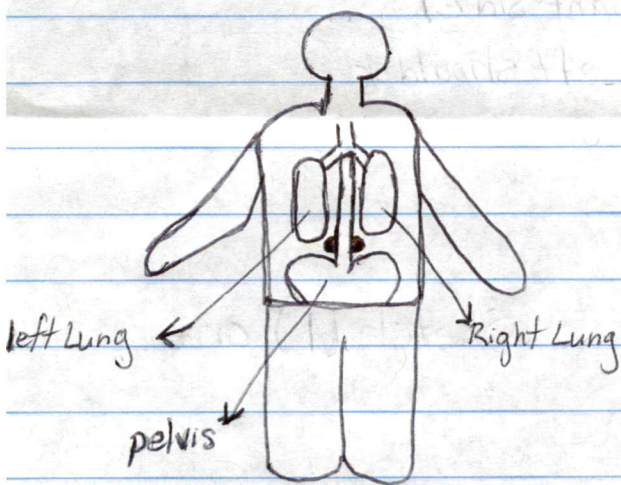
Inside (victim
Right side)
Left shoulder
on door



Sketch (1) one

Question: If both the defendant and victim both are equal

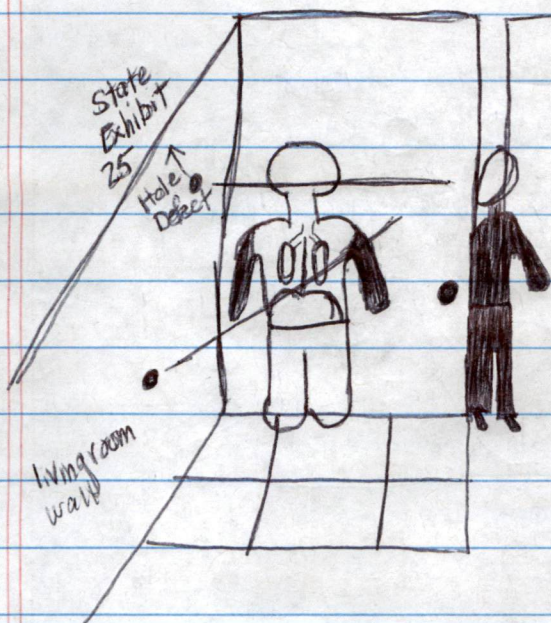
level on this apartment door both using maximum strength to the point of either one ~~was~~ use or put, there's no way anyone could have gotten in his apartment as of a forced entry the only way the defendant could have enter that apartment is cause he let that person in that apartment once the strength of a person is gone that person from the inside slip or stopped using his strength therefore the defendant did not forced his way into the victim's apartment but the state charge the defendant with burglary in the first degree. In the interview and the defendant affidavit something was said about a forced entry and the note of the officer as well, if so the victim would have slide way ahead of time before the defendant entered in to apartment (2) therefore the victim could not have slide the way that were stated in the statement that were written or recieved a gunshot wound the way the state presented their state exhibit 56



sketch (2)

The victim supposedly have gotten shot according the autopsy of the doctors we have left lung, Right lung, pelvis, and the two (2) larken areas are the Kidneys left and right. Both doctors said the victim recieved a gunshot wound to the right lower lunk, Liver,

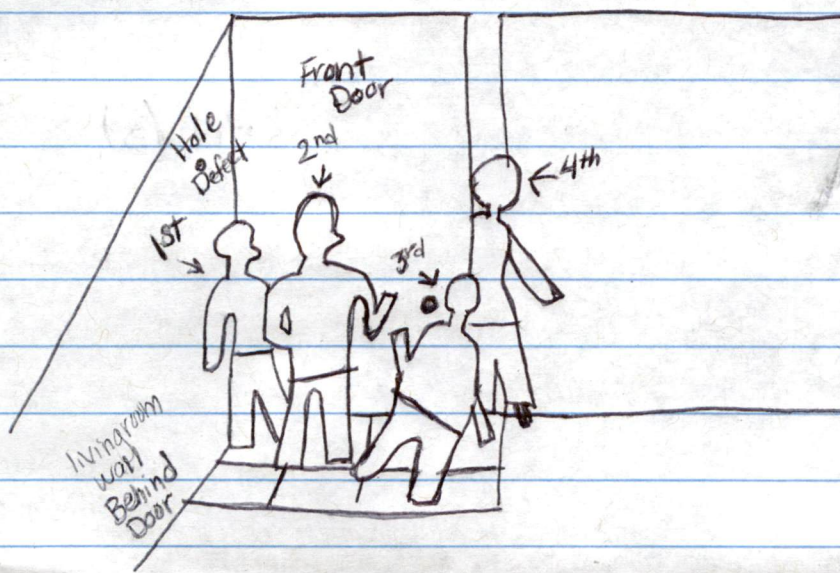
stomach, spinal cord. Solicitor Stone questioned the doctor in a direct examination (Dr. Lee Marie Tormos) pg. 349 it says: there is some indication in the medical record of a gunshot wound, and that actually was not the case, but it appeared to be and her statement says: it can absolutely appear to now according to doctor report the gunshot was received to the torso hitting his liver, spinal, and lung (right lower) and this what he eventually succumbed from doctors reports



sketch (3)

We have two (2) Lines one indicated to states exhibit and one indicated to what solicitor stone said on page 125 Lines 7-10 when he got in well enough, he shot Eddie Mole, shot him in the side, the bullet went through, into one side clipped his kidney, clipped his liver, and split his spine. States Exhibit 25 photograph shows a bullet deflected at eye level above the shoulder not below the knees of the victim states exhibit 25 doesn't add up to his testimony that was testified to November 27, 2017. photographs that presented to the court. A statement was made and was admissible for the court it said that the victim slid and hit the arm of the defendant

How are the liver, stomach supposedly gotten hit by a fired projectile the doctor power point /MRI scan shown the vertebra of the patients body November 29 2017 the hole of the lung do not equal up to the spinal cord in the MRI scan of the doctors power point Lee Maria quoted a abdomen that separate the organs from the lungs, spinal column the fired projectile would have hit his pelvis bone, and if (fire projectile) would perhaps be lodged into his body and not the wall of the victim apartment.



Sketch 4

We have four (4) individual that are here in this sketch from left to right. First individual is closest to the wall to where the hole his here in the wall, Then we have a individual that is in the middle Next we have a individual that is sliding towards the floor of the apartment last we have a individual that is in between the doorway of this sketch so this is regarding to statements and the DVD / photograph, testimony. Remember there's a defendan on the otherside of the door sketch (1) that's regarding to the 4th individual that's entering the apartment that I have drawn and the guy that is in the middle represent the inside victim that I have drawn. sketch (1) both the

guy are equal and leveled they are both on this door frame and the only way that someone could have entered into this apartment unless the inside person let this outside defendant in this apartment. The interview said a forced entry made but there was not any forced entry False statement was used from the defendant that night because of unawareness officers said that I seem to had understood what was being asked from officer Ginn and Russel and by me entering the apartment could only be called trespassing not a burglary there wasnt any intent to comm. t to do any of the offense. Doctor Davis and doctor Tormos were the doctors for this patient both mention almost identical thing Vertebra, spine liver, stomach being hit from complications of a gunshot wound Sketch 4 is the drawing of 4 individual one thats entering and 3 that are in 3 different places I cannot see how these 3 three individual recieving these many wounds an getting hit by a projectile this means false testimony were used, false statement were used, misrepresentation were used from the doctors, solicitors that prosecuted this case. The interview session that happened October 28, 201 I never fully explained the correct happening that night cause of the unawareness and the influenced words we saw the interview that was doctor on (cuted sessions) that day which had blocked out my defense for this case. Here's a few cases that are murder cases that are almost similiar to November trial case state v. Milam, state v. Summer state v. Pinckey, state v. smalls, state v. Slaughter, State v. Carpenter, ~~state v.~~ Tutt v. State, ELLis v. state the last three (3) cases are not quite the same to the first 5 (five) cases. Testimonys from witnesses Testimony from solicitors aren't like any original cases that are being written. Victims recieving multiple shots, dealing with homicide. investiaators dealing with defendants on the stand, dealing

with co-defendants, dealing with Dead on Arrival victims, dealing with two or more victims in these cases. Most cases do not have his leading evidence to the jury in a trial case, they do not misrepresentation in their trial case, they do not have altered or changed evidence in their trial cases, they do not have photographic line-up in their cases that are unnecessary and suggestive as to a misidentification protocol, they do not have mixed question of law in their trial cases, Anderson v. state, Southerland v. state, Tisdale v. state, Attorney Judgins asked for a conviction and sentence be overturned September 7, 2018 in the appellant case for the appellant defender the appellant showed sketches on his behalf and how things did not happened the way things were explained from the ~~defendant~~ ~~prosecutors~~ solicitors point of view. These sketches are my defense and the story/testimony that should have been said November 27, 2017. Thank you with such appreciation

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