

May 23 2019

1-10

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MAY 29 2019

The South Carolina Court of Appeals
 Appeal from Berkeley County
 With Ninth Circuit Court
 Honorable Matie Murphy - Judge

Court of Appeals
PETITION

Re: Fred Freeman v. State of South Carolina
 Appellate case No. 2017-1833

Records of appellate trial shows such forms of obstructions of justice against Administration of Justice committed by CONSPIRACY, by Trial Judge, to include Prosecutor Alfaro.

Appellate trial was held August 28, 29, 2017, Prosecutor Alfaro and the court viewed all documents before jury received, in case at Bar, its Federal Crime of concealing material facts, making FALSE STATEMENTS, USING DOCUMENTS KNOWN TO BE FALSE,

CONTEMPT, CONTUMPTIONS IN OFFICE and other CRIMES AGAINST ADMINISTRATION OF JUSTICE,

Burn v. Clayton, 231 S.C. 316, 334, 117 S.E. 2d 300 (1960), to obstruct justice, State v. Love, 275 S.C. 55, 62, 271 S.E. 2d 110 (1980), PENALTY Fraud FRAUDULENT DECEPTIONS OF JUSTICE.

2-10

Rule's 8.3, Reporting Professional
misconducts (b), (c), Rule 8.4 misconducts
(a), violates the Rules of Professional
Conduct, knowingly assist or induce
another to do so, through the acts of
another(s), (b) commit a criminal
act that reflects adversely on lawyer's
honesty, trustworthiness or fitness as
lawyer in other respect, (d) engage in
conducts involving dishonesty, fraud
deceit, misrepresentation, (e) engage
in conduct that is prejudicial to the
Administration of Justice, (g) knowingly
assist a judge or judicial officer in
conducts that is a violation of applicable
applicable rules of judicial conduct or
other law's - conspiracy.

Prosecutor Alfaro and Judge conspired,
created Prior BAD ACT of someone
else of offenses of ARMED ROBBERY,
that they told jury by DOCUMENTS,
that appellate records showed same,
Jury Question Number SIX (6)
wanted to know about said documents
of conviction for ARMED ROBBERY
with weapon, these matters proceeded
beyond OBSTRUCTION OF JUSTICE,
Appellate clearly denied of FAIR
TRIAL, UNDOE PREJUDICE, in violations
of his constitutional rights, 5, 14
Amends, variance, disparity

3-10

differences between two statements,
documents, Differences between allegations
in a charging instruments and Proof
actually introduced at trial.

FALSIFYING A RECORDS

The crime of making False Entries, or
otherwise Tampering with Public Records
Records with the intent to deceive or
induce, or to conceal, Wrong doing
18 U.S.C.A. 1506, 2071, 2073 Model
Penal Code 224.4, 18 U.S.A.C. 1503,
18 U.S.C.A. 1507, State v. Byrd, 28 S.E.2d
18, 214 S.E. 793, 793, Public officer,
the statute is not intended to
operate only during the continuance
of a delinquent officer term.

State v. Sellers, 41 S.C. L.C. 9
N. 368. FALSE STATEMENTS

Burns v. Clayton CONTEMPT,
CONTRUPTION, in office

UNDue PREJUDICE

APPELLATE DID NOT TAKE WITNESS,

Trial Court before Jury, Presented
Character Evidence, to include
Prosecutor, State v. Lyle, 125 S.C. 406,
118 S.E. 803 (1923), Citizen Bank
of Darlington v. McDonald, 202
S.C. 244 S.E. 2d 369 (1943), Rule →

476

does not set forth the, forth the burden of proof required for the admission of evidence of bad acts, not the subject of conviction and therefore, State v. Smith, 300 S.C. 216, 387 S.E. 2d 245 (1989). In criminal case, evidence of other crimes or bad acts must be clear and convincing if the act are not the subject of a conviction,

Prejudicial effects of evidence substantially outweigh its probative value, Rule 403 which is consistent with prior case law,

State v. Garner, 304 S.C. 220, 403 S.E. 2d 631 (1991).

As above character evidence is not admissible to prove accused possesses a criminal character, or has a propensity to commit the crime with which he is charged. State v. Brown, (S.C. 2001) 344 S.C. 70, 543 S.E. 2d 552.

The South Carolina rule limits the use of evidence of other crimes, wrong, or acts to those enumerated in State v. Lyle, 125 S.C. 406, 118 S.E. 503 (1923),

Erroneous use of evidence of prior bad acts, jury likely used prior

5-10

evidence to infer that defendant probably committed instant crime. State v. Broadbent, 2008 WL 341, S. Ct. 57, 533 S.E. 2d 325, other crime, wrong, or acts is not admissible to prove character of person, in order to show action in conformity. Prosecutor, court repeated misled jury, that created confusions - Prejudice, State v. Tyler, S. Ct. App. 2008, 379 S. Ct. 328, 665 S.E. 2d 201, unfairly Prejudicial, forced the jury to make decision on improper basis, such as motivational one.

1503 Influencing or injuring officer or juror, by letter or communication, influence, obstruct, or impede, to due administration of Justice, ch 645 l. 42 Stat. 169; P.L. 97, 291, § 4(c) 96 Stat 1283, 53

over last few month or less, appellate was able to obtain Preliminary hearing Judge orders of dismissal(s), disposition dates December 09, 2015, Dismissal ed not indicted, arrest warrant(s), Affidavit(s) No. 2015A0820200784, 2015A0820200785, 2015A0820200786,

Q-19

2015 AD 820200987, December 04, 2015
Preliminary hearing was held. All
charges were dismissed.

Public Index's of Summary
Court: Under statute 955.20, Stats
620. Nothing prohibited Prosecutor-
Prosecutor from appealing Preliminary
hearing Judge order(s) of dismissal's.

STATUTORY NOTES

The statute supersedes the common
law offenses of compound-
ing a felony, Defendant cannot
be indicted for offenses when
CONTUMPT proceeding has already
been instituted against him for
for same conduct, S.C. 16-9-380,
S.C. Const art XV. 12, State v.
Hess, 279 S.C. 14-20, 301 S.E.2d
547 (1983) FALSE ARREST.

Trial Court Lack Subject
matter Jurisdiction to Proceed
to trial due to following.

Prosecutor elected NOT to
Proceed by statute - statute 955.20,
620 Stats.

Grand Jury, neither
Session - Session Court, issued
Warrants.

In case at Bar, State

7-10

did not have no evidence to Proceed
to trial. Without a PPealing order(s),
order(s) of dismissal(s),

APPELLATE was denied of his
Constitutional rights of FIFTH
FOURTEENTH Amendments.

Prosecutor violated Brady
Rule - Disclosure, Due Process, also
encompasses impeachment evidence,
exculpatory - Prosecutor Alfaro
E-mail Public Defender office,
Recommendation of time, above,
above - E-mail, outlining NA
HUMAN BLOOD FOUND. At trial
Prosecutor Bruce Dennis, he
brought forth and objected to
to DNA report from SLED,
EXCULPATORY Evidence.

That at such - Prejudicial
effects substantially outweigh
Probative value, Trial Judge
told jury that defendant has
TWO prior Burglary conviction
convictions, so you may in-
fer state has establish
its elements - BURDEN - SHIFTING
APPELLATE WAS, WAS NOT
discharge after order's of

8-10

Dismissal December 04, 2013,
DISPOSITIONS 09, 2015 of Summary
Court, States NOT indicted,

Police Agency is NOT Grand Jury of
General Session Court, to order
Warrants, after, after it has
lost case at Preliminary hearing,
for Co-ordinate Magistrate,
Magistrate Jurisdiction over
ruling another in case and
UPON the same question, surely
imputes Legislature intent,
more unreasonable.

FALSE MAKING OF AFFIDAVIT(S) -
29-3-330,

Appellate Presents following
and Plea to court, seeking
relief where records shows
appellate was denied of Fair
trial, due to obstruction of
Justice, officials proceeded
by CONSPIRACY, where RECORDS
Proves same. FALSE ENTRIES
TO JURY.

Appellate Plea to Court, that
these attorney, Judge has

9-10

violated all of South Carolina
Court Rules, Appellate Court,
Court Rules, that exceeded
beyond Disciplinary Proceeding,
stated Licensed Professionals
were fully competent of their
UNPROFESSIONAL, UNETHICAL,
ILLEGAL CONDUCTS,

Prosecutor Alfaro was fully
competent of MODEL CODES OF
PROFESSIONAL RESPONSIBILITY -
Abb. DR CI, Judge violated
AN CANON C, Proceeded
with BIAS, that at such
caused appellate to be
convicted, Appellate have
has sustained injuries
as result of UNPROFESSIONAL,
UNETHICAL, ILLEGAL CONDUCTS,
CONDUCTS, Appellate Plea
to court, Not to decide, are
Enter order in case, NOT
unless, for conviction to
be void based upon conspiracy.

May 23, 2019

The South Carolina Court of Appeals
JENNY ABBOTT-KITCHING

Re: Fred Freeman v. State of South Carolina
Appellate Case No. 2017-1833

Dear Ms. Kitching:
Enclosures is Petition for
court, before court moves in
case. Please return clock
in copies.

Respectfully,
May 23, 2019
Fred Freeman

cc: John Benjamin, Alpine, Esq
Allan McCrory Wilson, Esq

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Fred Freeman 235180 SB-30
Lieber carr Inst
P.O. BOX 205
Ridgeville, South CAROLINA 29472

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MAIL ROOM
LIEBER CI.

South CAROLINA COURT of APPEAL S
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P.O. OFFICE BOX 11 @ 29
COLUMBIA, SOUTH CAROLINA 29211

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