

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

Court of Common Pleas

C/A. 2019-CP-29-0110

Devatee Tymar Clinton,

Applicant,

Rule 59(e) Motion

v.

State of South Carolina,

Respondent.

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SEP 23 2019

S.C. SUPREME COURT

The Applicant, Devatee Tymar Clinton, hereby moves the court for an order to alter or amend judgment as follows:

1. Someone else's DNA was used to place Applicant at the scene of the crime. Applicant argued this at PCR and the order fails to address an or rule on the DNA issue.

2. FURTHERMORE, Pursuant to section 17-28-30 "Offense for which post-conviction DNA testing available", (A) the Applicant's PCR attorney was procedurally ineffective for failing to apply for forensic DNA testing of his DNA to show that the Respondent or prosecutor did use someone else's DNA to place Applicant at the scene of the crime.

3. At the PCR hearing the Applicant testified that a little boy who was 4 years old at the time of the murder could testify that Applicant was not the murderer. The court did not allow the 4 year old to testify.

4. MOREOVER, pursuant to S.C.R. Evid. 601 (2010) Competency, the minor witness was competent to testify at trial and the Applicant's rights to a fair trial were violated. THEREFORE, trial counsel was ineffective for failing to call him to the stand.

5. PCR Counsel was procedurally ineffective for failing to call the witness to the PCR hearing, pursuant to Rule 71.1 (e) Burden of Proof, so that judge could rule upon the admissibility and credibility of the witness.

6. WHEREFORE, Applicant prays that the PCR court alter or Amend its judgment or order a new PCR hearing.

7. Please take note that Applicant is forwarding a copy of this to PCR counsel so counsel can re-file it or amend it.

Aug 5, 2019

Devatee Clinton

Devatee Clinton

317521, EA-11, LCI

P.O. Box 205

Ridgeville, S.C. 29472

Certificate of Service

I hereby certify that I served a copy of this on:

Danae A. Minor, Attorney; 1750 SC Hwy 160, Suite 101-259; Fort Mill, S.C. 29704

Jeff Hammond, Clerk of Court; P.O. Box 1809; Lancaster, S.C. 29721-1809

S.C. Commission on Indigent Defense; P.O. Box 11589, Columbia, S.C. 29211-1589

Attorney General; P.O. Box 11549, Columbia, S.C. 29211-1549

I'm writing this court because I filed a Rule
59(e) motion with this court back in Aug and I'm writing to
see have that motion been filed and is that motion going to
get heard??

Please Get Back With Me A/S/A/P!!

Deonte Clinton

9-17-19

Devatze Clinton # 317521
E-A-11
L.C.I
P.O. Box 205
Ridgerville, S.C. 29472

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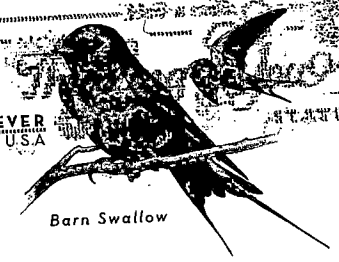
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Barn Swallow

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

