

Case NO. _____

2018-000770

State of South Carolina

In the Court of Appeals

Appeal from Charleston County

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JAN 17 2019

SC Court of Appeals

The State respondent

_____ vs _____

Derrick L Porter / Appellant

Anders Brief of Appellant

Derrick Lamar Porter
Appellate Defender

Appellant

Derrick Lamar Porter

①

ARGUMENTS

On this self-defense case, hope this reach the court in good godly Spirit that it's not right to make a man, as I am disable to suffer for this 35 years for it to be my first time verses Mr. Byas that had a firearm at this time that if he could've pulled it he would've of used it, also is a convicted felon. If I had in my mind to do such thing we had to do no talking as long as we did, before the incident took. How would I know brand, and what kind of gun he had guess in that special to see threw his button down shirt and T shirt that the court so call saw Mr Byas had on. False stories are placed that they used people to take the stand on me. I also inform my lawyer request him to be present at this time He is alive, he's not dead. His mom and dad was there so by all mean they could brought him even if he so messed up in the head. To atleast let the jury observe his condishion. Im walking talking on my phone minding my own buissness that day. That my case was not never even looked into with full knowledge and understanding

②

If the shoe was on the other foot what would've been this man is a menace to Society. But still out there on the streets, robbing, people killing etc.....

I think if both records was brought up would've been another charge for this case that I hope will change at this next trial if I'm possible to be granted another lesser charge and lessor time.

If I had a 150 to 200 page rap sheet I would understand but at this time. My kid and family I will never be able to see them again in my life with my health being this bad. Also talk to my lawyer before this trial that I would just take the 20 years plea that they offer that I turned down he never inform me this was the only plea, no other one will be giveing. He really wanted me to go to trial before he didn't fight for my freedom at all just want that check to get me convicted.

Hopefully by the court and a judge with understanding my point had no way to retreat. That this case will get over turned

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To get to the bottom of the case. That is why they keep postponing my case because victim wasn't requesting to get me imprisonment he want me to get out to kill me as he told his partners. Also as my lawyer told me that Mr. Byas talk to Mr. Scott Manner and he told Mr. Scott that he didn't want to enforce the charges at all. So with that being said he's the victim and he don't want to enforce the charges why am I'm away from my son and my family?? Just concern of this lost to the facts. As I go to this store 4 to 5 times a day everyone there know me never brought problems around they buissness, fight, argue with anyone around there. That I was staying behind that store for over 2 1/2 years not even a quarter mile from store. That they said they never even saw that guy there before but me very nice respectfully guy but this where my life will end if I don't get any relief. As they playesed me at the worst prison yard there is, so fare from home where nobody can come see me before I die!!!

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May 23rd, 2017

Derrick Porter
Inmate @ Al Cannon Detention Center
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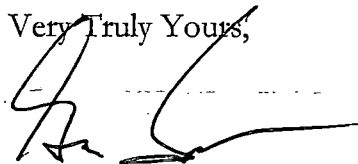
Re: Warrant # 2016A1010201705- 06, 3388AGX

Dear Mr. Porter,

I have enclosed a paper copy of the written discovery in your case that we have previously gone over.

As we have discussed, the Solicitor's Office will not offer you anything that does not include a prison sentence of some sort. To date, their offer is 20 years. To stay out of prison, we will have to go to trial and secure a verdict of Not Guilty.

Very Truly Yours,



Grant Smaldone
Attorney at Law

Enclosure: Discovery (45 pages)

Lexis Advance®
Research

Document:State v. Davis, 317 S.E.2d 452

State v. Davis, 317 S.E.2d 452

Copy Citation

Supreme Court of South Carolina

February 22, 1984, Submitted ; June 18, 1984, Decided

No. 22131

Reporter

282 S.C. 45 * | **317 S.E.2d 452** ** | 1984 S.C. LEXIS 319 ***

The STATE, Respondent, v. Garnett Jewel DAVIS, Appellant

Prior History: [***1] Appeal From Richland County, Dan F. Laney, Jr., Judge

Disposition: Appellant's conviction and sentence are affirmed.

Core Terms

self-defense, imminent danger, losing, guilt of the defendant, serious bodily injury, reasonable doubt, own life, instructions, sustaining, sentence, courage

Case Summary

Procedural Posture

Defendant sought review of a judgment from the Richland County Court (South Carolina) convicting her of assault and battery with intent to kill and sentencing her to 12 years'

imprisonment.

Overview

Defendant excepted to the trial court's refusal to give her requested jury instruction on self-defense. The court found that the requested instruction did not state the correct law of self-defense in the jurisdiction. The court held that the trial court's instructions, considered as a whole, charged the jury accurately. While the court found no reversible error in the instructions given, it made a suggestion to the trial bench as to what was the appropriate instruction on self-defense in those cases that indicated that a self-defense charge was appropriate.

Outcome

The court affirmed the judgment from the trial court convicting defendant of assault and battery with intent to kill.

Counsel: *Asst. Appellate Defender Tara D. Shurling, of S.C., Columbia, for appellant.*

Atty. Gen. T. Travis Medlock, Asst. Attys. Gen. Harold M. Coombs, Jr. and Carolyn M. Adams and Sol. James C. Anders, Columbia, for respondent.

Judges: JAMES WOODROW LEWIS ▼, C.J., BRUCE LITTLEJOHN, A.J., JOSEPH R. MOSS ▼, A.J., GEORGE T. GREGORY ▼, A.J., and DAVID W. HARWELL ▼, A.J.

Opinion by: PER CURIAM

Opinion

[*45] [****453**] Appellant was convicted of assault and battery with intent to kill and was sentenced to twelve years' imprisonment. She excepts to the trial court's refusal to give her requested jury instruction on self-defense. We affirm.

The requested instruction did not state the correct law of self-defense in this jurisdiction. The trial judge's instructions, considered as a whole, did charge the jury accurately under *State v. Bolton*, 266 S.C. 444, 223 S.E. (2d) 863 (1976); therefore, we affirm appellant's conviction.

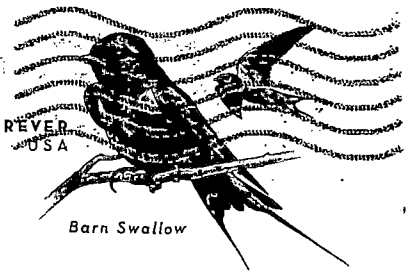
While we find no reversible error in the instructions [*46] given, we suggest to the trial bench that the following instruction on self-defense [***2] be used in those cases where the facts indicate that a self-defense charge is appropriate.

Self-defense is a complete defense. If established, you must find the defendant not guilty. There are four elements required by law to establish self-defense in this case. First, the defendant must be without fault in bringing on the difficulty. Second, the defendant must have actually believed he was in imminent danger of

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