

Laparis Flowers
#00375098/F2-B RM 1245
Lee Correctional Inst.
990 Wisacky Hwy
Bishopville, S.C 29010

RECEIVED

APR 06 2020

S.C. SUPREME COURT

IN RE: Case

Filing supplement under Appellate Court Rule 208 (E) (7)

- To: The South Carolina Court Of Appeals,
The South Carolina Attorney General,
The South Carolina Appellate Defense
Office et. al.

I am giving the Court and Parties Judicial Notice that Pursuant to Appellate Court Rules, Rule 208 (E) (7), I move to supplement the appeal giving all Notice that the South Carolina Supreme Court, while this case was pending on direct appeal, has recently rendered in the case of State v. Burdette, 427 S.C. 490, 832 S.E. 2d 575 (S.C. App. 2019).

In that determination the South Carolina Supreme Court has determined that the charge that malice can be inferred by the use of a deadly weapon shall not be used in a criminal proceeding at all in any such applicable cases, a category to which my appeal

my appeal call under must be adhered to.

It is the Appellant's position that this issue is preserved for Appellate review in the illegal stipulation engaged in by the Courts where it is a violation of Due Process and voids the General Sessions Court jurisdiction for unconstitutional action, when the trial court agreed to a stipulation that would eliminate an essential defense. Thus the issue is jurisdictional in nature, and can be therefore raised for the first time on appeal, and cannot be waived by me since it is preserved by way of the illegal and inappropriate stipulation which violates Due Process of law. Due to these facts, where such a stipulation is illegal due to it eliminating an essential defense.

The issue of inferring that malice is established by the use of a deadly weapon is impermissible, as have been adjudicated by the South Carolina Supreme Court in the case of State v. Burdette, Supra, and must be deemed applicable to the Appellant's presently pending direct appeal.

I, therefore motion to supplement the Burdette, case Pursuant to SCACR, Rule 208 (E) (7).

Respectfully,

Laparis Flowers

Dated: _____



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 18, 2020


Mr. Laparis Shmel Flowers #375098
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your Case

Dear Mr. Flowers:

Following our conversation last week, I wanted to let you know that I will not be withdrawing my brief as you requested. For the many reasons we discussed on the phone, I believe it is best to wait and see what the Court of Appeals does. As you know, the Anders process ensures multiple levels of review. I can also confirm that the Court has received your recent correspondence.

As to your request for my contact information contained in your letter dated January 28, 2020, everything you need should be available at the top of this communication. Please let me know if you need anything else.

Sincerely,

Taylor D. Gilliam
Appellate Defender

TDG/mba

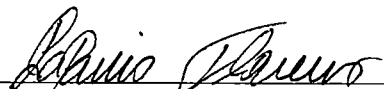
LaParis Flowers
375098 F2B Rm1245
990 Wisacky Highway
Bishopville SC 29010

TO: Taylor D. Gilliam

This is a formal request that you, as appointed Appellate Defender of LaParis Flowers, to place your Anders Brief (*Anders v California*, 386 US 738, 87 S Ct 1396 (1967)), which was filed on February 7, 2019, in abeyance under Rule 12(d). I asked that you address the issue concerning the inference of malice is a wrongful presumption. The Supreme Court has rendered in the case of *State v Burdette*, 427 SC 490, 832 SE 2d 575 (SC 2019). See Appellant transcript pages 546, lines 13-20. In that determination the South Carolina Supreme Court has determined that the charge malice can be inferred by the use of a deadly weapon shall not be used in a criminal proceeding regardless of the evidence presented at trial retroactive to all pending case on direct review. Thanks in advance.

Dated: 2-10-2020

Respectfully submitted,



LaParis Flowers
Appellant

COLLOQUY

1 THE COURT: Thank you. Good morning and please
2 be seated.

3 Let the record reflect that yesterday afternoon
4 for sometime, I had a charge conference with the
5 attorneys involved in the trial of this case. They
6 have agreed to the charge.

7 They have agreed to the verdict form. We have
8 also agreed to the oral argument. The State will
9 argue first. They asked for 30 minutes, which I told
10 them is fine, followed by a closing argument by
11 counsel for the Defendant, who will also have 30
12 minutes.

13 There was one addition to the charge this
14 morning. They asked me to give them copies of my
15 charge, which I was happy to do so. I have been over
16 that addition to the charge, which involves the fact
17 that the inference of malice is a wrongful
18 presumption. They both agree that should be added.
19 I met with them this morning concerning that addition
20 in chambers.

21 Now, ladies and gentlemen, the courtroom is a
22 public place, and we invite the public to be here.
23 But we do not tolerate any emotional outbursts of any
24 kind during trial, or when a verdict is published.
25 If you cannot control your emotions, then I suggest

CLOSING ARGUMENT BY THE DEFENSE

1 I intend to explain to the jury that it is not a
2 conclusive presumption in part of my charge on
3 murder, when I get to the point that malice can be
4 inferred from the use of a deadly weapon.

5 Both lawyers have indicated to me they agree
6 with that addition to the charge in our conference
7 this morning.

8 Since you have agreed to the verdict form and
9 you've agreed to the contents of the charge, I think
10 we are ready to proceed.

11 Anything further from the State?

12 MS. LEGETTE: Not from the State, Your Honor.

13 THE COURT: From the Defendant?

14 MR. KOGER: Not from the Defendant, Your Honor.

15 THE COURT: All right. Bring us the jury,
16 please.

17 (The Jury enters the courtroom.)

18 JURY CHARGE BY THE COURT

19 THE COURT: All right. Ladies and gentlemen,
20 Madam Foreperson, it is now my duty to charge you on
21 the law of this case.

22 The State of South Carolina has charged the
23 Defendant, Laparis Flowers, with murder in Indictment
24 Number 2014 GS 0300229; attempted murder in
25 Indictment Number 2014 GS 0300233; attempted murder