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SC Court of Appeals

One cannot be charged with 1st degree Burglary if a person habituates in a dwelling, his entry is not without consent. Rp.234 1-6. State witness stated that defendant lived at the house in front of her multiple times. (Shubrick) R p. 106 lines 16-21. Gadson said defendant never lived there. R p. 147 lines 20-25, R p. 148 1-3. R p. 150 lines 23-25 and R p. 151 lines 8-11 clearly show Gadson was lying. Defendant was lying there from the start. Gadson and Morris entered the house from the front door. R p. 163 Exhibit number seven lines 21-22. Gadson and Morris used her keys to get in. They entered through the front door. R p. 164 lines 11-19. The pictures in Exhibit seven show that Gadson used a key to enter the house.

Judicial Notice

Judicial notice may be defined as that cognizance of a fact which judges and jury may take and act on without proof because they already know it. Accordingly, matters of which judicial notice is taken need not be proved, and the matter judicially noticed is before the jury

Donnel Washington

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