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OCT 15 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM THE COUNTY OF BARNWELL

The Honorable PERRY M. BUCKNER III, Circuit Court Judge

APPELLATE CASE NO.: 2019-001842

The State, ...

Respondent

v.

ALFRED Tyrone WALKER, 307941, ...

APPELLANT

Initial Reply of Appellant

ALAN Wilson

Attorney General

Donald J. Zelevka

Deputy Attorney General

Tommy Evans Jr.

Asst. Attorney General

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DATE: OCT. 12, 2020

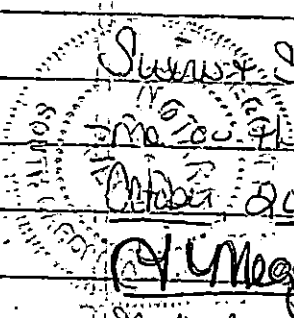
Subscribed before

me this 12th day of

October 2020

A. Maggett Notary Public of South Carolina

My commission expires: 7-27-2026



Initial Reply to Respondents Initial Brief:

(With All due respect, Broadriver CORR. Institution is currently on Quarantine due the covid-19 pandemic and movement is at a complete standstill. Therefore, I plead with the courts to, even in it's imperfection accept this Reply as whole and complete in anyway it maybe short and any mistakes or mishaps, Please don't penalize me to the maximum.)

Now without further adue, This Appellant understands that in all criminal cases the Appellant Court sits to review errors of law only and absent any abuse of discretion the decision will not be disturbed. (State v. Wilson 2001). However the Court is also tempered with mercy and understanding. By that I ask that the courts critically scrutinize whether or not the Circuit Court Judge should have relied on the discrepancies in the transcripts / transportation sheets in order to determine whether or not a violation of the Appellants constitutional rights occurred.

Now the State would like the courts to believe that no discrepancy existed, that the information inside the transportation sheets could have been discovered prior to trial and that the information would not have changed the the outcome of the trial. The Appellant disagrees.

Appellant disagrees with number one because clearly if there lied no discrepancy then what would have been the chief investigators Justifying Reason for taking the stand under oaths and denying...

the existence of this particular encounter. (trial transcript of Jackson v. Denno hearing, testimony of Mr. Wayne Martin)

If investigating officers had nothing to hide then why was this evidence not present in the appeal/appellants motion for discovery? (viol. of Brady... all evidence whether incriminating OR EXCULPATORY must be handed over to the defense..)

AS FOR the Second Claim - the Appellant disagrees - Because why should he have had to search for evidence that should have been provided?, and if it was so easy as they say for the defense to discover this evidence then why didn't they discover it and provide it so that the defense attorneys at the Jackson v. Denno hearing could have properly and thoroughly cross-examined the investigating officers?

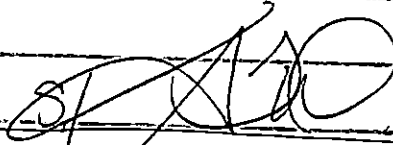
FURTHERMORE, THIS EVIDENCE "WOULD" have changed the outcome because NUMBER ONE the Appellant would not have pled guilty. Being able to NOT prove the IMPROPERNESS of the officers placed the defense ATTORNEYS at a complete disadvantage forcing them to believe that a guilty plea was the best solution when the Appellant had adamantly asserted his Sixth Amendment right to a trial by jury. FORCING him to surrender/forfeit his constitutional/appeal rights. Appellant argues that the actions of the state infringed upon the Appellants 5th Amendment rights to remain silent. Thus the reason for not including said encounter to the record. State didn't want proper review of issue due to the mere possibility of Appellants incriminating statements being declared inadmissible.

The State, in its initial Brief, wants to lead the Courts to believe that the transportation sheets provided at the hearing for a new trial were present in the investigators report (pages 8) But that is false and it is constitutionally wrong for the state to imply such a thing. IF they were then investigating officers would not have had to take the stand and deny the existence of what transportation sheets prove. Which is the fact that the appellant asserted his 5th Amendment Right to Remain silent and that in order to extract statements from the accused public officials infringed upon the rights of an intoxicated young Black scared boy. Thus violating his 5th and 14th Amendment Rights to Remain silent and be afforded due process of law. By this evidence not being provided the State of South Carolina deprived the appellant of an opportunity to have his statements incriminately declared inadmissible and thrown out. Furthermore denying the appellant an opportunity to stand before the courts with all things on the record and if convicted being afforded a full bite at the apple when presenting his appeal.

Either way, ultimately, the Judge did abuse his discretion because the appellants constitutional rights were violated. He was not afforded due process of law and his 5th Amendment Right to Remain silent was wronged. As well as the defendants Brady protections being ignored. Your honor should have granted a new trial or at least ordered an intense cross-examination of the investigating officers to determine if something was afoot.

Therefore, I humbly ask that the courts reconsider the lower courts decision and grant the appellant an opportunity to stand before a jury as he so adamantly requested in the very beginning of this unfortunate and horrible situation, or satisfy the appellant by amending his sentence to a more merciful and lenient one due to the fact that he was intoxicated, 18 years old, and that he did not kill anyone. The appellant has served the past 20 years of his life in prison. may it please the courts he pleads for relief.

With all due respect I conclude.



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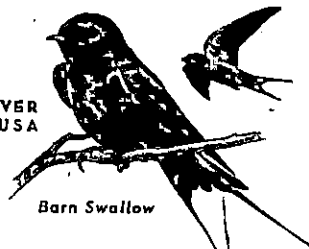
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