

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM AIKEN COUNTY

SC Court of Appeals

HONORABLE THOMAS W. COOPER, CIRCUIT COURT JUDGE

THE STATE

RESPONDENT,

v.

TEDUAN MARTRELL HOLMES,

APPELLANT.

APPELLATE CASE NO. 2019-001313

"JOHNSON BRIEF"

TEDUAN MARTRELL HOLMES
PRO SE APPELLANT (#338962)

BROAD RIVER CORRECTIONAL INST.
4460 BROAD RIVER RD.
COLUMBIA, SC 29210

PRO SE BRIEF
(JOHNSON BRIEF)

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STATEMENT OF ISSUE ON APPEAL

WHETHER THE TRIAL COURT ABUSED IT'S DISCRETION BY LIMITING THE DEFENDANT THE RIGHT TO CONFRONT AN ADVERSE WITNESS / THE INVESTIGATOR AND CHALLENGE THE CREDIBILITY OF THE INVESTIGATION AND THE VERACITY OF HIS REPORT ALSO LIMITING THE EXAMINATION OF DEPUTY BLACK WELDERS KNOWN PRACTICES OF NOT FOLLOWING POLICY AND PROCEDURES IN CRIMINAL INVESTIGATIONS, DEPRIVING THE DEFENDANT A RIGHT TO A FULL AND COMPLETE DEFENCE. (VIOLATION OF THE SIXTH (6TH) & FOURTEETH (14TH) AMEND. U.S. C.A. CONST.)

STATEMENT OF THE CASE

APPELLANT WAS INDICTED BY THE AIKEN COUNTY GRAND JURY FOR MURDER, POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT CRIME, AND POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME. R. * 544-549 APPELLANT'S TRIAL WAS HELD BEFORE THE HONORABLE THOMAS W. COOPER, JR. AND A JURY FROM JULY 22-25, 2019. R. I. APPELLANT WAS REPRESENTED BY NICHOLAS MCCALLEY AND BRIANNE STEINER, R. I. THE STATE WAS REPRESENTED BY ELIZABETH YOUNG AND CASSIE HALL, R. I.

THE JURY FOUND APPELLANT GUILTY AS CHARGED ON ALL THREE COUNTS. R. 197, II, 9-21. THE JUDGE SENTENCED APPELLANT TO FORTY-YEARS IMPRISONMENT FOR MURDER, FIVE YEARS IMPRISONMENT FOR THE POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME, AND "TIME SERVED" FOR THE POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLATED CRIME, R. 541, II, 12-22.

THIS APPEAL FOLLOWS.

STANDARD OF REVIEW

"THE ADMISSION OR EXCLUSION OF EVIDENCE IS A MATTER ADDRESSED TO THE SOUND DISCRETION OF THE TRIAL COURT AND ITS RULING WILL NOT BE DISTURBED IN THE ABSENCE OF A MANIFEST ABUSE OF DISCRETION ACCOMPANIED BY PROBABLE PREJUDICE." STATE V. DOUGLAS, 369 S.C. 424, 632 S.E. 2d, 845, 847-48 (2006). "AN ABUSE OF DISCRETION OCCURS WHEN THE CONCLUSIONS OF THE COURT EITHER LACK EVIDENTIARY SUPPORT OR ARE CONTROLLED BY AN ERROR OF LAW." Id. at 429-30, 632 S.E. 2d, at 848.

STATEMENT OF FACTS

SARGENT GAINNEY TESTIFIED ON CROSS-EXAMINATION THAT HE WAS THE FIRST RESPONDER ON THE CRIME SCENE HOWEVER HE WORKED IN THE CAPACITY OF SECURING THE CRIME SCENE TO MAKE SURE THERE WERE NO PRESENT DANGER AND THAT HE DID NOT SPEAK WITH ANY WITNESSES. HE ALSO TESTIFIED THAT DEPUTY BLACKWELDER WAS THE SECOND RESPONDER ON THE SCENE AND THAT IT WAS HE (BLACKWELDER) WHO WROTE THE INITIAL CRIME SCENE REPORT AND TALKED TO THE WITNESSES AND TOOK STATEMENTS FROM THEM. See: (TRIAL TR. 109, II, 1-THRU-TR. 113, II - 11.)

THE DEFENSE INTENDED TO TEST THE CREDIBILITY OF THIS INVESTIGATION AND THE CREDIBILITY OF DEPUTY BLACKWELDER DUE TO THE FACT THAT IT WAS HE WHOM WROTE THE REPORT OF THIS INVESTIGATION AND TALK WITH THE WITNESSES OF THE HOMICIDE AND CREDIBILITY BEING A VERY IMPORTANT PART AND LARGE ISSUE IN THIS CASE. THE DEFENSE LEARNED THROUGH IT'S INVESTIGATION THAT DEPUTY BLACKWELDER HAD BEEN TERMINATED PREVIOUSLY TO THIS JOB WITH THE AIKEN'S COUNTY SHERIFF DEPARTMENT FOR NEGATIVE JOB REPORTS, INCONSISTENT STATEMENTS IN PREVIOUS CASE AND THE POSSIBILITY OF HIM EVEN LYING ON THE WITNESS STAND ALSO THE DEFENSE POSITION THAT THEY HAD A WITNESS WHOM WAS PREPARED TO TAKE THE WITNESS STAND TO TESTIFY THAT

DEPUTY BLACKWELDER WAS KNOWN FOR NOT FOLLOWING POLICY AND PROCEDURE OF THE SHERIFF DEPARTMENT OF INVESTIGATION PROCEDURES. ^{and also in the case of Blackwelder was also on the stand in another case} DEPUTY BLACKWELDER WAS LISTED AS A WITNESS IN THIS CASE WHEN IT WAS CALLED FOR TRIAL. DEPUTY BLACKWELDER APPEARED IN THE COURT A MONTH OR SO EARLIER WITH A BOX OF EVIDENCE AGAINST THE APPELLANT AND WAS AN LISTED WITNESS UNTIL THE EVIDENCE AGAINST HIM WAS SUBSTANTIATED THROUGH DOCUMENTATION OF TRIAL RECORDS. (See Tr 400, II. 18-THRU-TR 410, II. -25.)

THE APPELLANT ARGUES THAT SINCE THIS CASE IS BUILT TOTALITY UPON THE POLICE REPORTS AND STATEMENTS OF THE WITNESSES IN THIS CASE AND DEPUTY BLACKWELDER BEING THE INITIAL RESPONDER WHO WROTE THE POLICE REPORT AND HAVING A HISTORY OF NOT FOLLOWING INVESTIGATION POLICY AND PROCEDURE, THEN IT WOULD ONLY BE FUNDAMENTALLY FAIR TO ENSURE EFFECTIVE ASSISTANCE OF COUNSEL TO TEST THE CREDIBILITY OF THE INVESTIGATION AND THE REPORTING DEPUTY THAT WROTE UP THE REPORT AND TO TEST HIS CREDIBILITY FOR TRUTHFULNESS AS A WITNESS IN A CRIMINAL TRIAL.

ARGUMENT

THE TRIAL COURT ABUSED IT'S DISCRETION BY LIMITING THE DEFENDANT THE RIGHT TO CONFRONT AN ADVERSE WITNESS / THE INVESTIGATOR AND CHALLENGE THE CREDIBILITY OF THE INVESTIGATION AND VERACITY OF HIS REPORT AND LIMITING THE EXAMINATION OF DEPUTY BLACKWELDER'S KNOWN PRACTICES OF NOT FOLLOWING POLICY AND PROCEDURES IN CRIMINAL INVESTIGATIONS, DEPRIVING THE DEFENDANT THE RIGHT OF A FULL CONFRONTATION AND A FULL AND COMPLETE DEFENSE. (VIOLATION OF THE SIXTH (6TH) & FOURTEENTH (14TH) AMEND. U.S.C.A. CONST.)

IN THE CASE AT HAND, THE RECORD WILL SUPPORT THE ARGUMENT THAT THE WITNESS DEPUTY TRAVIS BLACKWELDER WAS THE SECOND OFFICER ON THE CRIME SCENE BEHIND SGT. JAMES E. GAINEY, WHO WAS FIRST ON THE SCENE. SEE (TR. 110 II 8-19). SGT. GAINEY TESTIFIED THAT DEPUTY BLACKWELDER WROTE THE INITIAL POLICE REPORTS AND THAT HE DID APPROVE THEM BUT HE DID NOT WRITE ANY OF THEM. SEE (TR. 110 II, 20-23.) HE ALSO TESTIFIED THAT HE DID NOT SPEAK WITH OR QUESTION ANY OF THE WITNESSES ON THE CRIME SCENE BUT ONLY SECURED IT. SEE (TR. 110, II, 8-17) HE ALSO TESTIFIED THAT DEPUTY BLACKWELDER WAS THE ONE WHO OVER SAW THE INVESTIGATION. HE ALSO TESTIFIED ALSO THAT HE DID SEE SOMEONE ON A CELL NEXT TO THE VICTIM ON A CELL PHONE DESCRIBED AS FIVE-SIX, FIVE-SEVEN, BETWEEN 140 TO 150 POUNDS. BUT HE DID NOT KNOW WHO HE WAS! SEE (TR. 110 II, 24-THRU-TR. 111 II 5-9). SGT. GAINEY STATED THAT THEY DID NOT HAVE BODY CAMERAS BUT THEY DID HAVE WORKING MIC'S CONNECTED WITH THE CAR CAMERA AND YOU COULD HEAR WHAT'S GOING ON FROM OUTSIDE OF THE PATROL CAR. SEE TR. 112, II, 16-THRU-TR. 113, II - 15.)

APPELLANT STATES PRIOR TO THIS CASE COMING TO TRIAL, THE DEFENDANT'S CASE WAS CALLED TO TRIAL ONCE BEFORE AND DEFENSE COUNSEL LEARNED THAT DEPUTY BLACKWELDER HAD BEEN REPRIMANDED AND TERMINATED.

FOR FAILURE TO FOLLOW POLICY AND PROCEDURE IN CRIMINAL INVESTIGATIONS AND REPEATED NEGATIVE JOB REPORTS, THERE WERE KNOWLEDGABLE INFORMATION THAT HE (TRAVIS BLACKWELDER) HAD TESTIFIED IN COURT AT LEAST THIRTEEN (13) TIMES, IN THIS COUNTY COURT, THAT HE HAD NO SUCH KNOWLEDGE OF ANY SUCH REPORTS. See; (TR. 404, II 4-TRIA TR 405, II. -3)

DEFENSE COUNSEL INFORMED THE COURT THAT THEY HAD SUBPOENAED A WITNESS FROM THE SOUTH CAROLINA DEPARTMENT OF SAFETY THAT WOULD TESTIFY ABOUT DEPUTY TRAVIS BLACKWELDER'S PRACTICES OF NOT FOLLOWING POLICY AND PROCEDURES IN CRIMINAL INVESTIGATIONS AND CASES WHERE HIS REPORTS AND TESTIMONY WERE GREATLY INCONSIST TO ONE OF THE OTHER. See; (TR. 405, II. 3-7.)

DEPUTY TRAVIS BLACKWELDER WAS LISTED AS A WITNESS FOR THIS CASE WHEN IT WAS FIRST CALLED FOR TRIAL MONTHS EARLIER AND WAS SEEN AND OBSERVED BY DEFENSE COUNSEL IN THIS COURTROOM WITH A BOX OF EVIDENCE AND ETC. ETC. CETERA. See; (TR. 409, II. 18-24), THE DEFENDANT HAD AN DIFFERENT ATTORNEY THAT DID NOT KNOW DEPUTY BLACKWELDER WAS TO BE A WITNESS AND HE MOVED FOR A CONTINUANCE AND DUE TO HIS INEXPERIENCE WITH A TRIAL, THE DEFENDANT MADE A DECISION TO THE INITIAL ATTORNEY ASSIGNED TO THE CASE AND HE HAD KNOWLEDGE OF DEPUTY BLACKWELDER'S HABITS AND PRACTICES OF NOT FOLLOWING POLICY AND PROCEDURES. IN THE PROCESS THE PROSECUTION REFUSED TO CALL HIM AS A STATES' WITNESS.

THE DEFENSE BEING PLACED ON NOTICE THAT THE PROSECUTION HAD DECIDED NOT TO CALL DEPUTY BLACKWELDER AS A WITNESS FOR THE STATE, THE DEFENSE BEING PLACED IN A POSITION OF NOT BEING ABLE TO CROSS EXAMINE HIM CONCERNING

THE CREDIBILITY OF THIS INVESTIGATION AND TO CHALLENGE HIS CREDIBILITY AND CHARACTER WHEREAS THE INVESTIGATION COULD BE RELIABLE AND HIS CHARACTER CONCERNING HIS ABILITY TO BE TRUTHFUL ALSO WHETHER HE'S EVER TESTIFIED IN THIS COURT HAVE AND ADMITTED THAT HE'S BROKEN POLICY AND PROCEDURES IN OTHER INVESTIGATIONS ~~SEC. 404. II. 422~~)

THE PROSECUTION PLACED AN OBJECTION ON THE RECORD TO DEPUTY TRAVIS BLACKWELDER BEING CALLED AS A WITNESS AS TO ISSUES NOT RELEVANT TO THIS CASE AND THE DEFENSE INTEREST TO QUESTION HIM ABOUT PRIOR INSTANCES AND TESTIMONY UNRELATED TO THIS CASE. IT WAS THEIR BELIEF THAT THE DEFENSE WANTED TO QUESTION HIM WHETHER HE HAD EVER LIED ON THE STAND IN A PREVIOUS CASE. THE PROSECUTION MAKES A MOTION TO LIMIT HIS TESTIMONY IN THAT SENSE. SEC. 400. II. 24-THRU-TR 402, ~~II-20~~)

THE APPELLANT STATES THE ISSUE TO CHALLENGE AND TEST THE CREDIBILITY OF THE STATE INVESTIGATION CAME ABOUT DUE TO THE FACT THAT THE PROSECUTION DECISION NOT TO CALL DEPUTY TRAVIS BLACKWELDER AS A WITNESS WHO IN TURN WROTE THE INITIAL POLICE REPORTS BY WHICH THE SOLICITOR'S OFFICE BRINGS THIS CASE TO TRIAL. THE DEFENSE HAD TO SUBPOENA DEPUTY BLACKWELDER TO THIS COURT BECAUSE IT WAS THE ONLY FOR THE DEFENSE TO EXAMINE THIS WITNESS CONCERNING THE CREDIBILITY OF THIS INVESTIGATION AND THE DEPUTY WHO WROTE THE POLICE REPORTS AND TO GIVE THE DEFENDANT TEGWON MARTRELL HOLMES A FULL AND COMPLETE DEFENSE IN WHICH THE CONSTITUTION GUARANTEES, SIXTH (2^D) AMEND. U.S.C.A. CONST. See, "STATE V. GRAHAM," 319 S.C. 583, 446 S.E.2d 508 (1994) AND "STATE V. HALE," 284 S.C. 348, 326 S.E.2d 418 (Ct. App., 1985)

DEFENSE COUNSEL BROUGHT THIS ISSUE BEFORE THE TRIAL COURT CONCERNING CROSS-EXAMINING THIS WITNESS FROM A DIRECT-EXAMINATION. DUE TO THE FACT THIS WITNESS IS POSSIBLY THE MOST IMPORTANT WITNESS THE STATE HAD BECAUSE IT WAS HIS OFFICIAL POLICE REPORTS THAT THE SOLICITOR'S OFFICE REVIEWED AND MADE THE DECISION TO PROCEED WITH A MURDER CHARGE AGAINST MR. HOLMES THE APPELLANT.

RULE 611, S.C.R.E. See (TR. 14, II 12-15) THE TRIAL JUDGE RULED THAT HE GAVE WIDE LATITUDE CONCERNING THE DIRECT EXAMINATION WHERE IN-EFFECT LIKE A CROSS EXAMINATION?

THE APPELLANT RESPECTFULLY REQUESTS OF THE COURT OF APPEALS TO PLEASE ALLOW THE TRIAL TRANSCRIPT ON THIS ISSUE TO BE THE OFFICIAL RECORD. See; STATE V. JOHNSON, 295 N.C. 227, 244 S.E.2d 391 (1978); STATE V. WILLIAMS, 280 N.C. 132, 184 S.E.2d 875 (1971). See, TRIAL TRANSCRIPT, TR 109, II. 1-THRU-TR. 111, II. -8, & TR. 112, II. 16-THRU-TR. 113, II. -10) ALSO; SEE TR. 399, II. 20-THRU-TR. 423, II. -14.)

THE TRIAL JUDGE INFORMED THE PROSECUTION AND DEFENSE THAT HE WAS PREPARED TO HEAR THIS ARGUMENT AND RULE ON IT OUTSIDE THE PRESENCE OF THE JURY. See, (TR. 399, II. 20-THRU-TR. 401, II. -9.) & (TR. 402, II. 21-THRU-TR. 403, II. -8.)

APPELLANT ARGUES THAT THE WITNESS IN QUESTION DEPUTY TRAVIS BLACKWELDER HAS TESTIFIED IN THIS COURT THAT HE HAS BREACHED POLICY AND PROCEDURE AND HE DID WRITE THE INITIAL POLICE REPORT IN THIS CASE. HIS SUPERIOR, SGT JAMES E. GAINES TESTIFIED THAT HE DID NOT WRITE THE REPORT BUT DEPUTY BLACKWELDER DID. HE ALSO DESCRIBED THE PHYSICAL ATTRIBUTES OF A MALE ON A CELL PHONE NEXT TO THE VICTIM'S BODY HOWEVER HE'S NOT NAMED IN THE POLICE REPORT AND POSSIBLY COULD HAVE BEEN THE INDIVIDUAL WHO SHOT THE VICTIM HOWEVER THROUGH UNETHICAL POLICE REPORTS, NO ONE KNOWS BECAUSE HE'S UNIDENTIFIED. See; (TR. 404, II. 4-THRU-TR. 405, II. -11.)

THE DEFENSE BROUGHT TO THE ATTENTION TO THE TRIAL COURT TO GIVE THE DEFENDANT A FULL AND COMPLETE DEFENSE THAT HE INTENDED

TO SHINE A LIGHT ON THE INVESTIGATION AS A WHOLE AND TO AT LEAST CALL WITNESSES THAT DID NOT MAKE STATEMENTS IN A MANNER SUPPORTING THE PROSECUTION'S CASE. See, (Tr. 406, II. 20-25) THE DEFENSE EXPLAINED TO THE COURT THAT BY CROSS-EXAMINING DEPUTY BLACKWELDER THAT WAS THE PURPOSE OF HIM TRYING TO BRING OUT THROUGH THIS DEPUTY. See, Tr. 407, II. 3-10.)

THE PROSECUTION OBJECTED TO DEPUTY BLACKWELDER BEING CALLED AS A WITNESS AND THE LINE OF QUESTIONS CONCERNING THE INFORMATION TAKEN AT THE CRIME SCENE IN THIS CASE HOWEVER THE STATE AGREED THAT HE DID WRITE THE INITIAL REPORT. PROSECUTION ANTICIPATED THE DEFENSE INTENDS TO QUESTION DEPUTY BLACKWELDER ABOUT OTHER INSTANCES OF PRIOR TESTIMONY WHERE THEY BELIEVE HE ADMITTED TO BREACHING POLICY AND PROCEDURES IN CRIMINAL INVESTIGATIONS THAT WERE UNRELATED TO THIS CASE. See (Tr. 401, II. 13-21). PROSECUTION ALSO ARGUES THAT THEY BELIEVE THE DEFENSE INTENDS TO ASK DEPUTY BLACKWELDER WHETHER HE LIED ON THE STAND IN PREVIOUS CASE AND IN THIS CASE ALSO. THE STATE MADE A MOTION TO LIMIT HIS TESTIMONY. See (Tr. 401, II. 11-THRU-TR. 402, II. 10)

MS. HALL FOR THE PROSECUTION STATED TO THE COURT "THEIR MAIN CONCERN WAS SOON AS THAT QUESTION IS ASKED, IT'S ALREADY IN THE JURY'S MIND REGARDLESS OF WHAT THE WITNESS SAYS AND IF A QUESTION COMES UP ABOUT THE OFFICER LYING IN A PREVIOUS HEARING, THE PROSECUTION OBJECTS, WHETHER IT'S ANSWERED OR NOT." See (Tr. 403, II. 9-14)

THE TRIAL JUDGE STATED ON THE RECORD THAT HE WAS STILL STRUGGLING WITH THE MATTER AS HE WAS YESTERDAY. See (Tr. 406, II. 3-19) THE TRIAL JUDGE INDICATED THAT HE WOULD ALLOW THE DEFENSE TO QUESTION DEPUTY

BLACKWELDER ABOUT HIS ACTIONS IN THIS INVESTIGATION AND WHAT HE'S SAID IN THE REPORT BUT TO QUESTION HIM ON ISSUES OUTSIDE THIS CASE IS OFF LIMITS! TRIAL JUDGES WENT ON TO SAY HOW THE ISSUE SURVIVE A 403^{FN1} AND 404^{FN2} ANALYSIS IN THIS CASE

THE TRIAL JUDGE EXPUNDED ON RULE 404(b) SCRE STATING THE PARTS THAT'S NOT ADMISSIBLE TO PROVE CHARACTER HOWEVER THE LATER PART OF THIS RULE THAT IS ADMISSIBLE TO SHOW MOTIVE AND IDENTITY, THE EXISTENCE OF A COMMON SCHEME OR PLAN, THE ABSENCE OF A MISTAKE OR INTENT, OR ANYTHING OF THAT NATURE, THAT IT WOULD BE HARD FOR HIM TO WRITE A SCRIPT. THE JUDGE STATED HE WOULD HAVE TO BE GUIDED BY THE RULES OF EVIDENCE, RULE 403, 404, 607, 608, & 609 OF SCRE, TO THE EXTENT OF HOW THEY APPLY, See, Tr. 411, II. 1-15).

THE DEFENSE COUNSEL ARGUED THAT "ABSENCE OF A MISTAKE" OF RULE 404(b) WOULD BE ONE OF THE WAYS HE INTENDS TO POSSIBLY DISCUSS THE PRIOR AND THAT NOT FOLLOWING POLICY AND PROCEDURE IN A CRIMINAL INVESTIGATION WAS NOT AN MISTAKE. COUNSEL STATED THAT THIS IS SOMETHING THE DEPUTY (BLACKWELDER) HAS DONE BEFORE. (LIKE WITNESSES ON THE CRIME SCENE THAT DESCRIBED PHYSICALLY BUT THE SUBJECT IS NOT NAMED NOR INTERVIEWED!) DEFENSE COUNSEL POINTS OUT TO THE JUDGE OTHER ISSUES OF THE DEPUTY NOT TURNING ON HIS BODY CAMERA IN THE PAST AND HIS ADMISSION IN OPEN COURT THAT HE BREACHED POLICY AND PROCEDURE BY NOT TURNING ON HIS BODY CAMERA BEFORE. COUNSEL STATE THAT THIS WOULD BE ABSENCE OF A MISTAKE. See, (Tr. 411 II. 16 - THRU - TR 412 II. - 3.)

APPELLANT ARGUES THAT THIS WOULD BE ADMISSIBLE UNDER THE 404(b) SCRE EXCEPTION AS DEFENSE COUNSEL ARGUES DEPUTY BLACKWELDER'S ACTIONS WERE NOT AN MISTAKE BUT A CHOICE NOT TO FOLLOW POLICY AND PROCEDURE WHICH MANDATES THAT HE DO SO PRIOR TO ENTERING A CRIME SCENE.

[FN.1 RULE 403] SCRE: EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION OR WASTE OF TIME.

[FN.2 RULE 404(b)] SCRE: CHARACTER EVIDENCE NOT ADMISSIBLE TO PROVE CONDUCT, EXCEPTIONS; OTHER CRIMES.

THE TRIAL JUDGE STATED ON RECORD THAT YOU CAN'T THROW SOMETHING OUT THERE AND SAY YOU LIED BEFORE, SO YOU MUST HAVE LIED NOW, ETC. ETCETERA, THAT'S OFF LIMITS. See; (TR 412, II, 4-16)

DEFENSE COUNSEL ARGUED THAT DEPUTY BLACKWELDER THAT HE DID NOT FOLLOW POLICY OR PROCEDURE BEFORE. See; (TR 412, II, 17-19)

TRIAL JUDGE COMMENT TO DEFENSE COUNSEL HE THOUGHT THAT HE HAD A WITNESS (QUALIFIED TO SAY HE (DEPUTY BLACKWELDER) LIED BEFORE WHEN HE TALKED ABOUT NEGATIVE JUNK REPORTING. See; (TR 412, II, 20-22)

DEFENSE COUNSEL RESPOND TO TRIAL JUDGE AND STATED "I DO HAVE A WITNESS," BUT IT SOUNDS VERY CLEAR THAT "HIS HONOR" IS NOT GONNA LET ME GO DOWN THAT ROAD. (TR 412, II, 23-25) (WHICH MEANS THE TRIAL JUDGE WOULD NOT ALLOW THE DEFENSE TO QUESTION DEPUTY TRAVIS BLACKWELDER ABOUT HIS PAST WRONGS AND THE PRIOR ADMISSION IN A COURT OF LAW OF BREACHING POLICY AND PROCEDURE IN CRIMINAL INVESTIGATIONS)

APPELLANT ARGUES THAT THE TRIAL JUDGE DID ABUSE HIS DISCRETION BY DENYING THE DEFENSE THE OPPORTUNITY TO QUESTION THE WITNESS OF HIS WRONGS, PAST DEEDS WHICH WERE CLASSIFIED AS BEING DISHONEST NOR WERE THEY CLASSIFIED AS MISTAKES.

THE TRIAL JUDGE STATED "YOU GONNA HAVE TO SHOW ME A BETTER REASON THAN YOU'VE SHOWN ME." See; (TR 413, II, 1-2)

DEFENSE COUNSEL ASSURED THE JUDGE THAT HE WOULD BE HAPPY TO SPEAK ON THE ISSUE. See; (TR 413, II, 3-4)

THE TRIAL JUDGE STATED I'LL GIVE YOU A CHANCE TO SPEAK, BECAUSE WE DON'T NEED TO DO THIS TWICE. (WHICH CAN BE IMPLIED THAT YOUR HONORS MIND WAS MADE UP.) See; (TR 413, II 5-22)

THE PROSECUTION ARGUED THAT RULE 608 SCRE STATES SPECIFIC INSTANCES OF CONDUCT OF A WITNESS FOR THE PURPOSE OF ATTACKING THE CREDIBILITY OF A WITNESS THAT THIS RULE STATES THAT IT MAY NOT BE PROVED BY EXTRINSIC EVIDENCE. See (Tr. 413, II. 23-THRU-TR. 414, II. -4.)

THE TRIAL JUDGE AGREED WITH THE PROSECUTION ON THE ISSUE. See TR. 414, II. 5.)

THE APPELLANT ARGUES UNDER RULE 613, SCRE, PRIOR STATEMENTS OF WITNESSES READS IN APPLICABLE PARTS. SECTION (b) EXTRINSIC EVIDENCE OF PRIOR INCONSISTENT STATEMENT OF WITNESS IS NOT ADMISSIBLE UNLESS THE WITNESS IS ADVISED OF THE SUBSTANCE OF THE STATEMENT, THE TIME AND PLACE IT WAS ALLEGEDLY MADE, AND THE PERSON WHOM IT WAS MADE, AND GIVEN THE OPPORTUNITY TO EXPLAIN OR DENY THE STATEMENT. DEFENSE COUNSEL DID MAKE THIS EXACT REQUEST TO THE TRIAL JUDGE. See Tr. 404, II. 4-THRU-TR. 405, II. -11.) & see (Tr. 408, II. 3-THRU-TR. 409, II. -6.)

THE PROSECUTION STATES THE DISCRETION OF THE COURT, IF IT'S PROBATIVE OF TRUTHFULNESS WHICH THE STATE SUBMITS HOWEVER IT CAN BE INQUIRED ON CROSS-EXAMINATION AND STATED THIS ISN'T A CROSS-EXAMINATION BUT THIS IS DIRECT EXAMINATION OF THE DEFENSE. See (Tr. 414, II. 6-11.)

THE TRIAL JUDGE STATED ON THE RECORD THAT HE GAVE THE DEFENSE LATITUDE BY WAY OF RULE 611, SCRE, YESTERDAY AS A CROSS-EXAMINATION AND WENT ON TO SAY TO THE PROSECUTION THAT "YOU KNOW WHAT HIS TESTIMONY IS GOING TO BE AND YOU KNOW WHAT THE QUESTIONS ARE AND YOU KNOW WHERE THE MINEFIELDS ARE! THE TRIAL JUDGE STATED ON RECORD THAT HE WAS CONCERNED WITH RULE 404, 403, & 608, SCRE. See TR. 414, II. 12-23.)

APPELLANT ARGUES THE TRIAL COURT (JUDGE) DID ABUSE IT'S DISCRETION BY LIMITING THE DEFENDANT THE RIGHT TO CONFRONT AN ADVERSE

WITNESS/ THE INVESTIGATOR AND CHALLENGE THE CREDIBILITY OF THE INVESTIGATION AND THE VERACITY OF HIS REPORT AND LIMITING THE EXAMINATION OF DEPUTY BLACKWELDER'S KNOWN PRACTICES OF NOT FOLLOWING POLICY AND PROCEDURE IN CRIMINAL INVESTIGATIONS. DEPRIVING THE DEFENDANT THE RIGHT OF A FULL CONFRONTATION AND A FULL AND COMPLETE DEFENSE.

APPELLANT ADMITS THAT THE SCOPE AND EXTENT OF CROSS EXAMINATION AND ITS EXTENT IS A MATTER WITHIN THE SOUND DISCRETION OF TRIAL JUDGE. STATE V. SHEPARD, 303 SC 172, 399 S.E.2d 595 (1991), STATE V. CULP, 332 SC 313, 504 S.E.2d 360 (CH. APP. 1998). THE COURT WILL NOT DISTURB THE TRIAL JUDGE'S DECISION UNLESS APPELLANT SHOWS BOTH PREJUDICE AND AN ABUSE OF DISCRETION. See: STATE V. SPROUSE, 325 SC 215, 478 S.E.2d 871 (CH. APP. 1996.)

APPELLANT CITES U.S. V. PRITCHETT, 699 F.2d 317, 321 (6th Cir. 1983) (THE Ct. HELD: THE TRIAL Ct. MAY VIOLATE THE CONFRONTATION CLAUSE IF IT PREVENTS THE DEFENSE FROM PLACING FACTS BEFORE THE JURY FROM WHICH BIAS, PREJUDICE OR LACK OF CREDIBILITY OF A PROSECUTION WITNESS MAY BE INFERRED, IN THE COURT'S DISCRETION, MUST BE MINDFUL OF BOTH THE DEFENDANT'S (6th AMEND. RIGHT TO CONFRONTATION) AND THE WITNESS (5th AMEND. PRIVILEGE AGAINST SELF-INCRIMINATION), See: UNITED STATES V. DUBART, 511 F.2d 79 (6th Cir. 1975). HOWEVER THE DEFENDANT'S RIGHT TO DELVE INTO THE FACTS TENDING TO DISCREDIT A PROSECUTION WITNESS CAN NOT ASSERT THE WITNESS PRIVILEGE AGAINST SELF-INCRIMINATION, IF PROPERLY INVOKED. See: ALFORD V. UNITED STATES, 282 U.S. 687, 51 S.Ct. 218 (SC, 1931.)

See: STATE V. GRANTON, 314 SC 383, 444 S.E.2d 525 (1994) (THE RIGHT TO A MEANINGFUL CROSS EXAMINATION OF ADVERSE WITNESSES IS SPECIFICALLY INCLUDED IN THE DEFENDANT'S SIXTH (6th) AMENDMENT RIGHT TO CONFRONT WITNESSES. ACCORD, STATE V. SMITH, 315 SC 547, 446 S.E.2d 411, (1994)

APPELLANT ARGUES THAT DUE TO THE FACT THAT THE WITNESS DEPUTY TRAVIS BLACKWEDDER WAS AN IMPORTANT WITNESS AND THAT HE WROTE THE INITIAL POLICE REPORT THAT BROUGHT THIS CASE TO THE SOLICITORS OFFICE AND THIS TRIAL, HOWEVER BECAUSE OF HIS PAST WRONGS AND CERTAIN INDIVIDUALS BEING DESCRIBED AT THE CRIME SCENE BUT NOT NAMED HAS CALLED THE CREDIBILITY OF THIS INVESTIGATION INTO PLAY, THE TRIAL JUDGE LIMITED THE SCOPE OF THE EXAMINATION WHICH THE DEFENSE WANTED TO ASK THIS ABOUT THE PROCEDURE AND THE POLICY IN WHICH HE FOLLOWED IN THIS CASE AND PAST AND PRIOR CASES, ALSO WHETHER OR NOT HE HAD EVER BEEN REPRIMANDED OR TERMINATED FOR NOT DOING SO, EVEN WHETHER HE EVER ADMITTED IN COURT THAT BREACHED POLICY AND PROCEDURE IN OPEN COURT IN A PRIOR CRIMINAL CASE, AND THE PROSECUTION ARGUED THAT IT WAS IRRELEVANT AND EXTRINSIC EVIDENCE.

THE APPELLANT ARGUES THAT RULE 613, SCRE, PROVIDES IN PART THAT EXTRINSIC PROOF OF THE INCONSISTENT STATEMENT IN THE EVENT THE WITNESS DENIES IT: THAT FAILURE TO INTRODUCE EXTRINSIC EVIDENCE OF THE ALLEGED PRIOR INCONSISTENT STATEMENT AFTER IT HAS BEEN PUBLISHED IN CROSS-EXAMINATION TO THE JURY AND DENIED BY THE WITNESS CAN BE REVERSIBLE ERROR IN A CRIMINAL CASE BECAUSE IT DENIES THE DEFENDANT THE RIGHT OF CONFRONTATION. See; STATE V. SIERRA 523 S.E.2d 187, 337 S.C. 368. (SC APP. 1999)

APPELLANT STATE THAT RULE 404, SCRE, PROVIDES: OTHER CRIMES, WRONGS, OR ACTS: PROVIDES THAT THESE ARE NOT ADMISSIBLE TO PROVE CHARACTER. . . . HOWEVER SUB. SEC. OF 404 (b) PROVIDES: IT MAY HOWEVER BE ADMISSIBLE TO SHOW MOTIVE, IDENTITY, THE EXISTENCE OF A COMMON SCHEME OR PLAN, THE ABSENCE OF A MISTAKE OR ACCIDENT OR INTENT. See; STATE V. JACKSON 293 S.C. 324, 360 S.E.2d 319.

AND, SEE, STATE V. CHEATHMAN, 349 SC 101, 561 S.E.2d 618 (Ct. App., 2002)

IN STATE V. NELSON, 331 SC 501, 516 S.E.2d 916 (S. Ct., 1998) (THE CT. HELD THAT THE STATE CAN NOT ATTACK THE CHARACTER OF A DEFENDANT UNLESS AT FIRST HE PLACE HIS CHARACTER IN ISSUE AND THIS IS DONE WHENEVER ANY WITNESS CHOOSES TO TAKE THE STAND TO TESTIFY. (331 SC 1, 501 S.E.2d 916))

APPELLANT CITES RULE 607, SCRE, STATES "WHO MAY BE IMPERCH" AND AND STATE THAT: THE CREDIBILITY OF A WITNESS MAY BE ATTACKED BY ANY PARTY, INCLUDING THE PARTY CALLING THE WITNESS. SEE, HICKS V. COLEMAN, 240 SC 227, 125 S.E.2d 473 (SC, 1962) (THE S. CT. HELD THAT PERMITTING A PARTY TO IMPERCH HIS OWN WITNESS.)

APPELLANT ARGUES THE TRIAL JUDGE ABUSED HIS DISCRETION WHEN HE RULED THAT TO BRING UP OUTSIDE ISSUES WERE OFF LIMITS EVEN THOUGH THEY WOULD CLASSIFY AS WRONGS OR ACTS OF 404(b) HOWEVER THE TRIAL JUDGE CITED RULE 403, SCRE AND SAYING IN THIS PARTICULAR CASE, CHAR ACTER EVIDENCE IS NOT ADMISSIBLE TO PROVE CONDUCT. SEE (TR. 410-411, 9-14.)

APPELLANT ARGUES THAT RULE 403, ^{FN3} SCRE TEST PLACES THE BURDEN UPON THE OPPONENT OF THE EVIDENCE TO ESTABLISH INADMISSIBILITY PURSUANT TO RULE 403. [SCRE]

APPELLANT ALSO ARGUES THAT THE PROSECUTION HAS NOT ESTABLISHED ON THE RECORD ANY EVIDENCE TO SUBSTANTIATE THROUGH FACTS OR LAW THAT THIS EVIDENCE IS PREJUDICIAL RATHER THAN HAVING PROBATIVE VALUE IN THIS CASE AND THAT THE...

[FN3] RULE 403 SCRE, EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE, CONFUSION, OR WASTE OF TIME.

STATES: ALTHOUGH RELEVANT, EVIDENCE MAY BE EXCLUDED IF IT'S PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE, CONFUSION OF THE ISSUE, OR MISLEADING THE JURY, OR BY CONSIDERATIONS OF UNDUE DELAY, WASTE OF TIME, OR NEEDLESS PRESENTATION OF COMMUNICATIVE EVIDENCE.

... DANGER OUTWEIGHS THE PROBATIVE FACTS.

APPELLANT ARGUES THAT THERE IS NO ARTICULATION ON THE RECORD, THE SPECIFIC REASON FOR THE TRIAL JUDGE'S RULING IN THIS CASE, APPELLANT ALSO CITE THE CASE OF "STATE V. COLF," 337 S.C. 622, 626, 525 S.E.2d 246, 248 (). THE CT. HELD THAT THE TRIAL JUDGE MUST ARTICULATE ~~ON~~ THE RECORD WHY THE RULING OF THE PREJUDICIAL EFFECTS OUTWEIGHS THE PROBATIVE VALUE. See: STATE V. JOHNSON, 363 S.C. 53, 609 S.E.2d 520 (),

APPELLANT ARGUES THAT THE TRIAL JUDGE ABUSED HIS DISCRETION BY DENYING THE DEFENSE THE OPPORTUNITY TO CHALLENGE THE CREDIBILITY OF THE INVESTIGATION AND TO TEST THE WITNESS DEPUTY TRAVIS BLACKWELDER'S CREDIBILITY AND THE VERACITY OF HIS POLICE REPORT IN THIS CRIMINAL CASE ALSO QUESTIONING HIM ABOUT HIS INABILITY TO FOLLOW POLICY AND PROCEDURE IN CRIMINAL INVESTIGATIONS.

APPELLANT ALSO ARGUES THAT RULE 608, SCRE STATES: EVIDENCE OF CHARACTER, CONDUCT, AND BIAS OF WITNESS, HOWEVER RULE 608(2)(b) PROVIDES (2) EVIDENCE OF TRUTHFUL CHARACTER IS ADMISSIBLE ONLY AFTER THE CHARACTER OF THE WITNESS FOR TRUTHFULNESS HAS BEEN ATTACKED BY OPINION OR REPUTATION EVIDENCE OR OTHERWISE. (b) SPECIFIC INSTANCES OF CONDUCT, SPECIFIC INSTANCES OF THE CONDUCT OF A WITNESS, FOR THE PURPOSE OF ATTACKING OR SUPPORTING THE WITNESS'S CREDIBILITY.

DEFENCE COUNSEL STATED IT'S ARGUMENT TO THE TRIAL JUDGE REPEATEDLY THAT THEY HAD EVIDENCE THAT THIS WITNESS ADMITTED IN OPEN COURT THAT HE BROOKED POLICY AND PROCEDURE IN A CRIMINAL INVESTIGATION AND THAT THE DEFENSE WAS PREPARED TO PUT A WITNESS ON THE STAND TO TESTIFY TO THAT AND THE WITNESS FOR THE DEFENSE IS FROM SOUTH CAROLINA DEPT OF SAFETY (PUBLIC SAFETY) ALSO HE'S PREPARED TO TESTIFY THAT DEPUTY BLACKWELDER BEEN REPRIMANDED

FOR NEGATIVE JOB REPORTS AND PERFORMANCE AND HE WAS ALSO TERMINATED BECAUSE OF IT. DEPUTY BLACKWELDER ALSO TESTIFIED IN COURT AT LEAST (13) TIMES THAT HE HAD NO KNOWLEDGE OF SUCH REPORTS ON HIM, THIS EVIDENCE WOULD DEMONSTRATE BAD CHARACTER AND HIS CREDIBILITY WOULD NOT BE REPUTABLE. HOWEVER THE TRIAL JUDGE DENIED THIS LINE OF QUESTIONING. See: (TR. 404, II, 4-THRU-TR. 405, II, -14)

APPELLANT ARGUES THE RULE 613, SCRE WOULD SUPPORT HIS ARGUMENT AND OPEN THE DOOR TO ALLOW THIS LINE OF QUESTIONING AS STATED BEFORE IN THIS BRIEF. See: (PAGE 13, 2nd PARAGRAPH.)

See; "REDMOND V. KINGSTON," 240 F.3d 590, 591-592 (7th Cir, 2001) (CONFRONTATION CLAUSE VIOLATED WHEN DEFENDANT PREVENTED FROM CROSS-EXAMINING ALLEGED RARE VICTIM ABOUT FALSE CLAIM OF RAPE BECAUSE TESTIMONY WOULD HAVE SHOWN MOTIVE FOR LIEING)

See; "US. V. BAPTISTA-RODRIGUEZ," 17 F.3d 1354, 1366-67 (11th Cir, 1994) (PERSUASIVE AUTHORITY) (CONFRONTATION CLAUSE VIOLATED WHEN DEFENDANT PROHIBITED FROM ASKING F.B.I. AGENT ABOUT CONTENTS OR EXISTENCE OF CLASSIFIED DOCUMENTS ALLEGEDLY TERMINATING DEFENDANT'S RELATIONSHIP WITH THE F.B.I. BECAUSE SUCH EVIDENCE IS RELEVANT TO DEFENSE, JUST AS DEPUTY BLACKWELDER'S CREDIBILITY ASSESSMENT WOULD BE TO MR. HOLMES DEFENSE.

APPELLANT ARGUES THAT WHEN CROSS-EXAMINING A WITNESS, THE DEFENDANT MUST BE PERMITTED TO TEST BOTH THE WITNESS'S CREDIBILITY AND THE WITNESS'S KNOWLEDGE OF THE MATERIAL FACTS IN THE CASE. See; "OLDEN V. KY.," 488 U.S. 227, 231 (1988)

APPELLANT ASK THE COURT TO NOTE THAT CRIMES OF DISHONESTY OR MORAL TURPITUDE DOES NOT ALWAYS MEANS BEING CONVICTED IN A COURT OF LAW, EXAMPLE, TO FALSIFY AN APPLICATION FOR ANY REASON IS CONSIDERED TO

CRIME OF DISHONESTY AND IS IMPERMISSIBLE AS LONG AS IT CAN BE VERIFIED AND DOCUMENTED THAT PERSON FALSIFIED AN APPLICATION JUST AS WELL AS INTENTIONALLY NOT TURNING ON A BODY CAMERA OR TURNING IT OFF WHEN THE SHERIFF DEPT. POLICY AND PROCEDURE MANDATES TURNING IT ON ENTERING A INITIAL CRIME SCENE INVESTIGATION CAN ALSO FALL INTO THIS CATEGORY. See: STATE V. HALE; 284 S.C. 348, 326 S.E.2d 418 (Ct. App., 1985) (The Ct. held: A CASE MAY BE REVERSED ON THE GROUND THAT THE TRIAL JUDGE PERMITTED LEADING QUESTIONS, ONLY IF THERE HAS BEEN A CLEAR ABUSE OF DISCRETION RESULTING IN PREJUDICE TO THE OBJECTIONING PARTY)

APPELLANT ARGUES THAT THE TRIAL COURT ABUSED ITS DISCRETION BY LIMITING THE CROSS-EXAMINATION OF TRAVIS BLACKWELDER AND VIOLATED DEFENDANT'S RIGHT TO A MEANINGFUL CROSS-EXAMINATION OF AN ADVERSE WITNESS IS SPECIFICALLY INCLUDED IN THE DEFENDANT'S SIXTH (6TH) AMENDMENT RIGHT TO CONFRONT WITNESSES. See: STATE V. GRAHAM; 319 S.C. 583, 448 S.E.2d 503 (1994) ALSO IT IS OF CONSTITUTIONAL DIMENSION THE RIGHT TO CROSS-EXAMINE STATE WITNESS AND IS ESSENTIAL TO A FAIR TRIAL AS GUARANTEED BY THE SIXTH (6TH) AMENDMENT AND DUE PROCESS CLAUSE OF THE FOURTEENTH (14TH) AMENDMENT. See: STATE V. MESCOY; 274 S.C. 70, 261 S.E.2d 159 (1999)

THE APPELLANT STATES THAT HE WAS PREJUDICED BY THE TRIAL COURT'S ABUSE OF DISCRETION AND LIMITING HIS CROSS-EXAMINATION OF DEPUTY BLACKWELDER'S WITNESS IT DENIED HIM THE OPPORTUNITY TO TEST THE CREDIBILITY OF THE WITNESS AND THE CREDIBILITY OF THE ENTIRE INVESTIGATION WHICH IN ITSELF DEPRIVE THE DEFENDANT OF HIS CONSTITUTIONAL RIGHT TO A FULL AND COMPLETE DEFENSE. (VIOLATION OF SIXTH (6TH) AND FOURTEENTH (14TH) AMEND. U.S.C.A. CONST.)

CONCLUSION

BY REASON OF THE FOREGOING ARGUMENT, APPELLANT'S CONVIC-
TION SHOULD BE REVERSED AND REMANDED TO THE AIKEN COUNTY
COURT OF GENERAL SESSIONS FOR A NEW TRIAL.

Tequon Holmes

TEQUON MARTELL HOLMES

338962

BROADRIVER CORR. INST.

4460 BROADRIVER Rd

COLUMBIA, SC 29210

PRO SE BRIEF

(JOHNSON BRIEF)

CC: TEQUON MARTELL HOLMES

TMH

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
DEC 04 2020
SC Court of Appeals

APPEAL FROM AIKEN COUNTY

HONORABLE THOMAS W. COOPER, CIRCUIT COURT JUDGE

THE STATE

RESPONDENT,

v.

TEQUAN MARTELL HOLMES

APPELLANT.

CERTIFICATE OF SERVICE

THE HEREBY UNDERSIGNED STATE THAT HE HAS SERVED JENNY ABBOTT KITCHINGS, CLERK OF SC COURT OF APPEALS P.O. BOX 11629, COLUMBIA, SC 29211 WITH A PRO SE JOHNSON BRIEF BRIEF AND A TRUE EXACT COPY TO ALAN MCCORDY WILSON, ESQUIRE ATTORNEY GENERAL OF SC, REMBERT DENNIS BUILDING, 1000 ASSEMBLY STREET, ROOM 519, COLUMBIA, SC 29201. THIS WAS ACCOMPLISHED BY HAND DELIVERING THIS BRIEF TO BROADRIVER CORR. INST. MAILROOM PERSONEL TO MAIL IN UNITED STATE POSTAL SERVICE ON THE 24, DAY OF November, 2020

CC: ALAN M. WILSON, ESQUIRE
TEQUAN MARTELL HOLMES, APPELLANT

~~# Tequon Holmes~~
TEQUAN MARTELL HOLMES
338962
BROADRIVER CORR INST,
4460 BROAD RIVER RD.
COLUMBIA, SC 29210
PRO SE JOHNSON BRIEF

OCTOBER 31, 2020

ATTN: ALAN MACCROPY WILSON, ESQUIRE
ATTORNEY GENERAL OF SOUTH CAROLINA
REMBERT DENNIS BUILDING
1000 ASSEMBLY STREET, ROOM #519
COLUMBIA, SC 29201

RECEIVED

DEC 04 2020

SC Court of Appeals

FROM: TEQUAN M. HOLMES, #338962
: APPELLATE CASE NO # 2019-001313

Re: PRO SE BRIEF (JOHNSON BRIEF)

: DEAR SIR,

ENCLOSED IS A TRUE ~~EXACT~~ COPY OF A PRO SE
BRIEF THAT I HAVE FILED WITH THE COURT OF APPEALS
WHEREAS MY COURT APPOINTED ATTORNEY FAILED TO TAKE
ON MY BEHALF BUT RATHER FILED AN ANSWER BRIEF AND A
MOTION TO BE RELIEVED. I THANK YOU FOR YOUR TIME AND
ASSISTANCE IN THIS MATTER.

RESPECTFULLY SUBMITTED,

Tequan Holmes

TEQUAN M. HOLMES
#338962

BROADRIVER CORR. INST.
4460 BROADRIVER RD.
COLUMBIA, SC 29210

CC: TEQUAN M. HOLMES, APPELLANT
TMA

OCTOBER 31, 2020

ATTN: JENNY ABBOTT KITCHINGS, CLERK
SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SC 29211

RECEIVED

DEC 04 2020

SC Court of Appeals

FROM: TEGMAN M. HOLMES, #338962
: APPELLATE CASE NO# 2019-000313

Re: PROSE BRIEF (JAHSON BRIEF)

: DEAR MADAM CLERK,

ENCLOSED IS AN ORIGINAL PROSE BRIEF WHEREAS MY APPOINTED APPELLATE COUNSEL FAILED TO RECOGNIZED AND I HAVE ATTEMPTED TO BRING TO THE APPEAL COURT IN AN ATTEMPT TO SUBSTANTIATE THAT IT HAS MERIT. I HAVE PROVIDED THE ATTORNEY GENERAL OFFICE WITH A TRUE EXACT COPY. I THANK YOU IN ADVANCE FOR YOUR ASSISTANCE IN THIS MATTER.

RESPECTFULLY SUBMITTED,

Tegman Holmes

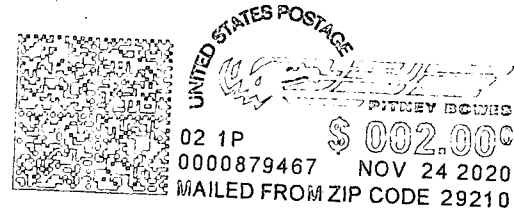
TEGMAN M. HOLMES,
#338962
BROAD RIVER CORR. INST.
4460 BROAD RIVER RD.
COLUMBIA, SC 29210

CC: TEGMAN M. HOLMES, APPELLANT
T.M.H.

LEGAL MAIL

BRCI

4460 Broad River rd
Columbia, SC, 29210



RECEIVED
DEC 04 2020
SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, SC, 29211