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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 Tyzone WALKER, 307941,

APPELLANT

Initial Reply of Appellant

ALAN Wilson

Attorney General

Donald J. Zelenka

Deputy Attorney General

Tommy Evans JR.

Asst. Attorney General

P.O. Box 11549

Columbia SC 29211

(803) 734-0265

DATE: OCT. 12, 2020

Signed & Subscribed before

me on this 12th day of

October, 2020

C. L. Maggett, Notary Public of

South Carolina

My Commission Expires: 7-27-2026

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(Accidentally submitted into record twice)

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, ever in it's imperfection accept this Reply as whole and complete in anyway it may be 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 Inv. 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.

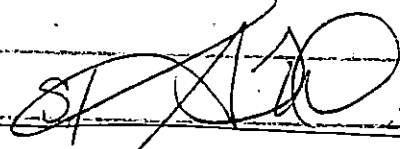
The State, in its initial Brief, wants to lead the courts to believe that the transportation sheets provided at the hearing for a new trial were present in the investigators report (pages) But that is false and it is constitutionally wrong for the state to imply such a thing. If they were then investigating 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 defendant's 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.



307941 CPSS

ALFRED T. WALKER 307941, CPSS BRICE MOTOR

4460 BROAD RIVER Rd.

Columbia SC 29210

STATE OF SOUTH CAROLINA
In the Court of APPEALS
APPEAL FROM BARNWELL County
HONORABLE PERRY M. BUCKNER III Circuit Court Judge
Appellant Case No: 2019-0018142

The State

Respondent

v.

ALFRED WALKER 307941

Appellant

Designation of MATTER TO BE
Included in Record on APPEAL

Appellant submits this initial Reply for the Record on Appeal. Requesting that the following pages be included in the Record on Appeal.

I certify that to the best of my knowledge this Reply is relevant and complete FOR purposes of this appeal.

OCTOBER 12, 2020

Sworn & Subscribed before
me on this 12th day of
October 2020

Y. L. Messert notary public of
South Carolina

My commission expires: 7-27-2026

 307941 C255

ALFRED WALKER 307941 BRCI, MO127
4400 Broadriver Rd.
Columbia SC 29210

BARNWELL COUNTY DETENTION CENTER

TRANSPORTATION SHEET

FOR Questioning AT Courthouse

NAME OF INMATE Walker, Alfred DATE 10-19-00

TIME LEFT 0435 OFFICERS ON DUTY R. Piccus

OFFICER TRANSPORTING Way, M.A.

TIME RETURNED 0610 DATE 10/19/00

AMOUNT OF BOND SET ON CHARGES AS FOLLOWS:

| CHARGES | AMOUNT OF BOND |
|----------|----------------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |

RETURNING OFFICER'S SIGNATURE Way, M.A.

RECEIVING OFFICER'S SIGNATURE Milledge

BARNWELL COUNTY DETENTION CENTER

TRANSPORTATION SHEET

FOR

AT

? BPD

NAME OF INMATE

Walker, Alfred

DATE

10-20-00

TIME LEFT

2030

OFFICERS ON DUTY

Brown

OFFICER TRANSPORTING

Wayne Martin Rice

TIME RETURNED

DATE

10-20-00

AMOUNT OF BOND SET ON CHARGES AS FOLLOWS:

| CHARGES | AMOUNT OF BOND |
|----------|----------------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |

RETURNING OFFICER'S SIGNATURE

T. G. Rice

RECEIVING OFFICER'S SIGNATURE

BARNWELL COUNTY DETENTION CENTER

TRANSPORTATION SHEET

FOR Bond Hearing AT Judge Witherspoon

NAME OF INMATE Walker, Alfred DATE 10-25-2011

TIME LEFT 1015 OFFICERS ON DUTY Hutto: Devore Johnson, Brown

OFFICER TRANSPORTING Fisher 109

TIME RETURNED 1030 DATE 10/25

AMOUNT OF BOND SET ON CHARGES AS FOLLOWS:

| CHARGES | AMOUNT OF BOND |
|-------------------------|----------------|
| 1. <u>2 CTS Murder</u> | |
| 2. <u>ABWTK</u> | |
| 3. <u>Armed Robbery</u> | |
| 4. | |
| 5. | |
| 6. | |

RETURNING OFFICER'S SIGNATURE Fisher 109

RECEIVING OFFICER'S SIGNATURE Sgt Johnson

AFFIDAVIT OF JAMES T. BURGESS

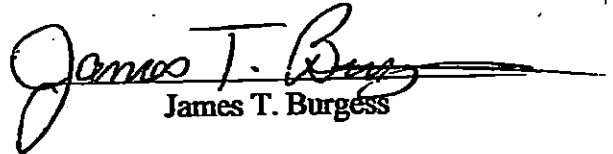
My name is James T. Burgess. On Friday, May 18, 2018, I spoke with Mr. Rushad Jackson by telephone. Mr. Jackson explained Mr. Walker's case and asked if I would be willing to travel to Barnwell County Detention Center located in Barnwell, South Carolina and retrieve copies of the Transportation Sheets dated October 19, 2000 through October 30, 2000. Mr. Jackson also requested that, if possible, I interview any Detention Officers that were on duty the night Mr. Walker was booked into the Detention Center.

On Wednesday, May 30, 2018, I met with Ms. Latisha Bradshaw in Greenville, South Carolina, and signed a Contract.

On Monday, June 11, 2018, I traveled to the Barnwell County Detention Center. I was able to retrieve the Transportation Sheets dated October 19, 2000, October 20, 2000, October 21, 2000 and October 25, 2000. I also interviewed Detention Officer Bruce Johnson, one of the Detention Officers on duty the night of Mr. Walker's arrest.

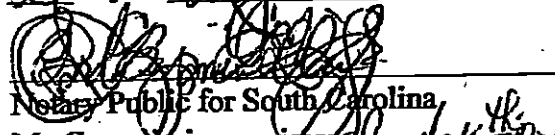
On Friday, June 29, 2018, I traveled to the Barnwell County Courthouse in an attempt to look over some of the case file and Court Records. I was able to look over some of the Court records and make copies.

Please see the attached "Exhibit A", collectively.


James T. Burgess

Sworn to before me this

29th day of May, 2019


Notary Public for South Carolina
My Commission expires 