

RECEIVED

DEC 09 2020

SC Court of Appeals

From: Heirberone Heava Foster

Appellate Case # 2019-000892

"Also sent to" on 12/3/2020

To: Office of Attorney General / Attn: Criminal Appeals

Regards: Motion to Amend Pro Se Brief

Request: Certificate of Service

Dear Sirs; Myself being unsure of the following issues being applicable in our Direct Appeal or P.C.R., I am not sure of, but in order for them to be considered or preserved. I do respectfully submit them at this time and I do humbly apologize for its timing and its wordings/language.

Whether court erred by giving self-defense instructions, "but" not officially charging in its written draft of charges sent to jury "Self-Defense, accident or Defense of Habitation" (trans page 768 lines 17-24). When defendant wrote Judge personally requesting this change of Self-Defense and accident be given and defense counsels requested during Immunity hearing. Being also on record of defendant (evidence) repeatedly having to defend himself from imminent attack by victim with multiple weapons on his own property. Not only did victim "trespass" with criminal intent, but defendant having an active "trespass notice" on victim for prior attacks to himself. Would not these acts alone qualify defense ^{defendant} for "Defense of Habitation". And by the court not charging this to jury be seriously prejudicial to defendant..

① of 2

LEGAL MAIL

In citing State vs. Bryant (2010) 391 S.C. 225/705 S.E. 2d 465. Being defendant entitled to charge of Defense of Habitation due to "evidence" of defendant having to eject trespassor. Also State vs. Bryant, twelfth Key/homicide: Although Self-Defense and Defense of Habitation are analogous (as in our case, even if court would have as required charged), it is "insufficient" to charge only self-defense when a charge of defense of habitation is warranted.

State vs. Pyle (2007) 375 S.C. 119/651 S.E. 2d 321 The same elements required by law to establish self-defense do apply to defense of habitation except a duty to retreat ~~or~~ ^{nor} to establish fear of persons or property to be in danger, but only a trespass must be established, and in our case this trespass plus prior trespass has over-whelmingly been established.

Being this over-whelming evidence ^{is} on record we do respectfully ask the court to reverse this conviction and grant immunity State vs. Burris and State vs. Gaines and not granting these charges constitutes error of law State vs. Pittman/Criminal law Keys ~~to~~ 62 thru 65 (2007) 373 S.C. 527/647 S.E. 2d 144

2012 

LEGAL MAIL

Heiberone H. Foster
353381 / Murray / 211
B.B.C.I.
4460 Broadriver Rd.
Columbia, S.C.
29210



RECEIVED

DEC 04 2020

BRCI
MAILROOM

RECEIVED

DEC 09 2020

SC Court of Appeals

South Carolina Court of Appeals
Ms. V. Claire Allen
Post Office Box 11629
Columbia, S.C. 29211