

State of South Carolina  
In the Court of Appeals

Jan. 11, 2021

State, Respondant  
v.

Appellant case No.  
2019-000438

Richard Douglas Waldrup  
Appellant,

(Rule 267)

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JAN 13 2021

SC Court of Appeals

Designation of following matters concerning prosecutor and  
Defense Counsel is requested to be included in Record on  
Direct Appeal. This document is a slip copy, future editorial enhancement  
to be added to Appellants Direct Appeal (Rule 267).

This day January 11, 2021 The Appellant, Richard D. Waldrup  
is "respectfully requesting" that the following matters concerning  
trial prosecutor, Defense Counsel and 2 Attorney worksheet  
dated ~~may~~ May 2, 2018 And November 21, 2018 marked exhibit 1, 2  
be included in Record on Direct Appeal.

Respectfully Submitted by.

Richard D. Waldrup, Appellant, prose Date Jan. 11, 2021

Richard Douglas Waldrup #360882

P.C.I. Q3B-104

430 ORKLAWN Rd.

PELZER, S.C. 29669

## prosecution misconduct

- 1) proceedings would have been different (reasonable probability), if prosecution would not withheld witnesses' criminal background history.
- 2) Non-disclosure of evidence affecting credibility fails within rule that suppression of material evidence justifies a new trial, irrespective of good faith or bad faith of the prosecution.
- 3) A new trial is required if the false testimony could in any reasonable likelihood have affected the judgment of the jury.
- 4) A combination of physical and corroborating evidence, NO fingerprints, no sign of entry, no physical evidence.
- 5) Rule 404.
- 6) Constitutional error of the first magnitude, not letting defense know witnesses' criminal background.
- 7) Prosecution edited 9/11 call "non-authentic", court reporter even failed to record what was played of 9/11 call in court. See transcript p. 90
- 8) Prosecution unprofessional errors, the result of the proceedings would have been different.

New brief requested to be added to Direct Appeal

~~myself~~

Attorney Failed beyond objective standard of reasonableness.

- 1) Reasonable probability that the outcome of proceedings would have been different.
- 2) Sixth amendment guarantees criminal defendant effective assistance of counsel.
- 3) A combination of physical and corroborating evidence, no fingerprints, no sign of entry, no physical evidence.
- 4) Rule 609, Imprachment by evidence of a criminal conviction. Attorney conducted no investigation, presented no evidence!
- 5) The only evidence incriminating were 2 witnesses whom had lengthfully criminal records, which were never brought to the Juries attention.
- 6) Defendant requested for over a year that he wanted A copy of the authentic 911 call placed by witnesses girlfriend, Also copies of car/body cam video from arresting officer, as well as officers whom assisted during arrest (Body cam).
- 7) These things were valuable evidence for defense, Even though defendant requested for over a year, counsel failed to present them to jury as requested. See Evidence Exhibit 1 + 2 client + Attorney work product, "confidential" (copies enclosed)
- 7b) Also rule 404, which includes counsel
- 8) Attorneys unprofessional errors, The result of the proceedings would have been different.
- 9) Counsel did not fulfill his ethical obligation to conduct a through investigation or present it to jury.

Exhibit ( 1 )

J. Patrick Anderson  
Travis A. Moore  
V. C. "Vic" Bailey, IV  
Mark A. Nowell

Jenny D. Moore  
Associate

**AM ANDERSON, MOORE,  
BN BAILEY & NOWELL LLC**

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**CONFIDENTIAL**

**DATE:** November 21, 2018

**LOCATION:** Cherokee County Detention Center

**CLIENT:** Richard Waldrup

Points of Discussion:

- Will not accept any offer
- Wants a trial because he did not do anything wrong
- Requests a copy of the 911 call from victim's girlfriend and a copy of the BWC from the arresting officer

Client's Concerns:

Actions:

- Check discovery to see if we have 911 call and BWC (Torrie)

\*\*\* Attorney Work Product\*\*\*

Confidential

Exhibit (2)

J. Patrick Anderson  
Travis A. Moore  
V. C. "Vic" Bailey, IV  
Mark A. Nowell

Jenny D. Moore  
Associate

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BAILEY & NOWELL LLC**

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CONFIDENTIAL

DATE: May 2, 2018

LOCATION: Cherokee County Detention Center

CLIENT: Richard Waldrup (Initial Meeting)

Points of Discussion:

- Michael Berry was his attorney / Bond set at \$50k/ client can't make it
- Ready to go to trial /
- Michael Berry was "working with the solicitor"
- Got "jumped on by some black people" they took my money and I got charged
- Listen to 911 call
- Watch body cam; where Client asked LE to take finger prints/forensics etc
- Alleged victim's son (Billy Atkins) caught me blindsided and hit me / the alleged Victim them grabbed me from behind
- When he began stomping me I blacked-out; when I came to I realized I pissed and crapped my pants; "I must of died temporarily, that's all I can figure"

Client's Concerns:

Actions:

- I need to review the discovery on my own before the Client discuss
- Client has discovery, but wants a copy of the 911 call/ transcript if possible
- Wants to see body cam of him asking officer for forensics investigation

Certificate of Service

Jan 11, 2021

State of South Carolina

Appellant case No:

v.

2019-000438

Richard Douglas Waldrup

Rule 267

Appellant, Pro-Se

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SC Court of Appeals

This is to certify that I Richard Douglas Waldrup, Appellant-Pro-Se have on this day, Jan. 11, 2021. Have mailed a true and exact copy of the foregoing to South Carolina Court of Appeals, also a copy to Mr. Alan Wilson, Attorney General for S.C. by and through the United States Postal Service.

Foregoing: Rule 267, Slip copies concerning Direct Appeal Documents concerning prosecution, Defense Counsel misconduct.

I Richard D. Waldrup, Appellant, Pro-Se being duly sworn upon my oath depose and say that I have mailed a true and exact copy of the foregoing to S.C. Court of Appeals also Attorney General Mr. Alan Wilson and that the matters and allegations therein set forth are true.

*Richard D. Waldrup*

Sworn to and subscribed before me this 11<sup>th</sup> day of January 2021

Notary Public *Mary C. Cobb*

my commission expires 4-23-2023

Richard D. Waldrop #360887  
P.O. Box 104  
130 OAKLAWN Rd.  
Belzer, S.C. 29669

- Legal mail -

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JAN 13 2021

SC Court of Appeals

Jenny ABBOTT Kitchings (clerk)

South Carolina Court of Appeals

P.O. Box 11629

Columbia, South Carolina

29211

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JAN 11 2021

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LEGAL MAIL