IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM JASPER COUNTY

The Honorable Perry M. Buckner, Circuit Court Judge

APPELLATE CASE NO: 2019-001842

Alfred T. Walker, #307914,

Appellate,

VS.

STATE OF SOUTH CAROLINA,

Respondent.

BRIEF OF APPLLANT

submitted by:

Alfred T. Walker, #307914
Appellant Pro Se
307941
Broad River Correctional Inst.
4460 Broad River Rd.
Columbia, SC. 29210

03.30.2021

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ARGUMENTS

1. Did the circuit court abuse its discretion by relying on defendant's discrepancies in the transcript of testimony at trial and transportation sheets from Barnwell County Jail, was not after-discovered evidence.

2. Did the circuit court judge abuse its discretion where law enforcement continued to question the defendant in violation of his right to remain silent after repeatedly informed officers he did not wish to talk.

3. Did the circuit judge abuse its discretion, where at the time Appellant spoke to law enforcement, was intoxicated, under the influence of drugs, and diagnosed with antisocial personality disorder, was not after discovered evidence.

4. Did the circuit court judge abuse its discretion, where the State failed to produce defendant's October 20, 2000 "waiver of Miranda Rights Form and Mental Health Records as a juvenile," was not after discovered evidence.

5. The lower court erred where the judge by passed a "Categorical Exemption Test" by not ruling on Appellant's motion "in the alternative to amend the sentence" where Walker was a mere eighteen year old at the time of the offense, was abuse of discretion.

STATEMENT OF THE CASE

The Appellant Alfred T. Walker is an inmate currently confined within the South Carolina Department of Corrections. Appellant has filed an Appeal from the Jasper County Circuit Court, Perry M. Buckner III, denial of his Motion for a New Trial. He was indicted for two (2) counts of murder (2001-GS-06-00118; 2001-GS-06-00119), Burglary in the Second Degree (2001-GS-06-00120), Assault and Battery with intent to kill (2001-GS-06-00121), Criminal Conspiracy (2001-GS-06-00122), Armed Robbery (2001-GS-06-00123), and Possession of a Weapon during the commission of a Violent Crime (2001-GS-06-00-00134) The State gave notice of intention to seek the death penalty on March 26, 2001.

Before the third day of testimony in the jury trial, March 8, 2005, the Appellant entered an Alfred Plea to both counts of Murder and entered guilty pleas to the remaining charges. A Notice of Appeal was filed and prefected. Following submission of an ANDERS BRIEF, the Appeal was dismissed. STATE v. WALKER, Op. No. 2008-up-021 (S.C.Ct App. filed January 10, 2008), the Remittitur was sent January 28, 2008.

The Appellant filed an Application seeking Post Conviction Relief in Barnwell County (2006-CP-06-0277) on November 15, 2006, while his Appeal was pending. The State made its Return on June 4, 2007. The Post Conviction action was stayed pending the outcome

of the Appeal. The State amended its Return on or about February 1, 2009, An evidentiary hearing on the PCR was convened on February 3, 2009. The Appellant testified at the PCR hearing, as did his sister, Latasha Bradshaw, and his two previous lawyers, Glenn Walters and Carl Grant. At the hearing the Appellant alleged ineffective assistance of trial counsel, that his guilty plea was involuntary, and due process violation under MIRANDA violation. The Honorable Doyet A Early, III denied the PCR by Order dated March 5, 2009, and filed on March 10, 2009. On June 1, 2010, Appellant filed a second PCR Application seeking a belated Appeal of his first PCR Application pursuant to AUSTIN v. STATE, 409 S.E.2d 395 (S.C.1991). The Court entered a Consent Order dismissing the Second PCR Application and granting a Belated Appeal of Appellant's First PCR Application.

On October 7, 2011 Appellant filed a Notice of Appeal of the Court's denial of his first PCR Applination. The South Carolina Supreme Court denied his Appeal on November 18, 2011. O January 25, 2012 the Appellant filed a third PCR Application (2012-CP-06-0034) whichwas still pending as Appellant filed a Habeas Corpus Petition with the Federal District Court on June 5, 2012. The Habeas petition was denied by Order filed August 26, 2013. The third PCR Application was subsequently denied by Order dated July 2, 2013 and filed July 11, 2013.

"In criminal cases, the Appellate Court sits to review errors of law only." STATE v. VICKS, 862 S.E.2d 275, 279 (Ct.App.2009) (quoting STATE v. WILSON, 545 S.E.2d 827, 829 (2001). The

Appellate Court is "bound by the trial court's factual findings where they are clearly erroneous." Id. (quoting WILSON, 545 S.E.2d at829). The reviewing court "does not re-evaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial court's ruling is supported by any evidence." STATE v. SLOCUMB, 770 S.E.2d 436, 438 (Ct.App.2015). "A sentence will not be overturned absent an abuse of discretion when the ruling is based on an error of law or a factual conclusion without evidentiary support" IN RE M.B.H., 692 S.E.2d 541, 542 (2010).

STANDARD OF REVIEW

This Matter came before the Honorable Perry M. Buckner, III, at the Jasper County Courthouse, pursuant to the Appellant's Motion for a New Trial based on after discovered evidence, or, in the alternative, to amend the sentence imposed on the above referenced indictments. The hearing was conducted on September 26, 29, 2019. The Appellant was present for the hearing and represented by his attorney W. Benjamin McClain, Jr. of Greenville, SC. The State was represented at the hearing by second circuit dupty solicitor, David Miller. Prior to the hearing, a number of stipulations of counsel were placed on the record. First, counsel stipulated that the transcripts of the trial proceedings in the underlying case was incomplete, but that all efforts had been made to obtain a complete transcript. Despite the failure to obtain a complete transcript, both parties agreed the missing transcript pages were not relevant to the pending motion. Secondly, the attorneys and defendant consented to the hearing of this Motion in Jasper County,instead of barnwell County, where the original trial took place. It was then noted that South Carolina Court Administration had assigned the Court of General Sessions non-jury jurisdiction for Barnwell county to hear the motion. Finally, the parties stipulated that the motion had been filed and would be heard, pursuant to RULE 29 of the South Carolina Rules of Criminal Procedure.

Appellant's (defendant) attorney, Benjamin McClain post-trial motions Appellant motions for a new trial are governed by RULE 29, SCRCrim.P.. RULE 29 (A) provides relevant part; "[E]xcept for motions for new trials based on after discovered evidence, post trial motions shall be made within (10) days after the imposition of the sentence". RULE 29(A), SCRCrim.P.. However, a motion for a new trial based on after discovered evidence must be made within one (1) year after the date of actual discovery of the evidence by the defendant or after the date when the evidence could have been ascertainedby the exercise of reasonable diligence. RULE 29(b), SCRCrim.P. James T. Burgess, a private investigator with much law enforcement experience, at Tr.Pg. 8, lines 6-25 thru Tr. Pg. 18, lines 1-25 testified at the hearing that he retrieved the two (2) transportation sheets from the archives. Mr. Burgess' affidavit and his attached report of Burgess Investigations & Associates, Inc., buttress this fact. It is uncontroverted that the date of discovery of these transportation sheets was on Monday, June 11, 2018.

the defendant's Motion was filed on June 3, 2019, at 3:26pm Clearly this motion was timely made, pursuant to RULE 29(b),SCRCrim.P. The defendant himself, obviously could not have come into possession and discovery of this new evidence on his ow. Due to the transcripts of the trial proceedings prior to the JACKSON v. DENNO hearing at Tr. Pg. 2365 thru Pg. 2518, line 25 on the history of the procedure in this case, Nowhere does it appear that this evidence could have

been ascertained by the exercise of reasonable diligence. Nowhere in the state's discovery motion is it established that this evidence.

This Appeal is as follows:

ARGUMENT

1. THE CIRCUIT COURT JUDGE ABUSED ITS DISCRETION BY NOT RELYING ON THE DISCREPANCIES IN THE TRANSCRIPT TESTIMONY AT THE JACKSON VS. DENNO HEARING AND 29(b) EVIDENTIARY HEARING TRANSPORTATION SHEETS DISCOVERED BY JAMES T. BURGESS, WAS NOT AFTER DISCOVERED EVIDENCE.

The term "after discovered evidence" refers to evidence presented at the evidentiary hearing from investigator James T. Burgess at Tr. Pg. 7 thru Tr. Pg. 18, lines 1 - 25 on the transportation sheets dated October 19,20,21, & 25, 2000, which existed at the time of trial, but of which the Appellant was excusably ignorant. Thus, this evidence only became manifested after trial and, the judge abused his discretion in denying Appellant's 29(b) motion. Trial testimony at Tr. Pg. 2421 thru Tr; Pg. 2425, lines 1 - 18 from Chief Investigator Rodney Pruitt testified that on October 18, 2000, the defendant stated, "I don't want to talk anymore." If these transportation sheets were produced at the JACKSON vs. DENNO hearing, the State's interrogations and statements from October 19,20,21, & 25, 2000 would have been supressed, where the State completedits discovery before trial. They are material to the issue of the continuing questioning the Appellant after he invoked his right to remain silent, and this evidence is not merely cumulative or impeaching. STATE v. HAULCOMB, 195 S.E.2d 601 - 606 (1973). After carefully reviewing

this particular remedy on this evidence, it encompasses a claim based on facts not known to exist at the time of trial. Tr. Pg. 2431 thru Tr. Pg. 2518, lines 1 - 25, and reflects upon Appellant's innocence and moral culpability in this capital case. But, nevertheless reminded indiscoverable without the assistance of investigator Burgress. Appellant moved for a new trial on the basic of such being based on the testimony and affidavit of investigator Burgess to the effect that a family menber hired him to investigate the case concerning witnesses at the county jail. Appellant further claims that, the discrepancies in the transcript and transportation sheet dated October 20, 2000 on investigator Wayne Martin name was scratched out and replaced by "Rice" at Tr. Pg. 2450 thru Tr. Pg. 2451, lines 1 - 5, States Exhibit 3,4,5, and 6 offered for identification purposses at Tr. Pg. 2451, lines 18 - 21, Investigator Martin Stated:

> Q ... "All right, sir, so tell me the circumstances of going back to the county jail on 10/20?
>
> A ... "Okay, I transported him to my office at the solicitor office."

Tr. Pg. 2455, lines 14-16; Tr. Pg. 2455, line 19.

> Q ... "what did you do with the defendant Alfred WALKER"?
>
> A ... "transported him back to the county jail."

A ... "After transporting Alfred back to the county jail."

Also the transportation sheet dated October 20, 2000, doesn't list who ordered Appellant to be pick up defendant from the county nor what for as listed on October 19,21, & 25, transportation sheets. September 26, 2019 the Appellant testified at the hearing on the 29(b) motion at Tr, Pg., 24, lines 3 - 25 thru Tr. Pg. 25, lines 1 - 8, that on october 20, 2000 Office Martin transported him to the solicitor's office, and he did not want to talk. Tr. Pg. 30, lines 21 - 23; Tr. Pg. 32, lines 2 - 9; Tr. Pg. 54, lines 16 - 19, the solicitor stated:

Q ... "there is no reference anywhere in the transcripts about you going to the Barnwell Police Department with Glen Rice (phonetic) on October 20th"?

Turning to the facts in this case, there is evidence the circuit court judge did abuse his discretion in the order denying Appellant' 29(b) motion. Evidentiary hearing Tr. Pg. 71, lines 24 - 25 thru Tr. Pg. 75, lines 1 - 4 the circuit court judge had the full record from the JACKSON v. DENNO; Investigator Birgess' affidavit anf transportation sheets. The traditional five factors of after discovered evidence test presumed by the circuit court judge in the order, who was in position to weigh this evidence and testimony against that presented at the JACKSON v. DENNO hearing

and assess where the October 20, 2000 statement would have been supressed, seemed to be hampered in that assessment. IN RE REISE, 146 Wash.App. 772; 192 P.3d 949-954 (2008). Indeed, the traditional after discovered evidence factors are "difficult" in this case, if not impossible to apply where the Appellant entered a ALFORD plea. Relief is appropriate where Appellant presented evidence meeting the criteria that (1) ... has been discovered after the entry of the plea and in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; (2) ... the the evidence discovered is of such weight and quality that, under the facts and circumstances of this particular case, the "interest of justice" requires the guilty plea to be vacated. The circuit court's order make no reference to these factors, nor as to how Appellant could have retrived this evidence from the county jail archives without investigator Burgess' help. Where the State's strength of the case against Appellant was the statements, which is relative weak without these statements, SEE: Tr. Pg. 2420 thru Tr. Pg. 2425, lines 1 - 19. Appellant's trial counsel made the determination that it was to his advantage to plead guilty to avoid the death penalty. JAMISON v. STATE, 765 S.E.2d at 472 (2014) (Pleicones, J., dissenting in a separate opinion in which Beatty, J., concurred) The credibility of this after discovered evidence offered by the Appellant in support of his 29(b) motion ia a matter that was not determined by the circuit court judge to whom it was offered. In him, not this court, resided the power to weigh this evcidence , and his judgment is now requested to be disturbed

on this appeal of error for abuse of discretion. STATE v. CORN,77 S.E.2d at 81 (1953). Moreover,the testimony of this after discovered evidence surely would not be evidence available or attainable by a prisoner housed in the county jail before trial.SEE: Evidentiary Hearing Tr. Pg. 23, lines 14-25 thru Tr. Pg. 31 5-6. Surely, the evidence could not be considered public records available to a diligent prisoner within the scope of a Brady Motion, ANDERSON VS. LEEKS, 248 S.E.2d 120 (1978).

2. THE CIRCUIT COURT JUDGE ABUSED IT'S DISCRETION WHERE THE TRANSPORTATION SHEETS SHOWS LAW ENFORCEMENT CONTINUED TO QUESTION DEFENDANT IN VIOLATION OF HIS RIGHT TO REMAIN SILENT AFTER REPEATEDLY INFORMING THE OFFICERS HE "DID NOT WISH TO TALK", WAS NOT AFTER DISCOVERED EVIDENCE.

In this case sub judice, Walker maintains his statement made on October 18, 19, 20, 21 and 25 were not freely and voluntarily given because they were induced by a promise to save him and his family. At the 29(b) evidentiary at Tr. Pg. 26, lines 8 - 24; Tr. Pg. 28, lines 1 - 5, 8 - 21; Tr. Pg. 29, lines 18 - 25 thru Tr. Pg. 30, lines 1 - 14; Tr. Pg. 33, lines 1 - 15thru Tr. Pg. 39, lines 1 - 3; Tr. Pg. 41, lines 5 - 11; Tr. Pg. 42, lines 1 - 5; Tr. Pg. 49, lines 1 - 12; Tr. Pg. 59, lines 1 - 19; and Tr. Pg. 60, lines 19 - 25 thru Tr. Pg. 61, lines 1 - 12 Appellant's testimony was and is of a concern of whether he initiated contact with law enforcement October 19, 20, 21 and 25.

During the JACKSON v. DENNO hearing at TR. Pg. 2415, lines 7 - 22; Tr. Pg. 2420, lines 19 - 25 thru Tr. Pg.2425,lines 1 - 18; Tr. Pg. 2431, lines 21 - 25 thru Tr. Pg. 2518, lines 1 - 25 Appellant was mirandarized October 18, 2000 and stated "I don't want to talk," but not appointed an attornet y until after law enforcement had finished their interrogations. The courts have observed a statement of this magnitude in such an assertion of the right requesting for Counsel? In DAVIS v. U.S., 114 S.Ct. 2350 (1994). The request made is an unambiguously request for counsel. SMITH v. ILLINOIS, 105 S.Ct. 490 (1984). Although need not speak with the discrimination of an "Oxford don," he spoke well enough to articulate his desire to have counsel present, and sufficiently clear that a reasonable police officer in the circumstances understood that the statement to be a request for an attorney. The statement meet requisite level of Clarity. MORGAN v. BURBINE, 106 S.Ct. 1135 (1147.n.4)(1986)("the interrogation must cease until an attorney is present only if the individual states that he wants an attorney). Appellant's invitation to extend EDWARDS v. ARIZONA, 101 S.Ct. at 1885, to this case would required law enforcement officers to cease questioning on October 19, 20, 21, and 25, imediately upon the making of the ambiguous or equivocal reference to an attorney. The rational underlying EDWARDS in this case, is that the police did not respect appellant's wishes regarding his right to have an attorney present during the custodial interrogation on October 19, 20, 21, and 25, 2000. Officer Rodney Pruitt conducting the questioning October 18, 2000 at the JACKSON v. DENNO hearing admitted that he reasonably knew from the Appellant's

statement "I don't want to talk" was a want for a lawyer. The Rule requiring the immediate cessation of questioning Walker, is designed to protect him while in police custody from being badgered by police officers WYRICK v. FIELDS, 103 S.Ct. 394, 395 (1982); RHODE ISLAND v. INNIS, 446 U.S. at 291, 298 ( ). The fifth Amendment provides "No person shall be ... compelled in any criminal case to be a witness against himself, United States Constitution Amendment IV. The United States Supreme Court announced"[t]he prosection may not use statements whether exculpatory or inculpatory stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards."

During the JACKSON v. DENNO hearing and 29(b) motion hearing the circuit court judge did examine the totality of the circumstances surrounding the statements made to determine whether the state had carried its burden of showing the October 19, 20, 21, and 25 statements were made voluntarily. SCHNECKLOTH v. BUSTAMONTE, 93 S.Ct. 2041 (1973). The record consist of conflicting evidence as to whether Walker's statements are voluntary : it is, in the first instance the province of the trial court to determine the factual issue by the preponderence of the evidence. STATE v. HOWARD, 374 S.E.2d at 290 (1988).

The test of voluntariness to apply in this case is whether Walker will was 'overborn' by the circumstances surrounding the given statements. The due process test takes into consideration the totality of all the surrounding circumstances - both the charateristics of

the accused and the details of the interrogation, such as, the background, experience and conduct of Walker. STATE v. LEDFORD, 567 S.E.2d 904. 906 (Ct.App.2002); STATE v. Franklin, 382 S.E.2d 911, 914 (1989); STATE v. CHILDS, 385 S.E.2d 839, 842 (1989); STATE v. CORNS, 426 S.E.2d 324, 327 (Ct.App.1992). Those potential circumstances include not only the crucial element of the police coercion, COLORADO v. CONNELLY, 107 S.Ct. 515 (1986). The length of the interrogation. ASKCRAFF v. TENNESSEE, 64 S.Ct. 921 (1944). Its location, RECK v. PATE 81 S.Ct. 1541 (1961). Its continuity LEYRA v. DENNO, 74 S.Ct. 716 (1954), the defendant's maturity HALEY v. OHIO. 68 S.Ct. 302 (1948) (opinion of Douglas J.,), Education, CLEWIS v. TEXAS, 87 S.Ct. 1338 (1967), physical condition GREENWALD v. WISCONSIN, 88 S.Ct. 1152 (1968)(per curiam), and mental health FIKES v. ALABAMA, 77 S.Ct. 281 (1957). They also include the failure of police to advise the defendant of his right to remain silent and to have counsel present during custodial interrogation, HAYNES v. WASHINGTON 83 S.Ct. 1336 (1963) THe Courts have observed Walker's concept of his privilege against self-incrimination encompasses the right to be free from being penalized for his exercise is well established. STATE v. RABON, 272 S.E.2d 634, 635 (1980); STATE v. SMITH, 234 S.E.2d 19, 21 (1977); STATE v. ROCHESTER, 391 S.E.2d 244, 246 (1990) The circuit court judge's order fail to recognize Walker's length of custody in the county jail before a lawyer was appointed, police misrepresentations of evidence, isolation of Walker as a minor while housed in the county jail, and the threats of violence and promises to protect Walker's family and promises of leniency. These coercive police activities

are necessary predicates to finding Walker's statement from October 19, 20, 21, and 25, 2000, was not voluntary. coercion is determined from the perspective of the suspect. ILLINOIS v. PERKINS, 110 S.Ct. 2394 (1990). The record clearly shows that the statements were extracted by the threats and violence obtained by the exertion of improper influence. ROCHESTER, 391 S.E.2d at 247; HUTTO v. ROSS, 97 S.Ct. 202 (1976). In this case sub judice, Walker maintains his testimony at the 29(b) motion hearing was not taken into consideration by the circuit court judge on assessing the demeanor and credibility weigh the evidence, and determine the admissibility of the statements upon proof of its voluntariness by a preponderance of the evidence. STATE v. WASHINGTON, 370 S.E.2d 611, 612 (1988). The concerns of this threshold inquiry; whether walker invoked his right to counsel in the first instances.

3. THE CIRCUIT COURT JUDGE ABUSED ITS DISCRETION, WHERE EVIDENCE AT THE TIME WALKER SPOKE TO LAW ENFORCEMENT, HE WAS INTOXICATED, UNDER THE INFLUENCE OF DRUGS, DIAGNOSED WITH ANTISOCIAL PERSONALITY DISORDER.

Before the third day of testimony in jury trial, on March 8, 2005 Walker entered an ALFORD plea to both counts of Murder and entered guilty pleas to the remaining charges. A guilty plea that Walker entered as part of a plea bargain withou actually admitting guilt. Appellant asserts his plea is concered compelled within the language of the Fifth Amendment, because it does not represent a

voluntary, knowing, and intelligent choice between the available options.

The crimes were committed on or about October 18, 2000 he was placed in isolation in the county jail on October 19, 20, 21, and 25, 2000. Police officers and the solicitor obtained statements from Walker on each date.

January 26, 2005, Walker was ordered by the court to a Psychiatric Evaluation. February 7, 2005, Dr. Thomas Martin M.D. sources of information at page 2 in the report at (#11), voluntary statement , Mr. Alfred T. Walker, October 20, 2000 at 3:02 P.M. no waiver from of his rights produced. Walker was omterrogated October 18, 2000 taped recorded by officer Rodney Pruitt at 12:37 a.m. SEE: Tr. Pg, 2397, lines 15-21. October 19, 2000 at 4:43 a.m. October 20, 2000 at 3:02 p.m. October 21, 2000 at 1:53p.m., and at 4:45 p.m. In Dr. Martin's psychiatric report at page 3 (#32, 33, 34, 35 36 37,) "Pertinent psychiatric data at the age of 15 years old Walker was diagnosed with 'Disruptive Behavior Disorder,'" at pages 6, 7, Dr. Martin "index offense" report on Walker mental health assessment and treatment in the county jail are inconclusive. At page 9, Dr. Martin reported that it would benefit Walker from a trial of antidepressant medication to help maintain a stable mood. SEE: 29 (b) motion Tr. Pg. 67, lines 10-20 state's exhibit No. 1 marked for inentification and received in evidence. SEE: Tr. Pg., 67, lines 25 thru Tr. Pg. 69, lines 1 - 15. In order to understand the after discovered evidence this court has to review the transportation sheets from investigator Burgess then apply those potential circumstances

to the crucial elements of police coercion.

At the motion hearing, the defendant testified that when communicating with all involved law officers, that he repeatedly told them he did not wish to talk further, but law enforcement officials continued to question him, anyway. SEE: the in-camera testimony of Wayne Martin, Tr; Pg., 2489, lines 1 - 19, communications between the the defendant and Wayne Martin occurred while Wayne Martin was transporting the defendant on several occasions. The defendant testified that Wayne Martin coerced his statement at the solicitor's office by informing him that both his and his family's lives were in danger, and that he needed to give a statement implying that the defendant did not give a statement, some harm may come to him or his family members. The defendant's mother was also transported to the solicitor's office in an attempt to coerce the defendant into giving a statement. Clearly the defendant was fearful and under duress at this time. In the circuit court judge's order at pg., 6 of 14, lines 9-10 one of the sheriff had told him and other individuals initially detained near the scene of the crime "he wished they'd try to run so he could shoot them the way they shot those boys in there."

According to this evidence of torture of mind, alone , isolated in a security cell, appellant's will was affected without warrant, (2) was denied a heraing before a magistrate at which he would have been advised of his right to remain silent and of his right to counsel, as required by South Carolina Constitution, (3) was incommunicado for almost seven (7) days, without counsel, advisor or friend and though members of his family tried to see him they were turned away,

and he was refused permission to make even one telephone call (4) was told by police that "there would be people out to kill him and his family" which such statement created such fear as immediately produced the confessions. The confessions and its use before the court during the ALFORD plea deprived appellant of due process of law. Factors indisputably established strongest probability that appellant was insane and incompetent at time he allegedly confessed to state officers and confessions was result of eight or none hours each day sustained interrgation in tiny room which was on occassion literally fileed with police officers, in absence of appellant's friends, relatives or legal counsel and confessions, was composed by police. The confessions was involuntary and use thereof in this murder prosecution in state court to convict appellant violated Article I, § 3 and the Fourteenth Amendment to South Carolina and Federal Constitutions. The sixth amendment right to counsel attaches when adversarial judicial proceeding have been initiated at all critical stages. BREWER v. WILLIAMS, 97 S.Ct. 1232 (1977), After according all of the deference to the Circuit COurt Judge's decision which is compatible with this court's duty to determine Constitutional questions of scrutinizing the record, it would be unable to escape the conclusion that Wlker's confession can fairly be characterized only as involuntary BLACKBURN v. STATE OF ALABAMA, 80 S.Ct. 274 (1960). Consequently the must be set aside since this court in a line of decisions beginning in 1936 with BROWN v. STATE of MISSISSIPPI, 56 S.Ct. 461 (1936), an including cases by now too well known and too numerous to bear citation has established the principal that the Fourteenth Amendment is

grievously breached when an involuntary confession is obtained by state officers, and introduced into evidence in a criminal prosecution which culmates in appellant's conviction.

As noted above, the Circuit Court Judge determined that an evidentiary hearing was necessary because factual disputes were present in at least some of the claims for relief asserted by Walker. At the evidentiary hearing on the 29(b) motion, the COurt heard from two witnesses. Additionally with the express consent of the parties the court received affidavits from investigator Burgess and Dr. Thomas Martin. These witnesses either in person or by way of Affidavits for the most part involved disputed factual matters. Evidence from Dr. Martin mental health examination conducted February 7, 2005 reports of Walker's drug usage and mental health history can creat a "double edged sword" that might as easily condemn appellant to death or excuse his action. TRUEDALE v. MOORE, 142 F.3d 749, 755 (4th.Cir.1998). In determining the range of potential mental health issues involved in Appellant's case a substantial part rested singularly on the doctor's diagnosis. The evaluation was not conducted until after the police had obtained the incrimination statements seven (7) days after his arrest, which the reports shows Walker suffered from severe "chronic depression" a major mental illness at the time of the incident, and there is a reasonable probability this information could have shown his inability to control his actions on the dates of the interrogations. Investigating officer Burgess expanded his investigation June 11, 2018 to recover the transportation sheets to reveal crucial facts of police privation with Walker and at the 29(b)

motion hearing introduced the evidence from the doctor that he is a borderline mental health with an IQ of 76 and that he suffers from antisocial personality disorder, drug dependence and oppositional defiant disorder. The circuit court judge never considered the facts if imparied mentality during the police interrogations, without counsel. The absent of this evidence in the circuit court judge's order is abuse of discretion. IN RE CORLEY, 577 S.E.2d 451, 453 (2003). Generally all evidence is admissible, RULE 402, SCRE; STATE v. PITTMAN, 647 S.E.2d 144-170 (2007). This evidence is relevant where it establish or make more less probable the matter in controversy. RULE 401, SCRE. STATE v. GASTER, 564 S.E.2d at 94 (2002). Since CHAMBERS v. FLORIDA, 60 S.Ct. 472 (1940), the courts has recognizedthat coercion can be mental as well as physical and that the blood of the accused is not the only hallmark of an unconstitutional inquisition. A number of cases have demonstrated if demonstration were needed, as here that the efficiency of the "rack and the thumbscrew" can be matched, given the proper subject by more sophisticated modes of persuasion. HARRIS v. STATE OF SOUTH CAROLINA, 69 S.Ct. 1354 (1949) The prolonged interrogation of Walker thus requires the range of inquiry in this type of case and this court has insisted that the judgment in each instance be based upon consideration of "the totality of the circumstances. FIKES v. STATE OF ALABAMA, 77 S.Ct. 281-284 (1957). It is also established that the Fourteenth Amendment forbids "fundamental unfairness" of the use of this type of evidence whether true or false. LISNBA v. PEOPLE OF STATE OF CALIFORNIA, 62 S.Ct. 280-290 (1941). Consequently, no other evidence establishes guilt or corroborates the confessions this court enforces the strongly felt

attitude of our society that important human values are sacrificed where the agency of government, in the course of securing a conviction wrings a confession out of an accused against his will. In this insistence on appeal, appellant is putting the government to the task of proving his guilt by means other than inquisition engendered by historical abuse which is quite familiar in this appeal. CHAMBERS, supra., 60 S.Ct. at pages 477-478. of course, this case is no different from other involuntary confession cases in another respect - where there is a genuine conflict of evidence great reliance must be placed upon the finder of facts. It is this proposition upon which this appeal principal argument rests, for the circuit court judge's decision is said to be inviolable because of the conflict between the depositions of Dr. Martin, on the one hand, the JACKSON v. DENNO, hearing testimony from the officers. At the 29(b) motion hearing facts that the judge had an opportunity to review the doctors' reports. It would be unreasonable in the extreme to base a determination upon those portions in which the doctor proclaimed Walker's normal while ignoring those portions in which he judged Walker's insane. This Court of Appeals can not overlook the testimony of the officers that Walker "did not want to talk" bore relation to Walker's disease, where symptoms of a remission of his illness, this court can conclude that such an inference can be drawn. It is interesting for this court to note that Walker's medical records attending mental health treatment prior to the index crimes, was not made available by South Carolina Mental Health. Records do disclose that in 2005 he was given a diagnosis of antidepressant medication to help maintain a stable mood.

The Fourteenth Amendment would be an illusory safeguard indeed if testimony of this nature were held to raise a conflict which would preclude appellate review of a case where evidence of insanity is as compelling as it is here. Appellant's request this court's decision on this claim is be predicated soley upon the evidence introduced by the state before he was appointed counsel, where the evidence consisted of the statementsm and the testimony of the officers. The other relevant evidence which included the detailed medical records of Walker's mental illness prior to his arrest, was never produced at the DENNO, or 29(b) motion hearings. So far as the record shows, Walker's counsel made a request in the proposed order for the judge to base a decision on this additional data. Even if respondent's argument were meritorious in some aspect, this court decision would not be same as the lower court, where the evidence introduced prior to admission of the statement are ample to establish its involuntariness. Where the involuntariness of Walker's confession can be conclusively demonstrated at any stage of a new trial, the appellant was deprived of due process by entry of judgment of conviction without exclusion of the statements. An argument similar to appellant's was disposed of in BROWN, supra.. The circuit court judge's orderof dismissal is a contention which proceeds upon a misconception of the nature of appellant's 29(b) motion. The 29(b) motion is not of the commission of mere error, but a wrong so fundamental that it made the proceeding a mere pretense of a trial and rendered the conviction and sentence wholly void. This court is requested not to consider a mere question of state practice, or

whether counsels assigned to appellant's case were competent or mistakenly assumed that their first objection were sufficient.

In this case, the circuit court judge was fully advised of the undisputed evidence of the way in which the statements had been procured. The trial court knew that there was no other evidence upon which conviction and sentence could be based. The conviction and sentence are void for want of the essential elements of due process.

Therefore, the use of this evidence for coercion into a ALFORD plea transgressed the imperative of fundamental justice, and the judgment is to be reversed. WATTS v. STATE OF INDIANA, 69 S.Ct. 1347 (1949); TURNER v. COM. OF PA. 69 S.Ct. 1352 (1949).

4. THE CIRCUIT COURT JUDGE ABUSED ITS DISCRETION WHERE THE STATE FAILED TO PRODUCE DEFENDANT'S OCTOBER 20, 2000 WAIVER OF MIRANDA RIGHTS AND MENTAL HEALTH RECORDS AS A JUVENILE, WAS NOT AFTER DISCOVERED EVIDENCE.

During the JACKSON v. DENNO hearing at Tr. Pg. 2451, lines 1 - 8 the solicitor stated that investigator Martin interviewed the defendant a second time , on October 20, 2000 at approximately 10:22 a.m. and moved to admit state's (exhibit 6) for identification Miranda at Tr. Pg. 2451, lines 11 - 25 thru Tr. Pg 2452, lines 1-12 investigator Martin testified that he advised the defendant of his rights at which time the defendant initiated his miranda rights on the top of the statement. January 26, 2005, Thomas v. Martin, MD received defendant's case file from the Honorable Perry

Buckner, presiding court judge of the General Sessions Court for the second judicial circuit on a court ordered psychiatric evaluation January 19, 2005. In the doctor's report at page 2, 3, Sources of Information: at number (9) it's noticed that on October 19, 2000 State of S.C., City of Denmark, Rights and Wavier, at 4:43 a.m. was produced Voluntary Statement, Mr Alford T. Walker, October 20, at 3:02p.m. State of S.C., City of Barnwell, RIghts and Waiver, October 21, 2000 at 4:45 p.m.

Further in the doctor's report at pg. 5, Mr. Walker's report attending mental health treatment prior to his index crimes, records was was not made available.

Appellant alleges that there are discrepancies in transcript testimony of the solicitor at the JACKSON v. DENNO, state's (exhibit 6) and Dr. Martin's report concerning defendant's waiver of Miranda Rights For, also where the state withheld defendant's records on his mental health evaluation records at the age of 11 - 15 for a proper review to determine his criminal responsibility and capacity to conform during the month of October 2000, suppression of this evidence by the state denied defendant due process of law, and the circuit court judge abused his discretion in the question of punishment and guilt, where both the "waiver of Miranda Rights and Mental Health Records suppressed" could have reduced Appellant's offense below murder. BRADY v. MARYLAND, 373 U.S. 83 (1963).

Appellant moved the circuit court for a new trial on after-

discovered evidence based on this newly discovered evidence that been suppressed by the solicitor at the JACKSON v. DENNO hearing. At the evidentiary hearing on the 29(b) motion, the state made no reference to these records, which could have been exculpatory and impeaching, especially in light of the discrepancies of investigator Martin's testimony, Dr. Martin's report, and James T. Burgess' Affidavit and accompanying reports. The Fourth Circuit as well as the other circuits as in PYLE v. KANSAS, 317 u.s. 213 (1943), to mean that the "suppression of evidence favorable" to the accused was itself sufficient to amount to a denial of due process. Where above evidence is material to either to guilt or to punishment, irrespective of the good faith or bad faith of the solicitor, it was requested in avoidance of an unfair trial. Society wins not only when the guilty are convicted, but when criminal trials are fair. The system of administration of justices suffered where defendant was treated unfairly. The prosecution to withhold this evidence on dem and of defendant which, if made available, would have tended to exculpate Appellant or reduce the penalty help shape the trial that bear heavily on the ALFORD plea. The prosecutor in the role as a architect in this proceeding did not comport with standards of justice. There is no doubt that the October 20, 2000 undisclosed waiver of miranda rights October 20, 2000. The lower court not this Court can put themselves in the place of the jury, and assume what their views would have been as to whether it did or did not matter whether it was Walker's hand or his co-defendant's hands who fired the tatal shots, it would be too dogmatic for the

court to say that the jury would not have attached any significance to this evidence considering the voluntariness of the statements or punishment of the Appellant. The state does not dispute that the waiver and juvenile records were favorable to Walker and that those documents were not disclosed. The evidence is material where there is a "reasonable probability that, had the evidence been disclosed, the results of Dr, Martin's evaluation and the JACKSON v. DENNO proceedings would have been different." In other words, the october 20, 2000 statement given at the solicitor's office would have been suppressed and the doctor's psychiatric evaluation results is great enough to undermine confidence in Walker accepting a ALFORD pleaplea, where the state's other evidence is not strong to sustain confidence in the plea. KYLES WHITLEY, 514 U.S. 419-434 (1995).

Walker's October 20, 2000 statement was the only evidence linking him to the crime. That merely leaves the court to speculate about which of Walker's contradictory declarations the court or jury would have believed. As part of his effort, Appellant obtained files from Investigator Burgess of lead investigator Martin and Dr. Martin of the case. PLYE v. KANSAS, 317 U.S. 213-215, 216 (1942); MOONEY v. HOLOHAN, 294 U.S. 103 (1935); JETER v. STATE, 417 S.E.2d 594 (1992).

5. THE LOWER COURT ERRED WHERE THE JUDGE BY PASSED A "CATEGORICAL EXEMPTION TEST" BY NOT RULING ON APPELLANT' MOTION "IN THE ALTERNATIVE, TO AMEND THE SENTENCE" WHERE WALKER WAS A MERE EIGHTEEN YEARS OLD AT THE TIME OF THE OFFENSE, IS ABUSE OF DISCRETION

Appellant argues that circuit judge abused his discretion for not ruling on the 29(b) Motion, "In the alternative, to amend the sentence" where he entered an ALFORD plea and categorically was expecting to be spared from life without parole for two reasons.

FIRST, sentencing data suggest only a small portion of those sentenced to life without parole were between eighteen and twenty years old at the time of their crimes. This low rate illustrates that the county appears to oppose sentencing eighteen year olds to prison for the rest of their lives without any opportunities for release.

SECOND, sentencing eighteen year olds to life without parole is a disproportionate punishment because scientific research shows that this class of individuals shares the same mitigating characteristics as juvenile offenders.

These characteristics diminish culpability and thus make life without parole a disproportionate sentence for these offenders. While the court has acknowledged that "the qualities that distinguish juveniles from adults do not disappear when an individual turns eighteen." The court has decided that a bright line needed to be drawn. Furthermore, the court pointed out that "developments in psychology and brain science continue to show fundamental differences between juvenile and adults minds," including that part of the brain involved in behavior control continue to mature through late adolescence." Appellant's sentences share characteristics with the death penalty that other sentences do not. For instances, the

only hope Walker have in the restoration of basic liberties is the remote chance of Executive Clemency "which does not mitigate the harshness of the sentence." On average Walker will serve more years and greater percentage of his life in prison than an adult offender. Error preservation requirements on the request "in the alternative, to amend the sentences" was intended to enable the lower court to rule properly after it has considered all relevant facts, laws, and arguments, STAUBES v. CITY OF FOLLY BEACH, 529 S.E.2d 543, 546 (2000)(quoting ION, L.L.C. v. TOWN OF MT. PLEASANT, 526 S.E.2d 716, 724 (2000)). Without an initial ruling by the trial court, a reviewing court simply would not be able to evaluate whether the trial court committed error.

This part outlines the behavioral, psychological and neurological research from Dr. Martin research, four years later after the crime was committed, surrounding Appellant's culpability of an eighteen to twenty year old wherefore, Appellant should be viewed similary to adolescents in terms of cipability due to seriousness of life without parole. Research suggest eighteen to twenty year olds are also highly susceptible to peer pressure.

SECOND,, the white matters of Appellant's brain had not fully matured until after the age of twenty, White matter facillitates communication between different parts of the brain in a fast and reliable manner. According to the American Medical Association, "resistance to peer influence may be linked to the development of greater connectivity between brain regions" and the development of improved self-regulatory abilities during and after adolescence

is postively correlated with white matter and maturation through the process of myelination . According to one neuroscientist and neurological research confirms Dr. Martin's "Forensic Psychiatric Evaluation" report on Walker's "pertinet psychiatric data; Interpersonal Relationship Development; Index Offense; Mental Status Examination; competency to stand trial; capacity to conform and conclusion; supports Appellant's request in the alternative, to amend the sentence.

"It is axiomatic that an issue on appeal, must have been raised to and ruled upon by the trial judge to be preserved for appellate review. In criminal cases, appellate courts review errors of law only. STATE v. GAMBLE, 747 S.E.2d 748, 787 (2013) (citing STATE v. JACOBS, 713 S.E.2d 621, 622 (2011)), and Appellant's sentence will not be overturned absent an abuse of discretion when the ruling is based on an error of law. Where this issue concerns a a question of law, the review is requested to be held de novo. STATE v. Whitner, 732 S.E.2d 861, 863 (2012)(citations omitted).

This part argues that the categorical exemption test should be extended to eighteen to twenty year olds for life without parole. If there is a national consensus against this sentencing paractic and if such a sentence is disproportional to the culpability of this class of offenders then the appellate court become bond to hold that Appellant's eighth amendment right, categorically bans the sentencing of Walker for a crime committed at the age of eighteen to twenty years olds to life without parole. SEE: e.g. Jeffery Arnett, Reckless Behavior in Adolescence; A Developmental

Perspective, 12 Developmental Rev. 339, 343 (1992), Arnett, Reckless Behavior, (reckless Behavior); Graham Bradely 1, Karen Wildman, Psychosocial Predictors of Emerging Adults Risk and reckless Behavior, 31. Youth Adolescence, 258-54, 263 (2002)(peer pressure). Twenty one years of age is already a culturally significant maker of maturity. SEE: Gun Control Act of 1968, Pub.L.No.90-618, 82 stat. 1213 codified at U.S.C. §922(b)(1), (c)(1)(2012)(prohibiting anyone under twenty-one years of age from purchasing handguns from federal firearms licensees); National Minimum Drinking Age Act of 1984, PubL.No. 98-363, 98 stat. 437 (codified at U.S.C. §158 (2012) prohibiting anyone under twenty one years of age from purchasing alcohol); Fostering Connections to Success and Increasing adoptions Act of 2008, Pub.L. No.110-351, §201, 122 stat. 3949 (2008) (providing states with financial incentives to extend the age of eligibility for foster care services to twenty one years of age). To determine whether a punishment is cruel and unusual, the lower court did not look beyond historical conception to the evolving standards of decency that mark the progress of a maturing society, when adopting categorical proportionality rules the lower court was require "objective indicia of society's standards, as expressed in legislative enactments and state practice" to determine whether there is a national consensus against the sentencing practice at issue. ROPER v. SIMMONS, 543 U.S. at 560-77 (2005). Guide by the standards elaborated by controlling precedents and by the court's own understanding and interpretation of the Eighth Amendment's text, history, meaning and purpose, the court in the exercise of its own

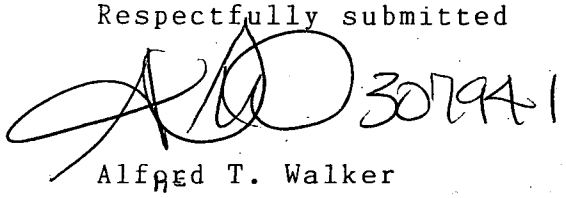
independent judgment, then determined whether the punishment in question violates the Eight Amendment of the Constitution GRAHAM v. FLORIDA, 560 U.S. at 61 (2010)(quoting KENNEDY v. LOUISIANA, 554 U.S. 407, 421 (2008). ROPER extended the protection to sixteen and seventeen years of age. The trial court erred when it did not hold an individualized sentencing hearing on Appellant's motion "In the alternative, to amend the sentence." the court held in MILLER v. ALABAMA, 567 U.S. 460 (2012), that a sentencing court is required to take into account how children are different, and how those differences counsel against irrevocably sentencing them to lifetime in prison. The court held a sentencing authority must consider youth a factor which carries with it immaturity, irresponsibility and recklessness. Further, the failed to address the age of the Appellant when the crime was committed, along with his family background and emotional development had to be considered in assessing the second have of the 29(b) motion culpability. Appellant has been incarcerated since the age of eighteen and is entitled to the opportunity for release to be afforded as he has demonstrated the truth central intuition of MILLER'S, that children who commit even heinous crimes are capable of change. In Appellant's case, the trial court did not hold an individualized sentencing hearing to examine the hallmark features of youth because the in a ALFORD plea sentenced Appellant to two life sentences after dropping the death sentence. Such a hearing was necessary before sentencing, because "an individualized hearing where the mitigating hallmark features of youth are fully explored" SEE: AIKEN v. BYARS, 765 S.E.2d at 578 (2014). At the

evidentiary hearing on the 29(b) motion case in chief, Dr. Martin's report documentation were available for the court's review on Appellant's struggles in class, his emotional and behavior disabilities, time spent in DJJ, time spent as school for children with disabilities, and classification as a child with sever emotional disabilities. TATUM v. ARIZONA, 137 S.Ct. 11, 12-13 (Mem)(2016)(J. Sotomayor concurring). Thus, both Supreme Court and the United States Supreme Court have made clear that a perfunctory sentencing hearing will not be saved by a review of its contents, even when it reveals some discussion of the defendant's youth. Underdevelopment and Over Sentenced, Law Review (1/23/2020).

CONCLUSION

Appellant respectfully request this court in behalf of the 29(b) motion request "in the Alternative, To Amend the Sentence," vacate his life sentence without parole for Murder and remand his case to the trial court for an individualized sentencing proceeding in accordance with controlling state and federal law, or grant a new trial.

Respectfully submitted



Alfred T. Walker

Pro Se

Date: 03.30.2021

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM JASPER COUNTY

The Honorable Perry M. Buckner, Circuit Court Judge

Appellate Case No: 2019-001842

Alfred T. Walker, #307914,

Appellant,

v.

State of South Carolina

Respondent.

C E R T I F I C A T E O F C O U N S E L

The undersigned certifies that this Brief complies with Rule 11 (b), SCACR.

Alfred T. Walker, #307914 MO 127

Pro Se Appellant

Alfred T. Walker

Broad River Correctional Institution
4460 Broad River Rd.
Columbia, SC. 29210

Date: 03-30-2021

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: 2019-001843

The State,... Respondent

V.

ALFRED TyRone WALKER, 307441,... APPELLANT

INitial REPLY OF APPELLANT

ALAN WILSON
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Deputy ATTORNEY General
Tommy Evans JR.
ASST. ATTORNEY General
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COLUMBIA SC 29211
(803) 734-0265

DATE: OCT. 12, 2020

Sworn & Subscribed before
me on this 13th day of
October 2020
C.A. McGee 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 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 Oath 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 inadmissable.

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 (page 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 inadmissable 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.

307941, CPSS

ALFRED T. WALKER 307941, CPSS BRCI MO127
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:. 2019-001842

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

307941 CASS

ALFRED WALKER 307941 BRCI. M0127
4460 BROADRIVER Rd.
COLUMBIA SC 29210

SWORN & SUBSCRIBED before me on this 12th day of October 2020

[illegible] notary public of South Carolina

My commission expires: 7-27-2026