

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APR 05 2021
SC Court of Appeals

Amended Portion of the APPEAL
from Sumter County

Honorable. George M. McFadden Cir. Court Judge

THE STATE,

RESPONDENT

v.

PEDRO A. GRADO TORRES-SHAW

APPELLANT

CASE NO 2019-001734

TABLE OF CONTENTS

TABLE OF AUTHORITIES

STATEMENT OF THE ISSUE

STATEMENT OF THE CASE

STANDARD OF REVIEW

Exhibit (1). Booking Report Denise Watkins / Statement

Exhibit (2). Visitation Schedule Sumter County

Exhibit (3) Letter for request of Visitation Records, Sumter County

APPENDIX

U.S.C.A Constitutional Amendments

Federal Rules of Evidence 28. U.S.C.A 801, 804

South Carolina Rules of Evidence 801, 804

South Carolina Code of Laws 1976 Am

O'Connor's Federal Criminal Rules and Code Plus Rule 801

WESTLAW search

TABLE OF AUTHORITIES

- U.S. v Bagley, 537 F.2d 1662, 167 (5th Cir 1976)
- U.S. v Bruton 391 U.S. at 136, 88 S.Ct 1620
- U.S. v. Caracappa 614 F.3d 30, 39 (2d. Cir 2010)
- U.S. v. Flores - de - Jesus 569. F. 3d
- U.S. v. Liu 538 F.3d 1078, 1086 (9th Cir 2008)
- U.S. v. Lowe, 65 F.3d 1137, 1146 (4th Cir 1995)
- U.S. v. Mackey 117 F.3d 24, 28-9 (1st Cir 1997)
- U.S. v. Moore 522 F.2d 1068
- U.S. v. Ojuda 915. F.3d 875 (2019)
- U.S. v. Salvador. 820 F.2d 558, 561 (2d Cir. 1987)
- Tome. v. U.S. 513 U.S. 150, 157-158 (1995)
- State v. Cooper, 334 S.C. 540, 514 S.E. 2d 584 (1999)
- State v. Forney 321 S.C. 353, 468 S.E. 2d 641 (1996)
- State v. Harris 391 S.C. 539
- State v. Kinloch 338. S.C. 385, 526 SE. 2d. 705 (2000)
- State v. Sultz 346 S.C. 114, 121, 551 SE. 2d 240 (2001)
- State v. Wilson 345 S.C. 1, 5, -6 545 S.E. 2d 827, 829 (2001)
- Vail v. State 402 S.C. 77. (2013)
- Arizona v. Fulminante 499 U.S. 279 (1991)
- Lyons v. State of OH 322. U.S. 596
- People v. Bailey 56 Ill App 3d 213, 14, 11 Dec 213, 317 N.E. 2d 1266

FACTUAL / PROCEDURAL BACKGROUND

On January 27, 2018 the defendant Pedro Torresshaw was accused by the daughter of his girlfriend Denise Watkins, of sexual assault. J.W. Denise 10 years old daughter told that while Denise and her oldest child was out running errands. The defendant told his daughter, who was sleeping over along with her two brothers, the defendant two sons, Told Q.T. to go take a bath. J.W. claims that Pedro forced himself on her, raped anially and touched her breast. J.W. claims that she yelled out for Pedro to stop. Defendants daughter, and two son's along with J.W. younger brother D.R. all were in the area close to J.W.'s bedroom said they never heard anyone yell anything. D.R. claimed at trial that he heard a yell out yet during his interview made no such claim.

Upon there return home, Denise and her oldest daughter E.S. were told about the claimed assault. Denise confronts Pedro with his daughter and J.W. present. The defendant denied having done any of the things that were claimed. After having conversations with Denise about her confusion about what to do, Denise

Comments that if J.W. went to school and said something to someone, she "Denise" could get in trouble and lose her kids. Pedro then told Denise to call the police. Feeling that a competent investigation would exonerate him. Denise does not call the police at that moment. She waited until later that night to call.

The Sumter Police department Deputy D. Johnson responds to the call. Upon arrival Deputy Johnson detained the defendant and began questioning, at which the defendant invokes his right to remain silent. Deputy Johnson transports Pedro to Tumey Prisma Health Center where he is told that he is under arrest. Then stuck with a needle for blood, swabbed genitals, pubic hairs pulled. The defendant had not showered that day despite of Deputy Johnson intrusive violation of Pedro's rights. The male CSC kit showed no evidence of any indication of an assault. The CSC kit performed on J.W. also showed no injury to indicate an sexual assault.

The defendant was indicted for Criminal Sexual Conduct with a minor - 1st degree. On July 19th convicted and sentenced to 25 years in SCDC.

ISSUE

Did the trial court err in permitting the State to introduce the hearsay testimony of Denise Watkins?

DISCUSSION

State v. Forney, 321 S.C. 353, 468 S.E.2d 641 (1996). An abuse of discretion standard is applied to a trial judge's ruling on the issue of whether a statement is admissible as a declaration against penal interest. Forney, supra.

Rule 804(b)(3) SCRE codified this exception to the hearsay rule. State v. Cooper, 334 S.C. 540, 514 S.E.2d 584 (1999). Rule 804(b)(3) provides:

Statement Against Interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true.

Rule 801(d)(1)(B) SCRE

The plain language of Rule 801(d)(1)(B) only permits evidence of a prior consistent statement when the witness has been charged with recent fabrication or improper motive or influence.

Although questioning a witness about a prior inconsistent statement does call the witness's

credibility into question, that is not the

same as charging the witness with "recent fabrication" or "improper influence or motive."

Saltz, 346 S.C. at 124, 551 S.E. 2d 245

A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

State proffered testimony from Denise Watkins, during a hearing held outside of the presence of the jury. Denise claimed that the defendant said to her he has blackouts and if she said it then it must be true call the police. She also claims that she came to visit him at the Sumner County Jail and that during these visits the defendant confessed again. Tr. 161. - 162.10 Counsel for the defendant request that the testimony be suppressed, because her statement lacked trustworthiness to be allowed in as a statement against defendant's penal interest, and is hearsay under Rule (803) SCRE.

The judge ruled that the statements can come in to the trial, Tr. 168, 19-169,

During Denise testimony, Tr. 185, 19-186, 1-25, 187, 1-4,

A. Denise "When my daughter got my attention, they was like.

Q. who, who-- and, and--

A. When Enonica got my Attention

Q. Enonica got your attention.

A. Yes.

Q. Okay. And then what happened?

A. She was like you're might --- you might not want to hear. Tr. 186, 1-. This but-

Defense Counsel objects Tr. 186, 2, 3, 4

A. complainant has something to tell you, Hearsay.

Solicitor Meadors : Tr. 186, 8 - 187 1-4.

Q. "And, and, and did your daughter J.W., tell you about a time and / or a place where she had been sexually assaulted?

A. Yes, sir.

Q. What did she tell you as far as a time of her being sexually assaulted?

17. A. She said when me and my daughter had left and Q.T. was in the shower, Pedro came inside

Q. Okay, But a time

A. Yeah

Q And, and I'm sorry, This is a little complicated,

A. It was a time. It was around noon. It was in her room and Pedro came into her --- took her into her room.

Q. Okay, So, the time and place was that day ----

A. That day.

Tr. 187. 1-4

Q. at your house?

A. Yes, in my house.

Q. Okay, Is that your testimony?

A. Yes.

Solicitor Meadors, began to question Denise about her confronting the defendant about the accusations. Tr. 187. 8-25

Where Denise claims that when she confronted the defendant with the defendant's daughter Q.T. and accuser J.W., that the defendant claimed of having blackouts and not remembering.

Tr. 187. 21-25

Q. You asked him to come where?

A. I asked him to come inside the master bedroom. So, me and the girls went in the master bedroom, which is Q.T. and Complainant, and I confronted him about the situation. And when I asked him about it, he said I don't remember.

I have. tr. 188. 1. Blackouts, and if she said,

At this time defense counsel objects.

Tr. 188. 2-4.

Mr. Rutzong: Your Honor, at this time we object for the reason we discussed in the pre-trial motions, Your Honor,

Solicitor Meador Tr. 188.5-25. And as your Honor ruled, it's a statement by the Defendant --

The COURT: Yes, sir

Solicitor Meadors: ----- against his interest.

THE COURT: Yes, Sir. Overruled, sir.

Q. You said he said I had blackouts and don't remember?

A. Yes, sir.

Q. And what else?

A. And I should call the Police.

Q. And I think he interrupted you in an objection, but he said he has blackouts, I don't remember.

A. He ----

Q. Go ahead. What else did she say to you ---- did he say?

A. that I should call the police

Q. Did he say if she said it it must be true?

A. Yes, sir

Q. And that you should call the Police

A. Yes, Sir.

Q. Those were his words to you when you confronted him; Tr. 189:1-9, about raping Complainant?

A. Yes, sir

Tr. 189, 3-9

Q. And what did you do?

A. I called the police.

Q. And did the police come?

A. Yes, Sir.

Q. And did you tell the police the time and place of --- that she had told you?

A. Yes, Sir.

The testimony continues until Denise asks for a break at which the Court give 15 min. break. Tr. 190. 14.

Upon Continued Direct Examination

By Solicitor Meadors; Tr. 191. 192. 193.

Denise was asked about times she spoke with the defendant after his arrest.

Tr. 193. 14-25.

Solicitor Meadors: May we approach?

(Whereupon, a bench conference was held out of the hearing of the jury at this time.)

∴ And is not a part of trial transcripts ∴

Q. Well, the first time you talked to the defendant Pedro Torresshaw on the phone, did he talk about this case?

A. NO, Sir.

Tr. 193. 20-25

Q. After that did you see him or talk to him again?

A. Yes, sir.

Q. And where was that?

A. At the jailhouse.

Q. So, you went to see him at the jailhouse?

A. Yes, sir.

Denise testified that she had visited Pedro several times and they had several conversations Tr. 194, 5-9.

She claims the visits ranged from April, to July, and August of 2018.

Solicitor Meaders: question Denise about the defendant admitting an assault on Complainant, at Tr. 195. 4.-25.

Q. Okay, Now, did Pedro Torres-shaw admit to you or say anything to you about whether or not he had assaulted Complainant, your daughter?

A. Yes, sir

: At this time defense counsel Objects: Tr. 195, 8-25

Mr. Routzong: Objection, Your Honor, based on our prior motion.

Solicitor Meadors: And as Your Honor ruled, I think you ruled this was admissible, and that's what we're trying to go into.

THE COURT: Let me talk to you please. (where, a bench conference was held out of the hearing of the jury at this time.)

§ Subject/discussion is not apart of trial transcript.

THE COURT: Proceed, sir.

Solicitor Meadors: Yes, Sir.

Tr. 195, 22-25.

Q. Okay, just -- all right, when you were meeting with the defendant at the jail, when you went to see him, did he tell you I did it, I sexually assaulted Complainant, I'm sorry, and let's move on?

Tr. 196, 1-9

A. Yes, Sir

Q. All right. And, and, and, that took place where?

A. That took place at the jailhouse around about June. No, July, August. In-between those months, Can't recall exactly which one, but during that timeframe.

Q. I did it, I'm sorry, let's move on?

A. Yes, Sir.

Q. Any doubt in your mind that's what he said?

A. No doubt.

ISSUES

1. Did the trial Court err in admitting the testimony of Denise Watkins, mother of the accuser, that defendant stated to her an admission upon being confronted?
11. Did the trial Court err in admitting the testimony of Denise Watkins claiming the defendant gave an explanation, and admission during an alleged visit with the defendant while in jail?
111. Did the trial Court err in allowing testimony from Denise Watkins, mother of the accuser, concerning statements made to her by her oldest daughter regarding disclosure by the accuser about an sexual assault?

STANDARD OF REVIEW

"In criminal cases, the appellate court sits to review errors of law only. We are bound by the trial court's factual finding unless they are clearly erroneous" State v. Wilson, 345 S.C. 1, 5-6, 545 S.E. 2d 827, 829 (2001)

(citations omitted).

"This Court does not re-evaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial judge's ruling is supported by any evidence" Id. at 6, 545 S.E. 2d at 829. "The admission or exclusion of evidence is left to the sound discretion of the trial judge, whose decision will not be reversed on appeal absent an abuse of discretion.

"State v. Saltz, 346 S.C. 114, 121, 551 S.E. 2d, 240 (2001).

The statement at the proffer hearing is inconsistent with the statement given during trial.

Denise at proffer claims the defendant upon being confronted, "Says I have blackouts and that she should call the police."

During trial she testifies that the defendant said that "I have blackout and I don't remember and if she said it, it must be true, and you should call the police."

The second issue runs similar to the first.

During trial Denise testifies that upon her visiting the defendant at jail in summer,

The defendant admitted assaulting Denise's daughter.

Denise claims defendant said "I'm sorry let's move on."

Mr. Rautzang counsel for the defendant objects to both of these testimonies.

based on the prior motions at the hearing.

The defendant argues that the statements do not fit within the exception to the hearsay rules and cannot be seen as trustworthy.
Fed. R. Evid. 804(b)(3)

The declarant is the mother of the accuser in this case.

Statements Against Interest

Particular statements by declarant is not within penal interest exception to hearsay rule if it incriminated the defendant exclusively.
U.S. v. Ojudun 915 F.3d 875 (2019).

The statements were not corroborated or properly corroborated.

Denise claims the defendant made the statements in front of accuser J.W. and defendant's daughter Q.T. yet neither testifies hearing the defendant make the statement, nor is it said in the in camera interview.

Denise also claimed that the police were called after she and the accuser along with the defendant's daughter confronted the defendant. However the statements on record about the time of disclosure, confrontation, and calling the police are inconsistent and contradictory to the facts.

Different testimonies place the disclosure, confrontation and police call as between 12 noon to 2 pm.

The actual dispatch time is placed at 8:26 pm.

Also during the accuser's forensic interview she told the interviewer that she had left home and went over her aunt's house and played with her cousins. Which proves that Denise was not telling the truth about when she called the police.

People v. Bailey 56 Ill App 3d 213, 14 Ill Dec

213, 371 NE2d 1266. Rejecting the contention

that the hearsay testimony was admissible as a declaration against penal interest, the court stated that there was nothing in the record that would corroborate the facts of the declaration and nothing that bolstered the reliability of the out-of-court statements.

Although Denise wrote in her statement that the defendant made the comments she stated in her testimony. The written statement was given (2) two days after the incident and was not accurate according to the facts. Denise is the only person to make this claim.

The Second Claim Denise makes about the jail house admission, lacks trustworthiness also in the fact that she is the only one making the claim. The reasoning around the claim is inconsistent with the facts, as well as contradictory.

Denise testified that she first saw defendant at the bond hearing held at the jail house which defendant confirmed. However the other claimed visits were never established.

Denise who as the record reflects had at the time of the defendant's arrest. Had Charges pending from an arrest on 12/15/2017 for a Breach of trust, Fraudulent intent.

(Copy within these documents). marked ex. (1) Arrest Report

Which brings arise to the question of how did Denise come to visit the defendant. Because according to the Sumter County Sheriff, Visitation Schedule under the individuals that are not authorized to visit inmates (3) section: Inmates released from Sumter County Detention Center, unless this individual was released for a period of up to six (6) months prior and this person is not listed as a current co-defendant or victim.

(Copy within these documents). marked ex. (2) Visitation Schedule. In *State v. Kinloch*, 338 S.C. 385 526, 85, 2d 705 (2000). It states "we have not previously engaged in an in depth analysis of the precise degree of corroboration against peral interest. Other courts, however hold the party offering the statement bears a "formidable burden" in meeting the requirements of Rule 804(b)(3). *United States v. Lowe*, 65 F.3d 1137, 1146 (4th Cir, 1995) see also *United States v. Salvador*, 820 F.2d 558, 561 (2d Cir, 1987) (corroborating circumstance must be strong, not merely allowable); *United States v. Macneil*, 117 F.3d 24, 28-9 (1st Cir, 1997) cert. denied, 522 U.S. 976, 118 S.Ct. 431, 139 L.Ed.2d 331 (1997)

(Corroborating circumstances requirement not unrealistically severe, but goes "beyond minimal corroboration." and trial court has substantial discretion in making finding on trustworthiness).

According to Weinstein, the rule does not require that the information within the statement be clearly corroborated, it means only that the corroborating circumstance which clearly indicate the trustworthiness of the statement itself, i.e., that the statement was made.

The corroboration requirements is a preliminary determination as to the statements admissibility, not an ultimate determination about the statements truth. 6 Weinstein's Federal Evid. § 804. (2d Ed. 1999)

Like Kinloch, the circumstance surrounding Denise claim of a jail visit admission doesn't clearly add up to the requirements. Denise was arrested in December 2017. The defendant was arrested in January 2018, which wouldn't have made her able to visit until July of 2018 except she is the mother of the accuser, which is viewed as the victim, a party to the existing case. So the circumstances do not clearly indicate that the statements were not fabricated. United States v. Bagley, 537 F.2d 1662, 167 (5th Cir. 1976) (excluding statements on basis of doubt as to whether it was made).

The only corroborating effort made by the state was
The testimony by officer Deputy D. Johnson.

Tr. 309. 15 Officer Johnson testified that the defendant gave
a Confession. This testimony was not objected to therefore
it is not preserved for appeal. (Tr. 309, 17-19).

However it is clear that the testimony was erroneous
because Deputy Johnson returned letter to recant his
earlier testimony. (Tr. 389, 4-5), 389. 18-25) 390. 1-5.

Deputy Johnson testifies for a second time and once
again unobjected to, errors. first being his testimony
was given both times without a hearing outside
of the presense of the jury. Second the testimony
was hearsay as it was not apart of his incident
report. third the Deputy claimed he viewed the
body camera footage which he first said he wasn't
aware that he had on or not, the footage wasn't
reviewed to make sure there were no further
error's. State v. Harris 391 D.C. 539, recantation
of testimony ordinarily is unreliable and should
be subjected to the closest scrutiny.

Police Erroneous Admission

The testimony of Deputy Johnson was clearly an attempt to bolster the earlier testimony of Denise. The usurpation problem that testifies based on evidence that was also available to the jurors is compounded when the witness is a government agent whose testimony is effectively a judgment on the question of guilt or innocence. Flores-de-Jesus 569 F.3d see also id. at 17-19, Casar, 356 F.3d at 120. There the focus was that the government agent testimony would endorse the testimony of other witnesses in what can only be viewed as an attempt by the state to bolster the credibility of those other witnesses.

In Bruton 391 U.S. at 136, 88 S.Ct 1620, that jurors view the testimony of law enforcement officers as especially authoritative.

O'Connor's Federal Criminal Rules and Codes

Rule 801 defines prior consistent statements as nonhearsay only if they are offered to rebut a charge of recent fabrication or improper influence or motive. The FREs do not accord this weight nonhearsay status to all prior consistent statements. Prior consistent statements may not be admitted to counter all forms of impeachment or to bolster the witness merely because she has been discredited. FRE 801 speaks of a party rebutting an alleged motive, not bolstering the veracity of the story told.

Tomé v. U.S., 513 U.S. 150, 157-158 (1995).

U.S. v. Carnicappa, 614 F.3d 30, 39 (2d Cir. 2010).

U.S. v. Liu, 538 F.3d 1078, 1086 (9th Cir. 2008).

To admit statements under Rule 801(d)(1)(B)

The party that seeks to admit the statement must satisfy four elements.

The third issue on the testimony of Denis Watkins that discloser was made to her through her oldest daughter E.S. and accuser J.W. under SC REV Rule 801(c)(D), a statement consistent with the the alleged victim and the statements is limited to the time and place of the incident.

Tr. 186, 1-25, 187, 1-4. Denise is constantly saying the defendants name and trying to go in to the details of the discloser.

Vail v. State 402 S.C. 77 (2013) Statements were not confined to time and place. which makes the testimony "Improper corroboration testimony that is merely cumulative to the victim's testimony cannot be harmless; it is precisely this cumulative effect which enhances the devastating impact of improper corroboration." quoting Dawkins 346 S.C. at 156, 551 S.E. 2d at 262. Any other details or particulars, including the perpetrators identity, must be excluded.

Earlier during the trial testimony of oldest daughter, E.S. Tr. 132, 1-25, 133, 1-7.

This same type of testimony was being given by E.S. and objected to and sustained, by The COURT,

CONCLUSION

The testimony of Denise Walkin was hearsay that did not fall within the exception under F.R.E. 804 nor 801.

The testimony of Deputy Johnson was also inadmissible hearsay which attempted to bolster Denise testimony of an admission / confession.

Deputy Johnson testimony did not fit in the exception to hearsay under Rule 801(d)(2)(B) manifested adoption or belief in its truth.

Evidence tending to establish admission by silence on part of a defendant. United States Government held it was improperly admitted in *U.S. v. Moore* (1975, 149 Cal.) 522 F.2d 1068 cert den 423 U.S. 1049, 46 L.Ed.2d 637 96 S.Ct 775.

It was beyond doubt, said the court, that evidence introduced as a foundation for admitting testimony of an admission by the acquiescence on the part of defendant was wholly insufficient to support any finding that defendant heard and understood the statement in question where (1) the person making the statement and another were engaged in a conversation, (2) Although there was testimony that the defendant was there when the statement was made there is no testimony whether defendant appeared to be listening.

In the absence of some type of showing along these lines, said the court, a decision to submit or consider the supposed admission by silence would necessarily be based on pure conjecture as to the existence of the required predicative forces. Since the admission by silence was offered to show knowledge and intent and the jurors may have relied heavily upon it in reaching their verdict. Reversed and remanded for new trial.

Deputy Johnson testimony after he erred, was just as erroneous as the first. Defendant contends that Denise did not make the statement he claimed she made. Statement was not in his report nor was the body cam footage viewed before or after Deputy Johnson testimony the COURT can not profess with absolute certainty that his testimony was accurate. Nor can they say it was harmless.

If introduction of alleged confession over defendant's objection denied a federal Constitutional right, reversal of conviction is required irrespective of evidence that supports it. Lyons v. State of Okl. 322 U.S. 596 U.S.C.A. Const. Amend 14 (1944).

Admission of murder defendant's confession to jail house informant was not harmless error; Successful prosecution depended upon jury believing confession, as physical evidence and other evidence from murder scene was circumstantial and insufficient to support conviction.

Jury's assesment of second confession to informant's wife could have easily depended in large or part on presence of prior confession, as second confession contained details which were not corroborated by circumstantial evidence and were only corroborated by first confession. *Arizona v. Fulminante* 499 U.S. 279 (1991) U.S.C.A. Const. Amend. 5, 14,

Allowing the testimony by Denise Watkins that was objected to shifted the burden of proof. Which forced the defendant to take the stand. Violating his 5th Amendment right. as well as violating my 6th Amendment right to an Impartial Jury. Also 14th Amend Due Process. Sentence should be reversed and remanded for a new trial.

Exhibit(1)

SCSO 01/29/2018 09:07
BOOKING REPORT

Booking # 61735		*JM61735*		Status Inactive	
Date/Time 12/15/2017 11:54		Cell Location			
Booking Officer ROBINSON, MELISSA (236C)		Name ID 96056			
Fingerprint Officer ROBINSON, MELISSA (236C)		Prior Bookings None			
Search Officer NATHANIEL, ALICIA DENISE		Security MED			
Fingerprint		Property Bins			
INMATE INFORMATION					
Name WATKINS, DENISE MICHELLE		Local ID			
Address SUMTER, SC 29163		Race B	Sex F	*IM96056*	
		Hair BLK	Eye BRO		
DOB 1982	Age 35	Height 6'05	Weight 164		
Marital Status		Time Lived In Area 0 Yr			
Local ID	SID	FBI #			
Juvenile Adult	Country of Birth United States	Citizenship United States			
Employer		Religion			
Employer Address		Employer Phone # 803-834-8351			
Attorney		Attorney Phone # n/a			
AKA					
Alerts					
CHARGES					
Case ID	Date Arrested	Officer	Agency Charge	Charge: UCR Type Status	Bond: Amount Status Type
17164452	12/16/2017	Rosario, Nelson	SCSO BREACH / BREACH OF TRUST FRAUDULENT INTENT, VALUE \$2,000 OR	270 M PRET	\$15,000.00 INAC BP
NOTES					



WITNESS/VICTIM STATEMENT

Denise Watkins 1050 D. Bell St
 NAME ADDRESS

3/11/82
 DOB SS# PHONE#

Case#: 18-013754

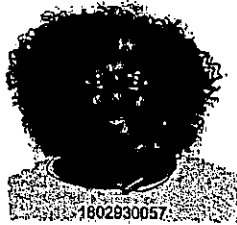
Chronica text my phone asking me to come in her room. Once I came in her room my daughter-Jasmin & his daughter told me that Pedro was touching her and using his penis part on her also putting his penis in her mouth. That he would do this often. I took my daughter and his daughter down to the room that he was in and we ask him about it he said he have blackout moments and that he doesn't remember things and if that's what she said he had do then that's what happen and I should call the police. That's when he lock himself in the bathroom and I called 911 and told them what happen. The police arrive to my home and ask Jasmin said this was going on for months since April 2017. My son Darnay said he would be looking for Jasmin 99 times and not find her and the next thing he knew she was coming and my room. He also said that Pedro would tell him to play the game and would ask Jasmin to come in the room with him. Jasmin said he would tell her till get her one room or she would not.

I have read or had read to me the above statement consisting of page(s) and attest that is a true and accurate account, to the best of my knowledge, of the events which took place on or about or during the above given time. I have received a copy of this statement from

SIGNED: [Signature] DATE: 1-29-18
 WITNESS: [Signature] 1836 WITNESS:



3 YEAR DRIVER RECORD



1802930057

Customer No: 26079265 Driver License No:
 Name: WATKINS, DENISE MICHELLE
 Address: LORING DR
 City: SUMTER State: SC Zip: 291504463
 County: SUMTER
 DOB: 11882 Sex: F Driver Training: N
 Height: 504 Weight: 180 Race: BLACK
 Status - DL: SUSPENDED CDL: DISQUALIFIED

License Information

Type	Class	Function	Issued	Expires	First Issued	Restr.	Endor.	ACN
Current	D	Renewal	03/10/2016	03/11/2026	02/13/2006	Y	N	1011526500056668
Prior	D	Original	02/13/2006	03/11/2016	02/13/2006	Y	N	N/A
DL	D	Duplicate	03/26/2008	03/11/2016	02/13/2006	Y	N	N/A
DL	D	Duplicate	05/20/2008	03/11/2016	02/13/2006	Y	N	N/A
DL	D	Duplicate	11/04/2013	03/11/2016	02/13/2006	Y	N	1011315600011830
DL	D	Modify	11/26/2014	03/11/2016	02/13/2006	Y	N	1011325300056825
BP	D	Returned	03/09/2005	03/09/2006	03/09/2005	Y	N	N/A
BP	D	Original	03/09/2005	03/09/2006	03/09/2005	Y	N	N/A

Current Restrictions: A Corrective Lens

Address Change - Date Changed: 11/05/2015
 Address: 1011 OLD MANOR RD
 City: COLUMBIA State: SC Zip: 292106576

Address Change - Date Changed: 04/11/2016
 Address: 422 LORING DR
 City: SUMTER State: SC Zip: 291504463

Address Change - Date Changed: 09/08/2017
 Address: 1050 DIBERT ST
 City: SUMTER State: SC Zip: 291532038

3 YEAR DRIVER RECORD

Customer No: 26079265 Driver License No:
 Name: WATKINS, DENISE MICHELLE

Point Summary

Total Current Points: 5
 Driver Credit: -0
 Adjusted Current Points: 5

SUSP: 042 - Cancellation of Insurance
 Special Driving Privilege: NONE
 Suspension Beg: 01/26/2018
 Causal: 12/13/2017
 Reinstatement Requirements Met: INDEFINITE
 ACD: D38 Withdrawal Loc Ref:

Suspension End: INDEFINITE
 Post: 12/15/2017
 Reinstatement Fee Paid: N
 Withdrawal Reason Ref:

VIOL: 421 - Speeding 10-mph or less
 Violation: 08/04/2017 Conviction: 09/07/2017
 ACD: S51 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 5102P0183054
 Recd: 09/19/2017 Post: 10/10/2017
 Conviction Reference:
 Court Type: MUN
 Violation Points: 2 Current Points: 2

VIOL: 463 - Hit and Run - Property and Damage only
 Violation: 11/28/2016 Conviction: 01/05/2017
 ACD: B04 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 5102P0646757
 Recd: 02/07/2017 Post: 02/22/2017
 Conviction Reference:
 Court Type: MAG
 Violation Points: 6 Current Points: 3

VIOL: 442 - Disobeying an official traffic device
 Violation: 02/24/2015 Conviction: 03/23/2015
 ACD: M14 Conviction Loc Ref:
 Conviction State: SC

Ticket#: 19882HA
 Recd: 04/22/2015 Post: 04/30/2015
 Conviction Reference:
 Court Type: MUN
 Violation Points: 4 Current Points: 0

End of Report

is received from the detention center director or designee assigned of the sheriff;

- And inmates released from Sumter County Detention Center, unless this individual was released for a period of up to six (6) months prior and this person is not listed as a current co-defendant or victim;
- Any co-defendants included as a party to your existing case;
- A registered victim(s), unless this person has received the approval of the detention center director or designee assigned of the sheriff; and
- Any person who has had their visitation privileges suspended or terminated.

No more than to two (2) visitors can visit an inmate during any social visitation session. General population inmates can have no more than to two (2) 30-minute visits per week, no more than two (2) visitors each visit. Two visitors can be a combination of two (2) adults or one (1) adult and one (1) juvenile 12 years of age or older. Adult visitors must present a photo identification card (e.g., state issued driver's license, government identification card or military identification card) to be granted entry into the visitation area. For juveniles, the supervising adult is required to bring the child's birth certificate and a school identification card, if the child possesses a school ID card, to verify the juveniles's age.

Visitors to the facility are expected to and are **REQUIRED TO FOLLOW** all posted rules of visitation. The failure of any visitor to abide by these rules will result in denial of the visit. This includes dress code violations. Therefore, family members and friends must arrive to the facility in a presentable manner.

This means:

- **NO** halter tops, tube tops, sleeveless, strapless, or underwear-type shirts or dresses;
- Shorts, skirts and dresses must be no more than 3 inches above the knee;
- Shoes must always be worn. **NO** exceptions;
- **NO** exposed underwear or swim attire;
- **NO** shirts with profane, gang-related, offensive and/or sexually explicit language, symbols or graphics;
- **NO** see-through clothing;
- **NO** clothing designed or intended to be worn to excessively accent the body or body parts; and
- **NO** low-cut tops and tank shirts, bandeaus or any type of shirt or top that exposes a person's breasts or reveals too much cleavage.

All social visits are non-contact visits. Visitors are **NOT ALLOWED TO BRING CARE PACKAGES**. The only items that visitors can bring to the facility are cash or debit/credit card to make a deposit to an inmate's account; photo IDs needed for admission; and car keys. **CELLPHONES, HANDBAGS, OR**

OTHER ITEMS ARE PROHIBITED. All visitors are subject to search. The failure of a visitor to submit to a search will result in a denied visitation.

INMATES AND THEIR VISITORS ARE EXPECTED TO ABIDE BY THE RULES OF THE DETENTION CENTER. Visitors that fail to abide by these rules are subject to suspension or termination of their visitation privileges.

Professional Visits:

Visits with legal counsel or other authorized legal, judicial or criminal justice officials can be scheduled during normal business hours — 8 a.m. to 8 p.m. Visits with legal counsel or other government officials are monitored by sight, but not sound, and depending on the nature of the visit, the session could be held in a multi-purpose room inside the facility.

All professional visits are held in 30-minute intervals. Inmates are allowed two (2) 30-minute visit per week, one (1) 30-minute visit per day with only two (2) visitors per visitation.

All visitors must sign in 15 minutes prior to the visitation session. ****NO EXCEPTIONS****

(Final visits of the day: 10:30 a.m. for the morning and 4 p.m. for the afternoon)

To schedule a visit for the pods that require scheduling, call the front office at (803) 436-2353.

ALPHA POD - Tuesday, Thursday and Saturday

Morning Visitation Hours: 9-9:30, 9:30-10, 10-10:30

Afternoon Visitation Hours: 2:30-3, 3-3:30, 3:30- 4

KILO POD - Tuesday, Thursday and Saturday

Morning Visitation Hours: 9-9:30, 9:30-10, 10-10:30

Afternoon Visitation Hours: 2:30-3, 3-3:30, 3:30-4

BRAVO POD (SMU)

Medium & Maximum Custody For Inmates Older Than

17: Monday–Saturday (Must Schedule Visit) **

Visitation Hours: 12-12:30, 1-1:30, & 1:30-2

****17 Year Old Juveniles: Tuesday & Thursday Only (Must Schedule Visit) ****

Afternoon Visitation Hours: 6 p.m. or 7 p.m.

CHARLIE POD - *Monday, Wednesday and Friday*

Morning Visitation Hours: 9-9:30, 9:30-10, 10-10:30

Afternoon Visitation Hours: 2:30-3, 3-3:30, 3:30-4

****17 Juvenile (YOA): Tuesday & Thursday Only ** (Must Schedule Visit) ****

Afternoon Visitation Hours: 6 p.m. or 7 p.m.

JULIET POD - *Monday, Wednesday and Friday*

Morning Visitation Hours: 9-9:30, 9:30-10, 10-10:30

Afternoon Visitation Hours: 2:30-3, 3-3:30, 3:30- 4

DELTA AND ECHO PODS – *Monday - Saturday*

Morning Visitation Hours: 9-9:30, 9:30-10, 10-10:30

Afternoon Visitation Hours: 2:30-3, 3-3:30, 3:30-4

NOVEMBER POD – *Saturday & Sunday (Saturday 4:30pm-8:30pm only)*

Saturday: Visitation hours are only from 4:30pm-8:30pm

Sunday: Please see hours below:

Morning Visitation Hours: 9-9:30, 9:30-10, 10-10:30, 10:30

Afternoon Visitation Hours: 2:30-3, 3-3:30, 3:30- 4

Certificate of Service

RECEIVED
APR 05 2021
SC Court of Appeals

I Pedro A. Grado Torresshaw Certify that on this 23rd day of March 2021, I sent to the South Carolina Court of APPEALS, The Amended Part to My Anders Pro Se Brief, By Placing in U.S. mail sent from Broad River Correctional Institution, Please, Stamp, file and send a COPY back to, Pedro Torresshaw
4460 Broad River Rd
Columbia, S.C. 29210

Sent to: JENNY ABBOTT KITCHINGS
clerk.
P.O. Box 11629
Columbia, S.C. 29211

to: ALAN WILSON
Att. General
P.O. Box 11549
Columbia, S.C. 29211

JENNY ABBOTT KITCHINGS
CLERK

P.O. BOX 11629
COLUMBIA, S.C. 29211

THE SOUTH CAROLINA COURT OF APPEALS

RECEIVED

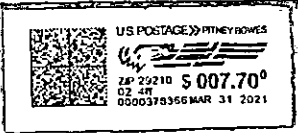
APR 05 2021

SC Court of Appeals

Dear Clerk in closed Please find one Original and
one copy of, Appellants Amended Pro Se Answer
Brief, with the circled issues on the Appeal
along with relevant exhibits.
Please stamp, file, and send one copy back
to Appellant.

Pedro A. Gracia Torresshaw
4460 Broad River Rd B.R.C.I.
Columbia S.C. 29210

Pedro Torreshans 380821 MARION #180
4460 Broad River Rd B.C.F.
Columbia, SC 29210



RECEIVED
APR 05 2021
SC Court of Appeals

JENNY Abbott Hitchings
Clerk
P.O. Box 11629
Columbia, S.C. 29211

RECEIVED
MAR 31 2021
BRCI MAILROOMS

