

State of South Carolina
County of Colleton

In The Court of Common Pleas
14th Judicial Circuit
C.A. No: 2019-CP-15-111

Ricardo Fishburne # 279224

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Appeal Explanation:

v. Petitioner

APR 16 2021

Explanation as to why
the (PCR) lower Courts

State of South Carolina

S.C. SUPREME COURT

Respondent.

Determination was improper

Now comes the Petitioner with the explanation
that's required at the time of Petitioners appeal Filing.

There's an arguable basis for asserting that the Dete-
rmination by the lower Courts were improper.

The Petitioner filed/submitted material evidence (incident
report) that was withheld from the Petitioners trial
See trial trans pg 23. In these incident reports there is
documentation that these Brady materials ~~that was~~ were
withheld from the Petitioners... Crime scene photos, medical
records, ~~the~~ spent shell casings, video & Audio recordings amongst
other materials ~~were~~ ^{are} logged in these incident reports. There's
also proof that these material evidence were were
not disclosed prior to trial or 20 yrs later since trial.

See trial transcript pg 23 lines 1-20. where there's
documentation that the only evidence disclosed were
statements from codefendants.

The Petitioner filed a motion to invoke discovery and motion to compel discovery and an In camera inspection. To prove that there's undiscovered evidence / Exculpatory Brady evidence. The lower courts denied this motion for In camera and failed to answer the motion to invoke discovery in its order of dismissal. although there's a Prima Facie showing that there's evidence that is undiscovered and not successive because it has not been discovered, ... only reason Petitioner knows of its existence is because of newly discovered incident reports in 2009.

The lower (PCR) courts refused to grant my discovery motion was improper because there's exculpatory Brady evidence that is undiscovered 20 yrs after Petitioner's conviction creating a miscarriage of Justice if this evidence is not discovered or the courts refuse to grant the Petitioner access to view these Brady materials.

The Petitioner has filed a 59c To Alter Judgment. Wherefore Petitioner asks this court to send this case back for a evidentiary hearing / Discovery invocation.

Rebecca Fishburn #2764