

Denzell Deshawn Jackson

vs.

The State of South Carolina,
County of Aiken

MOTION TO APPEAL

Case Number:
19021008

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OCT 18 2021

SC Court of Appeals

In the South Carolina Supreme Court,
Court of Appeals

Denzell Deshawn Jackson does come before the Supreme Court of South Carolina, Court of Appeals, on this 8th day of the month of October, in the year of 2021 to be heard on an appeal for the verdict and sentence associated with case number 19021008. This verdict and sentence was issued by a jury and Judge Clifton Newman of the 2nd Judicial Circuit in Aiken County, South Carolina on August 20, 2021.

The court will find that Denzell Deshawn Jackson is entering this appeal, at this time, as an pro se petitioner. And that Denzell Deshawn Jackson does compel the court to scrutinize this appeal under Federal rule U.S. 42 §1983, which issues liberal scrutiny to pro se inmates. And that Denzell Deshawn Jackson further compels the court to open the record and enter the following statements being sworn under oath and with the full understanding of the penalty of perjury.

I. Statement of Claims

I1. Constitutional Deconstruction:

Both the United States and South Carolina have duly and legally established constitutions and amendments which are put in place to protect rights, rights that are granted under law and are birth rights of every citizen of these United States of America and the state of South Carolina. These rights are granted no matter the station of ones race, creed, gender, or social standing.

The petitioner would like to enter that multiple Constitutional rights were not only violated, but recklessly abandoned by the 2nd Judicial Circuit court and its officers. Even the most primary and fundamental rights were stripped throughout the entire process of case number 19021008.

That the petitioner is owed the full measure of due process rights. That the process should ensure lawful searches and seizures, lawful arrests, and lawful detentions. The courts will find that the petitioners due process rights were fully decimated when being arrested for a murder when there is no murder victim, and being arrested for possessing a weapon during a violent crime when there was no violent crime.

State vs. Covert gives us a glimpse of these due process rights while ensuring that, with no crime being committed there should have never been a search of the petitioners vehicle or residence. Due process does not qualify hearsay or the pinging of a cellular phone as an applicable strand to violate ones due process rights. Being in an "area" of a supposed crime does not qualify one of guilt or suspicion.

Thus, at the outset of case number 19021000, the petitioner experienced major due process violations. These were the same types of violations that California vs. Simpson had to contend with and led to Simpson's exoneration. As Cochran famously contended, "if the glove don't fit, you must acquit," so the petitioner states that if there is no murder victim there is no right to search, seize, or violate any due process right for suspicion of murder.

As important as due process rights are to the appeal of this case, the bigger sister is the 14th Amendment of the United States Constitution. And under the 14th Amendment, the petitioner should enjoy the right to a fair trial. And that fairness does include the right to be free of bias or prejudice.

State vs. Belcher creates a precedent that ensured Belcher was free of bias or prejudice and should also ensure that the petitioner be protected from the same. The court will show that the petitioner, Denzell Deshawn Jackson is a black male in his early twenties. And that the selected jurors were all white, mostly middle-aged women. The petitioner could not enjoy the right of a fair trial when none of the jurors were selected as peers.

There should never be a case, in these United States of America, when anyone is faced with a jury that is so socially and economically estranged as jurors from the defendants that are being heard. To establish middle class horse farmers as peers to a lower class young man is a tragedy to our justice system. The petitioner does claim foul and expects to be treated fairly under the 14th Amendment of the United States Constitution.

Ia. Evidential Deconstruction

The petitioner, Denzell Deshaun Jackson, was arrested for the murder of Derrick Curry in Aiken County, South Carolina. This arrest was made due to statements by Shanayah Toney and fragmentary evidence found at multiple locations. The arrest was also made without a victim's body or death certificate, without a presupposed or supposed murder weapon, without DNA evidence that links the petitioner to any crime, and a witness who also claims to have been present with the supposed victim weeks after the supposed murder and stated to Kenya Bush that Derrick Curry was "not dead".

These exhibits will establish the deconstruction of the evidence:

A. THE VICTIM:

Derrick Curry is the supposed victim of a murder that took place in 2019. The record has shown that clearly for nearly three years. The record, however, has failed to show the truth that our justice system was supposed to be built on:

That Derrick Curry is a known associate in gang activity. That, at the present time, Derrick Curry has open warrants for Armed Robbery. That, Derrick Curry is a menace to society and that these facts show that he has the ties to disappear and that he is capable of flight.

With no body and a medical examiner team who is unwilling to sign a death certificate, the petitioner does compel the court to find that Derrick Curry was murdered beyond reasonable doubt. This would be absolutely impossible.

Our justice system cannot be established by "what-ifs" or "maybes". Our justice system is built on checks and balances that ensure a logical approach to the law. In the case of a missing "victim" who has active warrants and gang ties, it is only logical to conclude that Derrick Curry is not only alive and well, but on the run.

This is based off of statements made by the only witness.

B. THE WITNESS

Shaniyah Toney is the sole witness to the supposed murder of Derrick Curry. Her statements on record makes claims that Derrick Curry was murdered by the petitioner and other codefendants, while her statements, text messages, and actions off the record show a totally different side to her story. The following exhibits need to be entered:

1. Shaniyah Toney first text messaged Kenya Bush explaining that Derrick Curry was not dead. Later, Toney claimed that Derrick Curry had been murdered. Later still, Toney claimed to have had sexual relations with Derrick Curry long after the supposed murder. If the court pleases, Toney lives in a world of myth. In her world Derrick Curry is both alive and murdered at the same time. It is either that or Toney helped Curry to leave the area to escape possible arrest or Toney herself was part of murdering Derrick Curry. She does, after all, seem to have all of the answers, at times, to the Derrick Curry disappearance.

2. That, Shaniyah Toney left Aiken County for between six and nine days after the supposed murder of Derrick Curry. In an effort to usher the court back to the real world, the petitioner moves to enter article 1 into record. Article 1 is that the fingerprints of Elijah Sloan was found on the car that contained Currys DNA. The petitioner further moves that both Toney and Sloan should be held as suspects or harborers of fugitives from justice. It is either that Sloan and Toney carried out a murder or that, together, they conspired with Curry to help him evade arrest. The court should enter that Elijah Sloan is the paramour of Shaniyah Toney.

3. That, during the trial of case number 19021008, Shaniyah Toney did receive text messages that threatened her to testify or that she would be put in jail. As if the court needs more to understand the events that led to this motion, the petitioner does move to enter coercion and threats to the myriad examples of this biased, illegal, and unjust trial. The court should further enter that the petitioner has reason to believe that these threatening texts did come from the state, more specifically, the County of Aikens Solicitors Office.

The unfortunate reality is that the petitioner and his codefendants were found guilty of murdering Derrick Curry, primarily by a witness who is a known prostitute, has gang ties, is an avid user of narcotics, and was tampered with by the state. Toney, the only witness, also lives in a world of Biblical proportions. Here, people die and raise from the dead often. If it pleases the court, this should not be.

C. MURDER WEAPON, DNA, and BLOOD

The state of South Carolina has presented a sizable chart of physical fragments of evidence. Evidence, however, can only be evidence in the case of a crime. For example: if Derrick Curry were murdered, there would be a body that showed how he was murdered. That body would lead to a murder weapon, which would lead to DNA, which would lead to a suspect. That, however, cannot be the case as there is no body of Derrick Curry because there is no murder of Derrick Curry.

The state claims that there was blood evidence found at evidence item 3. SLED LAB No. L19-10370, however, tested the substance and while proving to be blood, were unable to create a DNA profile from it. The state, with this information, held item 3 and marker #1 as evidence.

Evidence item 2.1, L-19-10370-30.3-4P(86), is from a swatch of carpet and carpet padding in the front bedroom. The DNA shows that, with 1.4E28% certainty, Derrick Curry and unknown persons DNA is present. The petitioner does ask with redundancy, does DNA on carpet prove murder? IF so, the majority of the United States has been murdered.

Ridiculous suppositions as these cannot be made only by a fragment or swatch of DNA found. The Court, once more, will see that DNA is not a body or a victim. And that DNA, alone, cannot tip the scales of justice when the DNA is not sufficient for there to have ever been a body present.

The state presented item 12, a Glock 9mm pistol, item 13, an Andersen Manufacturing Multi-Caliber rifle, and item 14, a Detton Inc. 5.56 rifle.

presupposing that one of these was used in the supposed murder of Derrick Curry.

The petitioner does enter that the presence of a rifle or a handgun does not point to a murder. The court will see that SLED claimed that these firearms didn't conclude that there was ever a murder taking place. And that SLED concluded that there wasn't enough DNA evidence to prove that anyone had died in any of the suspected locations.

If it pleases the court, fragmentary and inconclusive evidence cannot convict or prove murder. Aiken County has reached to unprecedented levels of desparity in attempting to use measures as there to secure convictions. With the risk of beating the proverbial dead horse, if there is no murder victim there is no murder.

II. Summation

The petitioner does enter that the trial of case number 19021008 was concluded on August 20, 2021 and that said trial was not only illegal, that it not only violated many of the petitioners Constitutional Rights, but that it was immoral and beyond inhumane. To look back at the trial of case number 19021008 one can only conclude a singular fact: that true justice does not exist within the courts of the 2nd Judicial Circuit court.

Throughout the trial of case number 19021008, the jury, a jury of all white, mostly middle aged women, was aloud to feed on the fruit of the poisonous tree. This jury, not a jury of peers, but one of convenience, was given evidence, evidence that could not be denied, that the states star witness was no more than a burned out liar. This jury, a jury that should have been dismissed as prejudicial, was shown fragments of evidence, swatches of DNA from here and there, and bits and preces of facts that were no more facts than they were grand illusions designed by the prosecution.

In hearing these lies and these nonsense fragments, this jury, a jury that had seen one of the petitioners codefendants, Shakel Dixon, in an orange jumpsuit and shackles, did submit a verdict of guilty. Guilty! The petitioner and Shakel Dixon were found guilty of the murder of Derrick Curry. They were convicted of possessing a weapon during a violent crime.

If it pleases the court, these convictions all came from the trial of case number 19021008, a case with no victim, no reliable witness, and evidence that only proves the presence of Derrick Curry, not his murder. Evidence in which SLED claimed was not enough DNA to prove a death had even occurred.

Allow a recap: with no body or victim there is no one to make the accusation of murder. With no murder weapon, because there was no murder, there is no inferred malice. With an unreliable witness there is insufficient evidence to convict. With no DNA there is no identity because there is no murder victim. The petitioner has shown that the guilty verdict is inconsistent due to insufficient evidence.

With this, the petitioner, Denzell Deshawn Jackson, does compel the Supreme Court of South Carolina, Court of Appeals, to enter this appeal for case number 19021008.

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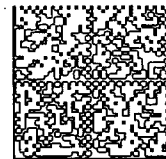
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Denzell Deshawn Jackson

CC COPY:

Denzell D. Jackson 385802
Kirkland R: E Center, _____
4344 Broad River Rd.
Columbia, SC 29210

Denzell Jackson #385102
Kirkland Reception and Evolution
Center, A2-50
4344 Broad River Rd.
Columbia, SC, 29210



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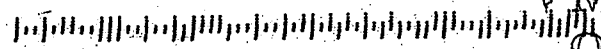
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P.O. Box 11629
Columbia, SC, 29211

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