

The STATE OF South Carolina

In The Supreme Court

Appeal From Richland County

General Sessions

G. Thomas Cooper, Jr., Judge

Case No. 2010-GS-40-7590

RECEIVED

MAY 17 2013

S.C. Supreme Court

STATE _____ Respondent,

v.

Reginald Spellman _____ Petitioner

Petition For A Writ of Certiorari

Reginald B. Spellman 251858

Post Office Box 2039

RCI CB-48

Ridgeland SC. 29936

COA# 2012-211767

Index

Certificate of Counsel	1
Questions Presented	2
Statement of the case	2

Arguments:

1. State lost exculpatory evidence to help my defense during trial. (State submitted letter to my counsel.)
2. State gave me a negotiated plea after given a verdict on trial. (State v. Johnson, 337 2nd, 204)
3. Judge refuse to give new trial after knowledge of tampered juror. (Dosses transcripts of tampered juror questioning and admittance.)
4. Conflicting statements by alleged victim.
5. Alleged victim admits to lying about allegation on stand.

Conclusion

In conclusion these are some of the claims I raised to the court of appeals in my appeal and my case was dismissed. Their reason was "I did not give a good enough explanation". So I ask the courts to rule in my favor and dismiss these charges and clear my record of any indication of this untruth to my name.

Certificate of Counsel

Counsel for petitioner certifies that the petition for rehearing was and finally ruled on by the court of appeals on February 21st 2013. Counsel never received answer to ruling or remittitur until April 30th 2013.

Questions Presented

1. Why was I given a negotiated plea after verdict on trial was given and solicitor knew they had no authority?
2. Why was my case not dismissed when evidence was lost before trial?
3. Why did the judges not give me another trial when I asked after finding out about tampered jury?
4. Once state knew that she lied about me having sexual intercourse with her through Dr. Exam, why was case not dismissed?

5. Why was case not dismissed when she admitted to lying about allegation?
6. Why could I not bring up her being pregnant and had an abortion who they have evidence of him touching her?
- Why were they not arrested, but I was?

Statement of Case

In my case I was first charged with CSC 1st degree with a minor under the age of eleven years of age. State administered a rape kit on the alleged victim and found that the victim was still a virgin. Then victim changes statement to I tried to have sex with her. The state then changed my charge to Assault with the intent to commit CSC with a minor. I went to trial, but before going my counsel ask for all evidence in case. State ~~not~~ sends letter stating they have lost a tape of the brother's statement who says he never seen me do anything to her when she stated he walked in on me. on an occasion. Brother was put on stand, but we could not question thoroughly. State then put a Dr. on the stand who lies and says because it has been so long, there would not be any evidence of sexual intercourse. When this was suppose to have happened I was 30 yrs of age and she was 5. There would be some type of signs of penetration even years later. There would be blood tissues, torn hymen. Also see Rule of court number 19-1-180 states any out of court statement by a child is not admissible if the parents are separated or divorced. The hearsay statement is void.

After a week of trial the jury went into deliberation on thurs. and could not come up with a unanimous verdict, so the judge gave them another day. So that friday they went to lunch after coming that morning still with no verdict. They invited an alternate juror to lunch with them and juror 299 told a story about her being molestied as a child at the restaurant. They came back with a guilty verdict afterward. Then the alternate informed the judge, of what happened at the restaurant. But the judge over my case was out sick and they had another judge hear the verdict. The judge over my trial came back and questioned the juror and she admitted her testimony changed the others verdict because they told her. The judge denied me a new trial after I asked him. He stated he was not going to waste the states money. Prior to going before the judge the state offers me a plea of "Lewd act with a minor under 16 and I had to take the max of the charge which is 15 years, GPS and registry. So I felt it was in my best interest to take the plea sense the judge would not give me a new trial. Now I am doing time for something I did not do! It is not what has been done called "double jeopardy". I also had an indictment with two offense codes, one was the code on my warrant and the other was what they indicted me on and the dates are different from warrant.

The Court of Appeals affirmed the judgement of the circuit court. Reginald B. Spellman as Personal Representative of State v. Reginald Spellman DO. NO. 2010-GS-40-7590 CSC Ct App. Filed 2012-211767

Argument

1. State lost exculpatory evidence to help my defense before trial. (State submitted letter to counsel)
2. State refuse to give new trial after knowledge of tampered jury.
3. State gave negotiated plea after verdict was given on trial (State v. Johnson 337, 2nd 204)

Conclusion

Again these are a few things that happened that I am asking for the charges to be dismissed and my record cleared of these allegations. For the reason stated petitioner ask the court to grant the petition for a writ of Certiorari.

Respectfully submitted
/s/

Reginald Spellman 251838
Post office Box 2039
RCI CO-48
Ridgeland SC. 29936