

" I remember what the video Tape depicted ... I remember case no., ... I remember what the video clearly ... what I recall was what was videoed 2007-CP-38-000690 Taped From Camera's ^{*}inside the structure ... the front

Two (2) Rooms ... the most difficult evidence to deal with ... was the Tape ... showing my client walking through the residence ... remaining some items from the walls ... (Per Appeal Trans. pages 32-36)

Richard Gustafson, ^{*}under oath ^{*}and on record ^{*}in 2005 and 2009, stated, expressed and testified that during his "representation of me, that he

^{*}in detail ^{*}advised me that this "Evidence" existed and factual and his preparation and advice to plead guilt was based upon this ^{*}disastrous ^{*}misleading Evidence. I will now demonstrate, by the record that this "evidence" used by Mr. Gustafson to help the state obtain the conviction was falsified, fabricated, manufactured and made up by him and it ^{*}never existed ^{*}!

In the Pretranscript on page 16, lines 14-22 it's stated: "... He's been broken in several times so he has video equipment ^{*}out on the porch. ^{*}Now ^{*}(date of Pre) he has video equipment ^{*}inside and outside.

^{*}But back then (date of crime) he ^{*}just had it on the outside ... The Incident Report, written by the Responding Officer, AS told to him by the victim, states that when this crime occurred: "... The victim stated the unknown Subject was caught by the ^{*}exterior camera's ^{*}within ^{*}around the residence ... The Footage shows the Subject walking around and shining a flashlight ^{*}into the windows ... The ^{*}exterior (on back

Camera's * captured the incident until the Subject
Realigned them (Incident Report Case # 2005003903)
* Any and all documentation in Mr. Gustafson and
the Stokes possession, * conclusively shows * that during
his "representation", the only footage * in existence
and factual, only shows * what was recorded by the
* Exterior Camera's * And no other footage existed *
because * no camera's * was placed inside until * After *
This Crime!

Therefore, how is it remotely possible for Mr. Gustafson, during his "representation", to even see *
what he spoke under oath * (Per Appeal Trans. pages 32-36)
to have "seen", when the only footage * in existence was
recorded by exterior camera's * And it's impossible
for his version of the footage to be true because
* no camera's * was placed inside to record "his
version" until * After * this crime? (Per Trans. page
16, lines 14-22) Richard Gustafson * Never sees * any
footage that showed anybody, "on the inside remotely-
ing property, walking through the residence and
was recorded by camera's inside the structure."
what he spoke under oath * as to this * overwhelming
evidence * against me that he made me fully aware
it existed and advised * deliberately * that I plead
guilty to because he had no answer (no defense)
to it, Never Existed * and he and he alone made
it up to help the state obtain a conviction! But
would, that's not all!

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Also under oath, he testified that he also advised "me that a Positive Fingerprint Analysis identified me as the owner of the prints found inside the crime scene. He testified: "... They had prints ... All I know is they had some prints ... I'm not sure if they did it, if the Sheriff's Dept. did it or who did it but they had his prints in the house ... They said they were his and they were from the structure ... if they had them, they were analyzed ... But they did have them ... (But did they come back as a positive identification?) Yes, ma'am, that was my client was the culprit ... " (Per App'l Trans. pages 36-38) (Case no: 2007-CR-38-00690)

Now, in the incident report, the officer who gathered and turned in this evidence (Patrol Print) states: "... I was able to locate a print from a chair under the destroyed camera ... I was unable to locate prints on any other items. " It's Proven the only camera's in existence was Extension camera's out on the porch and in the officers own words the only prints found was found out on the porch under the destroyed Extension camera. So now is it possible for Richard Gustafson to be told by anybody that anybody's prints was found inside the structure?

After the hearing and listening to his testimony under oath, I contacted the Neary Agency that provides the analysis that Mr. Gustafson said (Per

* Positively Identify * me as the owner of the prints
Found inside the Crime Scene.

SIED maintains the A.F.I.'S Database (Automated Fingerprint Identification System) that Permanently * record and classify all identified and unidentified. Fied prints recovered from Crime Scene's And All State Law Enforcement Agencies use this Database to Identify Crime Scene prints. (S.C. code of laws 23-3-120(a)(1b); 23-3-40; Attorney General's opinion in 23-3-130; the reservation of evidence Act 17-28-320(A); 17-28-310(a); 17-28-330 And see State v. Anderson 378 S.C. 243, 1602 SE2d 4161 and 2014 WL 5515716)

SIED'S A.F.I.'S Database Dept. responded to my Inquiries about this "Positive Analysis" that identifies me as Mr. Gustafson stated *under oath * TO each inquiry (Total 4) they responded and stated, "... A *thorough search * of our Database ... revealed *Nothing Found * under the name

Frederick C. Howell ... *NO evidence * From this case was submitted to Sied Forensic Laboratory for Analysis ... "I provided them my and all information about my self And the Crime Scene!

The *Very Agency * that provide the results and *Permanently record it's Findings *Clearly State * *Nothing * Found at this Crime Scene identify Snel IF that was true then the Database would reflect

The results And my Fingerprint I.D Number (least 2014 and 2014 WL 5515716) (next page →)

Honorable Muniz, the "Evidence" Ricardo Custoso used to help the State obtain the conviction ^{never} Existed * and he and he alone made it up! I have ^{never} explained * needed to prove ^{never} explained I'm stating and ^{nothing} nothing * can be produced to dispute or prove my allegations False!

Now, I guess you may be asking yourself that if my claims is what I say they are and you prove it, why I have not gotten any relief in the Courts? Well ma'am, I can also prove how his colleague, Clarissa Joyner, who was "Supposed" to "Represent" me for my appeal, ^{deliberately} deliberately and ^{intentionally} intentionally presented me from providing my case in Court to protect him. By her misconduct, the State (Attorney General) has conditionally used what is called a procedural Default to avoid having to answer and legally justify his illegal actions. No matter what evidence I provide them that proves my allegations with ^{conclusive} conclusive ^{proof} proof *, they ^{refuse} refuse * to do what the law mandates what must be done Just to hold on to illegal convictions and hide his illegal actions. ^{explained} explained * 'I've stated I can prove!

No matter what proof I submit to the Office of Disciplinary Counsel / Commission on Lawyer Conduct, they ^{refuse} refuse * to hold him accountable repeatedly stating that his actions ^{do not} do not constitute misconduct although the very rules they swore to uphold and enforce (Rule 407, 413 SCAR)

Ma'am, Please look into my case and you'll
 come to see that everything I've stated to you
 is 100% True! Please help me get the protection
 the Constitution and state laws provide me to
 be protected from this type of crime. Does not
 the law apply to all and not just to certain
 social or financial brackets? Is he not held to
 the same laws and punishments as everyone
 else who violate the law? Had it been me who
 did what he did, do you think they would resist
 me to prosecute me for doing this to him? No!
 Sorry! I cannot get the same protections.
 Ma'am, I repeat, Everything I've stated, I have
 substantial proof to prove Everything presented
 to you. Nobody can or will produce anything
 that will contradict or prove my claims to be
 false, Nobody! (Mr. Gustafson, Solicitor, Sheriff's
 Dept, SLED, Judge, et. cetera)
 In closing, I ask that you Please Do what the
 Constitution states and protect my rights to
 justice and hold him fully accountable for his
 crimes. Do not allow anybody that has asked
 interest, to Investigate my claims. If you
 for some reason cannot Investigate and prose-
 cute, could you Please Refer this to someone
 who you know will do what is right and what
 the law states must be done when they have
 been provided information and one has
 been committed and by whom. Also, Please back

Allow me to Fully participate in all Aspects of this
And if you have any questions or concerns,
* Please * Contact me and I will provide you
everything needed to answer your questions
and ease your concerns. * Please * help me
because I was sent to prison, by my own lawyer
for being at a crime scene 30 minutes before
it became a crime scene and I did not commit
this crime!! I promise you *, you will uncover
nothing that will show otherwise and you
have my word as a man, I am Innocent!!
* Please * help me
I look forward to your reply

In kindest regards,
Frederick C. Howell
* F. C. Howell

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