

November 17, 2011

My Appeal: The State's Decision

Well, it's another instillation to the never ending judicial blame-game as the Court of Appeals has now as of November 7th: Affirmed my conviction. Saying my case is an issue for what's called post-conviction relief, PCR.

What this effectively does is puts all blame now on the "appointed" defense attorneys that handled my case.

They ended their words with:
(And here when they say "Mahaffey", they are actually referring to my appointed attorneys.)

"With respect to Mahaffey's motion for mistrial based on the conduct of the victim's mother, the trial court questioned jurors to determine any prejudicial impact and replaced one juror with an alternate as a result of that process. After these curative steps were taken, Mahaffey failed to object to the curative measures or to renew the motion for a mistrial. Therefore, we find this issue to be unpreserved for our review. See State v. George, 323 S.C. 496, 510, 476, S.E.2d 903, 912 (1996) ("No issue is preserved for appellate review if the objecting party accepts the judge's ruling and does not contemporaneously make an additional objection to the sufficiency of the curative charge or move for a mistrial.").



So, the obvious inference here is that they're basically saying that there is a loop-hole protecting the court; and since the issue was not properly "preserved" the Court of Appeals will-not/can-not review it.

And at the same time they neither acknowledge or deny the trial judge's errors and wrongdoings of the court. Instead, they prefer I go after the lawyer(s) for what's called ineffective assistance of council--and is also a grounds for new trial, just like an appeal does. The difference is that the lawyer(s) are held legally and financially liable instead of the state. Thing is, my lawyers were appointed, and worked as part of the county and state entity--thus S.C. is still liable.

Perhaps they'll redeem themselves by the PCR? Who knows. The really weird part is that it will be Anderson County that does my PCR now, and it could take years....

All they're doing is passing around the ball, buying time. But that, no longer how long they play, will never change the fact of the jury tampering and the fact that at some point people will be called on to answer for the mistakes made and a new trial will follow. The longer it takes; the more it will cost them.

I've got plenty of time to wait this out--I don't max-out

on my assault charge--that I acquired during my imprisonment in an altercation during those first months--until the Winter of 2015: December 1st to be exact. If the calculations are in fact correct by my prison case-worker.

I was actually guilty of the assault charge, so I willingly plead guilty and was given ten years with credit for time served, and concurrent with my other charge. The murder, I'm not guilty of--and eventually that'll have to be acknowledged by the courts. I guess it just wasn't gonna be this particular court, at this particular time--but the corner is getting smaller and the courts will eventually be boxed in with no escape as they sign the dotted line of my constitutional right to a fair trial.

This is all time away from my children; but maybe as a result the county of Anderson may, in the end, be forced to pay their college funds, all five of them.

