

IN THE COURT OF APPEALS RECEIVED
STATE OF SOUTH CAROLINA MAY 17 2013

SC Court of Appeals

APPEAL FROM NEWBERRY COUNTY
EUGENE C. GRIFFITH JR. (ADMIN COURT JUDGE)
CASE NO. (2011-CP-36-00176)
APPELLATE CASE NO. (2012-212180)

RONNIE A. MITCHELL # 217691

APPELLATE

VS

THE STATE

RESPONDENT

DESIGNATION OF MATTER

TO BE INCLUDED IN THE RECORD ON APPEAL:

THE APPELLATE PROPOSES THE FOLLOWING BE INCLUDED
IN THE RECORD ON APPEAL: (STATE HABEAS CORPUS)

- (1) ORG. TRIAL TRANSCRIPT PAGES 11-20 (EXHIBIT (A))
- (2) COPY OF ORG. INDICTMENT: (EXHIBIT (B))
- (3) COPY OF AMENDED INDICTMENT (EXHIBIT (C))
- (4) COPY OF LETTER + FORM 4 GRANTING MY STATE
HABEAS TO PROCEED WITHOUT COST (EXHIBIT (D))

I CERTIFY THAT THIS DESIGNATION CONTAINS NO
MATTER WHICH IS IRRELEVANT TO THIS APPEAL.

DATE: 5/13/2013

S/ Ronnie A. Mitchell
PRO-SE

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2011-CP-36-00176

RECEIVED

MAY 17 2013

Ronnie Allen Mitchell vs. State

CHECK ONE:

SC Court of Appeals
FILED
MAR 0 8:39
NEWBERRY COUNTY
JACKIE BOWERS
CLERK OF COURT

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):
 - Rule 12(b), SCRPC;
 - SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 - Affirmed; Reversed; Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

MOTION to proceed without costs is granted.

Dated at Newberry, South Carolina, this 29th day of March, 2011.

Court Reporter:

PRESIDING JUDGE - Eugene C. Griffith, Jr.

This judgment was entered on the 30th day of March, 2011, and a copy mailed first class this 30th day of March, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Ronnie A. Mitchell #217691 SCDC F2A-185R 386
Redemption Way McCormick, SC 29899

Harrison D. Brant, Assistant Attorney General
PO Box 11549, Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

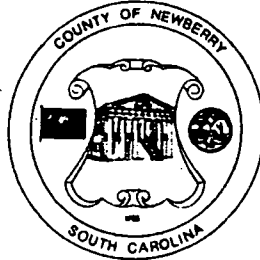
S/ Jackie S. Bowers

Jackie S Bowers - Clerk of Court

OFFICE OF CLERK OF COURT
COUNTY OF NEWBERRY

Jackie S. Bowers
Clerk of Court

P.O. Drawer 10
(803) 321-2110
Fax (803) 321-2111



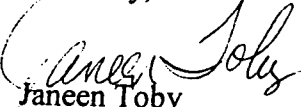
March 30, 2011

Ronnie Allen Mitchell # 217691
SCDC
F2A-185R
386 Redemption Way
McCormick, SC 29899

Mr. Mitchell,

Enclosed you will find a clocked copy of your Motion for Writ of Habeas Corpus and a Form 4 Order granting you to proceed without costs. Please note the Common Pleas Case number assigned to this document and reference this number on any future correspondence dealing with this matter.

Sincerely,


Janeen Toby
Common Pleas Clerk
Newberry County

CC: Harrison D. Brant, Assistant Attorney General

~~EXHIBITS (G) (H) (I) (J) (K) (L)~~

ORIGINAL

READ ↓

1 BUT I'M GOING TO SEND YOU BACK INTO YOUR ROOM. I'LL
2 HAVE YOU BACK IN JUST AS QUICKLY AS I CAN. THANK YOU
3 KINDLY.

4 (JURY TO THE JURY ROOM.)

5 THE COURT: YOU, LADIES AND GENTLEMEN, NOT NOW
6 INVOLVED IN THIS CASE, I WELCOME YOU TO STAY AND LISTEN
7 IF YOU WISH. IF YOU DO NOT WISH TO DO THAT, THEN I WILL
8 EXCUSE YOU, BUT I WILL NEED YOU TO BE BACK HERE IN THE
9 COURTROOM AT 9:30 TOMORROW MORNING. IF YOU WISH TO
10 LEAVE, I'LL ASK EVERYONE TO REMAIN SEATED WHILE YOU DO
11 SO. THANK YOU, FOLKS. I'LL SEE YOU IN THE MORNING.

12 THE COURT: ANY BATSON MOTIONS?

13 MR. WICKER: OH, NO, YOUR HONOR.

14 THE COURT: OKAY. ALL RIGHT, SIR. YOU HAVE SOME
15 MOTIONS TO PUT ON THE RECORD. DO YOU NOT, MR. WICKER?

16 MR. WICKER: MY UNDERSTANDING WAS THAT THE STATE WAS
17 PLANNING ON AMENDING THE INDICTMENT.

18 THE COURT: ALL RIGHT, SIR. I'LL HEAR YOUR MOTION.

19 MR. COLTER: THANK YOU, YOUR HONOR. THE STATE, YOUR
20 HONOR, AT THIS POINT WOULD MOVE TO AMEND THE INDICTMENT
21 BASED ON THE WAY THE INDICTMENT WAS PRESENTED TO THE
22 GRAND JURY, ALTHOUGH THE OFFENSE REMAINS THE SAME AS WE
23 WERE PLANNING TO GO FORWARD WITH AT TRIAL. THERE IS
24 SIMPLY SOME WORDING THAT WOULD BE INCORRECT AS FAR AS THE
25 ALLEGATIONS WE CONTEND OCCURRED ON SEPTEMBER 18, 1994,

JACKIE S. BROWN
CLERK OF COURT
FILED
HEBERBERRY COUNTY
2011 MAR 30 AM 11:00

115

1 LEADING TO THE CRIME OF CRIMINAL SEXUAL CONDUCT IN THE
2 FIRST DEGREE WHICH THE DEFENDANT IS CHARGED WITH.

3 THE STATE WOULD MOVE TO HAVE THE INDICTMENT AMENDED
4 TO READ, THAT RONNIE ALLEN MITCHELL DID IN THE COUNTY AND
5 STATE AFORESAID ON OR ABOUT THE 18TH DAY OF SEPTEMBER,
6 1994, WILLFULLY AND UNLAWFULLY DID COMMIT CRIMINAL SEXUAL
7 CONDUCT IN THE FIRST DEGREE BY ACCOMPLISHING SEXUAL
8 BATTERY UPON THE PERSON CINDY KOON UNDER CIRCUMSTANCES
9 WHERE CINDY KOON WAS ALSO THE VICTIM OF A BURGLARY AT THE
10 HANDS OF RONNIE ALLEN MITCHELL.

11 THAT IS ESSENTIALLY WHAT THE STATE HAD CONTENTED AND
12 CONTENTED ALL ALONG THAT THE BASIS FOR THIS CRIMINAL
13 SEXUAL CONDUCT IN THE FIRST DEGREE WAS THAT IT WAS
14 COMMITTED IN CONJUNCTION WITH BURGLARY. AND YOUR HONOR,
15 I WOULD PRESENT TO THE COURT I HAVE A LETTER WHICH
16 CONTAINS THE WORDING THAT I'VE JUST READ IN COURT, A
17 LETTER THAT I HAD SENT TO MR. WICKER LAST FRIDAY.

READ

18 THE COURT: OH, YOU SENT IT TO HIM LAST FRIDAY?

19 MR. COLTER: YES, SIR.

20 THE COURT: IF YOU WOULD LIKE, YOU CAN MARK IT AND
21 PLACE IT IN THE RECORD.

22 DID YOU GET THAT LETTER, MR. WICKER?

23 MR. WICKER: YES, I DID, YOUR HONOR. I BELIEVE IT
24 WAS FAXED TO ME IN MY OFFICE. I DID RECEIVE THE FAX.

25 THE COURT: DO YOU HAVE ANY RESPONSE TO THAT AS ON

~~EXHIBIT (E)~~

1 YOUR RECEIPT OF IT?

2 MR. WICKER: I'LL BE GLAD TO SAY I RECEIVED IT BY
3 FAX IN MY OFFICE LAST FRIDAY NIGHT.

4 THE COURT: DID YOU RESPOND TO IT?

5 MR. WICKER: I DID NOT RESPOND, NO, SIR.

6 THE COURT: OKAY. ANY OBJECTION?

7 MR. WICKER: I MIGHT ADD THE OFFICE WAS CLOSED UP IN
8 GREENWOOD, BUT I DIDN'T INTEND TO RESPOND TO IT EITHER.

9 THE COURT: OH, I UNDERSTAND. ANY OBJECTION?

10 MR. WICKER: YES. I WOULD LIKE TO OBJECT TO THE
11 AMENDMENT OF THIS INDICTMENT WITHOUT SENDING IT BACK TO
12 THE GRAND JURY, YOUR HONOR. BECAUSE I THINK IT WOULD
13 PREJUDICE MY CLIENT TO CHANGE THE WORDING IN THE
14 INDICTMENT AFTER WE GET HERE IN COURT TO TRY IT.

15 THE COURT: AND TELL ME HOW YOU WOULD BE PREJUDICED.

16 MR. WICKER: WELL, BASICALLY, BECAUSE WE HAVE BEEN
17 READING THIS INDICTMENT FOR SOME TIME NOW AND PLANNING TO
18 DEFEND ON THE WORDING IN THE INDICTMENT NOW. AND WE HAD
19 ALWAYS PLANNED TO ADMIT THAT HE CAME INTO THE HOUSE, YOU
20 KNOW. BUT WE WERE NOT GOING TO ADMIT THAT HE USED FORCE,
21 AND THIS INDICTMENT HAS TO DO WITH HIM USING FORCE AND
22 NAMING A BUNCH OF WEAPONS WHICH WE THINK WERE
23 NONEXISTENT, EVEN THOUGH THEY DID SEARCH TO SEE IF THEY
24 COULD FIND THEM. I DON'T THINK THEY EVER FOUND ANY
25 WEAPONS, AND WE WOULD OBJECT TO AMENDING THIS INDICTMENT

~~EXHIBIT (K)~~

1 AFTER WE GET HERE TO COURT TO TRY THE CASE, BECAUSE WE
2 THINK IT NEEDS TO GO BACK TO THE GRAND JURY AND SEE WHAT
3 THEY SAY ABOUT IT.

4 THE COURT: WHAT DO YOU SAY ABOUT IT, MR. COLTER?

5 MR. COLTER: THANK YOU, YOUR HONOR. IT'S MY
6 UNDERSTANDING THAT, AND I'M REFERRING TO A CASE CAPTIONED
7 HOPKINS VERSUS THE STATE OF SOUTH CAROLINA, A 1994 CASE.
8 IT PERMITS THE AMENDMENT OF AN INDICTMENT PROVIDED THE
9 NATURE OF THE OFFENSE CHARGED HAS NOT CHANGED. AND, OF
10 COURSE, WE WOULD IN OUR AMENDMENT CONTEND THAT THIS DOES
11 NOT, IN FACT, CHANGE THE NATURE OF THE OFFENSE
12 WHATSOEVER. IT REMAINS CRIMINAL SEXUAL CONDUCT, FIRST
13 DEGREE. IT IS ONLY THE WORDING OF THE INDICTMENT ITSELF
14 THAT WE WOULD BE CHANGING, ESSENTIALLY. THE FACTS WOULD
15 SUPPORT THE CHARGE ITSELF, AND YOUR HONOR, THERE ARE NO
16 ADDITIONAL PENALTIES THAT THE DEFENDANT WOULD FACE, AND
17 IT'S SIMPLY THE STATE'S POSITION THAT IT DOES NOT, IN
18 FACT, CHANGE THE NATURE OF EVENTS, AND WE RESPECTFULLY
19 REQUEST THAT IT BE AMENDED.

20 THE COURT: I WOULD THINK, MR. WICKER, THAT WERE HE
21 CHARGED ONLY WITH CRIMINAL SEXUAL CONDUCT AND THE FACTS
22 OF THE COMMISSION OF IT WERE IN ERROR THAT YOUR MOTION
23 WOULD HAVE A BASIS, BUT INASMUCH AS HE IS CHARGED CLEARLY
24 SUFFICIENTLY WITH THE CRIME OF BURGLARY, THAT THERE IS NO
25 DISCERNABLE PREJUDICE TO HIM, AND UNDER THE CASE LAW AS -

~~EXHIBIT (C)~~

1 -- PRIMARILY STATE V. HAMM, 1972 OPINION OF OUR STATE
 2 SUPREME COURT, IT SETS OUT THE SUFFICIENCY OF THE
 3 INDICTMENT. THE TEST OF IT IS NOT WHETHER IT COULD BE
 4 MORE DEFINITE BUT WHETHER IT CONTAINS THE NECESSARY
 5 ELEMENTS OF THE OFFENSE INTENDED TO BE CHARGED AND
 6 SUFFICIENTLY APPRISES THE DEFENDANT OF WHAT HE MUST BE
 7 PREPARED TO MEET. SO, BASED UPON THAT, I DENY YOUR
 8 MOTION.

9 ANY OTHER MOTIONS?

10 MR. COLTER: YOUR HONOR, I DID NOT APPROACH MR.
 11 WICKER ABOUT THIS PRIOR TO TRIAL. HOWEVER, MY EXPERIENCE
 12 WITH MR. WICKER HAS ALWAYS BEEN THAT, AND I PUT THIS
 13 FORWARD, THAT HE WOULD USUALLY ALLOW A STIPULATION TO
 14 VENUE, AND WE WOULD ASK THAT, IN FACT, THAT BE STIPULATED
 15 TO SHOWING THAT NEWBERRY COUNTY WAS, IN FACT, WHERE THIS
 16 OFFENSE WAS COMMITTED.

17 MR. WICKER: WE WOULD BE GLAD TO STIPULATE THAT THE
 18 ALLEGED OFFENSE WOULD HAVE BEEN IN NEWBERRY COUNTY, YOUR
 19 HONOR.

20 THE COURT: ALL RIGHT. ANY OTHER MATTERS?

21 MR. COLTER: FINALLY, YOUR HONOR, I DID PRESENT TO
 22 DEFENSE COUNSEL LAST FRIDAY AN INVENTORY OF THE STATE'S
 23 EXHIBITS THAT THEY WOULD INTEND TO INTRODUCE THROUGHOUT
 24 THE COURSE OF THE TRIAL. IT HAD BEEN MY UNDERSTANDING
 25 LAST FRIDAY, AND MR. WICKER CAN CORRECT ME IF I'M WRONG,

15

~~EXHIBIT (11)~~

1 THAT HE WAS WILLING AT THAT TIME TO STIPULATE TO THESE
2 PIECES OF EVIDENCE AND ENTER THEM INTO EVIDENCE AT THIS
3 TIME.

4 MR. WICKER: I AM WILLING TO STIPULATE THAT WITH THE
5 PROVISION I WOULD LIKE TO SHOW THOSE TO MY CLIENT AT THIS
6 TIME IF THEY'RE AVAILABLE.

7 THE COURT: DO YOU HAVE THE EXHIBITS? AS YOU REVIEW
8 THEM, AND AS SUZIE MARKS THEM, THE DEFENDANT CAN LOOK AT
9 THEM. THAT'S WHAT YOU NEEDED TO DO. JUST HAVE HIM LOOK
10 A THEM.

11 MR. WICKER: I'LL BE GLAD TO DO IT THAT WAY, YOUR
12 HONOR.

13 THE COURT: ALL RIGHT. THAT WOULD BE FINE. LET'S
14 DO THAT, AND WE'LL TAKE A TEN MINUTE RECESS, UNLESS YOU
15 HAVE SOME OTHER MATTERS THAT WE CAN RESOLVE NOW.

16 MR. COLTER: NO. I THINK THAT WILL BE ALL.

17 THE COURT: OKAY. WELL, LET'S DO IT THAT WAY THEN.
18 TEN MINUTES.

19 (SHORT BREAK AT THIS TIME.)

20 (STATE'S EXHIBITS ONE THROUGH THIRTY MARKED FOR
21 IDENTIFICATION AND MADE A PART OF THE RECORD.)

22 THE COURT: MR. COLTER AND MR. WICKER, IN VIEW OF
23 THE HOUR, I THINK I'M GOING TO BRING THE JURY IN AND
24 EXCUSE THEM UNTIL FIFTEEN TILL TWO, UNLESS THEY HAVE
25 SOMETHING ELSE, AND WE MAY HAVE TO DO IT UNTIL TWO

~~EXHIBIT ()~~

1 O'CLOCK, AND THEN BEGIN THE CASE AT TWO O'CLOCK. ANY
2 OBJECTION?

3 MR. COLTER: NO, SIR.

4 MR. WICKER: NONE BY THE DEFENSE, YOUR HONOR.

5 THE COURT: ALL RIGHT. BRING THE DEFENDANT BACK IN
6 IN THIS CASE --- MR. MITCHELL.

7 BRING THE JURY IN, PLEASE, SIR.

8 (JURY TO THE COURTROOM.)

9 THE COURT: MADAM FORELADY AND LADIES AND GENTLEMEN,
10 I'VE GOT A FEW MORE THINGS THAT I'VE GOT TO DO, NOT IN
11 THIS CASE BUT IN ANOTHER CASE, AND SO, I'M GOING TO LET
12 YOU GO AHEAD AND GO TO LUNCH A LITTLE EARLY. I NORMALLY
13 BREAK ABOUT ONE, BUT I'M GOING TO LET YOU GO AHEAD AND GO
14 TO LUNCH A LITTLE EARLY TO BE BACK AT TWO O'CLOCK THIS
15 AFTERNOON IN THE JURY ROOM.

16 NOW, I DO REQUIRE THAT WHILE YOU'RE AWAY FROM US
17 THAT YOU NOT TALK ABOUT THE CASE AMONG YOURSELVES. DON'T
18 PERMIT ANYBODY TO TALK TO ANY OF YOU OR EVEN TRY TO TALK
19 TO YOU ABOUT THE CASE. IT WOULD JUST BE WRONG FOR THAT
20 TO HAPPEN. Y'ALL ENJOY YOUR LUNCH. BE BACK IN YOUR ROOM
21 AT TWO O'CLOCK, AND THEN I'M GOING TO PUT YOU TO WORK.

22 THANK YOU. SEE YOU IN A BIT.

23 (JURY LEAVES FOR LUNCH.)

24 (COURT IN RECESS.)

25 (COURT RECONVENES.)

~~Exhibits (A)~~

1 THE COURT: READY TO BEGIN?

2 MR. WICKER: DEFENSE IS READY, YOUR HONOR.

3 MR. COLTER: JUST VERY BRIEFLY, YOUR HONOR. I
4 HANDED THE COURT A COPY OF THE INVENTORY OF EVIDENCE. I
5 PRESENTED DEFENSE COUNSEL WITH A COPY AS WELL. WE WOULD
6 MOVE TO INTRODUCE THOSE ITEMS LISTED.

7 THE COURT: ANY OBJECTION?

8 MR. WICKER: WE HAVE NO OBJECTIONS AT THIS TIME. I
9 JUST WANTED MY CLIENT TO LOOK AT THEM AS THEY'RE GOING
10 IN, AND WE'RE NOT PLANNING ON HAVING ANY OBJECTION.

11 THE COURT: OKAY. WELL, THE REASON WE PRE-MARK THEM
12 IS THAT WE DON'T WASTE A LOT OF TIME CARRYING THEM OVER
13 TO YOU AND BRINGING THEM BACK.

14 MR. WICKER: WE WON'T WASTE ANY TIME. WE DO THIS IN
15 A VERY QUICK FASHION.

16 THE COURT: ALL RIGHT. AND I'LL ASK YOU IF ---
17 SOLICITOR, DO YOU PLAN TO PREPARE A PROPER INDICTMENT
18 DELETING THE STATUTORY PROVISIONS NOT APPLICABLE IN THIS
19 CASE?

20 MR. COLTER: I WILL DO THAT.

21 MR. WICKER: WE WOULD LIKE THAT, YOUR HONOR.

22 THE COURT: I WILL HAVE THAT DONE. OKAY. ANYTHING
23 ELSE BEFORE I BRING THE PANEL?

24 MR. COLTER: ONE FINAL THING, YOUR HONOR, TO SAVE
25 TIME.

18

~~EXHIBIT (A)~~

1 THE COURT: YES, SIR.

2 MR. COLTER: I HAVE --- WE HAVE THE TAPE RECORDED
3 STATEMENT BY THE DEFENDANT THAT'S ALREADY BEEN MARKED
4 INTO EVIDENCE, AND WE'VE MADE TRANSCRIPTS OF THAT TAPE.
5 I HAVE 14 COPIES HERE, ONE FOR THE COURT, 13 FOR THE JURY
6 TO BE PASSED OUT. ONE OF THE TRANSCRIPTS HAS BEEN
7 ENTERED INTO EVIDENCE. WHAT I INTEND TO DO IS AT THAT
8 POINT HAND OUT TO THE JURY THESE TRANSCRIPTS AND THEN
9 COLLECT THEM AFTER THAT'S FINISHED, AND THEY'LL HAVE ONE
10 TO REFER BACK TO IN THE JURY ROOM.

11 THE COURT: ANY OBJECT TO THAT PROCEDURE?

12 MR. WICKER: I DON'T HAVE ANY OBJECTION, BUT I COULD
13 NOTE THAT THERE'S SOME DIFFERENCES BETWEEN THE TRANSCRIPT
14 AND THE TAPE. FOR EXAMPLE THE NAME COOPER IS TRANSCRIBED
15 WHERE, I BELIEVE, WHEN I HEARD THE TAPE, MY CLIENT'S NAME
16 IS THERE NOW. I HAVE NOT NOTICED ANY OTHER DIFFERENCES,
17 BUT I WILL BE READING MINE WHEN THE TAPE IS PLAYED, AND
18 I KNOW THAT, BASICALLY, IT SAYS THE SAME THING.

19 THE COURT: THERE IS NO ISSUE OF VOLUNTARINESS OF
20 THE STATEMENT?

21 MR. WICKER: NO, YOUR HONOR.

22 THE COURT: ALL RIGHT.

23 MR. COLTER: I WILL ALSO TRY TO COMPLETE THE RECORD
24 AS TO JACKSON V. DENO VOLUNTARINESS AND MIRANDA BEING
25 GIVEN AS THROUGH THE COURSE OF THE TESTIMONY.

~~EXHIBIT~~

1 THE COURT: ALL RIGHT, AND OF COURSE, MR. WICKER,
2 YOU ARE SATISFIED THAT THE REQUISITES OF JACKSON V. DENO
3 HAVE BEEN MET, AND THERE IS NO NEED TO HAVE THAT ISSUE
4 HEARD BY THE COURT, NOR BY THE JURY?

5 MR. WICKER: THAT'S CORRECT, YOUR HONOR.

6 THE COURT: ALL RIGHT, SIR. AND YOU CAN PUT BEFORE
7 THE JURY WHATEVER YOU LIKE. JUST AVOID TANGENTIAL
8 QUESTIONS IN THEIR MIND.

9 MR. COLTER: YES, SIR.

10 THE COURT: ANYTHING ELSE?

11 MR. WICKER: NOTHING ELSE, YOUR HONOR.

12 (JURY TO THE COURTROOM.)

13 THE COURT: MADAM FORELADY AND LADIES AND GENTLEMEN,
14 BEFORE WE GO AHEAD, SINCE YOU'VE BEEN AT LUNCH, I WOULD
15 LIKE TO KNOW IF DURING THE TIME YOU'VE BEEN AWAY FROM US
16 IF ANYBODY HAS TALKED TO YOU OR TRIED TO TALK TO YOU
17 ABOUT THE CASE?

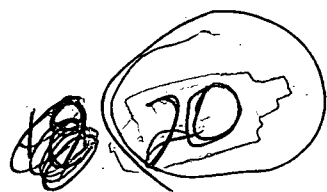
18 (NO RESPONSE.)

19 THE COURT: HAS ANYTHING AT ALL HAPPENED TO ANY OF
20 YOU WHICH MIGHT AFFECT YOUR ABILITY TO BE FAIR IN THIS
21 CASE?

22 (NO RESPONSE.)

23 THE COURT: GOOD. PANEL IS PRESENT. SWEAR THEM,
24 PLEASE, MA'AM.

25 CLERK OF COURT: PLEASE STAND AND RAISE YOUR RIGHT



A handwritten scribble consisting of several overlapping loops and lines, with the number '20' written inside a circle to its right.

EXHIBIT
~~(A)~~ B

ORIGINAL
INDICTMENT
WAS ~~DISMISSED~~
IN COURT

Witnesses

Charles E. Counts

Max Pickelsimer

Cindy Koon v

Verdict

Foreman

EX 94-89

4151715

The State of South Carolina
NEWBERRY COUNTY

County of NEWBERRY 2011 MAR 30 A 9:00

JACKIE S. BOWERS
CLERK OF COURT

94GS36-564 NOVEMBER Term, 19 94

THE STATE

vs.

RONNIE ALLEN MITCHELL

Offense code - 79 + 157
Commitment 2-8-95

INDICTMENT FOR

- (1) BURGLARY, 16-11-311 (A) (1) (2) (a) (b) (c) (d) (3)
- (2) VIOLATION SECTION 16-3-652

W. Townes Jones
Solicitor

TRUE BILL

Michael Kevin Carter 11-28-94
Foreman of Grand Jury

D-841892

I Herby Appear In My Own Proper Person, Waive Grand Jury Action and Plead Guilty To The Within Indictment

W. Townes Jones

SOLICITOR
NOV 1994

THIS WAS DISMISSED
IN COURT
FOR A AMENDED
INDICTMENT

THIS WAS FILED ONE DAY
AFTER MY CONVICTION

J. Jackie S. Bowers
South Carolina
CLERK OF COURT
NOV 8 1994
Jackie S. Bowers

The State of South Carolina

INDICTMENT FOR

County of Newberry

- (1) BURGLARY, 16-11-311(A) (1) (2) ~~AND~~
(a) (b) (c) (d) (3)
- (2) VIOLATION SECTION 16-3-652

At a Court of General Sessions, convened on the 28th day of November, 1994, the Grand Jurors of Newberry County present upon their oath:

COUNT ONE

That RONNIE ALLEN MITCHELL

did in the county and state aforesaid, on or about the 18th day of September, 19 94, wilfully and unlawfully enter a dwelling without consent and with intent to commit a crime therein, and either when in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime: was armed with a deadly weapon or explosive; or caused physical injury to a person who was not a participant in the crime; or used or threatened the use of a dangerous instrument; or displayed what was or appeared to be a knife, pistol, revolver, rifle, shotgun, machine gun or other firearm, or the entering or remaining occurred in the nighttime, the said dwelling being occupied by Cindy Koon

COUNT TWO

That RONNIE ALLEN MITCHELL

SE
A

did in the county and state aforesaid, on or about the 18th day of September, 19 94, wilfully and unlawfully commit criminal sexual conduct in the first degree by wilfully and unlawfully using aggravated force to accomplish sexual battery upon the person of Cindy Koon

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

W. Townes Jones
Solicitor

State
vs.
Ronnie Allen Mitchell

Verdict
94 GS 36-564

We, the jury, find:

1. As to Count 1, Burglary Guilty
(GUILTY / NOT GUILTY)

2. As to Count 2, Criminal Sexual Conduct Not Guilty
(GUILTY / NOT GUILTY)

If not guilty, then, as to the lesser included offense, assault with intent to commit Criminal Sexual Conduct Guilty
(GUILTY / NOT GUILTY)

2-7-95

Marcia Duffie
Forelady

ORIGINAL INDICTMENT

EXHIBIT (B)

EXHIBIT (C)



AMENDED

INDICTMENT

NO GRAND JURY ACTION

WITNESSES

Charles E. Counts

Max Pickelsimer

Cindy Koon

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

FILED
NEWBERRY COUNTY

COURT OF GENERAL SESSIONS

2011 MAR 30 A 9:00

November TERM, 19 94
94GS36-564

JACKIE S. BOWERS
CLERK OF COURT

THE STATE

VS

Ronnie Allen Mitchell

*This is the
Amended Indictment
used in court*

INDICTMENT FOR

- (1) Burglary, 16-11-311
- (2) Violation Section 16-3-652

Solicitor

True Bill Michael Kevin Carter

11-28-94

Foreman of Grand Jury

559 2E2# 370

*151
COUNT*

*This is the
True Copy*

*Indictment
Didn't see this until I was being tried
on C.S.C. 1st Degree*

*They brought this up
during the trial*

*This is the Amended Indictment
I never went to the Grand Jury!!!*

2
THIS IS THE AMENDED INDICTMENT
IN WHICH, I WAS CONVICTED UNDER
EXHIBITS (4)

The State of South Carolina

County of NEWBERRY

- (1) Burglary, 16-11-311
- (2) Violation of Section 16-3-652

At a Court of General Sessions, convened on the 28th day of November

19 94, the Grand Jurors of Newberry County present upon their oath:

COUNT ONE

That Ronnie Allen Mitchell

did in Newberry state aforesaid County/on or about the 18th day of September

19 94 wilfully and unlawfully enter a dwelling without consent and with the intent to commit a crime therein, and the entering or remaining occurred in the nighttime, the said dwelling being occupied by Cindy Koon

COUNT TWQ

That Ronnie Allen Mitchell

did in Newberry state aforesaid County/or about the 18th day of September

19 94 wilfully and unlawfully commit criminal sexual conduct in the first degree by accomplishing sexual battery upon the person of Cindy Koon under circumstances where Cindy Koon is also the victim of Burglary at the hands of Ronnie Allen Mitchell

~~Against the peace and dignity of the State, and contrary to the Statute in such cases made and provided.~~

THIS IS NOT
SIGNED,

Solicitor

Also THE FACE IS ALL TYPED AND NOT SIGNED, BUT I WAS CONVICTED ANYWAY