

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

**RECEIVED**

JUL 26 2022

SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

HONORABLE BENJAMIN H. COLBERTSON

CARLOS DENNISON . . . . . APPELLANT

v.

GEORGETOWN CITY

POLICE DEPARTMENT, ET AL . . . . . RESPONDENT

DESIGNATION OF MATTER TO BE

INCLUDED IN THE RECORD ON APPEAL

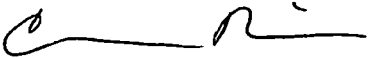
APPELLANT PROPOSES THE FOLLOWING BE INCLUDED IN  
THE RECORD ON APPEAL:

- 1) GEORGETOWN POLICE DEPARTMENT ARREST REPORT
- 2) CASE REPORT, PAGE 1 OF 7
- 3) ARREST WARRANT: 2018A2220260345, ADD 346
- 4) TRIAL TRANSCRIPT OF "DEFECTIVE WARRANT MOTION"  
PAGE 18 LINE: 22 TO PAGE 26 LINE: 1-17
- 5) FORM 4 "ORDER" SUMMARY JUDGMENT 9-9-2021

- 6) SCRID LETTER FROM JOANNA DELANY AFTER  
COURT OF APPEAL AFFIRM LOWER COURTS DECISION
- 7) SCADR 104A FORM JUNE 21, 2022

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

JULY 18, 2022

  
CARLOS DENNIS  
PRO SE

1516 OLD BILLIARD ROAD  
RIDGEVILLE, S.C 29472

AGENCY I.D.  
SC0220200

DATE / TIME OF ARREST

2000 6/20/18

GEORGETOWN POLICE DEPARTMENT  
ARREST REPORT

CASE NUMBER  
1,810,012,834

DEFENDANT NAME (LAST, FIRST, MIDDLE) <b>DERINZON, CARLOS ANTHONY</b>				RACE <b>B</b>	SEX <b>M</b>	DATE OF BIRTH	DOCKET NUMBER
AGE <b>43</b>	ETH. <b>N</b>	HEIGHT <b>6'1"</b>	WEIGHT <b>170</b>	HAIR <b>GRY</b>	EYES <b>BRN</b>	SOCIAL SECURITY NUMBER	VISIBLE SCARS AND MARKS
ADDRESS / NUMBER & STREET				CITY	STATE	ZIP CODE	PHONE NUMBER
ALIAS		PLACE OF BIRTH		DRIVERS LICENSE NUMBER		STATE <b>SC</b>	
EMPLOYER OR OCCUPATION			NEXT OF KIN		ADDRESS (CITY AND STATE)		
BOOKING OFFICER'S NAME <b>M SANBORN</b>		NUMBER <b>507</b>		ARRESTING OFFICER <b>M SANBORN</b>		AGENCY NUMBER <b>GPD 507</b>	
MEDICAL INSURANCE COMPANY				POLICY NUMBER			
ARRESTER ARMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				WEAPON TYPE		ON VIEW ARREST <input type="checkbox"/> SUMMONED <input checked="" type="checkbox"/> CUSTODY <input checked="" type="checkbox"/>	
JUVENILE DISPOSITION <input type="checkbox"/> HANDLED, RELEASED <input type="checkbox"/> REFERRED TO ANOTHER AUTHORITY				J - This Jurisdiction, S - State, O - Out of State, U - Unknown			

PERSONAL DATA

IF HOLDING FOR ANOTHER AGENCY, CIRCLE CHARGE -- A,B,C, ETC:

CHARGE I.D.	<b>A</b>	<b>B</b>	<b>C</b>
CHARGE	<b>FALSE AFFIRMATION</b>	<b>HANDLING</b>	<b>SHIPPING</b>
STATUTE	<b>CC 110-5</b>	<b>CC 18-21</b>	<b>16-13-01801</b>
WARRANT NUMBER	<b>2018A222020078</b>	<b>2018A222020079</b>	<b>2018A222020080</b>
ISSUING MAGISTRATE	<b>ODONNELL</b>	<b>ODONNELL</b>	<b>ODONNELL</b>
BOND AMOUNT			
BOND TYPE / MAGISTRATE			
COMPLAINANT	<b>GPD</b>	<b>GPD</b>	<b>GPD</b>
CASE NUMBER	<b>18001536</b>	<b>18001536</b>	<b>18001536</b>

CHARGE BOND

CHARGE I.D.	<b>D</b>	<b>E</b>	<b>F</b>
CHARGE	<b>POSSESSION HEROIN</b>	<b>PURSE HEROIN</b>	
STATUTE	<b>44-53-0370(B)(1)</b>	<b>44-53-0370(B)(2)</b>	
WARRANT NUMBER	<b>2018A2220200120</b>	<b>2018A2220200133</b>	
ISSUING MAGISTRATE	<b>ODONNELL</b>	<b>ODONNELL</b>	
BOND AMOUNT			
BOND TYPE / MAGISTRATE			
COMPLAINANT	<b>GPD</b>	<b>GPD</b>	
CASE NUMBER	<b>18002834</b>	<b>18002834</b>	

CHARGE BOND

HOLD FOR  
WARRANTS

REPORTING OFFICER <b>M SANBORN</b>	DATE <b>6/20/18</b>	DEPT. NO. <b>507</b>	APPROVING OFFICER	DATE	DEPT. NO.
			FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OFFICER	

RELEASE DATE	TIME	RELEASING OFFICER	NUMBER	AGENCY RELEASED TO
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REMARKS:

Case Report Number: 18008061-001

Case Report

Administrative		CSZ	GEORGETOWN, SC 29440
Case Report Number	18008061-001	Location Name	
Subject	Violation Drug Laws/N.Smith	Verification	Verified
CIC Inquiry		Verification Level	
CIC Entered		Jurisdiction	7G
Subject Identified	Yes	Grid	7G
Subject Located	Yes	Sector	03
Disposition	Arrest	Map	
Entered On	6/21/2018 1:03:05 PM	Census/Geo Code	
Entered By	Smith, Noel	Tract/Geo Indicator	
Reported On	6/20/2018	Call Source	
Reporting Officer	Smith, Noel	Related Cases	
Reporting Agency	GEORGETOWN CITY POLICE	Means	
Report Type		Other Means	
Assisted By		Motives	
Occurred On (Date and Time)	Wednesday 6/20/2018 8:30:00 PM	Other Motives	
Or Between (Date and Time)		Vehicle Activity	
Dispatched Date/Time		Direction Vehicle Travelling	
Arrived Date/Time		Cross Street	
Departed Date/Time	2018-06-20T20:21:05.727	Notified	
Location	243 N CONGDON ST		

For Exceptional Clearances

Clearance Basis  
Exceptional Clearance Date

Narrative

On 6/20/2018 Cpl. Smith responded with patrol units at 215 N. Congdon St. located in the City of Georgetown. Upon arrival Officer's observed Carlos Dennison in the area and confirmed through Central Dispatch, Dennison had active warrants for his arrest. It was at that time Dennison was placed under arrest for narcotics violations. Dennison was made secure and searched at that time for weapons. During the search, a white in color small jar with red lettering affixed to it, was located in the right front pants pocket of Dennison. Inside the said item was 4 plastic baggies containing an off white substance believed to be Heroin and also another plastic baggie believed to be cocaine. Dennison was also carrying a blue tote bag that had lottery tickets inside. Dennison has been known to place heroin inside the tickets and wrap them as bindles, to be sold. Subject was transported to the Georgetown County Detention Center where he was charged with Violation Drug Laws. The items seized were placed in B.E.S.T. Bag B293893 and placed in evidence.

ARREST WARRANT

2018A2220200345

STATE OF SOUTH CAROLINA, S.C.

County of GEORGETOWN Municipality of

Georgetown 2018 JUN 28 ORIGINAL

ALMA Y. WHITE CLERK OF COURT

18008061

Carlos Anthony Dennison

Address:

Phone: SSN:

M Race: B Height: 6 1 Weight: 170

DL State: SC DL #:

DOB: Agency ORI #: SC0220200

Prosecuting Agency: Georgetown Police Department

Prosecuting Officer: Noel W Smith - 0165

Offense: Drugs / Possession of cocaine, 1st offense

Offense Code: 3011

Code/Ordinance Sec: 44-53-0370(d)(3)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge.

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Carlos Dennison

on 6/21/18 @ 1000hrs

S. Gregory / 007

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions P. O. Box 479 401 Cleland Street, Room 115 Georgetown, SC 29442

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Georgetown

Personally appeared before me the affiant Noel W Smith / John Gregory who

being duly sworn deposes and says that defendant Carlos Anthony Dennison

did within this county and state on or about 6/20/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Georgetown)

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Possession of cocaine, 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on June 20, 2018, Officers with the City of Georgetown Police Dept. responded to the area of 215 N. Congdon St. in the City of Georgetown. Subject Carlos Dennison was at this location and had active warrants and was placed under arrest. Dennison was searched and in his front right pocket a small white jar with red lettering affixed to it. The jar contained a plastic baggie with an off white substance believed to be cocaine. Approximate weight of the item, 0.54 grams. This being against the peace and dignity of the State of South Carolina.

JUN 28 2018

Signature of Affiant

John Gregory #007

STATE OF SOUTH CAROLINA

County/ Municipality of

Georgetown

Affiant's Address 2222 Highmarket Street

Georgetown, SC 29440-

Affiant's Telephone (843)545-4300

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/20/2018 defendant: Carlos Anthony Dennison

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Georgetown) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Possession of cocaine, 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me.

on 6/21/2018

Signature of Issuing Judge

Robert Harry O'Donnell

Judge Code: 6217

Judge's Address: 2222-B Highmarket Street

Georgetown, SC 29440-2904

Judge's Telephone (843)545-4020

Issuing Court: Magistrate Municipality Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

ARREST WARRANT

2018A2220200346

STATE OF SOUTH CAROLINA  
GEORGETOWN COUNTY, S.C.

Georgetown

2018 JUN 28 PM 4:00

ALMA Y. WHITE  
CLERK OF COURT

Carlos Anthony Dennison

Address:

Phone: M Race: B Height: 6 1 Weight: 170

State: SC DL #

DOB: Agency ORI #: SC0220200

Prosecuting Agency: Georgetown Police Department

Prosecuting Officer: Noel W Smith - 0165

Offense: Drugs / Manuf., poss. of Sch. IV drugs, except flunitrazepam, with intent to distribute - 1st

Offense Code: 0189

Code/Ordinance Sec: 44-53-0370(a)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to defendant Carlos Dennison on 6-21-18 @ 1200hrs

J. Gregory #007  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P. O. Box 479  
401 Cleland Street, Room 115  
Georgetown, SC 29442

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Georgetown

Personally appeared before me the affiant Noel W Smith / John Gregory who

being duly sworn deposes and says that defendant Carlos Anthony Dennison

did within this county and state on or about 6/20/2018 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Georgetown) in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manuf., poss. of Sch. IV drugs, except flunitrazepam, with intent to distribute - 1st offense (Heroin)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on June 20, 2018, Officers with the City of Georgetown Police Dept. responded to the area of 215 N. Congdon St. in the City of Georgetown. Subject Carlos Dennison was at this location and had active warrants and was placed under arrest. Dennison was searched and in his front right pocket a small white jar with red lettering affixed to it. The jar contained four plastic baggies with an off white substance believed to be heroin. Approximate of the item, 0.38 grams. This being against the peace and dignity of the State of South Carolina.

JUN 28 2018

Signature of Affiant

J. Gregory #007

STATE OF SOUTH CAROLINA

County/ Municipality of

Georgetown

Affiant's Address 2222 Highmarket Street  
Georgetown, SC 29440-

Affiant's Telephone (843)545-4300

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/20/2018 defendant Carlos Anthony Dennison

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Georgetown) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Manuf., poss. of Sch. IV drugs, except flunitrazepam, with intent to distribute - 1st offense (Heroin)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 6/21/2018

Signature of Issuing Judge (L.S.) Judge's Address 2222-B Highmarket Street

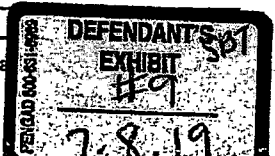
Robert Harry O'Donnell Georgetown, SC 29440-2904

Judge Code: 6217 Judge's Telephone (843)545-4020

Issuing Court: Magistrate Municipality of

ORIGINAL

ORIGINAL



1 true billed by the grand jury. Direct indictments have to be  
2 served in court on defendants. The defendant was brought into  
3 court on April 2019 when the direct indictments were served.  
4 We attempted to do the plea in May, the next month, on the  
5 first term. We have two weeks of court, two separate terms  
6 each month this year. We came to do the guilty plea the first  
7 term in May. It was turned down by the Judge. It was put on  
8 the trial roster the second term in May, the trial roster the  
9 first term in June, trial roster second term in June. The  
10 first term in June it wasn't reached, other cases were dealt  
11 with. The second week in June the defendant inadvertently  
12 brought down, like he was this morning from this detention  
13 area between our courtrooms to the first floor where the jury  
14 pool was. So, it got continued to today and it is on the  
15 trial roster again. Pretty much we've been doing everything  
16 we possibly could do once SLED got the drugs tested. I don't  
17 think the case have been called or accomplished any sooner.  
18 There was always some reason the past several terms of court  
19 that the case would been on the trial roster and wouldn't  
20 actually take place. We don't think the State has been slack  
21 or not responsive or not doing their job. We think was as  
22 early as it could be. The case before you is just 13 months  
23 old. We attempted to have it on the trial roster a month  
24 before it was one year old. It is our position that no speedy  
25 trial violation has occurred.

1           **THE COURT:** Any reply?

2           **DEFENDANT:** Your Honor, under 3161, Your Honor, I  
3 supposed to been indicted, I mean, within two months after the  
4 -- the arrest. Your Honor, give me a second. I'm sorry. I  
5 was never indicted for the possession charges until nine  
6 months later. The State is stating that because of the  
7 analysis, Your Honor, I don't believe that's the correct term  
8 they can use to exclude the time of the 3161 rule (a) (b) and  
9 (c) (1). And I'm sorry, Your Honor, I'm just trying to get  
10 this all on record. I'm sorry.

11           **THE COURT:** Does usca -- does 31 usca even apply?

12           **MR. POWELL:** I'm not familiar with that, Judge. I wasn't  
13 familiar with that statute before we started talking about it.

14           **THE COURT:** You're referencing the United States Code  
15 Annotation and our rules in state court that I traditionally  
16 see come from the South Carolina Criminal Rules of Civil  
17 Procedure or the South Carolina Code of Laws and not the  
18 United States Code Annotated sections.

19           **DEFENDANT:** Your Honor, we can move --- we can move to  
20 the next motion.

21           **THE COURT:** Okay. Alright.

22           **DEFENDANT:** Your Honor, the defendant argues the motion  
23 to suppress evidence on a defective warrant. These are  
24 warrants I'm submitting into evidence. On the face of all  
25 four warrants, Your Honor, which I'm using for evidence.

1 Exhibit --- do I speak exhibit now? I'm sorry. They are the  
2 same warrants: exhibit 1A 2018A2220200120, drugs schedule two.  
3 Exhibit 1B, warrant 2018A2220200133, drugs schedule one, two  
4 and three. Exhibit 1C, 2018A2220200345, drugs possession of  
5 cocaine. Exhibit 1D, 2018A2220200346, drugs manufactured  
6 schedule four with intent to distribute. And Exhibit 1E, bail  
7 bonding proceeding form number two. At the bottom where it  
8 states signature of issuing Judge, you will see that is Clerk  
9 of Court stamp clocked. The signature on the original warrant  
10 is different from the signature on the defendant's copy which  
11 makes the warrant a defective warrant. In Davis versus  
12 Sanders an 1894 South Carolina case, the South Carolina  
13 Supreme Court stated that a signature is a necessary element.  
14 The Davis requirement is that a warrant must be signed by a  
15 judicial officer in order to be complete. It is a common law  
16 decision predicated on police -- I mean, I'm sorry, on public  
17 policy consideration citing Davis vs Sanders a South Carolina  
18 case, 40 sc 507, 19 sc 138 (1894). Also, Your Honor, a  
19 warrant is not issued until signed by appropriate magistrate,  
20 municipal judicial officer or a judge of court record, State  
21 vs Covert 382 sc 285, 675 se 2d 740 a 2009 case. Your Honor,  
22 also the South Carolina Supreme Court stated we think it would  
23 be very dangerous to the peace of society for a court to hold  
24 that paper which shows on its face that it's an unfinished  
25 paper to be sufficient justification for an arrest. By the

1 signatures not matching on the original warrant and  
2 defendant's copy allow the credibility of the issuing Judge  
3 Robert Harry O'Donnell, judge code 6217, to vanish. It's  
4 confusing, misunderstanding, as stated by a Maryland Appellate  
5 Court in Giles vs State. A valid search warrant properly  
6 executed may produce evidence sufficient to convict the person  
7 accused of a crime. A defective and invalid search warrant  
8 produces confusion, waste and injustice to an accused or to  
9 society or to both. State vs Freeman a South Carolina case,  
10 319 sc 110, 459 sc 2d 865 a 1995 case. Your Honor, with  
11 warrants they talk about good faith. With good faith even  
12 though the space for signature of issuing judge provide was to  
13 be a signature, as stated the original order does not match  
14 the defendant's copy which is to be on all four warrants  
15 making a total of eight signatures. Supreme Court stated a  
16 warrant is not issued until signed by an appropriate  
17 magistrate, municipal judicial officer or judge, cited in  
18 State vs Colvert (2009). Now, in State vs. Colvert there is a  
19 section the Judge stated on appeal held that the search  
20 warrant was not issued within the meaning of the statute'  
21 because it lacked a timely signature. The Judge also had  
22 three -- there was a good faith exception to the statutory  
23 warrant procedure that it was (inaudible). He agreed that the  
24 absence of a magistrate's signature at the time the warrant  
25 was served invalidates it but did not reach the issue whether

1 it exists in good faith. Exception to the statutory warrant  
2 requirements says we find as explained below that no warrant  
3 was ever issued. In State vs. Colvert (2009) the same case,  
4 South Carolina Supreme Court stated the officers could have  
5 discovered the error by simply looking at the warrant itself.  
6 Therefore, the Court finds there was no good faith effort to  
7 comply with the statute. Also, under South Carolina law an  
8 unsigned warrant is not a warrant and is not capable of being  
9 issued within the meaning of Rule 17 13 140, Davis vs Sanders  
10 (1894) and State vs Colvert a 2009 case. Officers good faith  
11 irrelevant when the warrant is not signed, Davis vs Sanders.  
12 See also State vs Sachs 264 sc 541, 216 se 2d 501 (1975);  
13 also, State vs McKnight 291 sc 110, 112, 352 se 2d 471 and 472  
14 a 1987 case.

15 Your Honor, the original copy signature does not match  
16 the defendant's copy signature on all four clerk stamped  
17 warrants. Judge Robert Harry O'Donnell is the Judge. Judge  
18 Robert Harry O'Donnell, judge code 6217, which reveals a crime  
19 of forgery and violates 17 13 140, statutory warrant required.  
20 Defendant would respect of the Court humbly request that  
21 contraband be excluded and defendant regain his liberty. I  
22 have the warrants right here, Your Honor. Can I bring them up  
23 to you? This right here is supposed to be O'Donnell's real  
24 signature. I'm sorry.

25 **THE COURT:** Have you shown them to the State?

1           **DEFENDANT:** No. I write them and told them. I write  
2 them back in January and February and sent all the warrants.

3           **MR. POWELL:** Your Honor, may I approach?

4           **THE COURT:** Yes, sir.

5           **MR. POWELL:** I have a copy that have the Judge's  
6 signatures. I'm not sure what Your Honor ---

7           **DEFENDANT:** Your Honor, neither of them match either.  
8 The four he got, neither of them match either. I'm sorry.

9           **THE COURT:** Alright. Yes, sir.

10          **MR. POWELL:** Your Honor, I have -- I don't know where the  
11 copies that the defendant presented to the Court came from.  
12 The four I handed up were what came, transmitted from the  
13 Clerk of Court's Office. As Your Honor is probably aware,  
14 arrest warrants are done, the Court ends up sending the  
15 Solicitor's Office copies of them for us to start opening a  
16 file. The four warrants that I have all appear to be signed  
17 the same by Judge Robert Harry O'Donnell who is the City of  
18 Georgetown ---

19          **DEFENDANT:** Not the same address.

20          **MR. POWELL:** --- Magistrate. This is the Georgetown  
21 Police Department city case, so they went to the city court  
22 judge and had the warrant signed. All I've seen and all I  
23 know about is the four I handed up to Your Honor which all

24 appear to be the same } The signature which is sort of  
25 scribbly seems to match the bond paperwork that was done in

1 the distribution case and the PWID case that's on the trial  
2 roster. I don't where the copies that the defendant presented  
3 came from.

4 **THE COURT:** Reply?

5 **DEFENDANT:** Your Honor, the jury get to look at the  
6 warrants and tell. But, Your Honor, those are not the same  
7 signatures. Those are the same warrant numbers but those are  
8 not -- if you look at the affidavit signature of the officer  
9 you can see that their signature is not exactly the same. But  
10 you can see that that's the same signee. That's the same  
11 author that authored -- Officer John Gregory, you can see that  
12 his signature is the same but it's different.

13 **THE COURT:** Okay. I've got that the affiants were Noel  
14 Smith and John Gregory. John Gregory's -- the signature for  
15 John Gregory appears to be the same on three of them and then  
16 one signature for Noel Smith appears to be different because  
17 it's Noel Smith's name, not John Gregory.

18 **DEFENDANT:** No. What I'm saying is that the signature of  
19 John Gregory matches the copy. Both of them match as in they  
20 the same person that signs it. But Robert O'Donnell's  
21 signature, none of those match.

22 **MR. POWELL:** Your Honor, when I looked at it they didn't  
23 look one hundred percent perfect. I certainly can't explain  
24 the differences. I don't even know where those came from.

25 **THE COURT:** Are you talking about Robert O'Donnell's?

MOTHER  
FUCKER

CONTRADICTING

1           **MR. POWELL:** The warrants that that was passed up by Mr.  
 2 Dennison to Your Honor. I think they're multiple copies of  
 3 the same warrant and some of them [it's hard to tell] whether  
 4 the signature of the Judge was the exact same on each one.  
 5 I'm not a signature expert. I'm just talking about knee jerk  
 6 reactions and glancing at them.

7           **DEFENDANT:** Your Honor, they came from the county jail.  
 8 They were in my files at the county jail, the defendant's copy  
 9 warrants. Those come from the county jail. I was  
 10 incarcerated the whole time, Your Honor. Everything came from  
 11 either my Rule 5 or from the jail house.

12           **THE COURT:** Okay. You know, you say they don't look the  
 13 same; unfortunately, if y'all took at some of the papers that  
 14 I've signed in my career you would probably not be able to  
 15 read my signature. It looks like this Judge Robert Harry  
 16 O'Donnell [has the same rush] when he signs his name as I do. I  
 17 think that they're pretty similar, it's just that they're  
 18 illegible but [they're illegible in the same format] on each one.  
 19 of them.

20           **MR. POWELL:** May I address one other part, Judge?

21           **THE COURT:** Uh-huh. (Affirmative response)

22           **MR. POWELL:** All of these charges from the two  
 23 distribution cases and this PWID case that's on the trial  
 24 roster, they're all direct indictments. So, I don't know that  
 25 [an error in the arrest warrant] would override [the direct

ABUSE OF DISCRETION

MALICIOUS PROSECUTION

JUDGE - 3-2021

1 indictments that have been true billed by the grand jury that  
2 aren't even the charges in the arrest warrants. So, I'm not  
3 sure if that's an issue that needs to be addressed but  
4 certainly ---

5 **DEFENDANT:** Your Honor, those are not the same  
6 signatures, Your Honor. They not -- why -- why -- why is the  
7 same number warrant is different from the copy, original copy,  
8 and then you've got the defendant's signature. Why they  
9 different? They the same warrant. They 20180222020133 (sic)  
10 the original warrant does not match the copy. That's the same  
11 warrant, that's a copy, why they don't match?

12 **THE COURT:** Alright. I'm going to deny the motion, but  
13 you're protected on the record with it. But, with that being  
14 said, you've handed me a group of documents that we need to  
15 get admitted into evidence. Do you have any objection to us  
16 taking them and they becoming part of the record of this case?

17 **DEFENDANT:** No, sir, Your Honor. I don't.

18 **THE COURT:** Okay. In the event that I have made an error  
19 there will be another Judge or Judges that will take a look at  
20 what we've done here today and they will need to see these  
21 documents. That's why I want them in the record.

22 **DEFENDANT:** Alright.

23 **THE COURT:** Do you have other copies?

24 **DEFENDANT:** I mean, I've got other copies for me.

25 **THE COURT:** Okay. That's what I mean because it may be

1 that you want to use these same documents for some other  
2 purpose in the future, so I just wanted to make sure you had  
3 copies.

4 **DEFENDANT:** No, sir.

5 **THE COURT:** Sir?

6 **DEFENDANT:** No, you can take them.

7 **THE COURT:** Alright, madam court reporter.

8 Alright. We'll mark -- I've counted 10 pages that the  
9 defendant has presented as a group. We'll mark those as  
10 defendant's 10. I've noted the State we'll do -- it's four  
11 pages but the four pages are both front and back. That will  
12 be the State's one for this proceeding.

13 **(DEFENDANT'S EXHIBITS ONE, TWO, THREE, FOUR, FIVE,**  
14 **SIX, SEVEN, EIGHT, NINE and TEN ARE ADMITTED**  
15 **INTO EVIDENCE)**

16 **(STATE'S EXHIBIT ONE IS**  
17 **ADMITTED INTO EVIDENCE)**

18 **DEFENDANT:** Your Honor, can I speak?

19 **THE COURT:** Uh-huh. (Affirmative response)

20 **DEFENDANT:** Will I be able to let the jury look at those  
21 signatures?

22 **THE COURT:** If you feel like they become relevant during  
23 the trial of this case and issues are presented then you can  
24 attempt to use them. I can't tell you now because I don't  
25 know what the State's position is, whether they're going to

Carlos Dennison #295321  
PLAINTIFF(S)

Police Department Georgetown City et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- 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;  Rule 41(a), 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
- STAYED DUE TO BANKRUPTCY**
- 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 (formal order to follow)  Statement of Judgment by the Court:

Plaintiff's Motion for Summary Judgment is DENIED.

Plaintiff's Motion to Amend is GRANTED by consent of the parties. Plaintiff has 30 days to file and serve Amended Summons and Amended Complaint.

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/09/2021.

Carlos Dennison #295321 for Carlos Dennison #295321  
Carlos Dennison #295321 for Carlos Dennison #295321

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

September 15, 2021

Mr. Carlos Anthony Dennison, #295321  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, SC 29472

Re: Your Case

Dear Mr. Dennison:

Enclosed is a copy of the opinion of the Court of Appeals affirming your conviction. Please be advised that our office will be closing your case along with this letter.

Please be aware that there is a **one year statute of limitations for filing an application for post-conviction (PCR) relief**. This is one year from the date of the enclosed opinion. This statute of limitations is **very strictly enforced**, so please be sure that you comply with it. Please understand *it is your responsibility alone to be sure this PCR application is timely filed*. **This application must be filed with the clerk of court in the county of your conviction**. There is also now a **one year statute of limitations for filing for federal habeas**. However, you must **exhaust your PCR claims** in state court, before raising them in federal court.

Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

Joanna K. Delany  
Appellate Defender

JKD/KK

Enclosure: Post-Conviction Relief Application

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF Georgetown )

IN THE COURT OF COMMON PLEAS )  
FOR THE SC JUDICIAL CIRCUIT )

PROOF OF ADR

Carlos Dennison )  
 )  
Plaintiff, )  
vs. )  
 )  
Georgetown City Police Department, et al. )  
Defendant. )

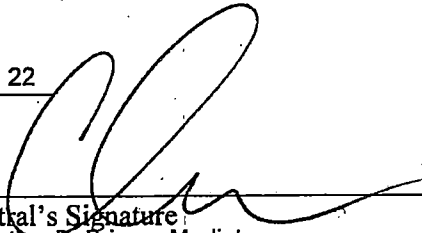
Docket No. 2021-CP-22-00158

*(Within 10 days of the conclusion of ADR and no later than 300 days after filing, an original must be filed with the Clerk of Court and a copy forwarded to the attorneys for the parties.)*

PURSUANT to the South Carolina Alternative Dispute Resolutions Rules (SCADR):

1. Alternative Dispute Resolution (ADR) was conducted on the 20th day of June, 20 22 in the form of
  - a.  mediation
  - b.  non-binding arbitration
  - c.  binding arbitration (attached appropriate order of dismissal)
  
2. The neutral(s) was/were (Name(s) of arbitrator(s)/mediator(s)) Christine E. Brimm,  
Mediator
  
3. Present at the ADR conference were:
  - a.  Plaintiff
  - b.  Defendants
  - c.  Lawyer(s) for Plaintiff
  - d.  Lawyer(s) for Defendants Payton Hoover, Esq.
  - e.  Representative for Insurance Carrier Dena Davis
  - f.  Guardian *ad litem*
  - g.  Expert(s)
  - h.  Others
  
4. As a result of ADR, this case should be considered (check one)
  - a.  fully settled by Consent Judgment to be filed by
  - b.  fully settled Voluntary Dismissal to be filed by
  - c.  Partially settled
  - d.  at an impasse

Submitted this 20th day of June, 20 22

  
\_\_\_\_\_  
Neutral's Signature  
Christine E. Brimm, Mediator

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

JUL 26 2022

SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

HONORABLE BENJAMIN H. COLBERTSON

CARLOS DENNISON

APPELLANT

v.

GEORGETOWN CITY

POLICE DEPARTMENT, et al


RESPONDENT

CERTIFICATE OF SERVICE

TITLE UNDER SIGN HEREBY CERTIFIES A TRUE COPY OF  
THE INITIAL BRIEF OF APPELLANT AND DESIGNATION  
OF MATTER IN THE ABOVE REFERENCE CASE HAS BEEN  
SERVED UPON PAYTON HOOKER VIA MAIL AT:

P.O. BOX 21203 CHARLESTON, S.C 29413

JULY 18, 2022

  
CARLOS DENNISON  
PRO SE

JULY 20, 2022

UZA U.S MAIL

JENNY KITCHINGS

P.O. BOX, 11629

COLUMBIA, S.C 29211

RE: CARLOS DENNISON V. GEORGETOWN CITY

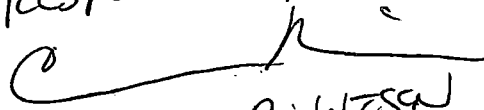
POLICE DEPT.

APPELLATE CASE NO. 2022-000948

DEAR MS. KITCHINGS

ENCLOSURE IS THE INITIAL BRIEF OF APPELLANT,  
THE DESIGNATION OF MATTER, THE CERTIFICATE OF  
SERVICE, AND BOTH PROOF OF SERVICE FOR NOTICES  
OF APPEAL TO CIRCUIT COURT, AND IN FORMA  
PAUPERIS IN THE ABOVE REFERENCE CASE.

RESPECTFULLY SUBMITTED



CARLOS DENNISON

7-20-2022

**RECEIVED**

JUL 26 2022

SC Court of Appeals

CARLOS DENNISON #295321

MCZ-131 A24A

1516 OLD GILLIARD ROAD

PIEDMONT, S.C. 29472



**RECEIVED**

JUL 26 2012

SC Court of Appeals

SC COURT OF APPEALS  
JENNY ABBOTT KITCHINGS  
PO BOX 11629  
COLUMBIA, S.C. 29211

