

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Reginald Byrd, #209137,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-42-01182

RETURN AND MOTION TO DISMISS

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S.C. SUPREME COURT

NOW COMES Respondent, making its return and moving to dismiss the post-conviction relief (hereafter "PCR") application filed on March 30, 2020 by Reginald Byrd (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In November 1992, the Spartanburg County Grand Jury indicted Applicant for murder (1992-GS42-6643). Theo Mitchell, Esquire represented Applicant. Applicant proceeded to trial before the Honorable Joseph Cole. He was convicted and sentenced to life imprisonment on December 16, 1993.

Applicant filed a timely notice of appeal on or around December 22, 1993. The South Carolina Court of Appeals dismissed Applicant's appeal by unpublished opinion. *State v. Byrd*, Op. No. 24483 (S.C. filed Aug. 19, 1996). The remittitur was issued on September 4, 1996.

Prior PCR Case: (1997-CP-42-00607)¹

Applicant filed his first PCR application on March 4, 1997. The matter was heard before the Honorable John W. Kittredge, now-South Carolina Supreme Court Justice. Respondent was

¹ The records for this matter and subsequent appeal have been destroyed.

represented by Attorney Teresa Crosby. The matter was dismissed by the Court on April 29, 1999. An appeal was filed, which was also dismissed.

Prior Habeas Corpus Case: (9:01-3070-19BG)²

Applicant filed a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 on August 3, 2001. The Magistrate's report and recommendation was issued August 7, 2002. The matter was dismissed in the district court on September 6, 2002.

II. Current Action Before the Court

In his PCR application, Applicant alleges he is detained unlawfully for the following reasons (excerpts verbatim):

1. "Ineffective assistance of counsel for failure to investigate."
 - a. "Failure of counsel and the court, to investigate the laws of South Carolina as to whether they were "affixed" with the impression of the Great Seal of South Carolina. Section 16-1-60 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read: S.C. Const. Act. III, Section 18, §18, Formalities of Act. No bill or joint resolution have the force of law until it shall have been read (3) times and on (3) several days in each house, has had the (Great Seal) of the State affixed to it, and has been signed by the president of the senate, and the speaker of the House of Representatives: provided, that either branch of the General Assembly may provide by rule for a first and third reading of any bill or joint resolution by its title only. The Great Seal of the state must be attached to an act before it can become effective, 1974-75. Op. Atty. Gen. 4013 pg. 85."
2. "Newly Discovered Evidence" and "Fraud Upon the Court."
 - a. "The Applicant asserts upon belief and fact, that on or around November 2017, the State newspaper reported the Great Seal of the State of South Carolina, missing from certain laws here in South Carolina. Furthermore, the Applicant has researched this newly discovered evidence with the S.C. Department of archives and history, with a Mr. Steven Tuttle confirming the Great Seal of South Carolina is not affixed to the 1993 Act No. 184 (see exhibit 1). Also, the Applicant will submit a letter from a Mr. Steven Draffin addressed to Mr. Spencer Hewitt, that states the Original 1995 Act No. 7, has been lost and only a duplicate copy resides at the S.C. Department of archives and history (see exhibit 2). Both Federal and State constitutions forbid any law imparting the obligations of contracts. Therefore, the obligation of a contract is that duty of performing the contract according to its terms and intent which the law recognizes and enforces. Again,

² The records in this matter have since been destroyed.

like any ordinary bill must in order to have force of law (must) have the Great Seal of the State attached thereto. Due to the facts of evidence, the Applicant moves this court to allow this post-conviction relief application to proceed. Furthermore, the Applicant asserts that this matter is a due process violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments of the U.S. Constitution, and the S.C. Constitution, Article III, Section 18.”

By amendment filed August 21, 2020, Applicant alleged:

1. Ineffective assistance of counsel
 - a. “failure of counsel to move for a ‘Batson challenge’ during the voir dire proceeding, and furthermore, counsel failed to preserve the issue for appellate review.”

By amendment dated April 29, 2021, Applicant alleged:

1. Ineffective assistance of counsel for”
 - a. Failure to object to prosecution’s seating of an all-white jury.
 - b. Violation of Article 1, section 14 of the South Carolina Constitution.
 - c. Violation of United States Constitution 14th Amendment Due Process and Equal Protection.

Attached to and incorporated herein are Applicant’s Spartanburg County Clerk of Court Records; Applicant’s South Carolina Department of Corrections Records, and the current PCR application. Respondent reserves the right to amend this return based upon receipt of additional relevant information.

III. Motion to Dismiss

Respondent moves for summary dismissal pursuant to section 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing. Because there is no question of law or fact to necessitate a hearing, Respondent requests the Court not appoint counsel in this matter, and instead issue a conditional order of dismissal indicating the Court’s intent to dismiss the application and its reasons for so doing.³ See S.C. Code Ann. § 17-27-70(b) (establishing procedure for summary

³ A proposed Conditional Order of Dismissal consistent with this return and motion to dismiss is concurrently submitted for the Court’s consideration.

disposition of PCR applications); *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief); *Re: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court*, S.C. Sup. Ct. Order filed October 6, 2008; Rule 71.1(d), SCRCPC (providing for appointment of counsel only where there is a question of law or fact which necessitates a hearing). Respondent moves for summary dismissal for the following reasons:

Statute of Limitations

Respondent submits this application should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, South Carolina Code Annotated Section 17-27-70(c) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.”

Applicant was found guilty at trial on December 16, 1993. The application was therefore due on December 17, 1994. This application was filed on March 30, 2020, well beyond the

statutory filing period. Therefore, the application should be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

Successiveness

The application should be summarily dismissed because it is successive to Applicant's previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981); *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive PCR applications are forbidden unless an applicant can indicate a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised ... in the previous application." *Id.* at 450, 409 S.E.2d at 394. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. *Id.* Applicant bears the burden of showing the allegations could not have been previously raised. *Land v. State*, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant's current allegations were or could have been raised in the proceedings based on Applicant's prior PCR application; thus, the current application is successive and barred

under South Carolina Code Annotated Section 17-27-90. Applicant has failed to establish any

sufficient reason why he could not have raised his current allegations in his previous PCR

application. Therefore, he has failed to meet the burden imposed upon him, and the application

should be dismissed as successive to Applicant's previous PCR application.

Appellate has not failed to meet in his own attempt to now challenge this Court knowing that Appellate surely did not get a "Free Bite At The Apple" at his trial with his Trial Lawyer, now in Appellate's Direct Appeal. Therefore, the Appellate now moves to state that our very own Court System failed to give Appellate his Due Process in all fairness.

Newly Discovered Evidence (The Great Seal)

Applicant alleges there is no visible impression of the Great Seal on the he was convicted

under. Our Supreme Court has held absolute literal compliance is not essential to valid

legislation, but substantial compliance is sufficient. *Smith v. Jennings*, 67 S.C. 324, 45 S.E. 821,

824 (1903). Furthermore, under the enrolled bill rule, an act is properly passed when ratified by

the presiding officers of the General Assembly, approved by the Governor, and enrolled in the

Office of Secretary of State. *Medical Soc. of South Carolina v. Medical Univ. of South Carolina*,

334 S.C. 270, 278, 513 S.E.2d 352, 356 (1999); *Beaufort County v. Jasper County*, 220 S.C. 469,

487, 68 S.E.2d 421, 430 (1951); *State v. Town Council of Chester*, 39 S.C. 307, 17 S.E. 752, 755

(1893) ("when the bill . . . is deposited in the department of state, according to law, its

authentication as a bill that has passed congress is complete and unimpeachable).

Other jurisdictions have upheld acts challenged as invalid because there was not strict

compliance with a constitutional provision. *See Taylor v. Wilson*, 22 N.W. 119 (Neb. 1885)

(finding an act was not unconstitutional when the president of the senate did not sign it as

required by the state's constitution); *Commr's of Leavenworth Co. v. Higginbotham*, 17 Kan. 62

(Kan. 1876) ("[T]he mere failure of the president of the senate to do his duty cannot have the

effect to invalidate the law.").

Additionally, our Supreme Court has upheld the appointment of an officer whose

commission lacked the Great Seal. *State v. Toomer*, 7 Rich. 216, 229, 41 S.C.L. 216, 229 (1854).

In *Toomer*, the Court explained if the State excused the delinquency of the officer and cured the defects, then the title has related back to the time of the election. *Id.* Moreover, section 2-7-45 of the South Carolina Code states:

The Code of Laws of South Carolina, 1976, which contains the permanent laws of general application through the 1975 session of the General Assembly and which was presented to the members of the General Assembly during the 1977 session is hereby adopted as the Code of Laws of South Carolina, 1976, and is declared to be the only general statutory law of the State as of January 1, 1976.

Our Supreme Court has held codification of an act will cure a constitutional defect, and is part of the general statutory law of the State. *S.C. Tax Comm'n v. York Elec. Co-op., Inc.*, 275 S.C. 326, 333, 270 S.E.2d 626, 629-30 (1980). The Acts Applicant currently challenges had substantial compliance with the requirements and were codified into the 1976 Code. Therefore, these laws are enforceable, and Applicant's allegation lacks merit.

Applicant's discovery of the missing Great Seals does not constitute newly discovered evidence, nor is it grounds to nullify the law the Applicant was convicted under. This evidence was discoverable prior to trial. Because he proceeded to trial and has delayed in filing this action since, Applicant has waived his right to present any and all defenses that he may have had, and he cannot raise them now in his current PCR application based upon "newly discovered evidence."

IV. Other Allegations Denied

Each and every other allegation in the Applicant's PCR application not explicitly admitted, qualified, or explain in this return is hereby denied by the Respondent.

V. Conclusion

WHEREFORE, Respondent moves to summarily dismiss the application because it is untimely, successive, and failure to establish a *prima facie* case of newly discovered evidence, as any limitation, color or creed embodied by law. Appellate, humbly ask that this Court acknowledge the Court System wrong doing and move to grant Appellate's PCR as of this day, in relations both to Appellate's Page 7 of 8 allegations evolving around the missing Great Seal, plus Appellate's unconstitutional violation in Appellate's

it relates to his allegations concerning the missing Great Seal.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

January 18, 2022

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
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)
Reginald Byrd, #209137,)
Applicant,)
)
v.)
)
State of South Carolina,)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-42-01182

CONDITIONAL ORDER OF DISMISSAL

This matter comes before the Court by way of a post-conviction relief application filed by Applicant Reginald Byrd on March 30, 2020. Respondent made its return, requesting the application be summarily dismissed.

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In November 1992, the Spartanburg County Grand Jury indicted Applicant for murder (1992-GS42-6643). Theo Mitchell, Esquire represented Applicant. Applicant proceeded to trial before the Honorable Joseph Cole. He was convicted and sentenced to life imprisonment on December 16, 1993.

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Applicant filed his first PCR application on March 4, 1997. The matter was heard before the Honorable John W. Kittredge, now-South Carolina Supreme Court Justice. Respondent was

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represented by Attorney Teresa Crosby. The matter was dismissed by the Court on April 29, 1999. An appeal was filed, which was also dismissed.

Prior Habeas Corpus Case: (9:01-3070-19BG)²

Applicant filed a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 on August 3, 2001. The Magistrate's report and recommendation was issued August 7, 2002. The matter was dismissed in the district court on September 6, 2002.

II. Current Action before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. "Ineffective assistance of counsel for failure to investigate."
 - a. "Failure of counsel and the court, to investigate the laws of South Carolina as to whether they were "affixed" with the impression of the Great Seal of South Carolina. Section 16-1-60 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read: S.C. Const. Act. III, Section 18, §18, Formalities of Act. No bill or joint resolution have the force of law until it shall have been read (3) times and on (3) several days in each house, has had the (Great Seal) of the State affixed to it, and has been signed by the president of the senate, and the speaker of the House of Representatives: provided, that either branch of the General Assembly may provide by rule for a first and third reading of any bill or joint resolution by its title only. The Great Seal of the state must be attached to an act before it can become effective, 1974-75. Op. Atty. Gen. 4013 pg. 85."
2. "Newly Discovered Evidence" and "Fraud Upon the Court."
 - a. "The Applicant asserts upon belief and fact, that on or around November 2017, the State newspaper reported the Great Seal of the State of South Carolina, missing from certain laws here in South Carolina. Furthermore, the Applicant has researched this newly discovered evidence with the S.C. Department of archives and history, with a Mr. Steven Tuttle confirming the Great Seal of South Carolina is not affixed to the 1993 Act No. 184 (see exhibit 1). Also, the Applicant will submit a letter from a Mr. Steven Draffin addressed to Mr. Spencer Hewitt, that states the Original 1995 Act No. 7, has been lost and only a duplicate copy resides at the S.C. Department of archives and history (see exhibit 2). Both Federal and State constitutions forbid any law imparting the obligations of contracts. Therefore, the obligation of a contract is that duty of performing the contract according to its terms and intent which the law recognizes and enforces. Again,

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like any ordinary bill must in order to have force of law (must) have the Great Seal of the State attached thereto. Due to the facts of evidence, the Applicant moves this court to allow this post-conviction relief application to proceed. Furthermore, the Applicant asserts that this matter is a due process violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments of the U.S. Constitution, and the S.C. Constitution, Article III, Section 18."

By amendment filed August 21, 2020, Applicant alleged:

1. Ineffective assistance of counsel
 - a. "failure of counsel to move for a 'Batson challenge' during the voir dire proceeding, and furthermore, counsel failed to preserve the issue for appellate review."

By amendment dated April 29, 2021, Applicant alleged:

1. Ineffective assistance of counsel for"
 - a. Failure to object to prosecution's seating of an all-white jury.
 - b. Violation of Article 1, section 14 of the South Carolina Constitution.
 - c. Violation of United States Constitution 14th Amendment Due Process and Equal Protection.

Before this Court are Applicant's Spartanburg County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, and the current PCR application.

III. Findings of Fact and Conclusions of Law

This Court has reviewed the pleadings, the records submitted to it by the parties, and the applicable law. Pursuant to South Carolina Code Annotated Sections 17-27-70 and -80, this Court informs the parties of its intent to dismiss the application based upon the following findings:

Statute of Limitations

The Court finds that this application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one

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year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, South Carolina Code Annotated Section 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Applicant was found guilty at trial on December 16, 1993. The application was therefore due on December 17, 1994. This application was filed on March 30, 2020, well beyond the statutory filing period. Therefore, the application should be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

Successiveness

The application shall be summarily dismissed because it is successive to Applicant's previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981); *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally

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adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive PCR applications are forbidden unless an applicant can indicate a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised ... in the previous application." *Id.* at 450, 409 S.E.2d at 394. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. *Id.* Applicant bears the burden of showing the allegations could not have been previously raised. *Land v. State*, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant's current allegations were or could have been raised in the proceedings based on Applicant's prior application for post-conviction relief; thus, the current application is successive and barred under South Carolina Code Annotated Section 17-27-90. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous PCR application. Therefore, he has failed to meet the burden imposed upon him, and the application shall be dismissed as successive to Applicant's previous PCR application.

Newly Discovered Evidence (The Great Seal)

Applicant alleges there is no visible impression of the Great Seal on the Acts of which he was convicted under. Our Supreme Court has held absolute literal compliance is not essential to valid legislation, but substantial compliance is sufficient. *Smith v. Jennings*, 67 S.C. 324, 45 S.E. 821, 824 (1903). Furthermore, under the enrolled bill rule, an act is properly passed when ratified by the presiding officers of the General Assembly, approved by the Governor, and enrolled in the

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Office of Secretary of State. *Medical Soc. of South Carolina v. Medical Univ. of South Carolina*, 334 S.C. 270, 278, 513 S.E.2d 352, 356 (1999); *Beaufort County v. Jasper County*, 220 S.C. 469, 487, 68 S.E.2d 421, 430 (1951); *State v. Town Council of Chester*, 39 S.C. 307, 17 S.E. 752, 755 (1893) ("when the bill . . . is deposited in the department of state, according to law, its authentication as a bill that has passed congress is complete and unimpeachable).

Other jurisdictions have upheld acts challenged as invalid because there was not strict compliance with a constitutional provision. See *Taylor v. Wilson*, 22 N.W. 119 (Neb. 1885) (finding an act was not unconstitutional when the president of the senate did not sign it as required by the state's constitution); *Commr's of Leavenworth Co. v. Higginbotham*, 17 Kan. 62 (Kan. 1876) ("[T]he mere failure of the president of the senate to do his duty cannot have the effect to invalidate the law.").

Additionally, our Supreme Court has upheld the appointment of an officer whose commission lacked the Great Seal. *State v. Toomer*, 7 Rich. 216, 229, 41 S.C.L. 216, 229 (1854). In *Toomer*, the Court explained if the State excused the delinquency of the officer and cured the defects, then the title has related back to the time of the election. *Id.* Moreover, Section 2-7-45 of the South Carolina Code states:

The Code of Laws of South Carolina, 1976, which contains the permanent laws of general application through the 1975 session of the General Assembly and which was presented to the members of the General Assembly during the 1977 session is hereby adopted as the Code of Laws of South Carolina, 1976, and is declared to be the only general statutory law of the State as of January 1, 1976.

Our Supreme Court has held codification of an act will cure a constitutional defect, and is part of the general statutory law of the State. *S.C. Tax Comm'n v. York Elec. Co-op., Inc.*, 275 S.C. 326, 333, 270 S.E.2d 626, 629-30 (1980). The Acts Applicant currently challenges had substantial compliance with the requirements and were codified into the 1976 Code. Therefore,

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these laws are enforceable, and Applicant's allegation lacks merit.

Applicant's discovery of the missing Great Seal does not constitute newly discovered evidence, nor is it grounds to nullify the law the Applicant was convicted under. This evidence was discoverable prior to trial. Because he proceeded to trial and has delayed in filing this action since, Applicant has waived his right to present any and all defenses that he may have had, and cannot raise them now in his current PCR application based upon "newly discovered evidence."


IV. Conclusion

Pursuant to South Carolina Code Annotated Section 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty days from the date of service of this order upon him to show why this order should not become final. Applicant shall file any reasons he may have with the Spartanburg County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Chelsey F. Marto, Esquire
PCR Division – Seventh Circuit
P.O. Box 11549
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Spartanburg County Clerk of Court and opposing counsel within twenty days, and that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 4th day of March, 2022.


R. KEITH KELLY
Chief Administrative Judge
Seventh Judicial Circuit

Spartanburg, South Carolina

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG)

Reginald Byrd #209137) C/A No.2020-CP-42-01182
Applicant,)
-vs-)
State of South Carolina) APPLICANT'S OPPOSITION AND REPLY
Respondent,) TO THE COURT'S CONDITIONAL ORDER

Introduction

COMES NOW, above captioned Applicant, Reginald Byrd, ^{pro se,} respectfully lodging his opposition and reply to the Court's Conditional Order that was issued in the above captioned. Applicant filed the instant PCR application on March 30, 2020. On January 18, 2022, Respondent's filed a Return and Motion to Dismiss and of their own accord conjunctively prepared a "proposed Conditional Order" for the Court; which the Court ultimately signed and thus allotting Applicant twenty (20) days within which to provide the Court with sufficient reasons both factual and legal as to why the Conditional Order should not become final.

Applicant's opposition and reply is as follows:

PROCEDURAL HISTORY

For the sake of brevity and the Court's time, Applicant adopts the Respondent's procedural history set forth in the proposed Conditional Order (hereafter "CO"), pages 1-3, and opposing the defense of Statute of Limitations starting at page 3 of CO.

THE GREAT SEAL

As dictated by the South Carolina Code of Laws, the Secretary of State is responsible for the statewide registration of corporations, Uniform Commercial Code interests, business opportunities, employment agencies, trademarks and notaries.

The Secretary of State handles incorporations of municipalities and special purpose districts, the annexations of land, and the escheatment of real property in South Carolina. The Secretary of State is also the administrator and regulator of the Solicitation of Charitable Funds Act handles the publication of positions within certain statewide boards and commissions and issues all state-wide cable franchises. The Secretary of State is an ex officio member of the Legislative Council and the Commission on Consumer Affairs.

Additionally, Article 3 Section 18 of the South Carolina Constitution provides that "[n]o Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each house, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives: Provided, that either branch of the General Assembly may provide by rule for a first and third reading of any Bill or Resolution by it's title only. (emphasis original and added).

Upon information and belief, dating back to at least November of 1976, it has been the job of the Secretary of State to affix the "Great Seal" to each law passed in South Carolina such that it gains the force of law. Upon further information and belief, dating back to at 1976, Act 184 the Secretary of State has failed

to carry out this function as to numerous bills, meaning that they never became valid law.

Upon further information and belief, the Secretary of State is required to transfer all laws to the South Carolina Department of Archives and History within five years of the law's passage, and the Secretary of State has not complied with this requirement since 1976 and the enactment of Act 184.

Upon information and belief, Act 184 of 1993 which Applicant was convicted under was in fact passed during the period of time that the Secretary of State had a habit and routine of failing to affix the Great Seal to laws. Accordingly, it is more likely than not that the Great Seal was never affix to law by the Secretary of State, and that that law has never become valid. Therefore the alleged law Applicant was convicted under was never valid or enforceable pursuant to the South Carolina Constitution.

If 184 Act Applicant was convicted under now has the Great Seal affixed, a hearing and discovery is necessary to determine when the Great Seal was affixed to the laws, because the laws would not have been valid until the Great Seal was affixed, pursuant to the South Carolina Constitution. If the great seal was affixed after the effective date of the law, the law would still be invalid and unenforceable on it's face.

BATSON CLAIM AND GREAT SEAL

Respondent asserts these claims should have been raised in the initial PCR proceedings. Applicant submits any default is imputed to the State.

Addressing Respondent's Motion to Dismiss (hereafter "RMDM"), Respondent correctly points out in pertinent part: 17-27-90

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2022 FEB -8 AM 10:16
CLERK OF COURT
MILKENS COUNTY
MAY 11 2022

states: "...may not be the basis for a subsequent application unless the Court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended pleading." Id RMDM at 5. Applicant is a layman and was represented by counsel both at trial and during the initial PCR proceedings, so if and in fact [both] of those counsels were inadequate to take notice of such negligence in the handling of the laws in Applicant's case, it would be an artifice to pin those inadequacies on Applicant.

If the issue was to have been raised in the initial PCR application any default is imputed to the State because Post Conviction Relief Actions Rule 71.1(d), SCRPC the appointment of PCR counsel mandates that PCR counsel raise all available issues. Including but not limited claims of ineffective assistance of counsel. The duty is on the applicant to show a duty of care was owed to him. *Rayfield v. S.C. Dept. of Corr.*, 297 S.C. 95, 105-06, 374 S.E.2d 910, 916 (Ct.App.1988), cert. denied 298 S.C. 209, 379 S.E.2d 133 (1989). An affirmative legal duty may be created by statute (here Rule 71.1(d), SCRPC), contract relationship, status, property interest, or some other special circumstances. *Arthurs v. Aiken County*, 338 S.C. 253, 525 S.E.2d 542, 547 (S.C. App.1999).

The affirmative legal duty here is created by the South Carolina Constitution, Article i, §3; South Carolina Code Ann. §17-27-60 (2003) and Rule 71.1(d), South Carolina Rules of Civil Procedure, Post Conviction Relief Actions.

NEWLY DISCOVERED EVIDENCE AND FRAUD UPON THE COURT

The Conditional Order creates a genuine issue of material

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SOUTH CAROLINA
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fact in dispute and also exploits the fraud upon the Court claim to it's maximum.

The Conditional Order on page 7 states:

Applicant's discovery of the "missing Great Seal" does not constitute newly discovered evidence, nor is it grounds to nullify the law Applicant was convicted under. This evidence was discoverable prior to trial. Because he proceeded to trial and has delayed in filing this action since,....

As seen in the above the Conditional Order even states "the Great Seal is missing" and further the underlined portions of the Conditional Order the Order as well as Respondent's motion states "this evidence" was discoverable prior to trial. Id CO and RMDM. Therefore it is reasonable to believe that the Prosecution/The State clearly knew about this evidence prior to trial and still proceeded on trying Applicant under an invalid law, thus constituting fraud upon the Court. Attorney fraud calls into question the integrity of the judiciary and erodes public confidence in the fairness of our system. Accordingly where an attorney, whether he be trial counsel or the State prosecutor embarks upon a scheme to intentionally conceal documents extrinsic fraud upon the court occurs. Because fraud upon the court is an affront to the administration of justice, a litigant who has been defrauded need not establish prejudice. *Chewing v. Ford Motor Co.*, 579 S.E. 2d 605, 611 n.7 citing *Hazel-Atlas Glass Co. v. Hartford-Empire Co.* 322 U.S. 238, 64 S.Ct. 997 (1944); *Dixon v. Comm'n of Internal Revenue* 2003 WL 1216290 (9th Cir.2003) ("...the perpetrator of the fraud [upon the court] should not be allowed to dispute the effectiveness of the fraud

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U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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after the fact").

Extrinsic fraud is "fraud that induces a person not to present a case or deprives a person of the opportunity to be heard. Relief is granted for extrinsic fraud on the theory that because the fraud prevented the party from fully exhibiting and trying his case, there has never been a real contest before the court on the subject matter. Hilton Head Ctr. of South Carolina v. Public, Serv. Comm'm, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987).

Applicant submits there is genuine issues of material fact and law at hand that requires a hearing into the matter. Therefore, the Conditional Order should not become final in the instant matter.

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CLERK OF COURT
SPRINGBURG COUNTY
AT 777 CLK

CONCLUSION

Based on the foregoing, Applicant respectfully prays the Court will not issue a Final Order, but instead appoint counsel and conduct an evidentiary hearing into the matter at the Court's earliest convenience since the matters at hand raise sufficient questions of matters of law and a genuine issue of material fact in dispute.

Respectfully Submitted,

1st Reginald Byrd
Reginald Byrd #209137

DATED 2/3/2022, 2022

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CLERK OF COURT
SPARTANBURG COUNTY
JERRY W. COX

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG)

Reginald Byrd #209137) C/A No. 2020-CP-42-01182
Applicant,)
-vs-)
State of South Carolina)
Respondent,)

CLERK OF COURT
SPARTANBURG COUNTY
AMY V. COX
AMY.V.COX@SC.JUDS.GOV

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CERTIFICATE OF SERVICE

The undersigned hereby certifies he has served a true and correct copy of the enclosed Opposition and Reply on the persons whose names and addresses appear below, by placing the aforesaid in properly addressed, first-class postage affixed envelopes and placed in the U.S. Mail this 3rd day of February, 2022.

THOSE SERVED:

Spartanburg County, Clerk
Amy Cox
P.O. Box 3483
Spartanburg, SC. 29304

Respectfully Submitted,

1st Reginald Byrd
Reginald Byrd #209137

Assistant Attorney General
Chelsey F. Marto
P.O. Box 11549
Columbia, SC. 29211

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 3rd DAY OF February, 2022

David E Berry
NOTARY PUBLIC

MY COMM. EXPIRES 1-31-30

FORM 5

STATE OF SOUTH CAROLINA)

County of Spartanburg)

Reginald Byrd)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2020-CP-42-01182

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional Institution
2. Name and location of Court which imposed sentence General Sessions
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 92-GS-42-6643 - (Murder)
 - (b) _____

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CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 12/16/93 - (Life)
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. lost paper work
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) _____

2020 MAR 30 AM 9:29
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. BOY

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- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) See Attachments
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See Attachments
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? N/A
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

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 CLERK OF DISTRICT COURT
 SPARTANBURG COUNTY
 AMERICAN COURTS

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other State or Federal, in any petition, motion or application which you have filed

- N/A

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. _____
- iii. _____

2020 MAR 30 AM 9:29
 CLERK OF COURT
 SPANISHBURG COUNTY
 ANNE W. COX

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16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Newly Discovered Evidence
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Theo Mitchel
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Trial
 - ii. _____
 - iii. _____

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CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

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19. State clearly the relief you seek in filing this application:

Vacate and Remand

20. Are you now under sentence from any other court that you have not challenged?

N/A

STATE OF SOUTH CAROLINA)

County of Spartanburg)

VERIFICATION

I, Reginald Byrd, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

x Reginald Byrd

SWORN to and subscribed before me this 23 day of March, 2020.

Lamara Conwell (L.S.)
Notary Public

My Commission Expires: My Commission Expires
September 25, 2023

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SPARTANBURG COUNTY
AMY W. COX

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MAR 23 2020

P.C.I. MAILROOM

Revised 3/2003

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, R. B., hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

X *Roger H. Boyd*
Applicant

SWORN or affirmed to and subscribed before me this

23 day of March, 2020

Jamaica Connors
Notary Public

My Commission Expires: September 25, 2028

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MAR 23 2020

P.C.I. MAILROOM

2020 MAR 30 AM 9:30
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SPARTANBURG COUNTY
ALAY W. COX

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10(A) Ineffective assistance of counsel for failure to investigate

(B) Newly Discovered Evidence.

(c) Fraud Upon the Court, (a), (B), (3)

11(A)(1) Failure of counsel and the court, to investigate the laws of South Carolina as to whether they were "Affixed" with the impression of the Great Seal of South Carolina. Section 16-1-60 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read:

S.C. Const. Art III, Section 18

§ 18. Formalities of Act.

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2021 MAR 30 AM 9:30
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SPARTANBURG COUNTY
AMY W. COX

No Bill or Joint Resolutions have the force of law until it shall have been read (3) Times and on (3) Several Days in each house, has had the (Great Seal) of the State Affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives: provided, that either branch of the General Assembly may provide by rule for a first and third reading of any bill or Joint Resolution by its title only.

(1)

The "Great Seal" of the State (Must) be attached to an act before it can become effective, 1974-75.

Op. Atty. Gen. 4013, pg. 85.

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CLERK OF COURT
SPARTANBURG COUNTY
AMY V. COX

"Newly Discovered Evidence"
and "Fraud Upon the Court"

The Applicant asserts upon belief and facts, that on or around November 2017, the State Newspaper reported the Great Seal of the State missing from certain laws here in South Carolina.

Furthermore, the Applicant has researched this Newly Discovered Evidence with the S.C. Department of Archives and History, with a Mr. Steven Tuttle confirming the Great Seal of South Carolina is not affixed to the 1993 Act No. 184. (See Exhibit 1)

Also, the Applicant will submit a letter from a Mr. Stephen Draffin addressed to Mr. Spencer Hewitt, that states the Original 1995 Act No. 7, has been lost and only a Duplicate copy resides at the S.C. Department

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(B) Newly Discovered Evidence.

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SPARTANBURG COUNTY
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CLERK OF COURT
SPARTANBURG COUNTY
AMY V. COX

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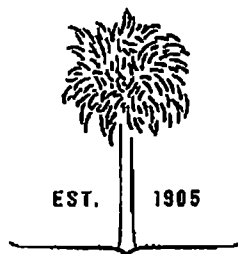
of Archives and History. (See Exhibit 2)

Due to the facts of evidence, the Applicant moves this court to allow this Post Conviction Relief application to proceed. Furthermore, the Applicant asserts that this matter is a Due Process violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments of the U.S. Constitution, and the S.C. Constitution, Article III, Section 18.

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SPARTANBURG COUNTY
AMY W. COX



SOUTH CAROLINA DEPARTMENT OF
ARCHIVES & HISTORY

Exhibit 1

16 March 2020

Mr. Reginald Byrd #209137
Perry Correctional Institution Q1B-113
430 Oaklawn Road
Pelzer, SC 29669

2020 MAR 30 AM 9:31
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

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Dear Mr. Byrd:

I checked the following act that you requested but could not locate a visible impression of the Great Seal: 1993 Act No. 184.

Sincerely,

Steven D. Tuttle
Deputy Director
Archives & Records Management

South Carolina Legislative Council

DAVID H. WILKINS, CHAIRMAN
SPEAKER OF THE HOUSE OF REPRESENTATIVES

GLENN F. MCCONNELL
CHAIRMAN, SENATE JUDICIARY COMMITTEE
THE SENATE

JAMES H. HARRISON
CHAIRMAN, HOUSE JUDICIARY COMMITTEE
THE HOUSE OF REPRESENTATIVES

ROBERT L. PESLER
PRESIDENT OF THE SENATE

JIM MILES
SECRETARY OF STATE



Exhibit 2

STATE HOUSE, FIRST FLOOR
AND
DENNIS BUILDING, SUITE 434
1000 ASSEMBLY STREET
P.O. BOX 11489, COLUMBIA, S.C. 29211-1489
TELEPHONE: (803) 734-2145
FAX: (803) 734-2425

October 21, 2002

STEPHEN T. DRAFFIN
CODE COMMISSIONER AND DIRECTOR

M. HOPE BLANKLEY

Mr. Spencer Hewitt
Secretary of State's Office
Edgar Brown Building
Columbia, South Carolina 29211

Dear Spencer:

You asked us recently to help locate the original of H.4323 of 1994 (Ratification Number 585 of 1994 and Act Number 7 of 1995) which became law on January 12, 1995, without the signature of the Governor. As we indicated in our telephone conversation, the Governor's office sends acts directly to the Secretary of State's office without transmitting them back through any office of the General Assembly. It is our best guess if you have no record of it that the original was lost during the changeover from the Campbell administration to the Beasley administration in January 1995, especially since the Governor didn't sign it. We asked Steve Tuttle at Archives to go through the boxed materials of these administrations, and he indicated that after doing so the original of this act could not be found. We did not check with Governor Hodges' office but it may be worth trying to follow up there although this would be a long shot.

In order that you can have a record of this act in the Secretary of State's office, we have prepared a duplicate from the computer files maintained by Legislative Printing. This is the same procedure we follow from time to time when bills are misplaced while under the consideration of the General Assembly. This should provide you with a sufficient record of what was ratified by the General Assembly and what became law without the signature of the Governor. If we can be of further help, please let us know.

Very truly yours,

A handwritten signature in black ink, appearing to be "SK" followed by a long horizontal line.

Stephen T. Draffin

STD/gjk
Enc.

A person convicted of an offense for which the term of imprisonment is determined upon the value of the property involved must, if the offense is a violent offense, be punished as prescribed

Section 16-1-160 of the 1976 Code, as last amended by Act 16-1-160, is amended to read:

Section 16-1-160. For purposes of definition under South Carolina law a violent offense means the offenses of murder (Section 16-3-10); criminal sexual conduct, first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first and second degree (Section 16-3-654); criminal sexual conduct with intent to commit criminal sexual conduct, first and second degree (Section 16-3-655); assault and battery with intent to kill (Section 16-3-70); kidnapping (Section 16-3-910); voluntary manslaughter (Section 16-3-920); armed robbery (Section 16-11-330); drug trafficking as defined in Sections 16-2-370(C) and 24-53-375(C); arson in the first degree (Section 16-11-310); burglary in the first degree (Section 16-11-311); and burglary in the second degree (Section 16-11-312(B)), engaging a child in prostitution (Section 16-3-810); accessory before the fact to a violent offense (Section 16-1-40); and attempt to commit a violent offense (Section 16-1-80). Only those offenses listed in this section are considered violent offenses.

Section 16-1-161 of the 1976 Code, as last amended by Act 16-1-161, is amended to read:

Section 16-1-161. A person convicted for the crime of robbery with a dangerous weapon, such as a handgun, slingshot, metal knuckles, razor, or other dangerous weapon, shall be sentenced for a mandatory minimum term of not less than thirty years, no part of which may be suspended. A person convicted under the provisions of this section shall not be eligible for parole until he has served at least seven

years of the term of imprisonment if the person is under the age of twenty-one sentenced under the provisions of this section or if the person is convicted of armed robbery and sentenced to a minimum sentence of at least three years of imprisonment. The person is not eligible for parole or probation if the person is sentenced to a five-year minimum sentence.

Section 16-1-162 of the 1976 Code, as last amended by Act 16-1-162, is amended to read: A person between the ages of twenty-one and twenty-five, who is convicted of a violent offense, may not be sentenced under the provisions of this section if the person is under the provisions of the Sentencing Offenders Act.

M. HOPE BLACKLEY
2018 NOV -5 PM 4:50
COURT

WITNESSES

Richard Gregory *0575026*
Spartanburg County Sheriff's Dept.
Spartanburg, SC 29304

- 1. SEARCHED INDEX
- 2. INDEXED
- 3. CARD FILED
- 4. INDEXED
- 5. INDEXED RECORDED
- 6. CHECKED SIGNATURE
- 7. INDEXED AND FILED
- 8. TRAFFIC VIOLATIONS COPY

ACTION OF GRAND JURY

Juan Bill

Melvin J. Atkins
FOREMAN OF GRAND JURY

VERDICT

Guilty.

Robert H. Handell 12-16-93
FOREMAN OF PETIT JURY DATE:

~~INDEX NO. 65-42-6643~~

THE STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg (02)

COURT OF GENERAL SESSIONS 08/21/92

NOV 9 1992 TERM

THE STATE

VS.

Reginald Byrd

Computer

INDICTMENT FOR
MURDER

Holman C. Gossett, Jr.



STATE OF SOUTH CAROLINA)
COUNTY OF Spartanburg)

INDICTMENT FOR MURDER

At a Court of General Sessions, convened on NOV 24 1992,
the Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE - MURDER

That Reginald Byrd
did in Spartanburg County on or about August 21, 1992,
feloniously, wilfully and with malice aforethought, kill one Beverly Joan Golden,
by shooting the victim,
by means of a handgun,
and that the said victim died as a proximate result thereof.

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

James N. Pruitt
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Spartanburg)

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by means of a handgun,
and that the said victim died as a proximate result thereof.

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

William N. P...
SOLICITOR

2-24-92 ARREST WARRANT

D- 575025

STATE OF SOUTH CAROLINA

County/ Municipality of SPARTANBURG

THE STATE against

REGINALD BYRD

Address: RT 1 BOX 292 CROSS HILL, S.C. (COUNTY JAIL)

Phone: SSN: Sex: Race: E Height: Weight: DL State: DL#: DOB: Agency ORI#: Prosecuting Agency: Prosecuting Officer: RICHARD GREGORY Offense: MURDER

Offense Code: CRU5 Side/Ordinance Sec. 16-3-10 16-3-20

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 law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Reginald Byrd on 8-21-92

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

SPARTANBURG MAGISTRATE COURT SPARTANBURG COUNTY COURTHOUSE SPARTANBURG, SC 29301

STATE OF SOUTH CAROLINA County/ Municipality of

AFFIDAVIT

Form Approved by S.C. Attorney General July 28, 1980 SCCA 515

Personally appeared before me the affiant RICHARD GREGORY who being duly sworn deposes and says that defendant REGINALD BYRD did within this county and state on 08-21-92 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of) in the following particulars:

DESCRIPTION OF OFFENSE: MURDER 16-3-10 16-3-20

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:

THE DEFENDANT DID WITH MALICE AFORETHOUGHT CAUSE THE DEATH OF BEVERLY JOAN GOLDEN BY SHOOTING THE VICTIM WITH A HANDGUN.

AFFIANT'S BELIEF IS BASED UPON POLICE INVESTIGATION AND STATEMENT FROM DEFENDANT.

Sworn to and subscribed before me on August 21, 1992 Signature of Affiant Richard Gregory Affiant's Address SHERIFF'S DEPT. Signature of Issuing Judge (L.S.) Affiant's Telephone

STATE OF SOUTH CAROLINA County/ Municipality of SPARTANBURG

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 08-21-92 defendant REGINALD BYRD did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: MURDER 16-3-10 16-3-20

Now, therefore, 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.

Signature of Issuing Judge (L.S.) Judge's Address SPARTANBURG MAGISTRATE COURT COUNTY COURTHOUSE, SPARTANBURG, SC 29301 Judge's Telephone 596-2564

Judge Code: 579 Issuing Court: [X] Magistrate [] Municipal [] Circuit

JAMES B. PASLAY ORIGINAL

BAU, set by

WITNESSES

Judge _____
on _____
Type and Amount: _____
Name of Surety _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by
Judge _____
on _____
Defense _____
Date: _____

Name: _____
Address: _____
Telephone: _____

DISPOSITION before
Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, nol. pros., etc.)

Name: _____
Address: _____
Telephone: _____

Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

JURORS

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

Name: _____
Address: _____
Telephone: _____

FILED
CLERK OF COURT
SPRINGFIELD COUNTY
1992 AUG 26 PM 2:29
KENNETH R. HUCKABY

RECEIVED
AUG 24 1992
SPRINGFIELD COUNTY
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
STATE OF SOUTH CAROLINA

IN THE (V) COURT OF GENERAL SESSIONS
() MAGISTRATE'S COURT
() MUNICIPAL COURT OF

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

(Bond Proceeding Form 2)

REGINALD BYRD
Name of Defendant

Offense Charged: MURDER

At a bail proceeding conducted by undersigned judge for the defendant named above, it was determined by the court (check one or both):
() The release of the defendant on recognizance will not reasonably assure his appearance as required.
() The release of the defendant on recognizance will result in an unreasonable danger to the community.
This determination was based upon the following findings of fact:

SERIOUS NATURE OF CHARGE

MAINTAIN FROM LISTING
2. ...

Considerations: Nature and circumstances of the offense charged, the accused's family life, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.

THEREFORE, IT IS HEREBY ORDERED:

- That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required; to answer the charge made against him and do what shall be ordered by the court, and not depart the State without the permission of the court and be of good behavior.
- That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

() The defendant acknowledging himself to be indebted to the State of South Carolina, deposits \$_____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

() The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of \$5000.00 his release to be obtained by payment to the court of 10% of this bond in cash, this amount being \$500.00. The defendant will be obligated to the State in the full amount of \$5000.00 such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this order.

APPEARANCE RECOGNIZANCE WITH SURETY

() The defendant will provide good and sufficient surety approved in the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of \$2,500.00.

IT IS FURTHER ORDERED:

3: That the defendant shall appear at:
SPARTANBURG COUNTY
COURT HOUSE
Place of Trial

Oct. 12 1992 Date
10:00 A.M. Time Initials of Defendant

and remain there throughout the term of court or until some disposition is made of his case or at such other place, date and time as the court may direct.

- That those conditions described on the reverse side which are marked are also imposed.

[Signature] Signature of Judge
9/10/92 Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this order, including any conditions included on the reverse side of this order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the order or fail to appear as required.

[Signature] Address
Cross Hill S.C. 29332 City and State

[Signature] Signature of Defendant
Oct 11 1992 Date

250-55-2540-998-4262 Social Security Number/Telephone No.

[Signature] Attorney Representing (if known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED

Original Copy for the Trial Court Copy for the Defendant

SPECIAL CONDITIONS OF RELEASE

a. (-) Placement in custody. The defendant is placed in the custody of: _____

Address: _____ City: _____ State: _____ Telephone: _____

who agrees (1) to supervise the defendant in accordance with conditions set forth by the court; (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court; and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

Signature of Custodian (If Applicable) _____ Date: _____

b. (✓) Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:
NIGHT CURFEW - HOME FROM 7 P.M. TO 6 A.M.
DO NOT LEAVE LAURENS COUNTY, S.C.

c. (-) Part-Time Release. The defendant will be released from custody from _____ a.m. to _____ p.m. on _____ on condition that he return to the custody of _____ at _____ as designated.

d. (✓) Other Conditions. The defendant agrees that he will notify the court promptly if he changes his address from the one contained in this order and that he will comply with the following other conditions of release:
VISIT ABBEY SAUNDERS AT LEAST ONCE EACH WEEK TO KEEP IN TOUCH WITH HER OR ANOTHER ATTORNEY

APPEARANCE RECOGNIZANCE WITH SURETY

On this 11th day of Dec, 1972, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina in the sum of \$200 such sum to be levied on his real and personal property for the use of the State if the within named defendant shall fail in performing the conditions of this order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein over all his debts and liabilities and exclusive of property exempt from execution.

LAST CHANCE BAIL BONDING CO
210 W. LAURENS ST. SUITE 103
LAURENS, S.C. 29360

Signature of Surety: _____
Date: Dec 11, 1972

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

NCIC

ING. ENTG.

ORIGINAL REPORT
 SUPPLEMENTAL REPORT
 ADDITIONAL VICTIMS
 ADDITIONAL STOLEN PROPERTY
 MODIFIED ORIGINAL
 CASE STATUS CHANGE
 ADDITIONAL OFFENDERS
 ADDITIONAL RECOVERED PROPERTY

PAGE _____ OF _____ PAGES.

VICT./SUBJ. I.D. OVERFLOW

COMPLAINT
 VICTIM #
 SUBJECT #
 RUNAWAY
 WANTED
 WARRANT
 ARREST
 BAIL
 DIAGNOSIS

NAME (LAST, FIRST, MIDDLE) **MEADE JOSEPH KEVIN**
 VICTIM RELATIONSHIP TO SUBJECT: #1 **UNK** #2 #3
 RESIDENT DOB **W M** RACE **W** SEX **M** AGE **18** D.O.B. **11-13-73** ETH **W**
 HEIGHT **6-03** WEIGHT **145** HAIR **BRN** EYES **BRN** FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. **WEARS GLASSES**
 ADDRESS **100 ROBINSON RD.** CITY **LAURENS** STATE **SC** ZIP CODE **29368** LOCATION NO. **O.J.** DAY PHONE **984-0846** EVENING PHONE **984-0846**
 VICTIM NO. _____ VISIBLE INJURY: NO YES
 COMPLAINT OF NON-VISIBLE INJURIES: NO YES
 VICTIM USING ALCOHOL: NO YES UNK
 TWO-MAN VEHICLE
 DETECTIVE/PLACED
 CALORIC
 EXPLAIN: NO YES
 DRUGS: NO YES TYPE: UNK
 ONE-MAN VEHICLE
 OTHER
 ASSISTED
 SUBJECT NO. _____ USING ALCOHOL: NO YES
 USING DRUGS: NO YES TYPE: UNK

VICT./SUBJ. I.D. OVERFLOW

COMPLAINT
 VICTIM #
 SUBJECT #
 RUNAWAY
 WANTED
 WARRANT
 ARREST
 BAIL
 DIAGNOSIS

NAME (LAST, FIRST, MIDDLE) _____
 VICTIM RELATIONSHIP TO SUBJECT: #1 #2 #3
 RESIDENT DOB **J S O U** RACE _____ SEX _____ AGE _____ D.O.B. _____ ETH _____
 HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____ FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. _____
 ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____ LOCATION NO. _____ DAY PHONE _____ EVENING PHONE _____
 VICTIM NO. _____ VISIBLE INJURY: NO YES
 COMPLAINT OF NON-VISIBLE INJURIES: NO YES
 VICTIM USING ALCOHOL: NO YES UNK
 TWO-MAN VEHICLE
 DETECTIVE/PLACED
 CALORIC
 EXPLAIN: NO YES
 DRUGS: NO YES TYPE: UNK
 ONE-MAN VEHICLE
 OTHER
 ASSISTED
 SUBJECT NO. _____ USING ALCOHOL: NO YES
 USING DRUGS: NO YES TYPE: UNK

VEH./GUN/EIC. 1

STOLEN
 RECOVERED
 FOUND
 TOWED
 SUSPECT
 VICTIM

STATUS _____ TYPE _____
 VIN AND/OR LICENSE NO. _____ BOAT HULL NO. AND/OR REG. NO. _____
 SERIAL AND/OR OWNER APPLIED NO. _____ STATE _____
 YEAR OF REGISTRATION _____ YEAR OF EXPIRATION _____ YEAR _____ MAKE _____ TYPE _____
 MODEL _____ STYLE _____ COLOR _____ BRAND NAME _____ CALIBER _____
 NIC NO. _____ DENOMINATION _____ ISSUER _____ SECURITIES DATE _____
 MISCELLANEOUS _____

VEH./GUN/EIC. 1

STOLEN
 RECOVERED
 FOUND
 TOWED
 SUSPECT
 VICTIM

STATUS _____ TYPE _____
 VIN AND/OR LICENSE NO. _____ BOAT HULL NO. AND/OR REG. NO. _____
 SERIAL AND/OR OWNER APPLIED NO. _____ STATE _____
 YEAR OF REGISTRATION _____ YEAR OF EXPIRATION _____ YEAR _____ MAKE _____ TYPE _____
 MODEL _____ STYLE _____ COLOR _____ BRAND NAME _____ CALIBER _____
 NIC NO. _____ DENOMINATION _____ ISSUER _____ SECURITIES DATE _____
 MISCELLANEOUS _____

VEH./GUN/EIC. 1

STOLEN
 RECOVERED
 FOUND
 TOWED
 SUSPECT
 VICTIM

STATUS _____ TYPE _____
 VIN AND/OR LICENSE NO. _____ BOAT HULL NO. AND/OR REG. NO. _____
 SERIAL AND/OR OWNER APPLIED NO. _____ STATE _____
 YEAR OF REGISTRATION _____ YEAR OF EXPIRATION _____ YEAR _____ MAKE _____ TYPE _____
 MODEL _____ STYLE _____ COLOR _____ BRAND NAME _____ CALIBER _____
 NIC NO. _____ DENOMINATION _____ ISSUER _____ SECURITIES DATE _____
 MISCELLANEOUS _____

VEH./GUN/EIC. 1

STOLEN
 RECOVERED
 FOUND
 TOWED
 SUSPECT
 VICTIM

STATUS _____ TYPE _____
 VIN AND/OR LICENSE NO. _____ BOAT HULL NO. AND/OR REG. NO. _____
 SERIAL AND/OR OWNER APPLIED NO. _____ STATE _____
 YEAR OF REGISTRATION _____ YEAR OF EXPIRATION _____ YEAR _____ MAKE _____ TYPE _____
 MODEL _____ STYLE _____ COLOR _____ BRAND NAME _____ CALIBER _____
 NIC NO. _____ DENOMINATION _____ ISSUER _____ SECURITIES DATE _____
 MISCELLANEOUS _____

AGENCY I.D.
SCO 420000

SUPPLEMENTARY REPORT.

CASE NUMBER

NCIC

INC. ENT'D.

[Empty box for case number]

[Empty box for NCIC info]

<input checked="" type="checkbox"/> ORIGINAL REPORT	<input type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY	PAGE _____ of _____ PAGES.
<input type="checkbox"/> MODIFIED ORIGINAL	<input type="checkbox"/> CASE STATUS CHANGES	<input type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY	

ON 8-21-92 AT OR ABOUT 3:00 A.M. FRIDAY MORNING I HAD PULLED INTO THE PARKING LOT OF THE L.L. CRICKET IN CROSS ANKOR TO SPEAK WITH HIS OFFICER DEAN HUEY. AT THAT TIME A PICK-UP TRUCK CAME IN AND STATED THEY HAD SEEN A CAR PARKED ON HORSESHOE FALLS RD AND THERE WERE 3 WHAT APPEARED TO BE GUNSHOTS IN THE FRONT WINDSHIELD AND WHAT APPEARED TO BE A WOMAN SHOT IN THE CAR. OFFICER HUEY TOLD THEM TO SHOW US WHERE THE CAR WAS AT THAT TIME WE FOLLOWED THE 2 MEN TO THE SCENE TAG NUMBER ON THE TRUCK WAS CTS-609. WHEN WE ARRIVED AT THE SCENE I WAS BEHIND OFFICER HUEY. WE PULLED UP AWAY FROM THE VEHICLE AND GOT OUT. AT THAT TIME WE COULD SEE WHAT APPEARED TO BE 2 GUNSHOTS THROUGH THE FRONT WINDSHIELD AND A WOMAN WITH BLOOD RUNNING DOWN HER FACE AND CLOTHING. AT THAT TIME WE (OFFICER HUEY AND MYSELF) BLOCKED OFF THE SCENE (SIGNED IT OFF). WE DETAINED THE TWO ^{YOUNG} MEN AND CALL FOR AN AMBULANCE SUPERVISOR, DETECTIVE AND I.D. NEITHER MYSELF OR OFFICER WALKED TO THE VEHICLE. AFTER A FEW MINUTES THE AMBULANCE ARRIVED. THE MEDIC THEN WALKED IN A STRAIGHT LINE TO THE VEHICLE TO EXAMINE THE FEMALE. HE THEN CAME BACK FROM THE CAR AND STATED THE WOMAN WAS DEAD. THE FEMALE WAS BLACK AND APPEARED TO BE YOUNG. MYSELF AND OFFICER HUEY THEN BACK OFF THE SCENE AND KEPT IT SECURE UNTIL A SUPERVISOR ARRIVED WHEN WE FOUND THE VEHICLE IT WAS BACK OFF OF THE MAIN RD ONTO A SMALL DIRT ROAD WITH THE FRONT FACING THE ROAD. THE TWO GUNSHOT WERE IN THE AREA OF THE DRIVERS SIDE FRONT WINDSHIELD.

NARRATIVE

[Handwritten signature]
 W. *[Handwritten name]*

SUBJECT IDENTIFIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE-NO CUSTODY						
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
K. Hancock	8-21-92	133C				
			FOLLOW-UP INVESTIGATION	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OFFICER	

- ORIGINAL REPORT
 SUPPLEMENTAL REPORT
 ADDITIONAL VICTIMS
 ADDITIONAL STOLEN PROPERTY
 MODIFIES ORIGINAL
 CASE STATUS CHANGE
 ADDITIONAL OFFENDERS
 ADDITIONAL RECOVERED PROPERTY

PAGE _____ OF _____ PAGES.

Witness

ANTHONY CLEVELAND BROOKIE
 PO Box 193 LOT 19 BUTLER RD.
 Mauldin SC 29630
 DOB 12-1-72 DL# 004140534
 HT 5'11 WT 210 HR BRO EYES BRO TAN MUSTACHE
 Phone 984-3283 Home
 288-7107 Mauldin

NARRATIVE

Witness stated he was riding on Horseshoe Falls Rd with Joseph Meade in Red & white pickup truck CTS-609 SC. Witness stated they passed victim's car while car was parked and noticed victim and thought she was asleep. Witness stated they turned around and came back to check and noticed 2 bullet holes in windshield and what appeared to be blood. Witness then rode to Lil Cecey Hwy 49+52 in Cross Anchor SC where 1 off Hagen and off K Harcock were parked. Myself and off Harcock followed witness to the scene. Scene was secured, detective, I.D., supervisor, coroner and EMS arrived. Witnesses stated they saw no one on Horseshoe Falls Rd.
 Anthony C Brookie

ADMINISTRATIVE

SUBJECT IDENTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE-NO CUSTODY									
REPORTING OFFICER(S) Hagen, J.D.			DATE 8-12-92		UNIT NUMBER 113C		APPROVING OFFICER		
FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO					OFFICER				

AGENCY I.D.
SCD 420000

INCIDENT REPORT

CASE NUMBER

0801-001-92

NCIC

IND. ENTR.

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	LIMITS ENTERED	TYPE VICTIM
1. <i>Homicide</i>		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<i>DIRT ROAD ONE ROADWAY</i>		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Professional Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relg. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off
2.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)	ZIP CODE	WEAPON TYPE
<i>Horshoe Falls Ro. Cross Anchor SC</i>		<i>Handgun</i>
INCIDENT DATE	24 HR. CLOCK	DISPATCH DATE/TIME
<i>8-21-92</i>	<i>03:27</i>	<i>8-21-92 03:27</i>

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
	#1 #2 #3	<input checked="" type="checkbox"/> J <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> U						

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
<i>GOLDEN, Beverly Joan</i>	<i>Wife</i>	<input checked="" type="checkbox"/> J <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> U	<i>B</i>	<i>F</i>				

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
<i>5'4"</i>	<i>140</i>	<i>Brd</i>	<i>Brd</i>	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
<i>103 PARKER ST.</i>	<i>Clinton</i>	<i>SC</i>	<i>29325</i>	

VISIBLE INJURY (VICT. 1) <input type="checkbox"/> YES <input type="checkbox"/> NO EXPLAIN-	COMPLAINT OF ANY NON-VISIBLE INJURY (VICT. 1) <input type="checkbox"/> YES <input type="checkbox"/> NO

VICTIM (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK. DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK. TYPE:	TWO-MAN VEH. <input type="checkbox"/> ONE-MAN VEH. <input type="checkbox"/> DETECTIVE/PLASMT <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/> *J - This Jurisdiction 6 - State 0 - Out of State U - Unknown
<input type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE)
<input type="checkbox"/> RUNAWAY	<i>B. Bruce Benjamin</i>
<input type="checkbox"/> WANTED	RACE SEX AGE ETH. DATE OF BIRTH HEIGHT WEIGHT HAIR EYES
<input type="checkbox"/> WARRANT	<i>Bm 23 62 215 Blk Brn</i>
<input type="checkbox"/> ARREST	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
<input type="checkbox"/> JAIL	ADDRESS
<input type="checkbox"/> ESCAPED	<i>SAIL</i>
	CITY
	STATE
	ZIP CODE
	LOCATION NO.

ON THE ABOVE DATE, Anthony Brookie and Joseph Pears approached myself and OFF Hancock at the L'il Cricket in Cross Anchor SC. Mr. Brookie stated that they had noticed a car off the road on Horshoe Falls Ro with what appeared to be a body in the car with 2 bullet holes thru the windshield. Myself and OFF Hancock rode to Horshoe Falls and found the victim. SCENE WAS SECURED, SUPERVISOR, I.D., DETECTIVES, CORNER, AND AMBULANCE WERE NOTIFIED. IDENTITY AND OF VICTIM AND SUBJECT ARE UNKNOWN AT TIME OF REPORT.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
--	---

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY				
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE
<i>Hagan, J.D.</i>	<i>8-21-92</i>	<i>113C</i>		
<i>R. Hancock</i>	<i>8-21-92</i>	<i>153C</i>		
FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO				

S E N T E N C E

STATE OF SOUTH CAROLINA

CASE NO 92-GS-42-6643

SPARTANBURG COUNTY

The defendant Reginald Byrd is committed to the State Department of Corrections/County for ~~the~~ term of you natural life and/or to pay a fine of \$ _____, provided upon the service of _____ months/years and/or payment of \$ _____, plus pay/waive cost and assessments as applicable*, ~~the balance suspended with probation for~~ _____ months/years.

Restitution

For physical injury \$ _____

Yes/No

property damage \$ _____

to be paid _____

to clerk for _____

Other conditions _____

Date

December 16, 1993

[Signature]
Presiding Judge

*Costs and Assessments

Non-waivable \$ _____

Not waived \$ _____

Total \$ _____

[Signature]
Clerk of Court

**Pay to Victim's Compensation Fund if subrogated.

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE GENERAL SESSIONS COURT

The State,
VS

Reginald Byrd,
Defendant.

MOTION FOR BAIL


To: Honorable Holman Gossett, Solicitor:

Please take notice that the undersigned, attorney for the above-named Defendant for the purposes of having bail set, which Defendant is charged with murder, will move before this Court at 2:00 p. m. on Tuesday, 1 September, 1992, or as soon thereafter as counsel may be heard, to have bail set by this Court in a reasonable amount, pursuant to the requirement that "Excessive bails shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted" (Eighth Amendment, U. S. Constitution) and for a bail to be set for this Defendant which will reasonably assure his appearance at Court.

The Defendant shows that unreasonable danger to the community will not result from his being released.

Respectfully submitted.

Date: 31 August, 1992
Laurens, SC 29360


Wyatt Saunders
Attorney at Law
102 Church Street
Post Office Box 731
Laurens, SC 29360
803/984-6557

780.103:s12

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1992 SEP - 1 AM 10: 35
KENNETH R. HUCKABY

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

State,

vs.

Reginald Byrd,

Defendant.

IN THE GENERAL SESSIONS COURT

CERTIFICATE OF MAILING
Warrant No: D575025

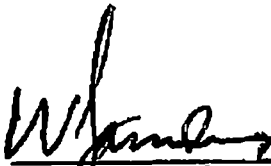
I hereby certify that I have this 31 August, 1992 placed in the United States mail, first class postage prepaid, the original Motion for Bail and Certificate of Mailing in the above matter, addressed as follows:

Honorable Holman C. Gossett, Jr.
Solicitor
Seventh Judicial Circuit
Room 233
Spartanburg County Courthouse
Spartanburg, SC 29301

with the original Motion for Bail and Certificate of Mailing to

Honorable Kenneth R. Huckaby
Clerk of Court
Spartanburg County Courthouse
Spartanburg, SC 29301

Date: 31 August 1992



Wyatt Saunders
Attorney at Law
102 Church Street
Post Office Box 731
Laurens, SC 29360
803/984-6557

780.100:kg1

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1992 SEP -1 AM 10:35
KENNETH R. HUCKABY

Telephone (803) 235-6361
Fax: 271-7365

THEO W. MITCHELL & ASSOCIATES
Attorney and Counselor at Law
9 Bradshaw Street
Greenville, South Carolina 29601

P.O. Box 10091 F.S.
29603

December 22, 1993

The Honorable Clyde N. Davis, Jr.
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

RE: The State of South Carolina, Respondent, v. Reginald
Byrd, Appellant.
Indictment No. 92-GS-42-6643

- Bear Mr. Davis:

Enclosed for filing is a Notice of Appeal in the above case.
Also enclosed is Proof of Service of the notice of appeal on
the Respondent.

Sincerely,



Theo W. Mitchell
Post Office Box 10091, F.S.
Greenville, South Carolina 29603
(803) 235-6361
Attorney for the Appellant

CC: Mr. Max Cauthen
Assistant Solicitor
Spartanburg County Courthouse
Third Floor
Spartanburg, SC 29301
(803) 596-2575
Attorney for the Respondent.

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Joseph D. Cole, Circuit Court Judge

Case No. 92-GS-42-6643

The State of South Carolina Respondent,

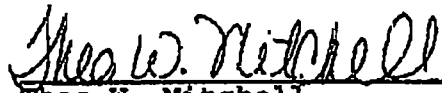
v.

Reginald Byrd Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on December 22, 1993, addressed to the attorney of record, Max Cauthren, Assistant Solicitor, Spartanburg County Courthouse, Third Floor, Spartanburg, South Carolina 29301.

December 22, 1993



Theo W. Mitchell
Post Office Box 10091, F.S.
Greenville, South Carolina
(803) 235-6361
Attorney for Appellant.

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Joseph D. Cole, Circuit Court Judge

Case No. 92-GS-42-6643


The State of South Carolina Respondent.

v.

Reginald Byrd Appellant.

NOTICE OF APPEAL

Reginald Byrd appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Joseph D. Cole on December 16, 1993. Cases and exceptions to be later served.



Theo W. Mitchell
Post Office Box 10091, F.S.
Greenville, SC 29603
(803) 235-6361
Attorney for the Appellant.

Other Counsel of Record:

Mr. Max Cauthren
Assistant Solicitor
Spartanburg County Courthouse
Third Floor
Spartanburg, SC 29301
(803) 596-2575
Attorney for the Respondent.

QS/1 60836
REL87.1

G T A S
A S S E S S O R S O F F I C E
NEXT YEAR - CHANGES

DATE: 09/09/92
(WEDNESDAY)

C100

ENTER FUNCTION... MAP#..429-00-00-012 R 96169189

LINE1...BYRD WILLIE JR
LINE2...
LINE3...RT 1
LINE4...CROSS HILL S.C.
ZIP.....29332

DISTRICT...56 TOWN.. FIRE..D121
CROSS HILL

LOC1....
LOC2....
EXEMPT.. DELETE..

TOTAL MKT.. 9,800 LAND.. 800 LETTER..
TOTAL TAX.. 9,800 BLDG.. 9,000 ACTIVITY..11/19/91

QS/1 nw1 PDQ <sp

┘ = Enter

Caps Num

QS/1 60836
REL87.1

G T A S
A S S E S S O R S O F F I C E
NEXT YEAR - CHANGES

DATE: 09/09/92
(WEDNESDAY)

C120

ENTER FUNCTION=> MAP=> 429-00-00-012 R 96169189 11/19/91

LETTER... BYRD WILLIE JR

CLASS CD	# LOTS	NBR ACRES	LAND VALUE-ASSESSMENT	BLDGS -	VALUE-ASSESSMENT
R	1	.00	800 30	1	9,000 360

.00
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TAX VALUE..	1	.00	800	30	1	9,000	360
MKT VALUE..	1	.00	800	30	1	9,000	360
TOTAL MKT=>		9,800	TOTAL TAX=>	9,800	TOTAL TAX ASMT=>		390
CONSDR \$=>			RATIO=>	.00			

QS/1 nw1 PDQ <sp

┘ = Enter

Caps Num

D.B. 216 Pg. 122

COURT OF GENERAL SESSIONS

OFFICE PHONE 884-3538

COURT OF COMMON PLEAS

BARBARA T. WASSON

CLERK OF COURT LAURENS COUNTY

P. O. BOX
LAURENS, SOUTH CAROLINA 29360

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

This is to certify that Willie Byrd, Jr.

owns real estate in Laurens County and in my opinion is worth the sum of

Eight thousand-eight hundred twenty & no/100----- Dollars

(\$ 8,820.00), over and above all debts and property exempt by law from execution. He would be acceptable to me as surety on a bond for the like amount.

Given under my hand and seal, this the 11th day of September, 1992.

Barbara T. Wasson

Barbara T. Wasson
Clerk of Court

BOND POSTED FOR: *Reginald Byrd*
CHARGE: *Murder*

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

State of South Carolina)

vs.
Reginald Byrd
Defendant

NOTICE OF GENERAL APPEARANCE

Indictment No.

Warrant No.

Murder # D575025

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel represents the above-named defendant in matters relating to the above stated charges. Please direct all further communications relating to the defendant and his charges to me, or to my office.

Charles E. Jordan
SPARTANBURG COUNTY PUBLIC DEFENDERS OFFICE
Spartanburg County Courthouse
Spartanburg, S. C., 29304
(803) 596-2561

Date: 9/22/92

FILED
CLERK OF COURT
SPARTANBURG COUNTY

1992 SEP 24 PM 4:28

KENNETH R. HUCKABY

State of South Carolina
Office of the Solicitor
Seventh Judicial Circuit

Third Floor
Spartanburg County Court House
Spartanburg, S.C. 29301
596-2575
Fax 596-2959



HOLMAN C. GOSSETT, JR.
Solicitor

July 30, 1993

Third Floor
Cherokee County Court House
Gaffney, S.C. 29340
487-2576
487-2586

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1993 JUL 30 AM 10:11
KENNETH R. HUCKABY

Mr. Theo Mitchell, Esquire
P.O. Box 10091, Federal Station
Greenville, SC 29603

RE: State v. Byrd

CONTENTS: DISCOVERY MATERIAL,

Dear Theo:

CONSISTING OF 128 NUMBERED PAGES.

I hope you enjoyed your recent vacation. I telephoned your office Monday of this week to inform you of the date set for trial of this case. I spoke with your secretary and informed her of the set date. This case is set for trial on Monday, August 16, 1993, at 9:30 a.m. Please find attached the discovery material for this case. I realize that you have already been provided with most of this material, but I wanted to make sure you received all discovery material to which you are entitled. S.L.E.D. is currently conducting serology tests, and upon completion of those tests, you will be provided with a copy of the analysis report. As you will determine from the incident reports, there is an audio-tape of his confession, along with photographs from the crime, and other evidentiary items at the Sheriff's evidence room should you wish to examine these items. Additionally, your client was polygraphed at the Greenville Law Enforcement Center after which time he made the confession. Should you have any questions, please contact me.

Sincerely,

MAX B. CAUTHEN, III
ASSISTANT SOLICITOR

MBCIII/dkh

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

STATE OF SOUTH CAROLINA
Plaintiff,

-VS-

REGINALD BYRD
Defendant.

IN THE COURT OF GENERAL SESSIONS

MOTION TO SUPPRESS

FILED
CLERK OF COURT
MAY 25 1966

TO THE SAID HONORABLE COURT, NOW COMES, REGINALD BYRD,
MOVANT, who would respectfully show unto this Court:

1. That the statement received by the Plaintiff was obtained as a result of the Defendant being under duress, emotional duress and strain and coercion.
2. That the Defendant was not properly advised of his rights prior to the solicitation of the statement.
3. That the Defendant was denied access to the telephone to contact his family or legal representation.
4. That such evidence is being offered by Plaintiff as establishing the guilt of the Defendant.
5. That such evidence having not been properly obtained, is tainted and may not be introduced as evidence against the Defendant in this proceeding.
6. That such evidence should be suppressed.

All such facts being indirect contravention to rights, privileges and immunities guaranteed by the constitution of the State of South Carolina.

Telephone (803) 235-8861

THEO W. MITCHELL, & ASSOCIATES
Attorney and Counselor at Law
9 Bradshaw Street
Greenville, South Carolina 29601

P.O. Box 10092 F. S.
29603

August 30, 1993

Spartanburg County Clerk of Court
180 Magnolia Street
Spartanburg, SC 29301

RE: The State vs. Reginald Byrd

Dear Clerk:

Per your request, please find enclosed a copy of the
Certificate of Service forward to Asst. Solicitor Max
Cauthen, III.

Sincerley,
Theo W. Mitchell & Associates



Lashaun D. Scott

TWM:ls

Enclosure

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1993 SEP -1 PM 4:37
KENNETH R. HUCKABY

Respectfully submitted,
Theo W. Mitchell & Associates

A. Devorea' Wood

Theo W. Mitchell and
A. Devorea' Wood
P.O. Box 10091, F.S.
Greenville, South Carolina
(803) 235-6361

Greenville, South Carolina
August 23, 1993

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Suppress
_____ was served upon counsel of record
by depositing a true and correct copy of same in the United
States Mail, proper postage affixed thereto, on the 23rd day
of August, 19 93, addressed as follows.

Mr. Max Cauthren, III
Assistant Solicitor
Third Floor
Spartanburg County Courthouse
Spartanburg, SC 29301

Theo W. Mitchell & Associates

Theo W. Mitchell

Greenville, South Carolina

Dated: August 23, 1993

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1993 SEP -1 PM 4:37
KENNETH R. HUCKABY

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG) INDICTMENT NOS.: 92-6643
) WARRANT NO.: _____
)

The State of South Carolina)
vs.)
REGINALD BYRD)
)
Defendant.)

REQUESTS FOR DISCLOSURE

1993 NOV -5 AM 9:12
KEMALIA R. HUCKABY
CLERK OF COURT
SPARTANBURG COUNTY

TO: DEFENDANT AND HIS ATTORNEY, THEO MITCHELL

PURSUANT to Rule 5, Rules of Criminal Procedure, the State in the above-captioned matter requests the disclosure of the following evidence to the State by the Defendant:

1) That the Defendant permit the prosecution to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant and which the Defendant intends to introduce as evidence in chief at the trial;

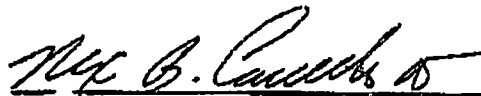
2) That the Defendant permit the prosecution to inspect and copy any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or

reports relate to his testimony.

3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been from 10:30 p.m. on August 20, 1992, until 1:30 a.m. on August 21, 1992, the names, addresses, and birthdays of the witnesses upon whom he intends to rely to establish such abili.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.



MAX B. CAUTHEN, III
Assistant Solicitor
Seventh Judicial Circuit

Spartanburg, South Carolina
Dated:

November 5, 1993

STATE OF SOUTH CAROLINA }
COUNTY OF SPARTANBURG }

IN THE GENERAL SESSIONS COURT
IN THE SEVENTH JUDICIAL CIRCUIT

The State,)
vs.)
Reginald Byrd,)
Defendant.)

AFFIDAVIT OF SERVICE BY MAIL

92-6643

Personally appeared before me, Zan M. Garris, who, being first duly sworn, states:

1. That I am employed by the Seventh Judicial Circuit Solicitor's Office, Spartanburg, South Carolina.

2. That regular communication by mail exists throughout the State of South Carolina, and that this is a proper circumstance of service of mail.

3. That I have this day served an additional Discovery Material and State's Reciprocal Rule 5 Discovery Motion regarding the above-captioned matter on the following person by depositing the same in the United States Mail, postage prepaid: Dated today, November 5, 1993.

Mr. Theo Mitchell, Esquire
P.O. Box 10091
Federal Station
Greenville, SC 29603

Zan M. Garris
ZAN M. GARRIS

SWORN to before me today,
November 5, 1993.

Lisa R. Garrett (SEAL)
Notary Public for South Carolina
My Commission Expires: 10-12-00

1111
CLERK OF COURT
SPARTANBURG COUNTY
1993 NOV -5 AM 9:41
KERNEL, R. HUCKABY

file copy

State of South Carolina
Office of the Solicitor
Seventh Judicial Circuit

Third Floor
Spartanburg County Court House
Spartanburg, S.C. 29301
596-2575
Fax 596-2959



Third Floor
Cherokee County Court House
Gaffney, S.C. 29340
487-2576
487-2586
Fax 487-2753

HOLMAN C. GOSSETT, JR.
Solicitor

November 18, 1993

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Mr. Theo Mitchell, Esquire
P.O. Box 10091
Federal Station
Greenville, SC 29603

RE: State v. Byrd

Dear Theo:

Please find enclosed the EMS "run report", from the paramedic crew that night. If you should have any questions, please let me know. (Labeled as Item #1).

Additionally, I faxed this to your office on Wednesday, November 17 to expedite your receiving this material.

Should you have any discovery material for me in response to my previously filed Rule 5, please send it. As we discussed in the past, there are several items of evidence and the taped statement available at the Sheriff's Office, in the evidence room, if you care to view or listen to it. To do so, you may contact officers Jane Millwood, (596-2732), Tom Smith, Rick Gregory (596-2616), or myself to make arrangements for you to view these items. If you should have any questions, please call me.

Sincerely,

Handwritten signature of Max B. Cauthen, III.

MAX B. CAUTHEN, III
ASSISTANT SOLICITOR

MBCIII/dkh

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT NOS.: 92-GS-42-6643
WARRANT NOS.: _____

THE STATE OF SOUTH CAROLINA)
)
VS.)
)
Reginald Byrd)
)
Defendant.)
_____)

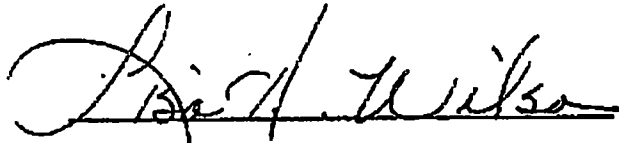
AFFIDAVIT OF SERVICE BY MAIL

Personally appeared before me, Lisa A. Wilson, who being first duly sworn, states:

1. That I am employed by the Seventh Judicial Circuit Solicitor's Office, Spartanburg, South Carolina.
2. That regular communication by mail exists throughout the State of South Carolina, and that this is a proper circumstance of service of mail.
3. That I have this day served a letter and evidence photographs regarding the above-captioned matter on the following person by depositing the same in the United State Mail, postage prepaid: Dated today, November 23, 1993.


Mr. Theo Mitchell, Esq.
P.O. Box 10091
Federal Station
Greenville, SC 29603

RECEIVED
1993 NOV 23 PM 03:39
CLERK OF COURT



Lisa A. Wilson

SWORN to before me today,
November 23, 1993.


Notary Public for South Carolina (SEAL)
My Commission Expires: 04/14/03

State of South Carolina
Office of the Solicitor
Seventh Judicial Circuit

Third Floor
Spartanburg County Court House
Spartanburg, S.C. 29301
596-2575
Fax 596-2959



Third Floor
Cherokee County Court House
Gaffney, S.C. 29340
487-2576
487-2586
Fax 487-2753

HOLMAN C. GOSSETT, JR.
Solicitor

November 23, 1993

Mr. Theo Mitchell, Esq.
P.O. Box 10091
Federal Station
Greenville, SC 29603

RE: Stata vs. Byrd

Dear Theo:

I have received duplicate copies of the crime scene photographs from the Sheriff's Department. They have the originals in their evidence room. I am sending a set of these photographs since the Sheriff's office made an extra copy. While I am not required to provide these copies, I am forwarding these to you.

As we have previously discussed, there are numerous more items of potential evidence located at the Sheriff's office, in the evidence room. There is the audio-tape of the defendant's confession, a transcript of which you have already received. There are photographs, numerous items of clothing, the pistol, and other assorted items, including fired and unfired ammunition. If you wish to view or listen to any of these items, you may do so. Just contact Officer Jane Millwood (596-2732), Detectives Tom Smith, Rick Gregory, Mike Creek, (596-2616), or myself. If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script that reads "Max B. Cauthen, III".

Max B. Cauthen, III
Assistant Solicitor

MBCIII/law

1993 NOV 23 PM 11
RECEIVED

Telephone (803) 295-6861
Fax: 271-7365

THEO W. MITCHELL, & ASSOCIATES
Attorney and Counselor at Law
9 Bradshaw Street
Greenville, South Carolina 29601

P.O. Box 10081 F. S.
29603

December 22, 1993

Spartanburg County Courthouse
Clerk of Court
Spartanburg, SC 29301

RE: The State vs. Reginald Byrd
Indictment No. 92-GS-42-6643

Dear Judge Cole:

Please find enclosed a copy of the Appeal filed on behalf of the Appellant, Reginald Byrd with the Clerk of the South Carolina Supreme Court.

Sincerely,

S/ Theo W. Mitchell

Theo W. Mitchell

TWM:ls

Enclosure

Telephone (803) 285-8861
Fax: 271-7365

THEO W. MITCHELL, & ASSOCIATES
Attorney and Counselor at Law
9 Bradshaw Street
Greenville, South Carolina 29601

P.O. Box 10091 F. S.
29603

February 28, 1994

Spartanburg County Courthouse
Clerk of Court
Spartanburg, SC 29301

RE: The State vs. Reginald Byrd
Indictment No. 92-GS-42-6643

Dear Judge Cole:

Please find enclosed a copy of the Motion filed on behalf of the Appellant, Reginald Byrd with the Clerk of the South Carolina Supreme Court.

Sincerely,



Theo W. Mitchell

TWM:ls

Enclosure

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1994 MAR -4 PM 4:03
KENNETH R. HUCKABY

Telephone (803) 235-6361
Fax: 271-7365

THEO W. MITCHELL, & ASSOCIATES
Attorney and Counselor at Law
9 Bradshaw Street
Greenville, South Carolina 29601

P.O. Box 10091 F. S.
29809

February 28, 1994

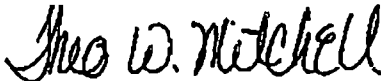
The Honorable Clyde N. Davis, Jr.
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

RE: The State of South Carolina, Respondent, v. Reginald
Byrd, Appellant.
Indictment No. 92-GS-42-6643

Dear Mr. Davis:

Enclosed please find a Motion in the above case. Also
enclosed is Proof of Service of the Motion on the
Respondent.

Sincerely,



Theo W. Mitchell
Post Office Box 10091, F.S.
Greenville, South Carolina 29603
(803) 235-6361
Attorney for the Appellant

CC: Mr. Max Cauthen
Assistant Solicitor
Spartanburg County Courthouse
Third Floor
Spartanburg, SC 29301
(803) 596-2575
Attorney for the Respondent.

RECEIVED

MAR 01 1994
S. C. SUPREME COURT
1994 MAR -4 PM 4: 03
TH R. HUCKABY
CLERK OF COURT
SPARTANBURG COUNTY

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

Joseph D. Cole, Circuit Court Judge

Case No. 92-GS-42-6643

The State of South Carolina Respondent.

v.

Reginal Byrd Appellant.

MOTION

The Plaintiff-Appellant moves this Honorable Court for an Order to enlarge the time for Plaintiff-Appellant to file his Brief and the Appendix, scheduled to be filed on March 4, 1994, by sixty (60) days.

This Motion is grounded on the fact that the counsel for Plaintiff-Appellant has not had adequate time to prepare the Notice and Grounds of Appeal nor has counsel had the opportunity to review the transcript due to it being received in our office late.

Respectfully submitted,
THEO W. MITCHELL & ASSOCIATES

Theo W. Mitchell

Theo W. Mitchell
P.O. Box 10091, P.S.
Greenville, SC 29603
(803) 235-6361
Attorney for the Appellant.

Other Counsel of Record:

Mr. Max Couthren
Assistant Solicitor
Spartanburg County Courthouse
Third Floor
Spartanburg, SC 29301
(803) 596-2575
Attorney for Respondent.

RECEIVED

MAR 01 1994

S. C. SUPREME COURT

FILED COURT
CLERK OF COURT
SPARTANBURG COUNTY
MAR 1 1994
R. HUCKABY
PM 4:03

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County

The Honorable Joseph, D. Cole, Circuit Court Judge

THE STATE,

Respondent,

v.

REGINALD BYRD,

Appellant

FILED
CLERK OF COURT
SPARTANBURG COUNTY
95 SEP 29 PM 3:38
KENNETH R. HUCKABY


RECEIVED
SEP 25 1995

TRANSPORTATION ORDER
92-2542-6643

UPON MOTION of William Edgar Salter, III, Attorney for Respondent, it is hereby ordered that State's Exhibit No. 29 be released to the Office of the Attorney General, or its designee, for transporting to the Supreme Court of South Carolina for review by the Court and counsel for the above-referenced appeal.

IT IS SO ORDERED.

ERNEST A. FINNEY, JR., CHIEF JUSTICE

By: 
Clyde N. Davis, Jr., Clerk of Court

September 25, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

CASE NO. 92-65-42-6643 JUDGE: Derham Cole
PLAINTIFF: State DATE TRIAL STARTED: 12-13-93
DEFENDANT: Reginald Byrd DATE TRIAL ENDED: 12-16-93

Received of Pam Brady, Court Reporter for the above case,
these exhibits: State's

- 5-8-8 photos 12-1-3-photos
- 9-Flash light
- 10-beer can holder
- 11-bullet
- 12-slug
- 13-envelope
- 14-spent bullet
- 15-17-spent bullets
- 18-21-spent bullets
- 20-~~statement~~ rights form
- 21-statement
- 22-24-rights form
- 23-map
- 24-commit to search form
- 25-gun
- 26-bullets from clip
- 27-tape
- 28-~~map~~ map
- 29-diagram
- 30-Roy E. Knight D.C.

This 16th day of December 1993.

CASE NO. 92-GS-42-6643 JUDGE: Deiham Kote
PLAINTIFF: State DATE TRIAL STARTED: 12-13-93
DEFENDANT: Reginald Byrd DATE TRIAL ENDED: 12-16-93

Received of Pam Brady, Court Reporter for the above case.

these exhibits: State's

- 5-8-8- photos
- 9- flash light
- 10- bear can holder
- 11- bullet
- 12- slug
- 13- envelope
- 14- spent bullet
- 15-17- spent bullets
- 18-21- spent bullets
- 22- ~~statement~~ rights form
- 23- statement
- 24- rights form
- 25- map
- 26- consent to search form
- 27- gun
- 28- bullets from clip
- 29- tape
- 30- ~~map~~ map
- 31- diagram
- Ray E. Knight O.C.

2nd Exhibit Room
up stairs



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

October 2, 1995

FILED
CLERK OF COURT
95 OCT 10 AM 9:42
SOUTH CAROLINA

Honorable William H.C. Coffey
Sheriff, Spartanburg County
Post Office Box 771
Spartanburg, South Carolina 29304-0771

RE: The State v. Reginald Byrd 92-15-42-6643

Dear Sheriff Coffey:

In connection with the above appeal, which is currently pending before the Supreme Court of South Carolina, several State's exhibits from the Spartanburg County trial need to be transported from the Spartanburg County Clerk of Court's Office to the Office of the Clerk of the Supreme Court.


This Office's policy is to have either someone from this Office or from the law enforcement agency originally investigating the case be responsible for the transportation of the exhibits. Because no one from this Office is available, I am requesting that you have someone from your Department transport these exhibits as soon as possible.

Enclosed are copies of two Supreme Court's Orders requiring that State's Exhibit Nos. 22, 23, 24, 25, 26, and 29 be transported to the Supreme Court.

In order to preserve the chain of custody, please have someone from the Spartanburg County Clerk's Office sign a receipt indicating which exhibits were given, and please have someone in the Supreme Court sign a receipt indicating which exhibits were received by the Court.

Please let me know if you have any questions.

Sincerely,


William Edgar Salter, III
Senior Assistant Attorney General

WESIIE/jj

CC: Wanda H. Haile, Esquire
Honorable Kenneth R. Huckaby

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County

The Honorable Joseph D. Cole, Circuit Court Judge

THE STATE,

Respondent,

v.

REGINALD BYRD,


Appellant

TRANSPORTATION ORDER

UPON MOTION of William Edgar Salter, III, Attorney for Respondent, it is hereby ordered that State's Exhibit No. 29 be released to the Office of the Attorney General, or its designee, for transporting to the Supreme Court of South Carolina for review by the Court and counsel for the above-referenced appeal.

IT IS SO ORDERED.

ERNEST A. FINNEY, JR., CHIEF JUSTICE

By: 
Clyde N. Davis, Jr., Clerk of Court

September 25, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
The Honorable Joseph D. Cole, Circuit Court Judge

THE STATE,

Respondent,

v.

REGINALD BYRD,

Appellant.

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2. State's Exhibit No. 23, Statement
3. State's Exhibit No. 24, Rights form
4. State's Exhibit No. 25, Map
5. State's Exhibit No. 26, Consent to search form


RECEIVED

OCT 02 1995

S.C. SUPREME COURT

IT IS SO ORDERED.

ERNEST A. FINNEY, JR., CHIEF JUSTICE

By: 
Clyde N. Davis, Jr., Clerk of Court

October 4, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

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Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
The Honorable Joseph D. Cole, Circuit Court Judge

THE STATE, _____

Respondent,

v.

REGINALD BYRD,

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FILED
CLERK OF COURT
SPARTANBURG COUNTY
95 OCT -6 AM 11:04
KENNETH R. HUCKABY

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OCT 02 1995
S.C. SUPREME COURT

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By: 
Clyde N. Davis, Jr., Clerk of Court

October 4, 1995

cc: Honorable ~~Kenneth R. Huckaby~~
Clerk of Court, Spartanburg County

William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

FILED
CLERK OF COURT
SPARTANBURG COUNTY
95 OCT -6 AM 11: 04
KENNETH R. HUCKABY



The Supreme Court of South Carolina

CLYDE N. DAVIS, JR.
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. Box 11330
COLUMBIA, S.C. 29211
(803) 734-1080

September 4, 1996

ATTORNEY GENERAL'S OFFICE

RECEIVED 9-6-96

ADMINISTRATIVE INSTRUCTIONS:

 FILE OPEN END

 HAVE COPIES MADE

 ROUTE TO

 ORDER: TRANSCRIPT

 PEN RECORDS CLERK RECORDS

 OTHER:

The Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County
County Courthouse
Spartanburg, SC 29301

REMITTITUR

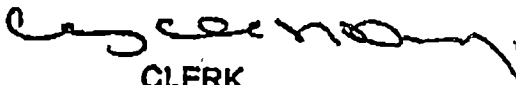
Re: State v. Byrd, Reginald
No.: 92-GS-42-6643

Dear Mr. Huckaby:

The above referenced matter is hereby remitted to the trial court. A copy of the judgement/opinion of this court is enclosed.

By copy of this letter the Office of the Attorney General is being advised that this is the final action of the Supreme Court and if appellant, at this time is not in custody, the judgement of the lower court should be put into execution.

Very truly yours,


CLERK

CND, Jr./mgh

cc: Wanda Hagler Haile, Esquire
Donald J. Zelenka, Esquire
Harold M. Coombs, Jr., Esquire
The Honorable Holman C. Gossett
Thomas Travis Medlock, Esquire
Wm. Edgar Salter, III, Esquire ✓



The Supreme Court of South Carolina

CLYDE N. DAVIS, JR.
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. Box 11330
COLUMBIA, S.C. 29211
(803) 734-1080

September 4, 1996

The Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County
County Courthouse
Spartanburg, SC 29301

REMITTITUR

Re: State v. Byrd, Reginald
No.: 92-GS-42-6643

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Harold M. Coombs, Jr., Esquire
The Honorable Holman C. Gossett
Thomas Travis Medlock, Esquire
Wm. Edgar Salter, III, Esquire

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CLERK OF COURT
SEP 11 PM 12:06
1996

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

The State,

Respondent,

v.

Reginald Byrd,

Appellant.

Appeal From Spartanburg County
J. Derham Cole, Judge

Opinion No. 24483
Heard January 9, 1996 - Filed August 19, 1996

AFFIRMED

Senior Assistant Appellate Defender Wanda H. Haile, of South Carolina
Office of Appellate Defense, of Columbia, for Appellant.

Attorney General T. Travis Meldock, Chief Deputy Attorney General
Donald J. Zelenka, Senior Assistant Attorney General Harold M. Coombs,
Jr., Assistant Attorney General William Edgar Salter, III, all of Columbia;
and Solicitor Holman C. Gossett, of Spartanburg, for Respondent.

TOAL, A.J.: Reginald Byrd appeals his murder conviction, arguing that the trial
court erred by failing to charge the jury on the law of voluntary manslaughter. We affirm.

FACTUAL/PROCEDURAL BACKGROUND

Beverly Golden ("Victim") was found dead in her automobile, which was discovered
in an isolated, wooded area in Spartanburg County. She had been shot four times with a
pistol. A flashlight and a beer can were in her lap. An unopened beer can was also in the
vehicle. No weapons were found in or around her car.

Reginald Byrd was arrested in connection with the murder. He had been having an
affair with Victim for approximately two years, and the two had had a child together. After
his arrest, Byrd gave inconsistent statements to the police, completely denying involvement
at one time, admitting to the killing at another, and on a third occasion, declaring that

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CLERK OF COURT
SPARTANBURG COUNTY
1996 SEP 11 AM 11:39
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someone else had committed the murder. At one point, he directed the police to the location in his house where they could find the murder weapon. The weapon was recovered.

Byrd was tried, found guilty of murder, and sentenced to life imprisonment. He appeals, asserting that the trial court erred by failing to charge the jury on the law of voluntary manslaughter. We disagree and affirm.

LAW/ANALYSIS

In determining whether the evidence required a charge of voluntary manslaughter, we view the facts in a light most favorable to the defendant. *State v. Gadsden*, __ S.C. __, 442 S.E.2d 594 (1994). According to Byrd's testimony, during his two year affair with Victim, on a few occasions after their sexual liaisons, she had threatened him with a gun (and with a knife on one occasion), demanding that he not leave her or "mess around." Byrd testified to an incident occurring in his employer's parking lot where Victim had attacked him with a knife. On another occasion, Victim had gone to Byrd's house at 4:00 a.m., blowing her car horn and demanding that Byrd come out of his home.

On the night of Victim's murder, Byrd went to a convenience store to meet a friend. The friend did not appear at the store, but according to Byrd, Victim happened to be there. She pointed something out of her car window, which he thought was a gun. She told him to drive his car to a certain destination, a "meeting-place," and that she would follow in her car, indicating the directions to him with the use of her turn signals. The destination was fourteen miles from the convenience store. When they arrived there, Victim flashed her car lights, and Byrd stopped his car. After both cars came to a stop, Byrd got out of his car, went to hers, and asked her what she was trying to prove. She replied that they were going to have sex. Byrd declined, saying he was trying to get his life straight. Victim became upset and said, "[O]h, it's over. . . . I'm fixing to end this right now."

Byrd thought he saw Victim with a gun. He panicked, ran back to his car, opened the glove compartment, and pulled out a gun. He went to the front of Victim's car and shot at her two times through the front windshield. Byrd then ran to the side of her car and fired two more times at Victim, after which he left the scene. These circumstances, he now argues, entitled him to a charge of voluntary manslaughter at trial.

Voluntary manslaughter is the unlawful killing of a human being in sudden heat of passion upon sufficient legal provocation. *State v. Kornahrens*, 290 S.C. 281, 350 S.E.2d 180 (1986), cert. denied, 480 U.S. 940 (1987). Heat of passion alone will not suffice to reduce murder to voluntary manslaughter. Both heat of passion and sufficient legal provocation must be present at the time of the killing. *State v. Tyson*, 283 S.C. 375, 323 S.E.2d 770 (1984), cert. denied, 471 U.S. 1006 (1985).

Where death is caused by the use of a deadly weapon, words alone, however opprobrious, are not sufficient to constitute a legal provocation. *State v. Gardner*, 219 S.C. 97, 64 S.E.2d 130 (1951). Words accompanied by hostile acts may, according to the circumstances, reduce a charge from murder to voluntary manslaughter. *State v. Mason*,

1:15 S.C. 214, 105 S.E. 286 (1920). "It may be concluded, therefore, that 'the sudden heat [of] passion, upon sufficient legal provocation,' which mitigates a felonious killing to manslaughter, while it need not dethrone reason entirely, or shut out knowledge and volition, must be such as would naturally disturb the sway of reason, and render the mind of an ordinary person incapable of cool reflection, and produce what, according to human experience, may be called an 'uncontrollable impulse to do violence.'" *State v. Davis*, 50 S.C. 405, 423-424, 27 S.E. 905, 911 (1897).

Byrd's acts do not satisfy the criteria of voluntary manslaughter. The present circumstances were not such as "would naturally disturb the sway of reason, and render the mind of an ordinary person incapable of cool reflection, and produce what, according to human experience, may be called an 'uncontrollable impulse to do violence.'" *Davis*, 50 S.C. at 424, 27 S.E. at 911. When Byrd and Victim arrived at the "meeting place," they both stopped their vehicles. It was Byrd who got out of his vehicle and went toward Victim's. According to Byrd, after he refused Victim's demand for sex, she said, "[O]h, it's over. . . . I'm fixing to end this right now." These words are ambiguous; they do not constitute a clear signal of Victim's intent to immediately kill Byrd, especially in light of the accompanying evidence. A beer can was found in her lap. Victim never came out of her car. Additionally, there was no evidence that she actually pointed a gun at Byrd.

Byrd claims that he killed Victim out of fear for his life; however, the record does not support his argument. His response to Victim's words, that she was "fixing to end" it, was to return to his vehicle. Instead of driving away, or simply remaining in the vehicle, Byrd retrieved a nine millimeter pistol from his car's glove compartment and proceeded to the front of Victim's car to shoot at her. He shot at her two times through the front windshield and then moved to the side of her car, where he shot two more times. Byrd testified that at no time did he stop to call to Victim. These facts simply do not support the contention that the killing was in the sudden heat of passion upon sufficient legal provocation.

Where there is no evidence to support a jury instruction on voluntary manslaughter, a jury charge which effectively prohibits the jury from considering the lesser-included offense cannot be error. *Gadsden*, __ S.C. __, 442 S.E.2d 594. Because there is no evidence to support a jury instruction on voluntary manslaughter, the trial court was not in error in refusing Byrd's charge.

CONCLUSION

Based on the foregoing, Byrd's conviction is **AFFIRMED**.

PINNEY, C.J., MOORE, WALLER and BURNETT, JJ., concur.

FILED
CLERK OF COURT
PARTNERSHIP, COUNTY
1998 SEP 11 AM 11:39
LIBRARY
REC.



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

January 22, 1997

The Honorable Holman C. Gossett, Jr.
Solicitor, Seventh Judicial Circuit
Spartanburg County Courthouse
180 Magnolia Street
Spartanburg, South Carolina 29306

RE: The State v. Reginald Byrd, 209137

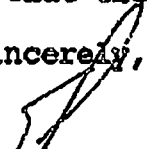
Dear Solicitor Gossett:

In its Opinion No. 24483, filed on August 19, 1996, the South Carolina Supreme Court affirmed the lower court's conviction and sentence. The Remittitur was subsequently sent to the Spartanburg County Clerk of Court. Therefore, with this letter, we are closing our direct appeal file in this matter.

This Office has verified through the South Carolina Department of Corrections' computer that Reginald Byrd is presently incarcerated.

We request that you ensure that the sentence is carried out.

Sincerely,


William Edgar Salter, III
Senior Assistant Attorney General

WES, III\shb

Enclosure

cc: The Honorable Mark Hammond
Clerk of Court, Spartanburg County

Ms. Sammie Brown
Department of Corrections

July 16, 1997

Mr. Reginald Byrd *209137
Bib. C.T. / Marine Bn. 148-A
4460 Broad River Road
Columbia, S.C. 29210

Mr. Mark Hammond
Clerk of Court
Spartanburg County Courthouse
Spartanburg, S.C. 29301

Re: Concerning my Asset Lien and Indictment Number & Papers

92-6693

Dear Mr. Mark Hammond,

I am writing to you in great concern of my Asset Lien and my Indictment papers that should be filed at your Courthouse in Spartanburg, in Mr. Hammond, I would like to have a copy of both my Asset Lien and Indictment Papers.

Therefore, I pray that this letter will find you in the best of health; and of good spirit within me Almighty Heavenly Father. Also, I appreciate your help & concern in this matter at hand. "Thank!"

Sincerely,

Mr. Reginald H. J. [unclear]

P.S.

*Please send to
me as soon as possible.*

Reginald, before any copies can be mailed to you, you must pay a fee of \$3.00 for the copies. Anyone who needs copies from this Office must now pay for each page, that is the new ruling by Clerk of Court, Mark Hammond.



GAIL MOFFITT
Assistant Clerk of Court

MARK HAMMOND
CLERK OF COURT
SPARTANBURG COUNTY
SPARTANBURG, S. C. 29308

Telephone
864/596-2591
Fax Number
864/596-2239

JUNE 16, 1999

S. C. OFFICE OF APPELLATE DEFENSE
1122 LADY ST. SUITE 940
COLUMBIA, S. C. 29201-3243

ATTENTION: WARREN T. FERGUSON
APPELLATE SERVICES COORDINATOR

RE: REGINALD BYRD
92-GS-42- 6643

DEAR MR. FERGSUON:

ENCLOSED YOU WILL FIND A COPY OF EXHIBITS STATES EXH. #1, 2,3,
4, 5, 6, 7, 8, DEFENDANT'S EXHIBIT 1 & 2. AS YOU WILL SEE ON
THE ENCLOSED COPIES IN THE INDICTMENT, THE SUPREME COURT HAS
ALL OTHER EXHIBITS THAT COULD BE COPIES.

ALSO, ENCLOSED IS A CERTIFIED COPY OF INDICTMENT 92-GS-42-.6643.

SINCERELY,

Mark Hammond

MARK HAMMOND
CLERK OF COURT

Gail Moffitt
Asst Clerk

ENCL.

JMH: gm

South Carolina Office of Appellate Defense

Daniel T. Stacey
Chief Attorney
Joseph L. Savitz, III
Deputy Chief Attorney
Wanda H. Halle
Senior Assistant Appellate Defender

1122 Lady Street, Suite 940
Columbia, SC 29201-3243
Telephone (803) 734-1330
Fax: (803) 734-1397

Robert M. Pachuk
Robert M. Dudek
M. Anne Pearce
Melissa J. Kimbrough
Tara S. Taggart
Melody J. Brown
Alleen P. Clare
Assistant Appellate Defenders

June 14, 1999

Honorable Kenneth R. Huckaby
Clerk of Court
County Courthouse
Spartanburg, SC 29301

Re: Reginald Byrd v. State
Indictment #: 97-CP-42-607

Dear Mr. Huckaby:

Our office is handling the appeal in this case and we require the following documents to perfect our file.

Document(s) Requested: **COPIES OF ANY NPAPER EXHIBITS.
True Billed Indictments (front and back).**

Please send this as soon as possible.

Thank you for your assistance in this matter.

Sincerely,

Warren T. Ferguson
Appellate Services Coordinator

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1999 JUN 15 PM 3:35
MARK HARRISON

Request:

Could we have the copies of
the transcript of the tape, or
as a minimum one copy of
the transcript?

Robert H. Handell
Foreperson
12-16-93

Request:

would it be possible to
have ^{a copy of} the law as read to us
as it defines the terms
of "murder" and the terms
of "self-defense"?

Robert H. Handall
12-16-93



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

FILED
CLERK OF COURT
SPARTANBURG COUNTY
95 OCT 10 AM 9:42
KENNETH R. HUCKABY

October 2, 1995

Honorable William H.C. Coffey
Sheriff, Spartanburg County
Post Office Box 771
Spartanburg, South Carolina 29304-0771

RE: The State v. Reginald Byrd 92-6643

Dear Sheriff Coffey:

In connection with the above appeal, which is currently pending before the Supreme Court of South Carolina, several State's exhibits from the Spartanburg County trial need to be transported from the Spartanburg County Clerk of Court's Office to the Office of the Clerk of the Supreme Court.


This Office's policy is to have either someone from this Office or from the law enforcement agency originally investigating the case be responsible for the transportation of the exhibits. Because no one from this Office is available, I am requesting that you have someone from your Department transport these exhibits as soon as possible.

Enclosed are copies of two Supreme Court's Orders requiring that State's Exhibit Nos. 22, 23, 24, 25, 26, and 29 be transported to the Supreme Court.

In order to preserve the chain of custody, please have someone from the Spartanburg County Clerk's Office sign a receipt indicating which exhibits were given, and please have someone in the Supreme Court sign a receipt indicating which exhibits were received by the Court.

Please let me know if you have any questions.

Sincerely,


William Edgar Salter, III
Senior Assistant Attorney General

WESIII/jj

CC: Wanda H. Haile, Esquire
Honorable Kenneth R. Huckaby

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County

The Honorable Joseph D. Cole, Circuit Court Judge

THE STATE,

Respondent,

v.

REGINALD BYRD,


Appellant

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ERNEST A. FINNEY, JR., CHIEF JUSTICE

By: 
Clyde N. Davis, Jr., Clerk of Court

September 25, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
The Honorable Joseph D. Cole, Circuit Court Judge

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RECEIVED

OCT 02 1995

S.C. SUPREME COURT

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By: 
Clyde N. Davis, Jr., Clerk of Court

October 4, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County

The Honorable Joseph D. Cole, Circuit Court Judge

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SPARTANBURG COUNTY
95 SEP 29 PM 3:38
KENNETH R. HUCKABY

THE STATE,

Respondent,

v.

REGINALD BYRD,

Appellant

RECEIVED
SEP 25 1995

TRANSPORTATION ORDER
92-2542-6643

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September 25, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

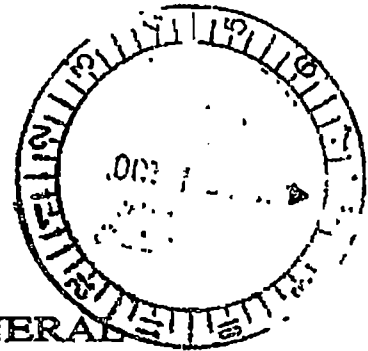
William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

92-G-8-42-6643

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0801-001-92



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

October 2, 1995

Honorable William H.C. Coffey
Sheriff, Spartanburg County
Post Office Box 771
Spartanburg, South Carolina 29304-0771

RE: The State v. Reginald Byrd

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Senior Assistant Attorney General

WESIII/jj

CC: Wanda H. Haile, Esquire
Honorable Kenneth R. Huckaby

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Appeal from Spartanburg County

The Honorable Joseph D. Cole, Circuit Court Judge

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Respondent,

v.

REGINALD BYRD,

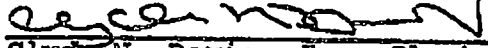
Appellant

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September 25, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

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SEP 25 1995
SOUTH CAROLINA

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
The Honorable Joseph D. Cole, Circuit Court Judge

THE STATE,

Respondent,

v.

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Appellant.

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OCT 02 1995

S.C. SUPREME COURT

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By: 
Clyde N. Davis, Jr., Clerk of Court

October 4, 1995

cc: Honorable Kenneth R. Huckaby
Clerk of Court, Spartanburg County

William Edgar Salter, III, Esquire
Counsel for Respondent

Wanda H. Haile, Esquire
Counsel for Appellant

Pub. C.T. / Office No. 148-A
4460 Broad River Road
Columbia, S.C. 29210

Mark Hammond
Clerk of Court
Spartanburg County Courthouse
Spartanburg, S.C. 29301

Re: Concerning my Arrest Warrant & Indictment Number & Papers

92-6693

Dear Mr. Mark Hammond,

I am writing to you in great concern of my Arrest Warrant and my Indictment papers that should be filed at your Court house in Spartanburg, in Spartanburg, I would like to have a copy of both my Arrest Warrant & Indictment Papers.

Therefore, I pray that the Holy Spirit fill you in the best of health, and of good spirit within me. I pray that you help & answer in this matter of good "peace".

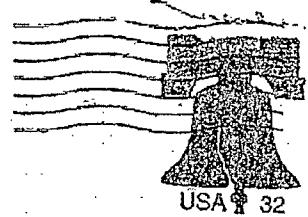
Sincerely,
The Reginald H. Bond

P.S.
See, please read to
me see how see possible

Reginald; before any copies can be mailed to you, you must pay a fee of \$3.00 for the copies. Anyone who needs copies from this Office must now pay for each page, that is the new ruling by Clerk of Court, Mark Hammond.

Reginald Byrd #209137
BIRCH Manor Rm #148
4460 Broad River Rd.
Columbia, SC 29210

65



Mark Hammond
Clerk of Court
Spartanburg County Courthouse
Spartanburg, SC 29301

2380672392



CERTIFIED COPIES OF THE FOLLOWING SENTENCES WERE ACCEPTED BY:

B. J. M. [Signature] OF THE SPARTANBURG COUNTY JAIL

DATE 12-16-93 ON Revised Bond

WARRANT AND/OR INDICTMENT NUMBER 92-6643

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECORD SUMMARY REPORT DATED 06/15/21

C0662

BYRD, REGINALD - FBI # 517928PA4 SID# SC00844929 SCDC # 209137

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ...: PERRY CORR INST

DORM.....: Q4B0212B

SECURITY/CUST.: 2 ADULT-STRAIGHT SENTENCE

RACE....:B SEX...:M

CURR INCARC SENT...:999 YRS 0 MOS 0 DYS

PROJ MAXOUT DATE: 99/99/9999

CENTRAL MONITORING.: YES SEPREQ

PROJ PAROLE DATE: 02/19/2022

SOCIAL SECURITY [REDACTED]

EWC JOB...: HORTICULTURIST (GRND

EDUC PGM.: NO CURR EDUC PROGRAM

EWC LEVEL: 2F5 EEC LEVEL:

CURRENT PROGRAM...: NO CURRENT PROGRAM

ASSIGNMENT...: INSIDE GRDS-MAINT D

AGE...: 52 DATE OF BIRTH...: [REDACTED]

PREVIOUS NUMBERS:

** NO PREVIOUS NUMBERS **

CURRENT OFFENSES	SENTENCE			SENTENCE			
	YRS	MOS	DYS	COUNTY	START	V/NV	CATEGORY
MURDER	999	99	999	SPARTANBUR	11/24/1993	V	5

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

DETAINERS (HOLD, WANTED, NOTIFY):

NO DETAINERS

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES WHILE IN CUSTODY

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

4/16/16	EXHIBITIONISM AND PUBLIC	CONVICTED	MAJOR
4/30/ 7	SEXUAL MISCONDUCT	CONVICTED	MAJOR
1/29/ 6	VIOLATIONS WRITE/POST IN		OTHER
6/ 8/ 5	SEXUAL MISCONDUCT	DROPPED	MAJOR
10/20/ 3	POSSESSION OF CONTRABAND		OTHER
5/ 3/97	POSSESSION OF CONTRABAND	CONVICTED	MAJOR
3/26/94	LYING TO EMPLOYEE/MAKING	CONVICTED	MAJOR
3/26/94	TRAFFICKING AND TRADING	CONVICTED	MINOR

HISTORY OF MOVEMENTS:

11/16/20	PERRY	INCARCERATED	ADMINISTRATIVE
10/14/20	LEE	INCARCERATED	MEDICAL
10/11/19	PERRY	INCARCERATED	ADMINISTRATIVE
10/11/19	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
8/30/19	PERRY	INCARCERATED	ADMINISTRATIVE
8/30/19	ANDERSON CO	AUTH ABSENCE (AWL)	MEDICAL
7/16/19	PERRY	INCARCERATED	ADMINISTRATIVE
7/16/19	KIRKLAND	INCARCERATED	MEDICAL
7/ 9/19	PERRY	INCARCERATED	ADMINISTRATIVE
7/ 9/19	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
2/ 4/19	PERRY	INCARCERATED	ADMINISTRATIVE
2/ 4/19	KIRKLAND	INCARCERATED	MEDICAL
1/25/19	PERRY	INCARCERATED	MEDICAL
1/24/19	PRISMA HEALTH G	AUTH ABSENCE (AWL)	MEDICAL
4/ 4/18	PERRY	INCARCERATED	ADMINISTRATIVE
4/ 4/18	KIRKLAND	INCARCERATED	MEDICAL
1/28/10	PERRY	INCARCERATED	ADMINISTRATIVE
1/28/10	KIRKLAND	INCARCERATED	MEDICAL
6/ 4/ 9	PERRY	INCARCERATED	ADMINISTRATIVE

BYRD, REGINALD - FBI # 517928PA4 SID# SC00844929 SCDC # 209137 (CONTINUED)

5/18/ 9	PERRY	INCARCERATED	ADMINISTRATIVE
5/14/ 9	LEE	INCARCERATED	ADMINISTRATIVE
5/14/ 9	PRISMA HEALTH T	AUTH ABSENCE (AWL)	MEDICAL
5/13/ 9	LEE	INCARCERATED	MEDICAL
4/ 2/ 9	PERRY	INCARCERATED	ADMINISTRATIVE
4/ 1/ 9	KIRKLAND	INCARCERATED	MEDICAL
8/ 6/ 4	PERRY	INCARCERATED	ADMINISTRATIVE
8/ 6/ 4	LAURENS CO	AUTH ABSENCE (AWL)	FUNERAL/DEATH BED VISIT
4/ 4/ 0	PERRY	INCARCERATED	ADMINISTRATIVE
2/25/99	BROAD RIVER	INCARCERATED	RETURN FROM COURT
2/23/99	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
5/ 5/97	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
5/ 5/97	BROAD RIVER R&E	INCARCERATED	LOCKUP-INVESTIGATION
4/21/95	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
4/13/95	BROAD RIVER R&E	INCARCERATED	ADMINISTRATIVE
4/10/95	PERRY R&E	INCARCERATED	LOCKUP-INVESTIGATION
9/16/94	PERRY	INCARCERATED	ADMINISTRATIVE
9/15/94	PERRY R&E	INCARCERATED	DISCIPLINARY
7/16/94	PERRY	INCARCERATED	ADMINISTRATIVE
7/11/94	PERRY R&E	INCARCERATED	ADMINISTRATIVE
12/30/93	MCCORMICK	INCARCERATED	ADMINISTRATIVE
12/17/93	PERRY R&E	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
HORTICULTURIST (GRND	04/29/21	0/ 0/ 0		2F5
LAUNDRY HELPER	02/18/20	4/28/21	LATERAL TRANSFER	2F5
LAUNDRY HELPER	05/01/19	2/17/20	POLICY CHANGE 2020	3F5
LAUNDRY WORKER	04/16/19	4/30/19	LATERAL TRANSFER	3F5
WARDKEEPER ASSISTANT	04/04/19	4/15/19	LATERAL TRANSFER	3F5
COOK	10/09/18	4/ 3/19	LATERAL TRANSFER	3F5
BARBER	09/21/17	10/ 8/18	LATERAL TRANSFER	3F5
SENIOR BAKER	08/22/17	9/20/17	LATERAL TRANSFER	3F5
FOOD SERVICE AIDE	07/15/16	8/21/17	LATERAL TRANSFER	3F5
CUST ATTDN VISITING	11/21/11	4/16/16	PLACED IN ST/SP CUSTODY	3F5
CUST ATTDN VISITING	02/02/11	11/ 8/11	PLACED IN ST/SP CUSTODY	3F5
BARBER	11/12/09	12/ 2/10	UNSAT JOB PERFORM	3F5
BARBER	06/18/09	10/21/ 9	PLACED IN ST/SP CUSTODY	3F5
LAUNDRY WORKER	06/15/09	6/17/ 9	LATERAL TRANSFER	3F5
LAUNDRY WORKER	11/22/07	5/18/ 9	INSTIT TRANSFER	3F5
BARBER	01/06/06	4/30/ 7	PLACED IN ST/SP CUSTODY	3F5
IND. GROUP/SECTION L	07/26/05	1/ 5/ 6	LATERAL TRANSFER	3F5
FURNITURE ASSEMBLER	06/24/05	7/25/ 5	LATERAL TRANSFER	3F5
SHIPP & RECEIVING CL	06/22/01	6/ 8/ 5	PLACED IN ST/SP CUSTODY	3F5
FURNITURE ASSEMBLER	04/07/00	6/21/ 1	LATERAL TRANSFER	3F5
BARBER	05/05/98	4/ 4/ 0	INSTIT TRANSFER	3F5
SHIP & RECEIVING CLK	07/29/97	5/ 4/98	INMATE REQUEST	3F5
BARBER	04/15/96	5/ 5/97	LOCKUP-INVESTIGATION	3F5
BOILER OPERATOR HELP	11/30/95	4/14/96	INMATE REQUEST	5F5
GENERAL WORKER	10/17/95	11/29/95	INMATE REQUEST	7F7
CHIEF CLERK	05/17/95	10/ 6/95	UNSAT JOB PERFORM	3F5
CUSTODIAL WORKER	05/15/95	5/16/95	PROMOTION	7F5
SENIOR CUSTODIAN	02/10/95	4/10/95	INSTIT TRANSFER	3F5
SENIOR INVENTORY OPE	11/16/94	2/ 9/95	INMATE REQUEST	2F5
SENIOR CUSTODIAN	09/16/94	11/15/94	PROMOTION	3F5
SENIOR CUSTODIAN	07/26/94	9/15/94	INSTIT TRANSFER	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC	START	END	TERMINATION
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DESCRIPTION

DATE

DATE

REASON

NO SCHOOL ASSIGNMENTS

BYRD, REGINALD - FBI # 517928PA4 SID# SC00844929 SCDC # 209137 (CONTINUED)
、 ***** END OF REPORT *****

SPARTANBURG COUNTY

The defendant Reginald Byrd is committed to the State Department of Corrections/County for ~~the~~ term of your natural life and/or to pay a fine of \$ _____, provided upon the service of _____ months/years and/or payment of \$ _____, plus pay/waive costs and assessments as applicable*, ~~the balance suspended with probation for~~ _____ months/years.

Restitution

For physical injury \$ _____

Yes/No

property damage \$ _____

to be paid _____

to clerk for _____

Other conditions _____

Date December 16, 1993

[Signature]
Presiding Judge

*Costs and Assessments	
Non-waivable	\$ _____
Not waived	\$ _____
Total	\$ _____

[Signature]
K. R. HUCKABY
CLERK OF COURT
SPARTANBURG COUNTY

BY: _____ D. B.
DATED 12-16-93

PERRY R & E CENTER
FINGERPRINTED
DATE: DEC 17 1993

[Signature]
Clerk of Court

**Pay to Victim's Compensation Fund if subrogated.

WITNESSES

Richard Gregory *45 75028*
Spartanburg County Sheriff's Dept.
Spartanburg, SC 29304

DOCKET NO. *GS-42-6643*

THE STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg (02)

COURT OF GENERAL SESSIONS 08/21/92

TERM

THE STATE

VS.

Reginald Byrd

ARREST WARRANT NO.

ACTION OF GRAND JURY

Juan Bill

Nudge J. Atkins
FOREMAN OF GRAND JURY

VERDICT

Guilty.

INDICTMENT FOR
MURDER

Robert H. Handell 12-16-93
FOREMAN OF PETIT JURY DATE:

Holman C. Gossett, Jr.

12/21
Pen. S'burg Sol. Officer,
death penalty not sought.

42
...

The State of South Carolina
County of Spartanburg
Reginald Byrd,
Applicant,

vs.

The State of South Carolina,
Respondent.

To the Court of Common Pleas
for the Seventh Judicial Circuit

Case # 2020-CP-42-01182

"First Admendment to PCR
Application"

The Applicant makes the following Admendment
to this PCR application on the following grounds:

State concisely the grounds on which you base
your allegation that you are being held in custody
unlawfully:

11(A)(1) Failure of counsel to move for a "Boston
challenge" during the Voic Dire proceeding, and
futhermore, counsel failed to preserve the issue
for appellate review.

(1)

FILED
2020 AUG 21 PM 4:26
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

Respectfully Submitted,

Dated: 8/15/20

of Reginald Byrd

FILED
2023 AUG 21 PM 4:26
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

(2)

8/15/20

Dear Ms. Amy W. Cox,

Please see enclosed the following Amendment to my PCR application. Therefore, I truly want to thank you for your time and concern in this very matter.

Also, please know that I would like to have a copy of this amendment that is being filed in my behalf.

Sincerely,
Reginald Byrd

FILED

2020 AUG 21 PM 4: 26

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

4/5/2021

Reginald Byrd # 209137
Perry Correctional Inst.
430 Oaklawn Rd.
Pelzer, S.C. 29669

Re: Case # 2020-CP-42-01182

2021 APR -9 AM 8:53
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

Dear Ms. Amy W. Cox,

I'm praying that my letter shall reach you and your Office in the best of health, as of good spirits as well.

Ms. Cox, I would like to request for my Case file, and a copy of my Jury Verdict at my Trial back in 1993. Please know that I am in need of this to support my Batson challenge that you had filed for me on August 21, 2020.

Therefore, I thank you for your time and concern in this matter.

Sincerely,

Reginald Byrd

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2259



Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

April 9, 2021

Reginald Byrd #209137
Perry Correctional Inst.
430 Oaklawn Rd
Pelzer SC 29669

Dear Mr. Byrd,

Our office is in receipt of your letter requesting a copy of your case file 1992GS4206643. Our office will be able to order that file for you but please be advised that our office charges \$1.00 per page.

Please let us know if we can be of further assistance to you.

Sincerely, TM- Deputy Court Clerk

STATE OF SOUTH CAROLINA

County of Spartanburg

Reginald Byrd # 209137
Applicant

v.

State of South Carolina

In The Court of Common Pleas

2020-CP-42-01182

Motion To Amend To
Post Conviction Relief
Application.

Now comes the applicant before this court.
Applicant move to amend to his Post-Conviction
Relief.

The Applicant is currently incarcerated at the
Perry Correctional Institution, in the County of
Greenville.

Applicant was convicted of Murder in December
1993 and sentence to Life with the possibility of
parole.

Applicant moves to amend the following issue
to the pending Post Conviction Relief:

CLERK OF COURT
SPARTANBURG COUNTY
517 W. COX

2021 MAY -3 PM 3:40

2021 MAY 13

1. Ineffective Assistance of Counsel

a) Counsel failed to object to prosecution's seating of an all white jury.

b) Violation of Article 14 of South Carolina Constitution

c) Violation of United States Constitution, 14th Amendment Due Process & Equal Protection.

Applicant contends that these issue(s) should be amended to his pending Application for Post Conviction Relief.

Applicant pray that this court amend this issue to the pending Post Conviction Relief.

April 29, 2021

x _____

CLERK OF COURT
SPARTANBURG COUNTY
AM / W. COX

2021 MAY -3 PM 3:40

FILED

STATE OF SOUTH CAROLINA
County of Spartanburg

Reginald Byrd # 209137

In The Court of Common Pleas
2020-CP-42-01182

Certificate of Service

-vs-

STATE OF SOUTH CAROLINA

I hereby certify that I Reginald Byrd, on the 29 day of April 2021 in Pelzer, South Carolina served a copy of Amendment by depositing the same in the United States Mail, Postage Paid.

X Reginald Byrd
Reginald Byrd

Sworn or Affirmed to and Subscribed before me this 29 day of April, 2021

Tamara Conwell
NOTARY PUBLIC

My Commission Expires: September 25, 2023

CLERK OF COURT
SPARTANBURG COUNTY
707 W. GUY

2021 MAY -3 PM 3:40

PM 3:40

RECEIVED
APR 29 2021
FCI MAILROOM