

ENCLOSED ARE A LIST OF EXHIBITS FROM PETITIONER  
 PETITIONER IN RESPONSE TO THE ORDER OF  
 RESTRICTION, DATE 5/22/2020  
 APPELLATE CASE NO. 2020-000241

RECEIVED

OCT 30 2020

S.C. SUPREME COURT

1. D-697427
2. D-697429
3. D-697432
4. D-697434
5. D-697438
6. 93-65-32-1805
7. 93-65-32-1793
8. STATE V. JONES, 500 SE 2d 499 (SC. APP. 1998).
9. STATE V. JONES, 536 SE 2d 675 (SC. 2000).
10. STATE V. TYRONE MASON, UNPUBLISHED OPINION NO. 2002-UP-774
11. SOUTH CAROLINA LAW ENFORCEMENT DEPARTMENT - SLED - DATED DECEMBER 5TH 1995

PETITIONER HAS PROVIDED "EVIDENCE" AND VALID REASONS, WHY HE  
 (SHOULD NOT) BE RESTRICTED FROM FILING AND SHOULD BE GRANTED  
 RELIEF.

10/26/2020

ARREST WARRANT

G-191  
92-000422 D-697429

STATE OF SOUTH CAROLINA

County/  Municipality of  
Lexington

THE STATE  
against

Stanley Golson

Address: 1523 Holmes Street  
West Columbia, SC 29169

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_  
Sex: M Race: B Height: 600 Weight: 190  
DL State: SC DL#: \_\_\_\_\_  
DOB: \_\_\_\_\_ Agency ORI#: SC0320500  
Prosecuting Agency: West Columbia Police Dept.  
Prosecuting Officer: Sgt. J. D. Sanders  
Offense: Distribution of Crack/Cocaine within Proximity of School  
Code/Ordinance Sec. \_\_\_\_\_

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 Stanley Golson  
on 2-5-93

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
**BRUCE RUTLAND, Magistrate**  
District Six, Lexington County  
650 Knox Abbott Drive  
Cayce, S. C. 29033  
Phone 796-7100

STATE OF SOUTH CAROLINA

County/  Municipality of  
Lexington

AFFIDAVIT

B4P101

Form Approved by  
S.C. Attorney General  
July 26, 1990  
SCCA 618

Personally appeared before me the affiant Sgt. J. D. Sanders who  
being duly sworn deposes and says that defendant Stanley Golson  
did within this county and state on October 22, 1992  
State of South Carolina (or ordinance of  County/  Municipality of \_\_\_\_\_) violate the criminal laws of the  
in the following particulars:

DESCRIPTION OF OFFENSE: DISTRIBUTION OF CRACK/COCAINE WITHIN  
PROXIMITY OF SCHOOL

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:

In that on or about October 22, 1992, while in the Happy Town area of West Columbia  
in Lexington County, S. C. and within a one-half mile radius of Northside Middle School,  
one Stanley Golson did distribute a quantity of Crack/Cocaine, a Schedule II Controlled  
Substance, to an agent for the West Columbia Police Department acting in an undercover  
capacity. This being in violation of the South Carolina Code of Laws of 1976, as amended.  
The foregoing is based on an investigation by the West Columbia Police Department.

Sworn to and subscribed before me  
on 2-1-93  
Signature of Issuing Judge (L.S.)

Signature of Affiant  
Affiant's Address 1053 Center Street  
West Columbia, S. C. 29169  
Affiant's Telephone 794-0721

STATE OF SOUTH CAROLINA

County/  Municipality of  
Lexington

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 October 22, 1992 defendant Stanley Golson  
did violate the criminal laws of the State of South Carolina (or ordinance of  
 County/  Municipality of \_\_\_\_\_) as set forth below:

DESCRIPTION OF OFFENSE: DISTRIBUTION OF CRACK/COCAINE WITHIN  
PROXIMITY OF SCHOOL

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 Code: 414

Judge's Address \_\_\_\_\_  
Judge's Telephone \_\_\_\_\_  
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ARREST WARRANT

G-191  
92-000422 D- 697429

STATE OF SOUTH CAROLINA

County/  Municipality of  
Lexington

THE STATE  
against

Stanley Golson

Address: 1523 Holmes Street  
West Columbia, SC 29169

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex: M Race: B Height: 600 Weight: 190

DL State: SC DL#: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI#: SC0320500

Prosecuting Agency: West Columbia Police Dept.

Prosecuting Officer: Sgt. J. D. Sanders

Offense: Distribution of Crack/Cocaine within Proximity of School

Code/Ordinance Sec. \_\_\_\_\_

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 Stanley Golson  
on 2-5-93

[Signature]  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
**BRUCE RUTLAND, Magistrate**  
District Six, Lexington County  
650 Knox Abbott Drive  
Cayce, S. C. 29033  
Phone 796-7100

EXHIBIT:

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

AFFIDAVIT

B4P101

Form Approved by  
S.C. Attorney General  
July 26, 1990  
SCCA 518

Personally appeared before me the affiant Sgt. J. D. Sanders who being duly sworn deposes and says that defendant Stanley Golson did within this county and state on October 22, 1992 violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of \_\_\_\_\_ ) in the following particulars:

DESCRIPTION OF OFFENSE: **DISTRIBUTION OF CRACK/COCAINE WITHIN PROXIMITY OF SCHOOL**

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:

In that on or about October 22, 1992, while in the Happy Town area of West Columbia in Lexington County, S. C. and within a one-half mile radius of Northside Middle School, one Stanley Golson did distribute a quantity of Crack/Cocaine, a Schedule II Controlled Substance, to an agent for the West Columbia Police Department acting in an undercover capacity. This being in violation of the South Carolina Code of Laws of 1976, as amended. The foregoing is based on an investigation by the West Columbia Police Department.

Sworn to and subscribed before me )  
on 2-1-93 )  
[Signature] )  
Signature of Issuing Judge (L.S.)

[Signature]  
Signature of Affiant  
Affiant's Address 1053 Center Street  
West Columbia, S. C. 29169  
Affiant's Telephone 794-0721

TRUE COPY  
WEST COLUMBIA POLICE DEPT.  
NOV 13 1992

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

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 October 22, 1992 defendant Stanley Golson did violate the criminal laws of the State of South Carolina (or ordinance of \_\_\_\_\_ ) as set forth below:

DESCRIPTION OF OFFENSE: **DISTRIBUTION OF CRACK/COCAINE WITHIN PROXIMITY OF SCHOOL**

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 Code: 414

\_\_\_\_\_  
Judge's Address  
\_\_\_\_\_  
Judge's Telephone  
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

FOOD STAMPS - 7-2024 (D) (1.)  
Federal Office.

February.

Lasde Emily Annest LL (MARRIAGES)  
And INOITMENTS)  
of Jm 1982-1993.

By ALL affidavits  
inclosed.

FILED

FEB 17 11 44 AM '93

THOMAS H. COLEMAN  
CLERK OF COURT  
LEXINGTON SC

COOLES/DANTS

RAWL

12000 c/s



ARREST WARRANT

G-216+  
92-000422 D- 697432

STATE OF SOUTH CAROLINA

County/  Municipality of  
Lexington

THE STATE  
against

Stanley Golson

Address: 1523 Holmes Street  
West Columbia, SC 29169

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex: M Race: B Height: 600 Weight: 190

DL State: SC DL#: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI#: SC0320500

Prosecuting Agency: West Columbia Police Dept.

Prosecuting Officer: Sgt. J. D. Sanders

Offense: Distribution of Crack/Cocaine

Offense Code: \_\_\_\_\_

Code/Ordinance Sec. \_\_\_\_\_

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 Stanley Golson  
on 2-5-93

[Signature]  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
**BRUCE RUTLAND, Magistrate**  
District Six, Lexington County  
650 Knox Abbott Drive  
Cayce, S. C. 29033  
Phone 796-7100

ORIGINAL

*EXHIBIT:*

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

AFFIDAVIT

*BUPI01*

Form Approved by  
S.C. Attorney General  
July 26, 1990  
SCCA 518

Personally appeared before me the affiant Sgt. J. D. Sanders who  
being duly sworn deposes and says that defendant Stanley Golson  
did within this county and state on October 22, 1992 violate the criminal laws of the  
State of South Carolina (or ordinance of  County/  Municipality of \_\_\_\_\_ )  
in the following particulars:

DESCRIPTION OF OFFENSE: **DISTRIBUTION OF CRACK COCAINE**

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:

In that on or about October 22, 1992, while in the Happy Town area of West Columbia  
in Lexington County, S. C., one Stanley Golson did distribute a quantity of Crack/Cocaine,  
a Schedule II Controlled Substance, to an agent for the West Columbia Police Department  
acting in an undercover capacity. This being in violation of the South Carolina Code of  
Laws of 1976, as amended. The foregoing is based on an investigation by the West Columbia  
Police Department.

Sworn to and subscribed before me )  
on 2-1-93 )  
\_\_\_\_\_  
Signature of Issuing Judge (L.S.)

[Signature]  
Signature of Affiant  
Affiant's Address 1053 Center Street  
West Columbia, S.C. 29169  
Affiant's Telephone 794-0721

**TRUE COPY**  
S.C. CODE OF LAWS & E.C.  
LEX.

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

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 October 22, 1992 defendant Stanley Golson  
did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of \_\_\_\_\_ ) as set forth below:

DESCRIPTION OF OFFENSE: **DISTRIBUTION OF CRACK COCAINE**

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] ) Judge's Address \_\_\_\_\_  
(L.S.) )  
Signature of Issuing Judge ) Judge's Telephone \_\_\_\_\_  
Judge Code: 414 )  
Issuing Court:  Magistrate  Municipal  Circuit

ARREST WARRANT

G-191  
92-000422 D- 697434

STATE OF SOUTH CAROLINA

County/  Municipality of  
Lexington

THE STATE  
against

Stanley Golson

Address: 1523 Holmes Street  
West Columbia, SC 29169

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex: M Race: B Height: 600 Weight: 190

DL State: SC DL#: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI#: SC0320500

Prosecuting Agency: West Columbia Police Dept.

Prosecuting Officer: Sgt. J. D. Sanders

Offense: Distribution of Crack/Cocaine within Proximity of School Offense Code: \_\_\_\_\_

Code/Ordinance Sec. \_\_\_\_\_

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.

\_\_\_\_\_  
(L.S.)  
Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to defendant Stanley Golson

on 2-5-93

Phillip M. Anders  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
**BRUCE RUTLAND, Magistrate**  
District Six, Lexington County  
650 Knox Abbott Drive  
Cayce, S. C. 29033  
Phone 796-7100

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

Personally appeared before me the affiant Sgt. J. D. Sanders who being duly sworn deposes and says that defendant Stanley Golson did within this county and state on October 22, 1992 violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of \_\_\_\_\_ ) in the following particulars:

DESCRIPTION OF OFFENSE: **DISTRIBUTION OF CRACK/COCAINE WITHIN PROXIMITY OF SCHOOL**

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:

In that on or about October 22, 1992, while in the Happy Town area of West Columbia in Lexington County, S. C., and within a one-half mile radius of Northside Middle School, one Stanley Golson did distribute a quantity of Crack/Cocaine, a Schedule II Controlled Substance, to an agent for the West Columbia Police Department acting in an undercover capacity. This being in violation of the South Carolina Code of Laws of 1976, as amended. The foregoing is based on an investigation by the West Columbia Police Department.

Sworn to and subscribed before me )  
on 2-1-93 )  
\_\_\_\_\_  
(L.S.)  
Signature of Issuing Judge

J. D. Sanders  
Signature of Affiant  
Affiant's Address 1053 Center Street  
West Columbia, S. C. 29169  
Affiant's Telephone 794-0721

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

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 October 22, 1992 defendant Stanley Golson did violate the criminal laws of the State of South Carolina (or ordinance of \_\_\_\_\_ ) as set forth below:

County/  Municipality of \_\_\_\_\_ )

DESCRIPTION OF OFFENSE: **DISTRIBUTION OF CRACK/COCAINE WITHIN PROXIMITY OF SCHOOL**

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.

\_\_\_\_\_  
(L.S.)  
Signature of Issuing Judge  
Judge Code: 447

\_\_\_\_\_  
Judge's Address  
\_\_\_\_\_  
Judge's Telephone  
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

34 P101

Form Approved by  
S.C. Attorney General  
July 26, 1990  
SCCA 518

TRUE COPY  
LEXINGTON, S.C. 29169

ARREST WARRANT

G-49  
92-000422 D- 697438

STATE OF SOUTH CAROLINA

County/  Municipality of  
Lexington

THE STATE  
against

Stanley Golson

Address: 1523 Holmes Street  
West Columbia, SC 29169

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_  
Sex: M Race: B Height: 600 Weight: 190  
DL State: SC DL#: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI#: SC0320500  
Prosecuting Agency: West Columbia Police Dept.  
Prosecuting Officer: Sgt. J. D. Sanders  
Offense: CRIMINAL CONSPIRACY

Offense Code: \_\_\_\_\_

Code/Ordinance Sec. \_\_\_\_\_

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 Stanley Golson  
on 2-5-93

*[Signature]*  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

BRUCE RUTLAND, Magistrate  
District Six, Lexington County  
650 Knox Abbott Drive  
Cayce, S. C. 29033  
Phone 796-7100

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

Personally appeared before me the affiant Sgt. J. D. Sanders who  
being duly sworn deposes and says that defendant Stanley Golson  
did within this county and state on October 22, 1992 violate the criminal laws of the  
State of South Carolina (or ordinance of  County/  Municipality of \_\_\_\_\_ )  
in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL CONSPIRACY

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:

In that on or about October 22, 1992, one Stanley Golson did conspire, combine and agree  
with John Paul (LNU) to distribute a quantity of Crack/Cocaine, a Schedule II Controlled  
Substance, to an agent for the West Columbia Police Department acting in an undercover  
capacity. This violation took place in the Happy Town area of West Columbia in Lexington  
County, S. C. This being in violation of the South Carolina Code of Laws of 1976, as  
amended. The foregoing is based on an investigation by the West Columbia Police  
Department.

Sworn to and subscribed before me )  
on 2-1-93 )  
*[Signature]* (L.S.) )  
Signature of Issuing Judge

*[Signature]*  
Signature of Affiant  
Affiant's Address 1053 Center Street  
West Columbia, S. C. 29169  
Affiant's Telephone 794-0721

STATE OF SOUTH CAROLINA )

County/  Municipality of  
Lexington )

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 believe that  
on October 22, 1992 defendant Stanley Golson  
did violate the criminal laws of the State of South Carolina (or ordinance of  
 County/  Municipality of \_\_\_\_\_ ) as set forth below:

DESCRIPTION OF OFFENSE: CRIMINAL CONSPIRACY

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]* )  
\_\_\_\_\_  
Signature of Issuing Judge (L.S.) )  
Judge Code: 404

\_\_\_\_\_  
Judge's Address  
\_\_\_\_\_  
Judge's Telephone  
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

Form Approved by  
S.C. Attorney General  
July 26, 1990  
SCCA 518

B4P101

TRUE COPY  
LEX. CO. CLERK, DISTRICT

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

INDICTMENT FOR UNLAWFUL DRUGS  
DISTRIBUTION OF CRACK COCAINE

At a Court of General Sessions, convened on June 14, 1993,  
the Grand Jurors of Lexington County present upon their oath:

**COUNT ONE — POSSESSION**

That \_\_\_\_\_ did in \_\_\_\_\_ County  
on or about \_\_\_\_\_, knowingly and intentionally possess a quantity  
of \_\_\_\_\_, a controlled substance under  
provisions of §§ 44-53-110, *et. seq.*, *Code of Laws of South Carolina* (1976), as amended, such posses-  
sion not having been authorized by law.

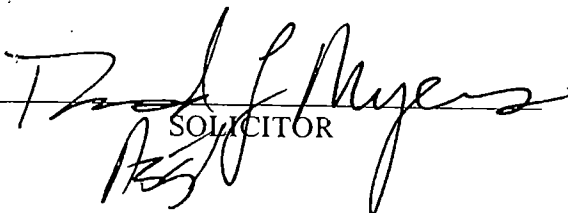
**COUNT TWO — POSSESSION WITH INTENT TO DISTRIBUTE**

That \_\_\_\_\_ did in \_\_\_\_\_ County on  
or about \_\_\_\_\_, possess with intent to distribute a quantity of  
\_\_\_\_\_, a controlled substance  
under provisions of §§ 44-53-110, *et. seq.*, *Code of Laws of South Carolina* (1976), as amended,  
such possession not having been authorized by law.

**COUNT THREE — DISTRIBUTION**

That STANLEY GOLSON did in Lexington County  
on or about October 3, 1992, distribute to one agent of the South Carolina Law Enforcement Division  
a quantity of crack cocaine, a controlled substance  
under provisions §§ 44-53-110, *et. seq.*, *Code of Laws of South Carolina* (1976), as amended, such  
distribution not having been authorized by law.

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

  
SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )

INDICTMENT FOR UNLAWFUL DRUGS  
DISTRIBUTION OF CRACK COCAINE

At a Court of General Sessions, convened on June 14, 1993,  
the Grand Jurors of Lexington County present upon their oath:

**COUNT ONE — POSSESSION**

~~That \_\_\_\_\_ did in \_\_\_\_\_ County  
on or about \_\_\_\_\_, knowingly and intentionally possess a quantity  
of \_\_\_\_\_, a controlled substance under  
provisions of §§ 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such posses-  
sion not having been authorized by law.~~


**COUNT TWO — POSSESSION WITH INTENT TO DISTRIBUTE**

~~That \_\_\_\_\_ did in \_\_\_\_\_ County on  
or about \_\_\_\_\_, possess with intent to distribute a quantity of  
\_\_\_\_\_, a controlled substance  
under provisions of §§ 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended,  
such possession not having been authorized by law.~~

**COUNT THREE — DISTRIBUTION**

That STANLEY GOLSON did in Lexington County  
on or about October 22, 1992, distribute to one agent of the West Columbia  
Police Department  
a quantity of crack cocaine, a controlled substance  
under provisions §§ 44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such  
distribution not having been authorized by law.

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

  
SOLICITOR

WITNESSES

Sanders, WCPD

ARREST WARRANT NO. D-697427

ACTION OF GRAND JURY  
TRUE BILL

*[Signature]*  
Foreman of Grand Jury 6-17-93

VERDICT

Foreman of Petit Jury

Date:

**The State of South Carolina,**

County of LEXINGTON

COURT OF GENERAL SESSIONS

June TERM 1993

THE STATE

vs.

35 STANLEY GOLSON B

*[Circled P]* Distrib. Cocaine 1st

CDR #112

**Indictment for  
Unlawful Drugs**  
DISTRIBUTION OF CRACK COCAINE

Donald V. Myers, Solicitor

**A TRUE COPY**  
Lex. Co. C.C.P., G.S. & I.C.

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

DAVID M. BEASLEY  
*Governor*



ROBERT M. STEWART  
*Chief*

DECEMBER 5, 1995

MR. STANLEY GOLSON, #200479  
LAKE MONTICELLO - 175  
4460 BROAD RIVER ROAD  
COLUMBIA, SC 29210

DEAR MR. GOLSON:

WE HAVE RESEARCHED YOUR FREEDOM OF INFORMATION REQUEST AND CAN FIND NO SLED FILE CONCERNING YOUR ARREST IN 1993. I WOULD SUGGEST THAT YOU MAY WANT TO CONTACT THE ARRESTING AGENCY.

IF YOU HAVE ANY QUESTIONS, FEEL FREE TO CONTACT ME AT 896-7013. PLEASE STATE THAT YOU ARE INQUIRING ABOUT FOI LETTER #95-1361.

SINCERELY,

MICHAEL J. BROWN, LIEUTENANT  
SUPERVISORY SPECIAL AGENT  
FOIA COORDINATOR

MJB/MCP



P.O. Box 21398 / Columbia, South Carolina 29221 / 1398 (803) 737-9000 / Fax (803) 896-7588

*Hofer v. St. Clair*, 298 S.C. 503, 381 S.E.2d 736 (1989). In an action at law, on appeal of a case tried without a jury, we may not disturb the trial judge's findings of fact unless those findings are "wholly unsupported by the evidence or controlled by an erroneous conception or application of the law." *Maddux Supply Co. v. Safhi, Inc.*, 316 S.C. 404, 406, 450 S.E.2d 101, 102 (Ct.App.1994).

Insofar as Langford argues that the court's findings of fact are without evidentiary support, her appeal is manifestly without merit.

Prior to March 1995, Langford lived with her mother. When Langford and her mother would argue, Langford would sometimes leave her mother's house and stay elsewhere for a few days. In fact, beginning in 1994 and continuing through the months leading to the accident, Langford occasionally stayed with her grandmother after leaving her mother's house.

Langford's grandmother claimed these visits were sporadic, unpredictable, and often unannounced, and the stays never lasted more than three consecutive nights. Langford's grandmother testified Langford never received a key to the house, paid rent, cooked, cleaned, washed laundry or helped maintain anything in the house.

Langford testified she lived at her grandmother's house at the time of the accident and had been living there since March 1995. Other witnesses for Langford testified that Langford kept her television set, radio and clothes at her grandmother's house.

In April 1995, a few months before the accident, Langford applied for a state identification card and listed her address as her mother's address. In May 1995, Langford applied for subsidized housing and gave her mother's address and telephone number as

2. The policy language at issue is not identical to the policy language in *Buddin*. There the policy extended coverage to relatives of the policyholder, or his spouse, if the relative was a "resident of the same household." *Buddin*, 250 S.C. at 334, 157 S.E.2d at 635. Here, the policy provides for coverage, under certain conditions, for relatives "living with" the insured. Because both sides, as well as the trial court, assume that *Buddin* provides the governing standard, we will proceed, for purposes of this case, under the

hers. She received her welfare benefits at her mother's address.

On the day of the accident Langford's mother told representatives of the hospital that Langford lived with her. Langford's mother also informed the funeral home and the Department of Health and Environmental Control that Langford's address was her address. When Langford was released from the hospital, she went to her mother's house rather than her grandmother's house.

[6] Langford argues that, by requiring her to show that she had taken up permanent residence with her grandmother, the court misapplied the standard articulated in *Buddin v. Nationwide Mutual Insurance Company*, 250 S.C. 332, 157 S.E.2d 633 (1967).

[7] *Buddin* involved an accident caused by a college student driving his uninsured vehicle. The insurer for the injured parties sought to recoup its losses in an action against the tortfeasor on the theory that he was a resident of his uncle's household and was therefore covered under the uncle's insurance policy. A "resident of the same household," the supreme court held, "is one, other than a temporary or transient visitor, who lives together with others in the same house for a period of some duration, although he may not intend to remain there permanently." *Id.* at 339, 157 S.E.2d at 636 (quoting *Hardware Mut. Cas. Co. v. Home Indem. Co.*, 241 Cal.App.2d 303, 50 Cal.Rptr. 508 (1966)).<sup>2</sup> Obviously, then, a person may be a resident relative for insurance purposes even though he does not have an intent to permanently reside with the insured.

Langford argues the trial court applied the wrong standard and specifically erred (1) in making a finding that focused on her lack of "intent to reside permanently at her grand-

assumption that the difference, if any, between "resident" and "living with" is of no moment. See *Bartlett v. Nationwide Mut. Fire Ins. Co.*, 290 S.C. 154, 348 S.E.2d 530 (Ct.App.1986) (holding that trial court's ruling on an issue was the law of the case where appellant failed to take exception to it both before the trial court and on appeal) *overruled on other grounds by Charleston County Sch. Dist. v. State Budget and Control Bd.*, 313 S.C. 1, 437 S.E.2d 6 (1993).

mother's"; (2) in asking Langford's grandmother whether Langford had ever "lived with [her] on a permanent basis?" and (3) in concluding that Langford's visits to her grandmother's house were not "proof of any settled intent to remain."

Even though the court emphasized that Langford's residential status was not permanent, the court's ultimate finding that Langford was not a resident relative of her grandmother's house was not "manifestly influenced or controlled by an error of law." After all, in concluding that Langford and Semaj "were transient visitors in grandmother's home, and did not live there," the court was faithful to the language in *Buddin* describing a "resident" as someone, "other than a temporary or transient visitor," who lives with another in the same house for some period of time. See *Buddin*, 250 S.C. at 339, 157 S.E.2d at 636. Furthermore, the trial judge saw and heard the witnesses and was in a better position to evaluate their credibility. *Cherry v. Thomasson*, 276 S.C. 524, 280 S.E.2d 541 (1981).

Because we believe that, even setting aside the question of permanency, the record amply supports the court's conclusion that Langford was a transient visitor and thus did not live with her grandmother for purposes of satisfying the *Buddin* test, we hold that the court's decision was not controlled by an error of law.

[8-10] For these same reasons, we reject Langford's argument that the trial court should have construed the language in the policy broadly enough to find coverage. It is true that clauses of inclusion in a policy of insurance are to be broadly construed in favor of coverage, and that where there are doubts about the existence or extent of coverage the language of the policy is to be "understood in its most inclusive sense." *Buddin*, 250 S.C. at 337-38, 157 S.E.2d at 635. We should not, however, torture the meaning of policy language in order to extend or defeat coverage that was never intended by the parties. *Gambrell v. Travelers Ins. Companies*, 280 S.C. 69, 310 S.E.2d 814 (1983).

In our view, therefore, the trial court did not err and we accordingly

**AFFIRM.**

GOOLSBY and HEARN, JJ., concur.



331 S.C. 228

The STATE, Respondent,

Lorenzo Labell JONES and Melvin Patrick Riles, Appellants.

No. 2838.

Court of Appeals of South Carolina.

Heard Jan. 6, 1998.

Decided May 4, 1998.

Rehearing Denied June 18, 1998.

Defendants were convicted in the Circuit Court, Florence County, Marc H. Westbrook, J., of trafficking in cocaine. Defendants appealed. The Court of Appeals, Howard, J., held that: (1) the search warrant affidavit was insufficient to establish probable cause without the affiant's false statement that a confidential informant was an "agent," and (2) although truthful oral information may substitute for false information in a search warrant affidavit, it may not do so if the affiant knowingly and intentionally, or recklessly, provides false information in the initial search warrant affidavit.

Reversed and remanded.

#### 1. Searches and Seizures ◊112

Affiant's intentional use of word "agent," instead of "confidential informant," was false statement that was necessary to finding of probable cause to search and, thus, search warrant was defective. U.S.C.A. Const. Amend. 4.

four opinions in *Lilly* garnered more than a plurality, all nine Justices agreed the Confrontation Clause was violated when the untested confession of a non-testifying accomplice was admitted against the defendant.

Because of the fractured nature of the Supreme Court's *Lilly* decision, and because it is based largely on the federal hearsay rules, we decline to adopt the reasoning of the *Lilly* plurality. We simply conclude that appellant suffered a paradigmatic Confrontation Clause violation. The use of an accomplice's confession "creates a special, and vital, need for cross-examination." *Gray v. Maryland*, 523 U.S. 185, 194-95, 118 S.Ct. 1151, 140 L.Ed.2d 294 (1998). The opportunity to confront his accusers was denied appellant when Bernard Holmes' and Henry Fuller's hearsay statements were admitted against him.

[6, 7] Moreover, Fuller's statement in this case was not saved by redacting direct references to appellant. The trial court erred in permitting the redaction based on the *Bruton* line of cases. See *Bruton v. United States*, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968). Redaction has come into play as a tool to allow admission of a co-defendant's confession *against the confessor in a joint trial*. The point of redaction is to permit the confession to be used against the non-testifying confessor, while avoiding implicating his co-defendants. See, e.g., *Richardson v. Marsh*, 481 U.S. 200, 107 S.Ct. 1702, 95 L.Ed.2d 176 (1987) (redacted confession in joint trial), *Gray v. Maryland*, 523 U.S. 185, 118 S.Ct. 1151, 140 L.Ed.2d 294 (1998) (same). Redaction may not be used as a means to avoid the strictures of the hearsay rules and the Confrontation Clause.

#### CONCLUSION

The hearsay statements at issue in this case were not admissible under Rule 804(b)(3), SCRE as statements against interest. Furthermore, their admission violated appellant's right to confront the witnesses against him. Appellant's convictions are **REVERSED**.

TOAL, C.J., WALLER, J., and Acting Justice L. HENRY McKELLAR, concur.

PLEICONES, J., concurring in a separate opinion.

PLEICONES, Justice:

I concur with the majority's conclusion that appellant's convictions must be reversed, but write separately because I would analyze several of the issues differently.

In Part I, the majority concludes that the trial court erred in allowing witness McKinney to testify to statements made to McKinney by accomplice Holmes. The admission of these hearsay statements, which implicated appellant in the crimes, violated appellant's confrontation clause rights, *Lilly v. Virginia*, 527 U.S. 116, 119 S.Ct. 1887, 144 L.Ed.2d 117 (1999), and were not admissible under Rule 804(b)(3), SCRE. *Williamson v. United States*, 512 U.S. 594, 114 S.Ct. 2431, 129 L.Ed.2d 476 (1994); *State v. Fuller*, 337 S.C. 236, 523 S.E.2d 168 (1999). The State's argument that accomplice Holmes' statement should nonetheless be admitted because it is corroborated by other evidence fundamentally misreads *Williamson* and *Fuller*. These opinions hold that the portion of an accomplice's hearsay statement (even a confession made to the police) which is "truly self-inculpatory" may be admissible under Rule 804(b)(3) if (1) the state is proceeding under a co-conspirator liability theory and (2) "the statement was sufficiently against the declarant's penal interest such that a reasonable person in the declarant's position would not have made the statement unless believing it to be true," and this question can only be answered in light of all the surrounding circumstances." Here, the whole of accomplice Holmes' statement, not merely a "truly self-inculpatory" portion, was admitted. Accomplice Holmes' hearsay statement to witness McKinney is simply not the type of statement which may be admissible under Rule 804(b)(3).

In Part II of the opinion, the majority concludes that accomplice Fuller's redacted statement was inadmissible under Rule 804(b)(3). I agree, because as the majority notes in footnote 3, Fuller's statement minimized his role and shifted blame to appellant.

342 S.C. 121

The STATE, Petitioner,

v.

Lorenzo Labelle JONES and Melvin  
Patrick Riles, Respondents.

No. 25188.

Supreme Court of South Carolina.

Heard June 6, 2000.

Decided Aug. 21, 2000.

Defendants were convicted in the Circuit Court, Florence County, Marc H. Westbrook, J., of trafficking cocaine, and they appealed. The Court of Appeals, 331 S.C. 228, 500 S.E.2d 499, reversed and remanded. State filed petition for writ of certiorari. The Supreme Court, Pleicones, J., held that: (1) affidavit in support of search warrant, which contained false information, namely identification of informant as police officer, did not create probable cause for warrant; (2) affidavit falsely characterizing informant as police officer was equivalent of not having affidavit at all, when magistrate had to depend totally on information provided orally by affiant to determine informant's credibility and whether probable cause existed; and (3) magistrate did not have sufficient information about informant's veracity to determine whether or not there was probable cause to issue search warrant.

Court of Appeals affirmed.

#### 1. Searches and Seizures ⇌ 200

When reviewing a magistrate's decision to issue a search warrant, an appellate court must consider the totality of the circumstances. U.S.C.A. Const. Amend. 4; Const. Art. 1, § 10.

#### 2. Searches and Seizures ⇌ 113.1, 201

Although great deference must be given to a magistrate's conclusions, a magistrate may only issue a search warrant upon a

clause. *White v. Illinois*, 502 U.S. 346, 112 S.Ct. 736, 116 L.Ed.2d 848 (1992).

In my view, Fuller's "arguably inculpatory statements are too closely intertwined with his self-serving declarations to be ranked as trustworthy" and consequently they cannot be deemed reliable. *Williamson, supra*, 512 U.S. at 608, 114 S.Ct. 2431 (Ginsburg, J., concurring). Thus, it too is not a "truly self-inculpatory" statement of an accomplice which may be admissible under Rule 804(b)(3). Further, since Fuller's redacted statement was not within any hearsay exception, its admission violated appellant's confrontation clause rights. *Lilly v. Virginia, supra*.

In Part III, the majority appears to adopt a rule that in separate trials, an accomplice's confession, even if it meets *Williamson's* and *Fuller's* Rule 804(b)(3) "truly self-inculpatory" test, can never be admitted because to do so would violate the confrontation clause. I disagree. In my opinion, an accomplice's truly self-inculpatory confession, made under circumstances demonstrating it was sufficiently against the declarant's penal interest, may be admissible without running afoul of the constitution. See *Williamson* and *Fuller*. Further, other hearsay statements by an accomplice may be admissible in the defendant's trial without violating the confrontation clause because they fall within a firmly rooted hearsay exception.<sup>1</sup> Cf., *State v. Dennis*, 337 S.C. 275, 523 S.E.2d 173 (1999) (admission of codefendant's excited utterance that defendant shot the victim did not violate defendant's confrontation clause rights). My analysis therefore differs from that part of the majority opinion which holds that the admission of an accomplice's confession in a separate trial is a *per se* violation of the confrontation clause.

For the reasons given above, I concur in the result reached here.



<sup>1</sup> For example, admission of a statement pursuant to the excited utterance exception found in Rule 803(2), SCRE, does not violate the confrontation

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

The State,

Respondent,

v.

Tyrone Mason,

Appellant.

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Appeal From Aiken County  
William P. Keesley, Circuit Court Judge

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Unpublished Opinion No. 2002-UP-774  
Heard November 7, 2002 – Filed December 11, 2002

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VACATED

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Assistant Appellate Defender Eleanor Duffy Cleary,  
of Columbia; for Appellant.

Attorney General Charles M. Condon; Chief Deputy  
Attorney General John W. McIntosh; Assistant  
Deputy Attorney General Charles H. Richardson;  
Senior Assistant Attorney General Harold M.  
Coombs, Jr., of Columbia; Barbara R. Morgan, of  
Aiken; for Respondent.

The indictment charging Mason contains the following language:

POSSESSION OF CRACK COCAINE

That TYRONE RODNEY MASON did in Aiken County on or about February 8, 1999, possess a quantity of Crack Cocaine, a controlled substance under provisions of §44-53-110, et. seq., Code of Laws of South Carolina (1976), as amended, such possession not having been authorized by law.

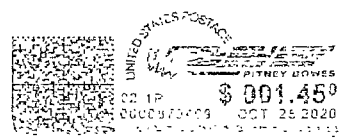
The indictment does not include the element of knowing or intentional possession of crack cocaine. In State v. Beam, 336 S.C. 45, 518 S.E.2d 297 (Ct. App. 1999), this court held that an indictment which failed to charge knowledge of possession was sufficient because it referred to the specific code section which charged the offense within the body of the indictment. "Despite Beam's claim that the mens rea element was omitted from the indictment, . . . the indictment was sufficient, particularly in light of the fact the statutory citations were included, thereby incorporating the knowledge element." Id. at 50-51, 518 S.E.2d at 300.

However the indictment in this case does not refer to section 44-53-370, which states the knowledge element, but instead refers to section 44-53-110 which is the general definitional portion of the statute and contains no reference to the requirement that possession of the substance must be knowing or intentional. Accordingly, viewing the entire indictment with a practical eye, we find it failed to include an essential element of the offense and was insufficient to confer jurisdiction upon the circuit court. Mason's conviction is

VACATED.

CONNOR, ANDERSON, and STILWELL, JJ., concur.

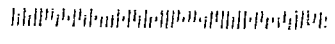
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McCORMICK CORRECTIONAL INST.  
386-REDEMPTIONS KAY  
McCORMICK SC 29899



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Sp 16



THE DEPARTMENT OF CORRECTIONS HAS NOT  
INSPECTED OR CENSORED THIS ITEM. THEREFORE  
THE DEPARTMENT OF CORRECTIONS ACCEPTS NO RESPONSIBILITY  
FOR ITS CONTENTS.

MAXIMILIAN CORRECTIONAL INST.  
S.C. DEPARTMENT OF CORRECTIONS