

RECEIVED

128

JUN 13 2013

BANNISTER & WYATT, LLC
ATTORNEYS AT LAW

Supreme Court

O.W. BANNISTER | JOHN F. WYATT | JAMES W. BANNISTER | BRUCE W. BANNISTER
WILLIAM J. MCDONALD | ALEX R. STALVEY

401 PETTIGRU STREET - 29601 | PO BOX 10007 - 29603 | GREENVILLE, SC | PHONE: (864) 298-0084 | FAX: (864) 298-0146

November 23, 2010

The Honorable Tanya A. Gee
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

JUN 03 2013

SC Court of Appeals

Re: State of South Carolina vs. Benjamin Nabors
Case Number: 2010176886

Dear Madam Clerk:

I have received your letter of November 17th regarding the Notice of Appeal on the above case and the written explanation of the issues to be reviewed on appeal according to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules.

I filed the Notice of Appeal at the request of my client at the time of the guilty plea. As an officer of the court, it is my duty to inform you that, in my opinion, no appealable issue exists at this time. A Motion for Reconsideration was not filed. During the guilty plea, no objections were raised and therefore no issues were preserved for appeal.

I am forwarding a copy of this letter to Mr. Nabors so that he may raise any appealable issues from the guilty plea. I would respectfully request the Court consider any issues that Mr. Nabors' brings forth that I may have overlooked.

Yours Truly,
BANNISTER & WYATT, L.L.C.

Alex R. Stalvey

*THIS
P.C.I.R.
ISSUE also!*

CC: Benjamin Nabors

MR. Richey

** NOTE very important: MR. Stalvey was N-STRUCTED to get me back N-FRONT OF JUDGE THEN, AS SOON AS JUDGE SENTENCED ME, WHILE WE WERE AT DEFENSE TABLE, THAT @ BLANKED OUT FORGOT 2 TELL him all about Hallucinations - being FORCED by C.I.C.S.D. NARC-COPS to be NARC - ETC. MR. Stalvey v said he wanted*

pg # = 1

TO: S.C.C.A.

5-26-13
VHeds

P.O. Box 11629
Columbia, SC 29221

RECEIVED

JUN 03 2013

SC Court of Appeals

FROM: BEN NABORS #233844 PRO SE
B. R. C. I. Sal 148
4460 Broadways Road
Columbia, SC 29210

RE: 59(c) PRO SE MOTIONS
MOTION TO PER COURT TO
ADDRESS ALL ISSUES
WHICH IT DID NOT DO!

DEAR CLERK COURT
PLEASE ACCEPT MY HUMBLE
ATTEMPTS TO CORRECTIVELY

Pg 77-2

Admit will you accept
into court record my
59 (e) ENCLOSEDS?

PLEASE CHECK STAMP &
RETURN COPY LIKE TO ME
I AM INDIGENTS & SPECIAL

ALL BRAIN HOLDERS SAY
GOT SCHEPHTONIC BUT I'M
NOT CRAZY! IT JUST REAL
HANDS TO COMMUNICATE AT

(2/23)¹⁵ PLEASE FILE CHECK'S
STAMPS RETURN THIS TO
ME I DON'T WANT TO
VIOLATE COURT RULES

pg ~~100~~ = 3

of miss up my right
do ask court do preserves
for reviews (ALL) my

per trial issues claim

Ⓢ deserve relief and

don't want to be hurt no

more Ⓢ was sexily assaulted

by roommate last week

and scared put me on
cockup on p. 10 and Ⓢ

have lots trouble getting
court rules proposed to help
me as pro se. plea ~~st~~

in closed staff request

Ⓢ sent to law library

avails sent it back unpro

PJ ~~AD~~ = 4

AND NO ONE GIVE ME STAP
RECEIPT FORMS! AND
MY PSCH. MEDS ALL MESSED
UP CANT MAKE TH. COME
OUT WRITE. PLEASE
CHECK AND YOU SENT
Ⓢ TO CYN CANCASTER
THE ORIGINAL Ⓢ DONT KNOW
WHO TO SEND THIS 59(CE)
FOO! PLEASE DONT PROSEDERE
BAM MY 59(CE) IF Ⓢ
PAST DEELINE DONT EVEN
GET ORDER OF DISMISSAL 5/1
24. THANK YOU AWWW

~~5-26-13 Ben Juv~~
~~NHEITS BEN WARBOS~~

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON
 COUNTY OF LAURENS) PLEAS, EIGHTH JUDICIAL
 BENJAMIN RAY NABORS) CIRCUIT
 pro se applicant)
 v.) CIA No. 2011-CP-30-308
 STATE OF SOUTH CAROLINA) MOTION to alter or
 Respondent) amend Judgment
) RULE 59(e) to
) address "ALL" ISSUES"

This matter comes before the court by way of a pro se motion to alter or amend Judgment under Rule 59(e). The above named pro se applicant, BENJAMIN RAY NABORS, here by motions this Honorable to address ALL ISSUES which court p.c.r. failed to do in its review of the applicants Evidentiary hereing held on 3-13-13, at the COWS GREENWOOD COUNTY COURTHOUSE. AT THIS hereing, the applicant was given no choice but to proceed as pro se, after his court appointed p.c.r. counsel, Rodney W. Richey, ESQ. Flat out refused to subpoena several witnesses on the INSTRUCTIO

ON THE DIRECT INSTRUCTIONS OF APPLICANT
OR TO COLLECT VITAL RECORDS
ON APPLICANTS BEHALF, AS HE WAS
INSTRUCTED TO DO. ALSO, MR. RICHEY
REFUSED TO COLLECT AND FILE
OVER A DOZEN SWORN AFFIDAVITS,
ON APPLICANTS BEHALF FROM EXPERT
WITNESSES, WHO WERE IN THE FORM
OF PSYCHIATRIST WHO HAD ALL
DIAGNOSED AND TREATED APPLICANT
FOR MANY YEARS FOR VARIOUS
MENTAL ILLNESSES, INCLUDING SEVERE,
(C) SCHIZOPHRENIA, PARANOID TYPE,
AND SCHIZOAFFECTIVE DISORDER,
ALONG WITH OTHER VARIOUS AND ALSO
CHRONIC MENTAL DISORDERS. "ALL"
THESE PSYCHIATRIST WERE ALL WILLING
TO PROVIDE SWORN AFFIDAVITS OR
LIVE TESTIMONY had of MR. RICHEY
PUT FORTH AN HONEST EFFORT TO
COLLECT SUCH, WHICH MR. RICHEY
DID NOT DO. ALSO, MR. RICHEY
BECAME HOSTILE TOWARD HIS
CLIENT WHEN SUCH APPLICANT DID
ON NUMEROUS OCCASIONS INFORMED
MR. RICHEY THAT IF HE CONTINUED TO
REFUSE APPLICANTS REQUEST FOR FUNDS
TO ORDER (4) RELEVANT COURT TRANSCRIPTS

SAND DEAMS OF RELEVANT RECORDS,
AND IGNORE APPLICANTS INSTRUCTIONS
CONCERNING HOW HE WISHED MR. RICHEY
TO PRESENT APPLICANTS P.C.R. ISSUES,
THAT HE WOULD "SUE" MR. RICHEY
FOR "LEGAL MALPRACTICE", IF SUCH
MALPRACTICE CAUSED HARM TO
THE APPLICANTS PRESENTATION OF
HIS P.C.R. ISSUES. THUS "PREVENTING
A FAIR AND FULL P.C.R. PROCESS
PROCEEDING. FURTHER MORE, MR.
RICHEY FILED AN AMENDMENT ^{← ISSUE} NOTE *
TO THE APPLICANTS P.C.R. APPLICATION,
LEAVING OUT SUCH ISSUES, CLAIMS,
AS: ^(1A) PUBLIC AUTHORITY, ACTUAL
AUTHORITY (1B) MALICIOUS PROSECUTION.

(2.) INVESTIGATIVE MISCONDUCT.

(3.) BRADY VIOLATIONS.

(4.) JUDICIAL MISCONDUCT.

(5.) HUMAN RIGHTS VIOLATIONS

(6.) OBSTRUCTION OF JUSTICE.

ONLY TO NAME A FEW

BECAUSE OF RODNEY W. RICHEY'S

INEFFECTIVE P.C.R. ASSISTANCE OF

COUNSEL, THE APPLICANT, GIVEN

WAS LITTLE CHOICE BUT TO EITHER PROSEC

with his hostile and ineffective
 assistance of counsel ^{OR} represent
 himself as prose, of have his
application dismissed outright
 The above prose applicant proved
 AS a diagnosed and under S.C.D.C.
 Psychiatrist care as a severely
 mentally ill schizophrenic
 and chronically addicted to
 alcohol and substance abuse
 with probable brain damage,
 AS well as having to proceed
without being afforded with
certain court transcripts records
and other supporting documentation
he steadfastly has diligently
sought for nearly 4 years dis
 now, such p.c.r. applicant
 after making his displeasure
 known on record about being
 made to do so, attempted
 his best to represent himself
 at this proceeding... ON 3-13-13.

NOTES

Did NOT
 get "NO"
 discovery
 prior to
 trial plea
 or post trial
 plea till AFTER
 per. 3-13-13

COHEN

AND, at my 3-13-13 P.C.R. hearing,
"The P.C.R. CONT has Failed
to address the following ISSUES.
Applicant(s) Requested for CEAT Books on Il-
No Aid. ISSUE # 11 Applicant was NO.
"allowed to insure That witnesses
Some expert" ^{Subpoena} be allowed to testify
ON CONTS Recorder in his favor
by a preponderance of evidence
he also was NOT allowed to enter
in to CONTS P.C.R. Record such
applicant was denied a full and
~~fair P.C.R. proceeding in that~~
he, after Mr. Rodney W. Richey
wreakcassily refused his client
Named above pro se applicant,
to secure such RECORDS as
ONLY the CONTS power of
a Subpoena having been
issued to the following
parties would have insured

INVESTIGATORS, 25 YEARS OF MENTAL HEALTH RECORDS, BOTH THAT MY WITNESSES
WAS PRESENT IN THE COAT ROOM
AND PLACED UNDER OATH NOR
WOULD HAVE THROUGH EXISTING
RECORDS, THAT THIS PROSE
APPLICANT DESERVES RELIEF
BY A PREPONDERANCE OF

THE EVIDENCE. APPLICANT,
INSTEAD OF BEING REFUSED
AT LEAST 24 HOURS CONTINUE
TO UTILIZE THE COURT'S POWER
ON MY DEFENSES, PROSECUTIONS
SUCH SAID APPLICANT COULD
EASILY HAVE SWAYED THE
COURT INTO GRANTING ME
IMMEDIATE RELIEF IN THE
FORM OF A NEW TRIAL
ON THE ARMED ROBBERY CHARGES.
(6)

AS WELL AS THE CAT JACKING
AND MY VERBAL COMMUNICATION SKILLS NULL SCHIZOPHRENIA
CHARGES. HEAR, IN ISSUES,
CAN THAT WERE NOT ADDRESSED ORBIT
RULE UPON WHICH APPLICANT
BELIEVES HE DID SATURATE NEZUM
THE COMS RECORD ON 3-13-13 -
AT THIS MOCKERY FOR A WITH
HEARINGS HE FEELS, WITH.

THIS APPLICANT CAT CAN PROVE
THAT HE DESERVES RELIEF IN THE
FORM OF RELEASED FROM CUSTODY
OF S.C.D.C. AND REPERMANDED
BACK DOWN TO THE LOWER

SENTENCING COURT TO AWAIT
EITHER VACATION OF CURRENT
SENTENCES ALL TOGETHER OR TO BE
ALLOWED TO PROCEED WITH A
NEW CRIMINAL TRIAL. A NEW
TRIAL WOULD EXONERATE APPLICANT.

The applicant wishes to the best of his ability as a disabled mentally ill patient, explain to this court so what issues he wished to have addressed by the court.

The following narrative was never addressed. AND THATS THE FACT THAT SUCH APPLICANT CURRENT SENTENCES AND CONVICTIONS ARE WHOLLY THE RESULT OF APPLICANTS HAVING HAD BEEN UNDER "PUBLIC AUTHORITY" OR ACTUAL AUTHORITY AT NOT ONLY PRIOR TO 6-10-09, BUT ACTUALLY ON 6-10-09, HE WAS CARRYING OUT DUTIES PRESCRIBED TO HIM BY THE NARCOTICS UNIT OF LT. BRIAN K. BRIDGES, SGT. JUSTIN R. MOODY AND OTHERS WITHIN THE LOS ANGELES NARC OFFICE.

LAURENS COUNTY SHERIFFS
DEPT. HEAR TO KNOWN AND
REFERRED TO SIMPLY, "THE L.C.S.D."
AS APPLICANT STATED ON COMTS
RECORDS AFTER HAVING HAD
SWORE ON OATH TO TELL THE
TRUTH, ON BOTH 11-14-12
AND ON 3-13-13 "PLEAS
REFER TO P.C.R. #2011-CP-30-308
RECORDS COMT TRANSCRIPT FOR
* 11-14-12, IN LAURENS COUNTY
COMT HOUSE BEFORE HONORABLE
FRANK R. ADDY JR. SEE PAGES

7, LINES 17 ALL THE WAY
THROUGH PAGE (8) TO PAGE
21. READ ENTIRE 11-14-12
AND 3-13-13 P.C.R. TRANSCRIPT.
TRANSCRIPT ALSO ON 3-13-13 a car

(9)

A VERY clear record made
ON CONTS RECORD ON 3-13-13
was the question presented
was the L.C.S.D. forcing
the applicant and brainwashed
control him "A Homeless man" with such
rewards as shelter in motel /
rooms through out LAURENS
COUNTY, as well as CASH & DRUGS;
and access to a car out
of their motor pool, knowing he
did not possess license,
and knowing was under constant
influence of narcotics which
such applicant had purchased
with funds from the L.C.S.D.,
while under actual police
authority of Law enforcement
high up in the chain of command
of the L.C.S.D. "High command" ?
(10)

* NOTE: Authority was granted by person of actual Authority This applicant did on HIS SWORN OATH, describe how L.C.S.D. Narcotics OFFICERS OF AUTHORITY Did on 6-10-09 cause

(REAL)
S#
CONT RECORD
TRANSCRIPT
FOR 11-14-11
Judge Addi

my presence to be at 836 Hellams Road Arey CONT. S.C. 29645 for the sole purpose of observing and collecting information on, AN illegal and active methamphetamine

Laboratory and such persons also at said above address and on such said above date "6-10-09" AND while there acting solely of public of actual authority by J)

THE L.I.C.S.D. SUCH APPLICANT
A ONE BENJAMIN RAY NABORS

WHILE AT THAT LOCATION, DID
BECOME ^{MORE} PSYCHOTIC WHEN HIS
WELL DOCUMENTED MENTAL ILLNESSES
WERE TRIGGERED INTO OVERDRIVE
WHEN SUCH METHAMPHETAMINE
CAB DID PRODUCE TOXIC CHEMICAL
VAPORS TO BE INHALED BY
THIS APPLICANT WHICH DID
CAUSE VERY SEVERE HALLUCINATIONS
BOTH AUDITORY AS WELL AS

VISUAL. PLEASE LISTEN TO
6-10-09 (911 RECORDINGS)
OF THE CAVERUS COUNTY 911
SYSTEM, WHICH TEND A
WEIGHT BY PREPONDERANCE

OF EVIDENCE, THAT SUCH
APPLICANT WAS IN A TOTAL
AND COMPLETE STATE OF
PARANOID SCHIZOPHRENIA MINDS
ON 6-10-09
THIS APPLICANT WISHED
FOR THE P.C.R. COURT, PREYED
TO THE P.C.R. COURT, TO
ALLOW HIM, THIS APPLICANT,
TO PRESENT LIVE TESTIMONY
FROM AND BY THE PERSONS,
LAW ENFORCEMENT PERSONAL
OF THE L.C.S.D. NARCOTICS
UNIT TO TESTIFY UNDER
OATH THAT YES, THE
APPLICANT WAS ON 6-10-09
AND MANY MONTHS PRIOR TO

(13.)

ON 6-10-09, BENJAMIN RAY NABORS
was in fact acting under public
of actual authority of the L.C.S.D.
Narcotics Unit. Because of
applicant being abused and took
advantage of by the L.C.S.D.

"Narcotic officers, Lt. Brian KFC
Bridges, Sgt. Justin Moody,
Lt. Paul Page, Lt. Marino
Foggie and others, he, the
above applicant was sent to
836 Hellams Rd. Grey Court, S.C.
29645 to perform under
cover, "covert" narcotic
investigations for the L.C.S.D.

Narcotics Unit and while at
such location such applicant
did we can he became exposed
to lots of toxic chemicals
which agitated his already
known and diagnosed paranoid

Schizophrenia on 6-10-09,

At this ¹² ₂₃ ₆ applicant
directs comts attention
to 911 recordings from
Laurens County 911 system,
where it's clearly heard that

above named applicant is in
a paranoid psychotic state
of mind. Also at this ¹² ₂₃ ₆
applicant directs this
honorable comts attention
to L.C.S.D. incident reports
for 6-10-09. Again, hear

it's clearly seen that above
named applicant is in a
paranoid psychotic state
of mind. L.C.S.D. then
took applicant into custody
promising to get him prompt -

(15)

medical & of mental health
treatment for the exposure to
toxic meth chemicals while
acting under actual authority
OR while at the location of that
meth Lab at 836 Hellams Rd.

Buttinstead, applicant was UR
denied medical, mental health
care and instead applicant
was told to stop "acting"

crazy, and to return back
to such Lab for more
undercover investigation, such
applicant was released

From custody of the LICSD,
Narcotics office back into
the community of Laurens
S.C. on 6-10-09 while still
in a very severe paranoid
psychotic state of mind,
suffering acute visual auditory hallucinations

(16)

Applicant and his wife, co
defendant, Jennifer Ann
Hutches, was then offered
a ride by this alleged
victim, Mrs. Toni Edwards,
while in route back to Grey
Court, S.C. with Mrs. Edwards,
the applicant suffered yet
another psychotic break
while in Mrs. Edwards' car.
Applicant became convinced
that Mrs. Edwards had a gun
in her possession and was about
to shoot him also. "S~~E~~~~E~~ both
6-10-09 incident reports by
Her son, Deputy Edwards from
earlier that day at Meth Lab,
as well as 911 recordings from
earlier that day" AND Applicant
while severely hallucinating did
steal Mrs. Edwards' vehicle while in
(17)

Fear for his safety and life from Helmut
and Applicant, BENJAMIN RAY NABORS,
did his best at his 3-13-13.
P.C.R. proceedings to lay out
before the court his P.C.R. issues
claims, yet when he received
the order of dismissal and
attempted to read and comprehend
it's content, Applicant then
of how didn't did not not
how applicant didn't see
nothing in Judge Newman's
review of applicant's issues
about either (1) public
OR actual Authority of defense
of (2) A defense based off
of STATE V. HART FIELD, 'Brain Damage'
Brain damage mental illnesses chronic alcohol use
therefore the applicant,
Hereby request this court
to preserve the following
P.C.R. issues/claims for
appellate review.

(18)

P.C.R. ISSUES / CLAIMS NOT
addressed by Judge Newman
in his order of Dismissal,
Signed by Judge Newman on
4-25-13. However, this
Applicant, Applicant, Did
NOT actually get served
with this order of Dismissal
UNTIL 5-25-13, ONE MONTH
exact after Judge's Ruling.

* ISSUES NOT CLAIMS NOT FULLY
addressed by P.C.R. COURT ARE:

(1) Ineffective assistance of
Counsel.

(2) Investigative Misconduct.

(3) Ineffective P.C.R. Counsel.

(4) Judicial Error and Prejudice.

(5) Fruit of the Poisonous Tree
Claim

(6) Police Coercion & Brutality,
(12.)

(7) Brady violation

(8) Incompetence at ⁽²⁾ 2/3
of trial and plea,

DEW to medical intoxication,
(9) newly discovered evidence,

This pro se applicant
herby in forms the court

that he wants request

that applicant's mental
health full mental health

and medical history be

made a part of this

court record as well as

all enclosed, attached

incident reports, from

L.C.S.D. also applicant

submits a list of persons
whom would have testified
in applicant's favor had D.C.R.

COUNSEL Rodney W. Richey-ESQ.
would have either subpoenaed
such witnesses or got sworn
statements from them as
bid applicant so instructed
him to do. Then applicant
would have easily proven by
a preponderance of the
evidence on 3-13-13 per
hearing hearing that he did
deserve relief in the form of
a new trial. Those witnesses
are as follows:

- EXPERTS
- (1) DR. SINATO - applicant's psychiatrist
 - (2) DR. HEARON - applicant's psychologist
 - (3) DR. MARTIN - applicant's psychiatrist
 - (4) DR. POLLOCK - applicant's psychiatrist
 - (5) DR. HIGGIN - applicant's psychiatrist
 - (6) DR. S. (A) - applicant's psychiatrist

50 and witnesses concerning meth
Lab at 836 Hellams Rd. and my
Exposure to toxic meth chemicals
on day of 6-10-09, while at
that location under actual
authority:

- (1) Ronald Jeffrey Eaton.
- (2) Victoria Gordon Smith
- (3) Jean Parker
- (4) Thomas Parker
- (5) Stan Smith.
- (6) Jennifer Ann Hughes
- (7) Mary NABORS
- (8) Ken NABORS
- (9) Richard James Worthy
- (10) Deborah Worthy
- (22)

(11.) JEREMY JAMES

(12.) MIKE JONES

C.I.S.D. LAW ENFORCEMENT
OFFICERS INVOLVED IN DIRECTLY
MY FORCED INVOLVEMENT WITH
C.I.S.D. AS AN UNDERCOVER NARC

(1.) CPT. STEPHON WILLIAMS

(2.) LT. BRAD K. BRIDGES

(3.) SGT. JUSTIN R. MOODY

(4.) SGT. PAUL PAGE

(5.) LT. MARENO FOSSEY

~~(6.) DEPUTIES RHODES, KUMTA EDWARDS
AND VEAL~~

THIS PIER. APPLICANT
NOW APPELLANT, (DID NOT) RECEIVE
A FAIR AND FULL EVIDENTIAL
HEARING ON 3-13-13.

ALSO, The p.c.R. applicant
was not allowed, granted,
FUNDS by this court to
get very important relevant
to his p.c.R. prosecution,
the following TRANSCRIPTS:

(1.) transcript for 6-5-12
p.c.R. hearing in Newberry
county where applicant's brain
damage and his expert
witness were discussed. under
STATE v. Hartfield

(2.) transcript for applicant's
trial proceedings on 10-18-10
Laurens county, and Full Discovery

(3.) transcript for applicant's
3-13-13 p.c.R. hearing.

(24.) A O F B

The PICR applicants :
evidentiary hearing was
shoddy and yet one more
example of the states
refusal to acknowledge
that the applicant was
being used and abused by
the LICAD, and the 8th
Cit. Solicitors office
in so far as car at the
applicants was being
forced to be LICAD, under
over name and such applicant
was acting under power
of actual authority on
DAY OF 6-10-09 - at (12)
OF THESE INCIDENTS (229)
(24.) (B) OF A-B

Which did directly cause
Such applicant's current
legal problems, sentences
and convictions for armed
robbery and carjacking. This
applicant asserts he is innocent of.

This applicant hereby
humbly prays to This
COURT to preserve under address
Rule 59 (e). motion

ALL (ISSUES) which such
said applicant has numerously
attempted to have correctly
addressed by This p.c.r.

COURT & others for 4 years now,
and also info that both

(25)

mike TURNER JR. ESQ. CONT. AMT

COUNSEL, and Judge Hill
WAS SERVED WITH COPIES OF
SUCH APPLICANTS COMPLAINTS
AGAINST HIM PERSONALLY,
BY THE DISCIPLINARY COUNSEL,
PLEASE SEE SUCH COMPLAINT
"INCLUDED" IN THIS MOTION BY
(e) ALONG WITH THE DISCIPLINARY
COUNSEL'S INVESTIGATIVE
FINDINGS, which also were
SERVED ON HIS HONOR ON OR
ABOUT 10-13-09. IN MY

COMPLAINT AGAINST JUDGE HILL, AND
IT WAS CLEARLY COMMUNICATED
TO JUDGE HILL, AS WELL AS THE
DISCIPLINARY COUNSEL, THE ABOVE

26(A)

applicant did raise such
issues with both the judge Hill,
the 8th Cir. Court as well as
the disciplinary counsel.

At my p.c.r. hearing on
3-13-13, before His Honor
Judge Clifton B. Newman
the above applicant informed
this p.c.r. court of applicants
inability to receive both fair
judicial, as well as trial
counsel, representation at the

(3:9
6) of Judge Hill's 1-19-12
court order for such above
applicant to under go examination
by the D.M.A. for criminal
responsibility as well as mental
2(B)

Capacity to stand trial
P.C.R. CONT neither addressed
the "heart" of applicants
P.C.R. prosecution of Alex
Stalley - ESO, Applicants
trial counsel, which he
"Stalley" was a personally
appointed to represent me
even after Judge Hill made
it clear to me that the
CONT would ^{not} afford me with
adequate counsel, legal
representation on my car
jacking and Armed Robbery
charges. ~~See~~ ^{see} attached
included letter communication
to applicant from His Honor
Judge D. GAMBISON Hill on

26(C)

12-2-09 communication
 From Judge Hill to applicant,
 Applicants p.c.r. Issues,
 ONE OF MANY COMPLAINTS
 to Judge Hill personally as
 well as HIM continuing to
 be a vital part of my
 LEGAL PROCESS, IT
 WAS applicants attempt,
 at Hearing before Judge
 NEWMAN ON 3-13-13
 to seek redress on record,
 as to why such document
 as the D.M.H. report issued
 forth on or about 8-25-10
 why was the applicant ^{NOT} afforded
~~NOT APPROVED~~

THIS applicant was refused
the Blair Hearing that he
repeatedly requested of
trial counsel Alex Stalvey, Esq.
as well as the govt.

Solicitors Office, as well
as the courts. Why wasn't
the applicant allowed to
receive HIS constitutionally
guaranteed right to question
such D.M.H. report as several
flawed & issued by
officers of the court who
were prejudiced against
applicant to begin with?

12/27

IF IT SO PLEASES THIS COURT
AM NOT A LAWYER, AND I'M
A PARALAW SCRIPTEEN ACCORDING
TO OVER 20 YEAR WORTH
OF MENTAL HEALTH TREATMENT
FROM BOTH EXPERT PSYCHIATRISTS
AS WELL AS PSYCHOLOGIST.

THESE ARE THE ISSUES
THAT NEVER GOT ADDRESSED
BY THIS HONORABLE P.C.P. COURT
AND THIS APPLICANT, A ONE
DAMON BENJAMIN RAY NABORS
HEARBY PUTS ON OFFICAL
COURT RECORDS TO BE PRESERVED
AND RECOGNIZED AS COGNIZABLE
ISSUES DESERVING RELIEF,
28(B)

The p.c.R. CONT did NOT ON
3-13-13 afford me fair and
full proceedings NOT at all.
(This p.c.R. CONT ON 3-13-13)
Did NOT explore or investigate
my p.c.R. claims that:

applicant at $\begin{pmatrix} 12 \\ 13 \\ 6 \end{pmatrix}$ of 6-10-09
(incidents) which did UNCONSTITUTIONALLY
Lead to applicant's current
SENTENCES and CONVICTIONS,
was totally acting upon public
of actual authority when he
thus came into direct contact
with a dangerous meth Lab
explosion of toxic chemicals

28(C)

This applicant's P.C.R. ISSUES/CLAIMS BRAMS did not receive the Redress consideration that it so deserves. Hearings are the "FACTS" and had P.C.R. allowed me to have put under subpoena, no more than 12 witnesses, some expert psychiatrists, then and only then after P.C.R. COM also allowed certain relevant "to me" to how I wanted to present my case would have been swayed by a preponderance of solid factual information and testimony which probably had led to my convictions being overturned and new trial granted. I was denied fair trial

5. DOR HEARING ON MY ISSUES ON 3-13-13,
ISSUES HEAR NOW PUT
ON THIS PRO SE APPLICANT'S
EFFORT TO COMMUNICATE IS NOT
EASY FOR APPLICANT DREW
TO ILLNESSES APPARENT
SCHIZOPHRENIA HARD VERY HARD
COMMUNICATE. ISSUES NOT AD LRESIK

(1) TRIAL COUNSEL ALEX STALVEY ESQ
DID NOT FULFILL HIS OBLIGATION
TO APPLAINT TO RESEARCH THE
PUBLIC ACTUAL AUTHORITY
DEFENSE AS APPLICANT IN
STRUCTURED HIM, NEITHER
DID TRIAL COUNSEL PROVIDE
ME WITH STATES DISCOVERY
EVIDENCE NEVER GOT NO

28.(e)

ALL THAT IS HERE DO WITHAL
IN DO CIP ON IN THE THIS
PROSE 59 (e) MOTION
IS TRUE END CORRECT UNDER
ANY AND ALL PENALTIES OF
PER JURY.

5-25-13
DATE

Bm m
BENJAMIN NABORS #233844
B.R.C.I. Sat-148-A
4460 BROADS RIVERS RD.
COLA, S.C. 29210

CC: CLERK COURT CAURENS COURT LANCASTER
' ATTORNEY GENERAL RUTLEDGE JOHNSON
U.S.C.A. 4TH CIR.
S.C. COURT APPEALS (28)(29)

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

BENJAMIN RAY NABORS
PRO SE APPELLANT
APPLICANT
VS.

STATE OF SOUTH CAROLINA

- IN COURT OF COMMON PLEAS
- CASE NO: 2011-CP-30-308
- AFFIDAVIT OF SERVICE
- FOR MOTION TO ALTER
- OF AMEND JUDGEMENTS
- TO ADDRESS (ALL) ISSUES.
- TO PRESERVE SULKON REPLY.
- 59 (e).

Ⓢ CERTIFIED THAT Ⓢ HAVE SERVED
ON JUDGE CLIFTON B. "NEW MAN"
THIS MOTION TO ALTER OF AMEND
JUDGMENT, RULE 59 (e) ON TO
ADDRESS "ALL" P.C.R. ISSUES
WHICH WERE NOT DISCUSSED IN THE

COURT'S ORDER OF DISMISSAL

WHICH Ⓢ DID NOT RECEIVE UNTIL

5-24-13 VIA S.C.D.C. MAIL.

SIGNED BY BRN

PAGE 30-OF-30

(30)

~~(30)~~
~~(30)~~

BENJAMIN RAY NABORS
B.R.C.I. 4460 Broadview Rd
CORA SC 29210



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

2-19-A

Post Office Box 11433
1330 Lady Street, Suite 401
Columbia, South Carolina 29211-1433
Telephone: 803.734.1343
Facsimile: 803.734.1345
Email: executives@sccid.sc.gov

T. Patton Adams, Executive Director
Lisa A. Campbell, Assistant Director
Hugh Ryan, Deputy Director/General Counsel

July 27, 2010

Mr. Ben Nabors
P.O. Box 329
Laurens, SC 29360

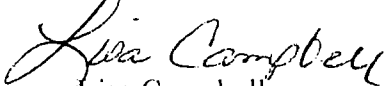
Dear Mr. Nabors;

The role of this agency is to provide funding for Public Defender Offices and private attorneys appointed by the Court to represent indigent clients awaiting criminal trial in state courts. We do not provide legal advice, assistance or representation.

Payment for the services of experts or investigators may be granted by the court, if deemed reasonable and necessary to provide adequate representation of an indigent defendant. Your court appointed counsel may petition the court for the services you are requesting.

I am sorry we cannot help you in this matter.

Sincerely,


Lisa Campbell
Assistant Director



AGENCY I.D.
SCD 300000

LAURENS COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

08003068

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1. 23H - LARCENY - ALL OTHER		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	20	
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)
3058 HELLAMS RD., GRAY COURT. SC ZIP CODE 29645 WEA

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DEPART. TIME	LO
08/28/2008	0700		08/28/2008	2100	08/28/2008	2128		2134	2207	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVE
[REDACTED]	AQ	<input checked="" type="checkbox"/> SOU	W	F	34	N	[REDACTED]	H B

ADDRESS	CITY	STATE	ZIP CODE	LOC
HELLAMS RD.	[REDACTED]	SC	[REDACTED]	

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVE
[REDACTED]		<input checked="" type="checkbox"/> SOU	W	M	50	N	[REDACTED]	H B

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
5-8	230	BRO	BLU						

ADDRESS	CITY	STATE	ZIP CODE	LOC
[REDACTED]	[REDACTED]	SC	[REDACTED]	

VISIBLE INJURY (VICT. 1) YES NO EXPLAIN -

VICTIM (NO. 1) USING: ALCOHOL: YES NO UNK. DRUGS: YES NO UNK.

TWO-MAN VEH. ONE-MAN VEH. DETECTIVE/SPLASMT. OTHER ALONE ASSISTED

J - This Jurisdiction S - State O - Out of State U - Ur

SUSPECT

SUBJECT NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	H
WORTHY, JAMES RICHARD	W	M	45	N	[REDACTED]	5-8	165	B

ADDRESS	CITY	STATE	ZIP CODE	LOCA
91 PRINCE RD	LAURENS	SC	29360	

SUBJECT (NO. 1) USING: ALCOHOL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK.	ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME OF OFFENSE	DATE/TIME OF
DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK. TYPE:	TOTAL # ARRESTED 2	08/28/2008 0700	09/18/2008

Offenses:
LARCENY - ALL OTHER

ON ABOVE DATE AND TIME SGT. KURTA RESPONDED TO I/L IN REFERENCE TO A BREAK-IN. UPON SGT. KURTA'S ARRIVAL HE SPK WITH THE COMP. SHE ADVISED THAT THE VICTIM WAS OUT OF TOWN AND THAT HE HAD THE SUBJ. TO WATCH HIS PLACE WHILE WAS GONE. THE SUBJECT, WHO WAS NOT THERE WHEN SGT. ARRIVED, TOLD THE COMP. THAT THE VICTIMS SON SHOWED UP A VICTIMS RESIDENCE AND THAT HE TOOK THE ITEMS. SGT. KURTA WAS ABLE TO TALK WITH THE VICTIM OVER THE PHONE AND HE BELIEVES IT WAS THE SUBJECT AND NOT HIS SON W TOOK THE ITEMS. SGT. KURTA ADVISED THE VICTIM THAT WITHOUT HIM BEING HERE THAT HE COULD ONLY DO A PRELIMINARY R AND THAT WHEN HE COMES BACK IN TOWN HE NEEDED TO MAKE CONTACT WITH THE INVESTIGATOR TO DO A FOLLOW UP REPO VICTIM WANTED REPORT JUST TO DOCUMENT WHAT HAPPENED SO FAR. SGT. KURTA ALONG WITH THE COMP. WENT NEXT DOOR TO SEE WHAT MIGHT HAVE BEEN TAKEN. THE ONLY THINGS THAT APPEA TO BE MISSING WAS A FLAT SCREEN T.V AND A STEREO (NO FURTHER INFORMATION AVAILABLE AT THIS TIME). SGT. KURTA ALOI WITH THE COMP. SECURED THE RESIDENCE WHEN WE LEFT AND THE COMP. TOOK CUSTODY OF THE KEYS PER THE VICTIMS REC

P	TYPE (GROUP)	26-Radios/TVs/VCR	36-Tools	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY 0300000	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
R	Burned				
O	Count/Forged				TOTAL
P	Dest./Damaged				
E	Recovered				
R	Seized				
T	Stolen	1575.00	600.00		
Y	Unknown				2

A D SUBJECT IDENTIFIED YES NO SUBJECT LOCATED YES NO ACTIVE ADM. CLOSED UNFOUNDED ARRESTED UNDER 13 ARRESTED 14 AND OVER EX-CLEAR UNDER

3
AGENCY I.D.
SC0300000

LAURENS COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL INCIDENT REPORT

0 8 0 0 3 0 6 8

<input type="checkbox"/> ORIGINAL REPORT	<input type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY
<input type="checkbox"/> MODIFIES ORIGINAL	<input type="checkbox"/> CASE STATUS CHANGE	<input checked="" type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY

V I C T I M # S U B J E C T # O V E R R I F I E D	<input type="checkbox"/> COMPLAINANT	NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.			
	<input type="checkbox"/> VICTIM #	NABORS, BENJAMIN RAY				#1	#2	#3	J	S	O	U	W	M	32	
	<input checked="" type="checkbox"/> SUBJECT # 02	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										
	<input type="checkbox"/> RUNAWAY	5-8	185	BAL	BLU											
	<input checked="" type="checkbox"/> WANTED	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVI					
	<input type="checkbox"/> WARRANT	3508 HELLAMS RD				GARY COURT	SC	29645			H B					
	<input type="checkbox"/> ARREST	<input type="checkbox"/> VICTIM NO. _____ VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES				VICTIM USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK.			<input type="checkbox"/> TWO-MAN VEH. <input type="checkbox"/> DETECTIVE/SPLA							
	<input type="checkbox"/> JAIL	EXPLAIN:				DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES TYPE: _____			<input type="checkbox"/> UNK. <input type="checkbox"/> ONE-MAN VEH. <input type="checkbox"/> OTHER							
	<input type="checkbox"/> SUMMONS	<input checked="" type="checkbox"/> SUBJECT NO. 02 USING ALCOHOL: <input type="checkbox"/> NO <input type="checkbox"/> YES														
	<input type="checkbox"/>	USING DRUGS: <input type="checkbox"/> NO <input type="checkbox"/> YES TYPE: _____							<input checked="" type="checkbox"/> UNKNOWN							

A D M	SUBJECT IDENTIFIED	SUBJECT LOCATED	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR UNDER
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR 18 AND
REASON FOR EXCEPTIONAL CLEARANCE: 1 <input type="checkbox"/> OFFENDER DEATH 2 <input type="checkbox"/> NO PROSECUTION					

AGENCY I.D.
SC0300000

LAURENS COUNTY SHERIFF'S OFFICE
PROPERTY LISTING

0 8 0 0 3 0 6 8

ORIGINAL REPORT
 MODIFIES ORIGINAL

SUPPLEMENTAL REPORT
 CASE STATUS CHANGE

ADDITIONAL VICTIMS
 ADDITIONAL OFFENDERS

ADDITIONAL STOLEN PROPERTY
 ADDITIONAL RECOVERED PROPERTY

7 STOLEN

MAGNAVOX TV

Make: MAGNAVOX Model: 32INCH

YAMAHA RECIEVER

Make: YAMAHA

DVR RECORDER

Make: MAGNAVOX

RADIOS/TVS/VCRS

Make: KLIPSCH Model: SUB-W

GENERATOR

TOTAL GROUP

TOTAL PROPERTY

2,1

A D M I	SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input 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"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR UNDER
	REASON FOR EXCEPTIONAL CLEARANCE:	<input type="checkbox"/> OFFENDER DEATH	<input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> ARRESTED 18 AND OVER	

J-01010

STATE OF SOUTH CAROLINA

County/ Municipality of

Laurens

THE STATE

against

Benjamin Ray Nabors

Address: 3508 Hellams Rd
Gray Court, SC 29645.

Phone: SSN

Sex: M Race: W Height: 5 8 Weight: 185

DL State: SC DL #: 007229293

DOB: 12/18/1975 Agency ORI #: SC0300000

Prosecuting Agency: Laurens County Sheriff's Office

Prosecuting Officer: M. Fogelie - 2145

Offense: Larceny / Grand Larceny, value more than \$1,000 but less than \$5,000

Offense Code: 0478

Code/Offense Sec: 16-13-030(B)(1)

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

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

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 6-10-09

Signature of Constable or Deputee

RETURN Laurens County Sheriff's Office

General Office: ENTERED

190 Hill Street

Laurens, SC 29303

Revised Date By

Revised Date

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Laurens Personally appeared before me the affiant M. Fogelie being duly sworn and says that defendant Benjamin Ray Nabors did within this county and state on or about 08/28/2008

State of South Carolina (or ordinance of County/ Municipality of Laurens

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny, value more than \$1,000 but less than \$5,000

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

That on August 28, 2008 in the city/county of Laurens, one Benjamin Ray Nabors did take and carry away household items valued at \$21,750.00 and is the property of victim Kenny Nabors. This occurred in the county of Laurens. Victim: Kenny Nabors, 3508 Hellams Rd, Gray Court SC 29645

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Laurens

Affiant's Address: 216 West Main Street Laurens, SC 29360

Affiant's Telephone

ARREST WARRANT

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

is appearing from the above and will that there are reasonable grounds to be

on or about 8/28/2008 defendant Benjamin Ray Nabors

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Laurens) as set forth below.

DESCRIPTION OF OFFENSE: Larceny / Grand Larceny, value more than \$1,000 but less than \$5,000

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and to bring 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 his arrest soon thereafter as is practicable. Sworn to and subscribed before me on 09/18/2008

Signature of Judge

Thomas L. Copeland

Judge Code: 7023

Judge's Address: P.O. Box 925 Laurens, SC 29360

Judge's Telephone: (864) 683-4485

Issuing Court: Magistrate Municipal

ORIGINAL

ORIGINAL

ORIGINAL

0000

INCIDENT REPORT

CASE NUMBER

09001898

1 13A - ASSAULT - AGGRAVATED

2

3

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)
836 HELLAMS RD., GRAY COURT SC

INCIDENT DATE 06/10/2009 24 HR CLOCK 0300 TO DATE 06/10/2009 24 HR CLOCK 0420

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) NABORS, BENJAMIN RAY
ADDRESS 3508 HELLAMS RD

VICTIM'S NAME (LAST, FIRST, MIDDLE) HUGHES, JENNIFER ANNE
ADDRESS 3058 HELLAMS RD

VISIBLE INJURY (VICT 1) YES NO EXPLAIN -

SUSPECT SUSPECT RUNAWAY WANTED WARRANT ARREST JAIL SUMMONS

SUBJECT NAME (LAST, FIRST, MIDDLE) PERSON, UNKNOWN/UNTRACKED

OFFENSES: ASSAULT - AGGRAVATED

ON THE ABOVE DATE AND TIMES, DEPUTIES EDWARDS AND VEAL WERE DISPATCHED TO 770 HELLAMS ROAD FOR THREATS BEING MADE TOWARDS THE COMPLAINANT. ONCE ON SCENE DEPUTIES WERE APPROACHED BY THE COMPLAINANT MR. BENJAMIN NABORS WHICH STATED THAT THERE WAS A METH LAB NEXT DOOR AT 836 HELLAMS ROAD AND THAT SOME INDIVIDUALS HAD KIDNAPPED HIS GIRLFRIEND AND HE HEARD A GUN SHOT. THE COMPLAINANT STATED THAT THERE WERE AROUND 20 INDIVIDUALS NEXT DOOR AT THIS ACTIVE METH LAB AND THAT THE INDIVIDUALS WERE OUT TO GET HIM. DEPUTIES INFORMED DISPATCH ON WHAT WAS GOING ON AND ALSO INFORMED LT. CRAIN THAT WE NEEDED ASSISTANCE DUE TO THE INFORMATION GIVEN TO US ON THE NUMBER OF PEOPLE SUPPOSEDLY AT THE INCIDENT LOCATION. DEPUTY RHODES, TIMMONS, GARRISON, SGT. KURTAL AND LT. CRAIN RESPONDED TO THE SCENE FOR ASSISTANCE. ONCE ALL DEPUTIES LISTED ABOVE WERE ON SCENE A PLAN WAS FORMED AND WHILE APPROACHING LOCATION DEPUTIES OBSERVED A VEHICLE APPROACH THE LOCATION. DEPUTIES STOPPED THE VEHICLE AND FOUND A MRS. JEAN PARKER DRIVING. MRS. PARKER LIVED AT THE RESIDENCE AND GAVE THE DEPUTIES CONSENT TO COME ON THE PROPERTY AND CHECK THE SCENE FOR THE VICTIM. LT. CRAIN ADVISED DEPUTIES TO PUT MRS. PARKER IN INVESTIGATIVE DETENTION UNTIL THE SCENE WAS SECURE. DEPUTIES THEN APPROACHED THE INCIDENT LOCATION WITH EXTREME CAUTION DUE TO THE CIRCUMSTANCES GIVEN TO US WHEN DEPUTIES APPROACHED THE RESIDENCE OFFICERS ANNOUNCED THEIR PRESENCE AND THREE INDIVIDUALS CAME OUT OF THE CAMPER. ALL THREE INDIVIDUALS (JEREMY JAMES, THOMAS PARKER, AND VICTIM JENNIFER ANN HUGHES) WERE PLACED INTO INVESTIGATIVE DETENTION. MR. PARKER WAS ASKED IF ANYONE ELSE WAS IN THE RESIDENCE AND HE STATED THAT THERE WAS NOT

TYPE (GROUP)	INVESTIGATED	RECOVERED	TOTAL VALUE
Med			
Unl./Forged			
Stolen/Damaged			
Owned			
Auto			
Other			

JURISDICTION OF THEFT
LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY
LAW ENFORCEMENT AGENCY

SUBJECT IDENTIFIED YES NO

SUBJECT LOCATED YES NO

REPORTING OFFICER'S

OFFENSES: OFFENDER DEATH ACTIVE ADM CLOSED UNFOUNDED ARRESTED

AGENCY I.D. **A2** LAURENS COUNTY SHERIFF'S OFFICE
 300000 **INCIDENT REPORT**

CASE NUMBER		N/C/L	
09001898		INQ.	ENTD.

DEPUTIES CLEARED RESIDENCE TO MAKE SURE THAT NOBODY ELSE WAS IN THE CAMPER. ONCE CAMPER WAS CLEARED THE REST OF THE PROPERTY WAS CLEARED ALSO AND NOBODY ELSE WAS LOCATED. DEPUTIES THEN DETERMINED AFTER SPEAKING WITH THE VICTIM, SHE WAS NOT SHOT NOR WAS BEING HELD AGAINST HER WILL. MR. PARKER WAS ASKED IF THE DEPUTIES COULD HAVE CONSENT TO SEARCH THE RESIDENCE DUE TO ALL INDIVIDUALS LISTED ABOVE STATED THAT THEY HAD USED METH. MR. PARKER ADVISED DEPUTIES THAT WE COULD SEARCH THE RESIDENCE AND NOTHING WAS FOUND IN THE CAMPER AFTER SEARCH. ALL INDIVIDUALS WERE RAN THROUGH NCIC FOR WARRANTS AND COMPLAINANT HAD AN OUTSTANDING WARRANT OUT FOR HIS ARREST IN LAURENS COUNTY. DISPATCH CONFIRMED THAT CAPTAIN BOYCE HAD WARRANT IN HAND. ALL OTHER INDIVIDUALS WERE CLEAR AND RELEASED AT THE SCENE. DURING THE SEARCH OF THE PREMISES NO METH LAB WAS FOUND. DEPUTY RHODES TRANSPORTED MR. PARKERS TO THE DETENTION CENTER FOR PROCESSING. AFTER INVESTIGATION IT WAS DETERMINED THAT AN ARGUMENT OCCURRED BETWEEN TWO UNKNOWN INDIVIDUALS AND THE GUN SHOT RESULTED FROM THAT INCIDENT. NO ONE WAS HURT AND NO ONE COULD ADVISE WHAT THE ARGUMENT WAS OVER. DEPUTIES CLEARED THE SCENE AND AN INCIDENT REPORT WAS DONE FOR DOCUMENTATION.

		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		TOTAL VALUE	
1	TYPE (GROUP)						
2	Burned						
3	Count/Forged						
4	Dealt/Damaged						
5	Recovered						
6	Seized						
7	Stolen						
8	Unknown						
SUBJECT IDENTIFIED		SUBJECT LOCATED		<input type="checkbox"/> ACTIVE	<input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 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"/> AVAILABLE - NO CUST			
DATE		UNIT		APPROVING OFFICER		DATE	

AGENCY I.D. 20300000 LAURENS COUNTY SHERIFF'S OFFICE INCIDENT REPORT

CASE NUMBER 09001911 NCIC INQ. ENTD. X

8	INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
	1. 120 - ROBBERY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	13		<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. 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			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 357 SPEEDWAY DR., GRAY COURT SC ZIP CODE 29645 WEAPON TYPE 20

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DEPART. TIME	LOCATION NO.
06/10/2009	2200		06/10/2009	2212	06/10/2009	2215	2232	2317		09

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
[REDACTED]	#1 ST #2 ST #3	<input checked="" type="checkbox"/> SOU	[REDACTED]	[REDACTED]	[REDACTED]	N	[REDACTED]	[REDACTED]
ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.				
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	02				

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
[REDACTED]	#1 ST #2 ST #3	<input checked="" type="checkbox"/> SOU	[REDACTED]	[REDACTED]	[REDACTED]	N	[REDACTED]	[REDACTED]
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	02

VISIBLE INJURY (VICT. 1) YES NO EXPLAIN -

VICTIM (NO. 1) USING: ALCOHOL: YES NO UNK. DRUGS: YES NO UNK.

TWO-MAN VEH. ONE-MAN VEH. DETECTIVE/SPLASMT. OTHER ALONE ASSISTED J - This Jurisdiction S - State O - Out of State U - Unknown

SUBJECT	<input checked="" type="checkbox"/> SUSPECT	SUBJECT NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYE	
	<input type="checkbox"/> RUNAWAY	NABORS, BENJAMIN RAY	W	M	33-33	N	12/18/1975	5-8	185	BRO	BL	
	<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										
	<input checked="" type="checkbox"/> WARRANT	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.						
<input checked="" type="checkbox"/> ARREST	3508 HELLAMS RD	GARY COURT	SC	29645								
<input checked="" type="checkbox"/> JAIL	SUBJECT (NO. 1) USING: ALCOHOL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK	ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST								
<input type="checkbox"/> SUMMONS	DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK. TYPE	TOTAL # ARRESTED	06/10/2009	2200	07/02/2009	13						

ON THE ABOVE DATE AND TIME R/O RESPONDED TO A CALL OF A CAR JACKING ON SPEEDWAY DR IN GRAY COURT. CV STATED THAT SHE WAS GIVING A RIDE TO A WHITE MALE AND A WHITE FEMALE FROM FOOD LION IN LAURENS TO A LOCATIC IN GRAY COURT WHERE THE SUBJECTS WERE GOING. CV STATED THAT THE MALE SUBJECT TOLD HER TO TURN ONTO SPEEDWAY DR AND WHEN SHE GOT TO THE BRIDGE THE SUBJECT TOLD HER TO STOP AND GET OUT OF THE CAR. CV ALSO STATED THE SUBJECT HAD A KNIFE AND SHOWED IT TO HER AND SAID HE WOULD HURT HER IF SHE DID NOT GET OUT OF THE CAR. CV STATED THAT THE SUBJECT STATED HE WOULD LEAVE THE CAR ABOUT 30 MILES AWAY AND THAT WAS WANTED BY THE POLICE AND WAS ON DRUGS. CV STATED THAT THE SUBJECT WAS A CLEAN CUT WHITE MALE AND HAD ON A WHITE SHIRT, THE WHITE FEMALE HAD BLOND HAIR AND WAS SMALL. THE CAR IS A SILVER IN COLOR 2008 FOR ESCAPE SC TAG 4209BX. THE SUBJECTS LEFT GOING TOWARD HELLAMS RD. THIS CASE HAS BEEN TURNED OVER TO INVESTIGATION.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY SC0300000				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
P	TYPE (GROUP)	03-Motor Vehicle -	09-Credit/Debit	20-Money	TOTAL VALL		
R	Burned						
O	Count/Forged						
P	Dest/Damaged						
E	Recovered	25000.00			25000		
R	Seized						
T	Stolen	25000.00		40.00	2504		
Y	Unknown						
A	SUBJECT IDENTIFIED	SUBJECT LOCATED	<input type="checkbox"/> ACTIVE <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18 <input checked="" type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18	<input type="checkbox"/> EX-CLEAR 18 AND CV

AGENCY I.D.
SC0300000

LAURENS COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

LAST NUMBER

0 9 0 0 3 5 6 6

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1. 35A - MANUFACTURING METHAMPHETAMINE, CONSP. MANUFACTURE METH, SIMPLE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	20	
2. 280 - POSS. OF STOLEN RIFLE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	20	
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)
836 HELLAMS RD, GRAY COURT SC

ZIP CODE: 29645 WEAPON:

INCIDENT DATE: 10/23/2009 24 HR. CLOCK: 1445 TO DATE: 10/23/2009 24 HR. CLOCK: 2002

DISPATCH DATE/TIME 24 HR. CLOCK: 10/23/2009 1445 TIME ARRIVED: 1445 DEPART. TIME: 2002

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): SOCIETY/PUBLIC, 234

RELATIONSHIP TO SUBJECT: #1 ST #2 ST #3 ST RESIDENT: J S O U RACE: SEX: AGE: ETH: DAYTIME PHONE: CITY: STATE: ZIP CODE: LOCATION:

VICTIM'S NAME (LAST, FIRST, MIDDLE): SOCIETY/PUBLIC, 234

RELATIONSHIP TO SUBJECT: #1 #2 #3 RESIDENT: J S O U RACE: SEX: AGE: ETH: DAYTIME PHONE: CITY: STATE: ZIP CODE: LOCATION:

HEIGHT: WEIGHT: HAIR: EYES: FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: CITY: STATE: ZIP CODE: LOCATION:

VISIBLE INJURY (VICT. 1) YES NO EXPLAIN -

VICTIM (NO. 1) USING: ALCOHOL: YES NO UNK. DRUGS: YES NO UNK.

TWO-MAN VEH. ONE-MAN VEH. DETECTIVE/SPLASMT. OTHER ALONE ASSISTED

SUBJECT: SUSPECT RUNAWAY WANTED ARREST JAIL SUMMONS

SUBJECT NAME (LAST, FIRST, MIDDLE): RECORD, EXPUNGED

RACE: W SEX: M AGE: 37 ETH: N DATE OF BIRTH: HEIGHT: WEIGHT: HAIR:

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: CITY: STATE: ZIP CODE: LOCATION:

SUBJECT (NO. 1) USING: ALCOHOL: YES NO UNK. DRUGS: YES NO UNK. TYPE: E

ARRESTED NEAR OFFENSE SCENE: YES NO DATE/TIME OF OFFENSE: 10/23/2009 1445 DATE/TIME OF ARREST: 10/23/2009

TOTAL # ARRESTED: 8

Offenses:
MANUFACTURING METHAMPHETAMINE, CONSP. MANUFACTURE METH, SIMPLE POSS. MARIJUANA
POSS. OF STOLEN RIFLE

ON ABOVE DATE AND TIMES SGT VEAL AND SGT MOODY WAS CHECKING THE AREA OF HELLAMS ROAD FOR ILLEGAL NARCOTIC ACTIVITY. UPON ARRIVING ON HELLAMS ROAD SGT MOODY WAS CHECKING ON A KNOWN LOCATION, INCIDENT LOCATION, AND NOT SEVERAL VEHICLES ON THE PROPERTY THAT HAS NEVER BEEN THERE BEFORE. SGT MOODY AND SGT VEAL WENT DOWN TO THE RESIDENCE AND WANTED TO SPEAK WITH THE PROPERTY OWNER. ONCE TO THE CAMPER ON THE PROPERTY NOTICED A GREEN TOYOTA PICKUP TRUCK WITH A WHITE MALE, [REDACTED] AND A WHITE FEMALE STANDING BY IT. SGT VEAL ASKED HIM WHAT HIS NAME WAS AND WHERE WAS THE PROPERTY OWNER. [REDACTED] BECAME NERVOUS AND STARTED REACHING IN HIS POCKET. SGT VEAL ASKED HIM TO TAKE HIS HANDS OUT OF HIS POCKET AND WHEN HE DID PULLED A BAGGY OF GREEN LEAFY SUBSTANCE OUT. SGT VEAL ASKED THE SUBJECT WHAT WAS THAT AND SUBJECT REPLIED "MARIJUANA". AT THAT TIME SGT MOODY PLACED SUBJECT IN INVESTIGATIVE DETENTION. SGT VEAL RAN BOTH [REDACTED] AND [REDACTED] AND FOUND NEITHER ONE OF THEM TO BE WANTED RIGHT BEFORE HE LOOKED HE ASKED [REDACTED] IF HE MINDED HIM LOOKING IN THE TRUCK. [REDACTED] GAVE CONSENT TO SEARCH THE VEHICLE. IN PLAIN VIEW WAS A RIFLE, LAYING IN THE FRONT SEAT WITH BARREL POINTED TO THE FLOOR. SGT MOODY RETRIEVED THE RIFLE AND HANDED IT TO SGT VEAL. SGT VEAL CALLED DISPATCH AND ASKED THEM TO RUN IT NCIC. SGT VEAL GAVE THE MAKE AND SERIAL NUMBER, ROSSI .223 CALIBER SERIAL NUMBER [REDACTED] COMING BACK STOLEN OUT OF NEWBERRY COUNTY

TYPE (GROUP)	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		TOTAL VALUE
	10-Drugs/Narcotic	13-Firearms	SC0300000		
Burned					
Count/Forged					
Dist./Damaged					
Recovered		500.00			
Seized					
Stolen					500
Unknown					

SUBJECT IDENTIFIED: YES NO

SUBJECT LOCATED: YES NO

ACTIVE ADM. CLOSED ARRESTED

SC0300000

LAURENS COUNTY SHERIFF'S OFFICE

CASE NUMBER

INCIDENT REPORT

09003566

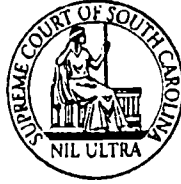
DISPATCH SENT A HIT TO CONFIRM THE WEAPON WAS IN FACT STOLEN. APPROXIMATELY 10 MINUTES LATER NEWBERRY CONF THE WEAPON WAS STOLEN. AT THAT TIME SGT VEAL ADVISED [REDACTED] HE WAS UNDER ARREST FOR POSSESSION OF ST PROPERTY AND SIMPLE POSSESSION OF MARIJUANA. SGT MOODY THEN WENT TO LOOK FOR THE PROPERTY OWNER. [REDACTED] COULD NOT FIND HIM AT THE FIRST CAMPER SO WENT ACROSS THE PROPERTY TO ANOTHER CAMPER. SGT MOODY SMELT A S ODOR COMING FROM THE CAMPER AND ADVISED SGT VEAL THAT IT APPEARED SOMEONE WAS COOKING METHAMPHETAMINE II CAMPER. SGT MOODY LOOKED IN A TRASH CAN OUTSIDE AND SEEN SHAKER BOTTLES AND OTHER ITEMS USED IN THE MANUFA OF METHAMPHETAMINE. WHILE SGT MOODY WAS DOING THAT A FEMALE CAME OUT FROM THE SIDE OF THE TRAILER. MS SMITH MOODY ASKED HER WHAT WAS SHE DOING AND SHE STATED SHE WAS HEAR LOOKING FOR HER DOG. SGT MOODY THEN ASKE ANYONE WAS INSIDE THE CAMPER, SHE ADVISED "THERE WAS TWO GUYS INSIDE COOKING DOPE". SGT VEAL AND SGT MOODY WENT TO THE TRAILER AND KNOCKED ON THE DOOR, NO ONE WOULD COME TO THE DOOR. SGT VEAL AND SGT MOODY HEARD SOMEONE MOVING AROUND AND KNOCKED AGAIN AND ANNOUNCED "SHERIFF'S OFFICE". STILL NO ONE CAME TO THE DOOR. SG MOODY KNOCKED AND ANNOUNCED AGAIN AND HEARD SOMETHING AS IF IT WAS THROWN AND THEN THE DOOR OPENED. SGT V ADVISED THE CAMPER APPEARED TO BE ON FIRE DUE TO A LOT OF SMOKE. SGT MOODY ADVISED THERE WAS AN APPARENT METHAMPHETAMINE LAB THERE AND WAS ATTEMPTING TO GET EVERYONE OUT DUE TO THE SMOKE. SGT VEAL ADVISED LT RIC AND SGT WOOD, OF UNIFORM PATROL, THAT ASSISTANCE WAS NEEDED IN A HURRY. SGT VEAL ADVISED THAT A POSSIBLE METH WAS ON FIRE. WHILE SGT VEAL WAS ADVISING LT RICHARDS OF THE INCIDENT SGT MOODY GOT FIRST SUBJECT OUT, MR EATO EATON THEN ADVISED SOMEONE ELSE WAS INSIDE AND HE WAS PARALYZED. SGT MOODY ATTEMPTED TO GO INSIDE THE CAMPI GET OTHER SUBJECT, MR GIBBS. SGT MOODY WAS ABLE TO GET MR GIBBS OUT. SGT VEAL, SGT MOODY, MR EATON, AND MR GIB AWAY FROM THE CAMPER AND NOTIFIED DISPATCH THEY NEEDED THE FIRE DEPARTMENT. WHILE WAITING ON OTHERS TO ARR VEAL AND SGT MOODY PLACED ALL INDIVIDUALS IN INVESTIGATIVE DETENTION AND READ MIRANDA WARNING. SGT MOODY BEGA TALKING WITH MS SMITH AND ASKED HER FOR HER DRIVERS LICENSE SHE ADVISED IT WAS INSIDE THE CAMPER. AFTER FURTHER TALKING WITH EVERYONE IT WAS DETERMINED THAT A FEMALE AND ANOTHER MALE TOOK OFF RUNNING INTO THE WOODS WHE UNITS ARRIVED. LT BRIDGES AND LT COATS WERE NOTIFIED AS WELL. A SEARCH WARRANT WAS OBTAINED FOR THE ENTIRE PROPERTY. LT COATS ARRIVED ON THE SCENE AND ASSESSED THE SCENE AND DETERMINED THAT A CLEAN-UP CREW NEEDED T RESPOND. WHILE LT BRIDGES WAS WALKING AROUND THE PROPERTY HE FOUND A SUBJECT WALKING TOWARD HIM, MS ELLEDGI STATED TO LT BRIDGES "I'M COMING BACK TO TURN MYSELF IN". LT BRIDGES ADVISED SGT VEAL AND MOODY. MS ELLEDGE WAS PLACED INTO INVESTIGATIVE DETENTION AND ADVISED OF MIRANDA WARNING. MS ELLEDGE STATED SHANNON FRAZIER WAS THI OTHER PERSON THAT TOOK OFF RUNNING. SGT VEAL AND SGT MOODY ATTEMPTED TO LOCATE MR FRAZIER BUT WAS UNABLE TC SO. ONCE OTHERS ARRIVED ON SCENE SGT MOODY WENT TO AN ABANDONED TRAILER TO SEARCH IT. WHEN HE WENT INSIDE HE FOUND MR CAMPBELL HIDING IN A ROOM. MR CAMPBELL WAS DETAINED AS WELL AND BROUGHT OUTSIDE. MR CAMPBELL APPEAR BE ON SOME TYPE OF NARCOTIC. AFTER TALKING WITH EVERYONE IT WAS DETERMINED THAT ALL HAD A PART IN THE MANUFACT OF METHAMPHETAMINE SO EVERYONE WAS PLACED UNDER ARREST. DEPUTY BLACKSTOCK, DEPUTY MARTIN, MAJOR HUDSON, AN DEPUTY SIMMONS PROVIDED TRANSPORT FOR ALL SUBJECTS. WHILE OFFICERS WERE SEARCHING THE ENTIRE RESIDENCE AND WAITING FOR THE CLEAN UP CREW TO FINISH OFFICERS SAW A CHEVY PICKUP TRUCK PULL INTO THE RESIDENCE. MR COOPER, DRIVER, ADVISED HE WAS THERE TO GET A MUFFLER PUT ON HIS TRUCK. AFTER FURTHER INVESTIGATION MR COOPERS NAME HA APPEARED ON METH CHECK NUMEROUS TIMES AND WAS ASKED ABOUT THAT. MR COOPER WOULD NOT COOPERATE AND SGT MO HAD ENOUGH TO CHARGE MR COOPER WITH CONSPIRACY TO MANUFACTURE METHAMPHETAMINE. ALL VEHICLES WERE TOWED T WERE ON PROPERTY AND TOW FORMS ARE ATTACHED. PICTURES WERE TAKEN OF SCENE. CLEAN UP CREW FINISHED AND ALL OFFICERS CLEARED THE SCENE.

TYPE (GROUP)	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
	10-Drugs/Narcotic	13-Firearms	SC0300000	
Burned				
Court / Forged				TOTAL VALL
Dist / Damaged				
Recovered		500.00		
Seized				
Stolen				500
Unknown				

SUBJECT IDENTIFIED YES NO

SUBJECT LOCATED YES NO

ACTIVE ADM CLOSED



CA

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

December 8, 2009

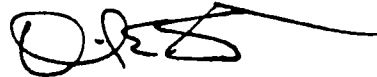
Mr. Benjamin R. Nabors
P.O. Box 329
Laurens, SC 29360

Dear Mr. Nabors:

This responds to your letter to Chief Justice Toal dated November 28, 2009, and received on December 7, 2009. Please be advised that the Chief Justice cannot assist you with these matters.

If you have good cause to have your counsel relieved or want to proceed without an attorney, these are matters that will need to be addressed by the trial court.

Sincerely,



Daniel E. Shearouse

cc: J. Michael Turner, Jr., Esquire (with copy of letter)

1 of 4

RECEIVED

DEC 07 2009

RECEIVED

DEC 07 2009

C/O: Chief Justice

S.C. SUPREME COURT

From: BENJAMIN R. NABORS, PRO SE DEFENDANT

P.O. Box 329, Laurens, S.C. 293

RE: INDIGENT DEFENSE, PRO SE STATUS REQUESTED

Dear Chief Justice Todd. 11-28-09

I'm still experiencing trouble up here in Laurens county. I have asked that Michael Turner JR. be formally relieved as my court appointed counsel. He has refused to provide me with the defense I have requested. He has refused to hire an investigator or expert witnesses for my defense. My defense is not at all "voluntary intoxication" not at all. My defense is that I was arrested on 6-10-09 because of 911 calls I made while having severe and acute hallucinations. I had been up over a week on crystal meth. I reported to 911 that my wife/code defendant Jennifer Ann Hughes was abducted and murdered. And that the "same people" were then trying to shoot me, etc. Long story short, in a nut shell, the police knew I was suffering from sleep deprivation and crystal meth use/abuse. They arrested me on 6-10-09, for an outstanding warrant. Then they released me on a P.R. bond the same day, 6-10-09 while I was still very much suffering from the above. I didn't have a ride home

20FL

11-28-09

And a lady was nice enough to give me and my wife a ride to our house. ON THE way TO our house she started telling me how she was an ex-police officer, and how her two sons were both currently police officers here in Lauren. THEN she handed me a camera which had pictures of police officers. IT WAS TOO MUCH FOR MY SLEEP DEPRIVED MIND TO TAKE IN. I STARTED HALLUCINATING IN HER CAR, I THOUGHT SHE HAD A GUN AND WAS GOING TO SHOOT ME ETC. SO I SCREAMED AT HER TO STOP HER CAR AND GET OUT. SHE DID. THEN MY WIFE STARTED SCREAMING AT ME TO STOP IT TO LEAVE THE NICE LADY ALONE. SO I THEN ATTACKED MY WIFE, AND KIDNAPPED HER BECAUSE I REALLY BELIEVED SHE WAS OUT TO GET ME TO, YET WHEN I GOT ARRESTED THE VERY NEXT MORNING, ON 6-11-09 MY WIFE WAS CHARGED ALSO WITH CAR JACKING AND ARMED ROBBERY. SHE'S MORE OF A VICTIM THAN THE ACTUAL VICTIM. MY WIFE IS INNOCENT. I NEED HELP. I CAN NOT GET ANY OF THE LAWYERS I KEEP GETTING APPOINTED TO GATHER THOSE 911 TAPES FROM THAT INCIDENT THAT TOOK PLACE EARLIER THE SAME DAY, ON 6-10-09. I CAN NOT

p30fy

11-28-09

get anyone to get police reports
eye witness statements, etc. From
that incident that I'm contending
is related to my defense, since
all of that evidence in which I seek
will prove that I was mentally ill
that day, and that the police knew
I was mentally ill, yet they
did nothing to help me, rather
they just let me go on a 5000
P.R. bond, with no ride home.
While I was suffering from acute
sleep deprivation etc mental illness,
please help me, LAURENS COUNTY Jail
and the Judge who released me are
at fault, and they are trying to
keep it from coming out. I mean
FOX CAROLINA NEWS even responded to
my all calls, they called out the SWAT
team and everything, ALL BECAUSE I WAS
HALLUCINATING, yet they released me a
few hours later on a 5000 P.R.
AFTER I ASKED FOR HELP!

I need help, and it's not going
to come in the form of mr. michael
turner, JR. I fired him. He has not
tried to do any of the things I asked
of him. He wanted me to get a
mental evaluation. What good will
that do, concerning the day in
question 6-10-09, I had been
up over a week, with no sleep

Pg 40FH

11-28-09

85

Whatsoever! TO receive a mental evaluation now, concerning what my state of mind was THEN, ON 6-10-09, is absurd! I told MR TURNER to ask the court to consider me PROSE UNTIL I CAN FIND another lawyer. I have been denied THE USE OF A LAW LIBRARY FOR 6-months. LAURENS COUNCIL REFUSES to let me use a updated LAW LIBRARY. They won't allow me to use the phone to call a lawyer referral service, LAJIS, either!

I NEED HELP! please help me!

Sincerely

~~Ben Nabor~~

11-28-09

BEN NABORS

*

NOTE:

→ please insure that I'm allowed the use of a law library, to study, research, case law, etc. related to my defense of J-616454 J-616455. to keep denying me the use of law books etc. I FEEL as to deny me a right to receive a fair defense trial concerning the above. I ALSO request the funds appointed to my defense to hire an investigator and expert witnesses of my choice.

please, please, please help me!

11-10-'10 15:27 FROM

(Handwritten signature)

2-6

P. 001/0

T-945 P0002/0003 F-709

32170

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS
State of South Carolina,
Plaintiff,

IN THE COURT OF GENERAL SESSIONS
EIGHTH JUDICIAL CIRCUIT
INDICTMENT NOS: 09-GS-30-1276, 1385,
1386, 1387

vs.
Benjamin Nabors,
Defendant.

EX PARTE FUNDING ORDER

This matter was before the Court on the Motion of the Defendant for an Ex Parte Funding Order for the release of funds from the Office of Indigent Defense. The following expenses were incurred due to the preparation for and the actual trial:

1. Photocopy fee for the medical records from the South Carolina Department of Corrections in the amount of \$53.00;
2. Transcript fee for the hearing on May 26, 2010 in the amount of \$56.90;
3. Federal Express fee to Laurens County 911 in the amount of \$10.00;
4. Process server fee for serving the subpoena to Lt. Linda Sullivan in the amount of \$75.00;
5. Process server fee for serving the subpoena to Ernest C. Martin in the amount of \$35.00;
6. Process-server fees for serving the subpoena to Deputy Brian Kurta in the amount of \$65.00;
7. Process server fee for serving the subpoena to Captain Charles Boyce in the amount of \$65.00;
8. Process server fee for serving the subpoena to Jennifer Anne Hughes in the amount of \$65.00;

FILED
CLERK OF COURT
LAURENS COUNTY
SOUTH CAROLINA
NOV 10 2010
M. HOPE BLACKLEY

213

2-7

11-10-'10 15:27 FROM-

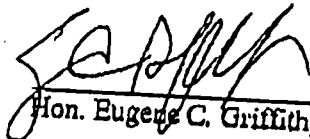
T-945 P0003/0003 F-709

- 9. Process server fee for serving the subpoena to Stanley Smith in the amount of \$85.00;
- 10. Clothing for the Defendant to wear at trial in the amount of \$35.00; and
- 11. An expert witness was necessary for the defense of the case. Attorney for the Defendant requested Dr. Ernest Martin, a psychiatrist that treated the Defendant while at the Greenville County Detention Center, to be prepared to testify as to the Defendant's mental health issues at trial. Dr. Martin's review of his treatment records and preparation for trial costs were \$875.00. Dr. Martin's diagnosis of the Defendant's mental health condition was contrary to the findings of the forensic psychologist that evaluated the Defendant at the Department of Mental Health for competency and criminal responsibility. Specifically the Court finds that this expert witness was required for the Defendant's defense.

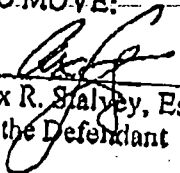
Therefore, the Court authorizes the Defendant to request funds from the Office of Indigent Defense. Defense counsel shall obtain a clocked copy of this Order and shall immediately forward a copy of the Order to the Office of Indigent Defense.

IT IS SO ORDERED!

Greenville, South Carolina
November 10, 2010


Hon. Eugene C. Griffith, Jr.

I SO MOVE:


Alex R. Stalvey, Esq.
For the Defendant

FILED
CLERK OF COURT
STARBUCKS COFFEE
NOV 10 2010
M: HOPE BLACKLEY
CLOCKED
ERRON

2-8

4

RECEIVED

CLERK DISCIPLINARY COUNSEL,
Supreme Court, S.C.
Lesley M. Coggiola

From: BENJAMIN RAY NABERS, L.C. No. A-11
P.O. Box 329, Laurens, S.C. 29360

RE: COMPLAINT AGAINST William G. Mayel, OF
THE LAURENS COUNTY BAR

RE: COMPLAINT AGAINST, D. GARRISON HILL
presiding Judge, Eighth Judicial Circuit,

And RE: THE SOLICITOR WHO'S PROSECUTING M.
CHARGES. I DO NOT KNOW HIS NAME.

Dear Ms. Coggiola,

ON September 22, 2009, I WENT before the above
mentioned Judge, with the above mentioned lawyer,
my counsel.

MR. MAYEL, my lawyer at that time, had over-
stressed to me my need to go before this Judge,
"for a special plea" COURT WAS NOT IN SESSION
the time, for LAURENS COUNTY, but somehow this
Judge was holding court, just for myself, and
one other defendant, Paul Marmes, who was
also Mr. Mayel's client, and accepting a plea
for 24 yrs. for murder.

MR. MAYEL, STRESSED to me, just the day
before, "our very first, and only meeting" that
my best bet was to accept the solicitor's "deal"
for 12 yrs. violent, at 85%, with five yrs.
probation, for my carjacking charge. I expressed
to Mr. Mayel that I wanted a copy of my discov.

#2

2-9

4

And That I wanted an investigator hired for my defense of these charges. The same thing have been requesting and pleading for, since my arrest on 6-11-89. As of yet, I have not received a copy of my rule 5 Brady, nor an investigator.

Mr. Mayer was like, "Look Nabor, it does a matter that you were hallucinating at the time you stole the car or that you were released on a 5000. P.R. Bond from the County Jail just hours before you stole the car and that the Jail staff knew you were still under the influence of crystal meth when you were released" How just hours before you were arrested for stealing the car, you had also been arrested for calling 911, claiming that you seen your wife kidnapped and murdered while hallucinating, etc.

IN SHORT, Mr. Mayer was like accept the Solicitor's 12 yrs. 85% with 5 yrs probat. to follow. "I had not even been indicted so in short, I felt he was not going to represent me well, so I told him okay, and once he got me in front of the judge I explained to the Judge that I wanted another lawyer, and that Mr. Mayer refused to hand over my discovery, etc. So he granted me another court appointing lawyer to represent me on my cases. But

#3

Z-10

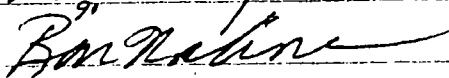
44

The Judge, The Honorable D. GARRISON Hill, REFUSED my request for a copy of my discovery, and acted like he did not want to hear anymore about how I felt the Solicitor's office was practicing "malicious prosecution" etc. For holding my wife on the same charges, even though I have been telling them since my arrest that she was INNOCENT, etc. How I hear he and she was in fear of her life to flee from me at attempt to get away from me.

Please Help me! I feel like Laurens County is practicing malicious prosecution against myself and my wife, Jennifer Hugh. because the victim in our cases is an ex-police officer and her 2 sons are police officers here in this county, and are directly involved in these cases.

CAN you HELP? please respond.

My NEW COURT appointed LAWYER is, J. Michael Turner, JR. of Laurens. And I'm wondering is he going to be the same

Sincerely

BEN NABORS



POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

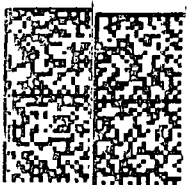
RECEIVED

MAY 23 2013

BRCI
MAILROOM

Benjamin R. Nabors, 233844
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

*SM8
BRCI*



190-Jan

049J82042234
\$00.660
Mailed From 29201
05/20/2013
US POSTAGE

MCCI
MAIL ROOM

MAY 21 2013

RECEIVED

A

DISCUSSION

The Sixth Amendment to the United States Constitution provides that "in all criminal prosecutions, the accused shall enjoy the right... ..to have the assistance of counsel for his defense." U.S. Const. amend. VI. The right to the effective assistance of counsel means the right to "effective assistance of counsel." See Cuyler v. Sullivan, 446 U.S. 335, 344, 352 (1980); also see United States v. Morrison, 449 U.S. 361, 366 (1981); Tollett v. Henderson, 411 U.S. 258, 266-68.

★

(C) At the heart of effective representation is the independent duty to investigate and prepare. Goodwin v. Balkcom, 684 F.2d 794, 805 (11th.Cir.), cert. denied ___ U.S. ___, 103 S.Ct. 1798.

Therefore, permissible trial strategy can never include the "failure" to conduct reasonably substantial investigation of the case.

The test formulated in Strickland v. Washington, 466 U.S. 668 (1984), for determining whether counsel has rendered constitutionally ineffective assistance reflects this concern. In Strickland, the Court identified two components to any ineffective assistance of counsel claim. (1) deficient performance; and (2) prejudice. Under that decision, a criminal defendant alleging prejudice must show that counsel's errors were serious enough to deprive the defendant of a fair trial.

Strickland v. Washington, 466 U.S. at 687, see also Kimmelman v. Morrison, 477 U.S. 365, 374 (the essence of an ineffective assistance of counsel claim is that counsel's unprofessional

★
"BRICE"
EXPLAIN
ALL
ISSUES

errors so upset the adversarial balance between the defense and prosecution that the proceeding was rendered unfair and the conviction suspect).

Preparation and investigation "must be more than perfunctory." Counsel has an affirmative duty to conduct appropriate investigation, both factual and legal. Coles v. Peyton, 389 F.2d 224, 226 (4th.Cir.), cert. denied 393 U.S. 849

(1968) USA failure to ascertain and investigate possible defenses has often resulted in finding that the defendant was denied adequate representation. See Goodwin v. Swenson, 287 F.Supp. 166, 176-86 (W.D.Mo.1968).

The primary input of the attorney to his client's case is that of professional expertise. Even in a simple criminal case,

meticulous investigation and thoughtful legal analysis will often reveal a panolpy of issues -- to which the defendant a layman, will be oblivious. Garland v. Cox, 472 F.2d 875, 879 (4th.Cir.).

The notion that defense counsel must obtain information that the State has and will use against the defendant is not simply a

matter of common sense. The American Bar Association Standards for Criminal Justice, Prosecution and Defense Function describes

the obligation in terms no one could misunderstand in circumstances of a case like this one: "it is the duty of the

lawyer to conduct prompt investigation of the circumstances of the case and to explore all avenues leading to facts relevant to

the merits of the case and the penalty in the event of conviction. The investigation should always include efforts to

defenses And INSANITY defenses etc

STANLEY SUITE AS HE'VE NEVER EXPLAINED SUCH DEFENSES.

* Should have investigated Read All motions etc Filed in court clerks in trade hand up for counsel inspection while being questioned. Asked does he recall actually reading entire file of Proc motions about my wife's former communication directly addressed to court etc? SAYS NO HE DIDNT READ ENTIRE FILE.

Im ignorant when it came to Law your Honor. P. 5 L. 9-11 TRANSFER Judge COLE A ANSWER WHEN I plains IN FORMER COURT WAS SIGNORA OF LAW. Therefore How hell would know NE THING ABOUT Public Auth. defenses

B

STANDARD OF REVIEW GOVERNING CLAIMS OF
INEFFECTIVE ASSISTANCE OF COUNSEL

In Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984), the Supreme Court set forth a two-part test for evaluating claims of ineffective assistance of counsel. The first part of the test requires that a defendant show that his counsel's performance was deficient and that it falls below an objective standard of reasonableness.

The Second part of the test requires that a defendant show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. This second part of the Strickland test has also been referred to as the "prejudice" requirement.

The Supreme Court has also held that the same two-part test was extended so as to apply to ineffective assistance of counsel claims arising out of the plea process. See Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

In Hill, the Supreme Court held that in the context of determining the voluntariness of a guilty plea that is entered upon the advice of counsel, the first half of the Strickland test would require an inquiry into whether counsel's advice was within the range of competence demanded of attorneys in criminal cases. Simply put, the first inquiry is whether trial counsel's advice was deficient.



According to Hill, the "prejudice" requirement of the

★ Strickland, test focuses on whether counsel's ineffective performance affected the outcome of the plea process. In other words, in order to satisfy the "prejudice" requirement, the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial.

Benjamin R. Nabors, #233844

Lieber C.I. / Edisto-A-15

P.O. BOX 205

Ridgeville, S.C. 29472

October 4, 2011

LAURENS COUNTY
CLERK OF COURT

Laurens County- Clerk of Court

Attn: Ms. Lynn W. Lancaster, Clerk

P.O. Box 287

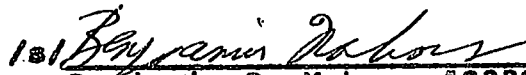
Laurens, S.C. 29360

RE: Motion for Discovery and Production of Documents & Amendment

Dear Ms. Lancaster,

Please find enclosed for filing Original and One Copy to be returned clock-stamped of my filings. I thank you and God Bless you all.

Sincerely,



Benjamin R. Nabors, #233844

CC:

S.C. Attorney General's Office
File

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS

COUNTY OF LAURENS

2011 OCT -7 P 2:24

C/A No: 2011-CP-30-308

Benjamin R. Nabors, 233844)

Applicant)

v.)

State of South Carolina)
Respondent.)

LAURENS COUNTY
CLERK OF COURT

CERTIFICATE OF SERVICE

By and through counsel of record, I hereby certify that I have served upon the Attorney for the Respondent one (1) copy of Applicants (1).Amendment to Application for P.C.R. pursuant to SCRCiv.P. Rule 15 to include memorandum of Law (2).Motion for expenditure of funds; (3).Motion to address all issues presented pursuant to S.C.Code Ann § 17-27-80; (4).Motion for leave to conduct discovery in the above captioned case by depositing a copy of the same in the U.S.Mail, first class, postage prepaid, addressed as follows: This 4th day of October, 2011.

S.C. Attorney General's Office

Henry McMaster, Esq.

P.O. Box 11549 Columbia, S.C. 29201

Respectfully Submitted,

1st Benjamin R. Nabors

Benjamin R. Nabors

SCDC# 233844

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

LYNN W. LANGSTED

CLERK - 7 P 2:24

C/A No: 2011-CP-30-308

LAURENS COUNTY
COURT OF COURTS

Benjamin Ray Nabors.....Applicant

v.

State of South Carolina.....Respondent

AMENDED POST CONVICTION RELIEF
APPLICATION PURSUANT TO RULE 15 SCRPC

Respectfully Submitted,

1st Benjamin R. Nabors.

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

Benjamin Ray Nabors, 233844
Applicant,

v.

State of South Carolina
Respondent.

IN THE COURT OF COMMON PLEAS

C/A No: 2011-CP-30-308

AMENDED POST CONVICTION RELIEF
APPLICATION PURSUANT TO RULE:15
SCRCP.

LAURENS COUNTY
CLERK OF COURT
2011 OCT - 7 P 3:21
LYNN W. LANGSTON

Comes now, Benjamin Ray Nabors, by and through attorney of record who respectfully moves this Honorable court to Amend the above captioned Post Conviction Relief Application pursuant to Rule: 15 SCRCP.

Respectfully Submitted,

151 Benjamin R. Nabors
Benjamin Ray Nabors

Filed Oct-7-11

E

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF LAURENS)

LYNN W. LANCASTER

C/A No: 2011-CP-30-308

OCT -7, P 2:24

Benjamin Ray Nabors, 233844

Applicant,)

v.

LAURENS COUNTY
COURT OF COMMON PLEAS

AMENDED POST CONVICTION RELIEF
APPLICATION PURSUANT TO RULE:15
SCRPC.

State of South Carolina)
Respondent.)

Comes now, Benjamin Ray Nabors, by and through attorney of record who respectfully moves this Honorable court to Amend the above captioned Post Conviction Relief Application pursuant to Rule: 15 SCRPC.

Respectfully Submitted,

151 Benjamin R. Nabors
Benjamin Ray Nabors

4

15

FACTS - NO PRETRIAL INVESTIGATION
REQUEST THIS MILLION TIMES FROM
MPT - COPS - SOLICITORS - CT. APPT LAWYERS
NEVER HONORED,
QUESTION - 1
F

(1). Was counsel ineffective for failing to perform any pretrial investigation, both factual and legal? And as a result Applicants right to effective assistance of counsel as guaranteed by the Sixth & Fourteenth Amendment to the United States Constitution and Article 1 § 14 of South Carolina Constitution to Due Process of law, was violated.

FACTS

On or about October 18, 2010 Applicants trial was convened, a jury was selected and opening arguments was presented by both parties before Honorable Cole where ultimately Applicant off of the advice of his attorney entered a plea of guilty.

Counsel was ineffective for failing to perform any pretrial investigation, both factual and legal and at the evidentiary hearing through testimony and witnesses and probative evidence / exhibits Applicant will show the court that counsel was ineffective and as a result Applicant was prejudice and his right to effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendment to the United States Constitution; and Article 1 § 14 of the South Carolina Constitution to Due Process was violated.

FACTS-

MISREPRESENTATION
OF SENTENCES - LIFE

QUESTION-2

by-Alex Stahl

G

(2). Was counsel ineffective in violation of Applicants right to effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendment to the United States Constitution; and Article 1 § 14 of South Carolina Constitution to Due Process of law; due to erroneous advice that the Applicant will receive a life sentence if convicted by a Jury when the Statute § 16-11-0330 (A) Armed Robbery and § 16-03-1075 Carjacking would not qualify for such a sentence? Which made applicant plea involuntary, because he would have finished his trial.

see, Stahl lied 2 me on 2nd day of my trial, told me 2 plea guilty or I would get life and die in PRISON, shit, what does he call the 45 yrs he got? I call it a death sentence.

Applicant was in the middle of a Jury trial when he was given "erroneous advice" that if the Jury found him guilty as indicted he would receive a life sentence when the maximum sentence of § 16-11-0330(A), and §16-03-1075 Armed Robbery and carjacking does not exceed to a punishment of a life sentence if Applicant was found guilty of either charge or both as a whole.

DISCUSSION

As you'll see

At my PCOR,

HEARING I was

SERIOUSLY

SCREWED OVER

§16-11-330.(A) Robbery :

AS

FACTS → Malicious prosecution

S.E.2d 391 ; State v. Hazel, 275 S.C. 392, 271 S.E.2d 602 (1980).

Applicant submits that his plea was involuntary and the intelligent character of the plea was that trial counsel's representation fail below an objective standard of reasonableness and there is a reasonable possibility that, but for trial counsel's erroneous advice, Applicant would not have pled guilty, but would have insisted on finishing out his trial. See: Roscoe v. State, 345 S.C.16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993).

Applicant respectfully ask that his conviction be reversed and remanded for a new trial.

QUESTION-3

(3). Applicant submits that his plea was involuntary based on the State's failure to disclose exculpatory evidence that was material to Applicant's defense in a violation of Brady v. Maryland 373 U.S. 83, 83 Sup.Ct. 1194, 10 L.Ed. 2d 215 (1963).

NOTE

FACTS

→ Applicant submits the State failed to disclose exculpatory evidence that was material to his defense and as a result his plea was involuntary. This argument will be fully argued at the evidentiary hearing through witnesses; my testimony; exhibits.

CONCLUSION

(J)

Wherefore, Applicant respectfully prays this Honorable Court will conclude Applicant was denied his right to effective Assistance of Counsel as a result of Counsel's erroneous advise.

Applicant is informed and believes through the statement of facts presented, citations of authorities relied on he is entitled to the requested relief of a new trial.

Respectfully Submitted,

1s/ Benjamin R Nabors

Benjamin Ray Nabors

~~Handwritten marks~~

X Filed OCT-7-11

STATE OF SOUTH CAROLINA)
 COUNTY OF LAURENS)
 Benjamin Nabors, #233844)
 Applicant,)
 vs.)
 State of South Carolina)
 Respondent,)

LAURENS COUNTY)
 CLERK OF COURT)

IN THE COURT OF COMMON PLEAS (R)
 P 2:24
 C/A No: 2011-CP-30-308

NOTICE TO ADDRESS ALL ISSUES PRESENTED
 Pursuant to S.C. Code Ann. §17-27-80

Applicant, Benjamin Ray Nabors, #233844, by and through undersigned counsel, hereby moves/respectfully asks this Honorable Court to direct the Attorney General's Office to Address [all] issues presented, Pursuant to S.C. Code Ann §17-27-80, as decided by the South Carolina Supreme Court in Pruitt v. State, 423 S.E.2d 127.

~~That each and every issue presented be Addressed at any P.C.R. hearing that is held according to Bryson v. State, 493 S.E. 2d 500(1997).~~

Applicant further asks that each and every issue raised herein be Addressed by the Court, at ~~PER~~ hearing that is held and that this Court direct that all issues be Addressed in Order issued by this Court.

For the requested, Applicant respectfully prays,

Respectfully Submitted,
Benjamin Nabors
 Benjamin Ray Nabors, #233844

34
STATE OF SOUTH CAROLINA)

COUNTY OF LAURENS)

Benjamin Nabors, #233844)
Applicant,)

vs.)

State of South Carolina)
Respondent,)

IN THE COURT OF COMMON PLEAS

C/A No: 2011-CP-30-308

NOTICE OF DISCOVERY PURSUANT
TO §17-27-150(A) (9)

Applicant, Benjamin Ray Nabors, #233844, by and through counsel, hereby moves, pursuant to §17-27-150(A) for Production of Documents for good cause that was presented in Applicant's Motion for Leave to Conduct Discovery.

Applicant believes in good faith that his necessary Discovery is imperative to his defense of his application for Post-Conviction relief Evidentiary hearing to protect his Constitutional rights, to Due Process of Law. Applicant will now list Discovery requested and who it's in belief that's in possession of said Discovery.

Requests for Production

Applicant request that the Attorney General produce the following documents:

- 1) The Solicitor's entire file related to the prosecution of Applicant for Armed Robbery & Carjacking.
- 2) All documents concerning the investigation of the armed robbery & carjacking, including but not limited to police reports to be in belief of Laurens County Sheriffs Office, supplemental reports, of any and all involved agencies entities, or persons hired or used by these agencies or who have rendered services to any of these agencies whether paid

1 B
Pay-~~100~~

[Handwritten signature]

(35)
or not, as regards to this case in any way whatsoever. M

- 3) Audio copies of any and all radio transmissions on any frequency and/or any recorded telephone calls via 911 or any other telephone call to and/from any involved law enforcement agency regarding events contemporaneously associated with the occurrence of the incident forming the basis of Applicant's prosecution and/or contemporaneously associated with Applicant's arrest; also to belief is in possession of Laurens County.
- 4) Any written or recorded statements made by Applicant.
- 5) All documents concerning any results or reports of physical or mental examinations of Applicant; (State Hospital Columbia)
- 6) All written or recorded statements made by any witness or potential witness in connection with Applicant's case in any way.
- 7) Mental Health files within the South Carolina Department of Corrections.
- 8) Mental Health files from Greenville County Jail; to include Hospitals where Applicant was treated for Mental Health while awaiting trial; medical records to include dates; medications prescribed.
- 9) Narcotic Agent Moody within Laurens County Narcotic Unit reports associated with Applicant; to include; 911 tapes; any all of Agent Moody's notes regarding any and all incidents and transactions performed by Applicant for Moody.

38

10) Solicitor's file on Laurens County.

11) Trial Attorney's file to include any tapes; 911; etc.

(N)

Respectfully Submitted,

1st Benjamin Ray Nabors
Benjamin Ray Nabors, #233844

Page ~~3~~ of 3

3-B

37
STATE OF SOUTH CAROLINA)
COUNTY OF LAURENS)
Benjamin Ray Nabors, #233844)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS

C/A No. 2011-CP-30-308

MOTION FOR EXPENDITURE OF FUNDS
FOR INVESTIGATIVE SERVICES PURSUANT
TO §17-3-50(B)

Applicant Benjamin Ray Nabors, #233844 by and through counsel hereby moves, pursuant to S.C. Code §17-27-50(B) for Expenditure of Funds for expert services. In support of this motion, Applicant apprises the Court of the following facts and legal principles.

(1) Applicant is presently serving a twenty-five year sentence for Armed Robbery and a consecutive sentence of twenty years suspended to to five years probation upon release, imposed on October 19, 2010, by the Laurens County Court of General Sessions following his trial where he ultimately pled guilty. No direct appeal was taken. Applicant's initial application for Post-Conviction Relief was filed on March 30, 2011.

(2) Applicant believes in good faith that an independent investigation services are needed due to the extreme circumstances of this case.

(3) On the day of the alleged incident herein, the Applicant was working as an informant for investigator Moody of Laurens County Narcotics Division; and was sent to a resident on Hellams Rd. in Grey Court, South Carolina also known as "The Creek."

(4) Upon Applicants arrival at the residents the subjects were cooking/Manufacturing Methamphetamine and Applicant was exposed to the fumes.

(3) 00120-11
(5) Applicant started Hallucinating and thought that the subjects was killing his wife he ran from that residents through the woods to a mans house who called 911.

(6) After 911 was called to the residents Applicant was taken to jail on an outstanding warrant for Grand Larceny and released on a PR bond and left walking and was denied mental health treatment or hospital services.

(7) The victims picked up the Applicant and his wife up walking.

(8) Applicant believes in good faith that he needs funds for an independent private investigator services.

(9) Mr. Glen Bradley; private investigator services of Lexington, South Carolina spoke with trial counsel several times, but Judge Hill counsel ultimately refused to hire him. OF N-C OTHER INVESTIGATOR

(10) Applicant believes in good faith that the investigator services are needed and are pertinent to his defense of ineffective assistance of Counsel; Prosecutorial Misconduct and investigative misconduct within the Applicants case herein.

(11) See: State v. Bailey, 424 S.E.2d at 506; also see: Ake v. Oklahoma, 470 U.S. 68 (1985).

(12) With good cause shown herein Applicant believes in good faith pursuant to S.C. Code Ann §17-3-50(B) upon a finding in exparte proceedings that investigative exparte, or other services are reasonable necessary for the representation for the Defendant, the Court shall authorize the Defendants attorney to obtain such services on behalf of the Defendants and shall order payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the Court considers appropriate.

(10) 2A

CANNOT DENY " FACTS - AMENDMENT [S;
A.G.
Q

AFFIDAVIT

I, Benjamin Ray Nabors, #233844, believes that he has additional claims for Post-Conviction Relief, but does not yet have collateral Counsel, Access to Discovery process, of funds for expert services to hire an independent expert services in the field of private investigation services; and in the field of psychology/psychologist to investigate claims named in his original Application; and Amended Application for Post-Conviction Relief.

1st Ben Nabors

Benjamin Ray Nabors, #233844

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 20th DAY OF October

[Signature]

NOTARY PUBLIC
STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES 1/24/2018

~~[Signature]~~
[Signature]

X Filed OCT-26-11

Wherefore, for all the foregoing reason, Applicant submits that he has presented good cause for expenditure of funds for investigative services associated with this matter, and therefore respectfully request, pursuant to S.C. Code Ann. §17-3-50(B), that the court issue an Order for the requested funds and thereby Order the payment, from funds available from the Office of Indigent Defense. Applicant prays for any and all other relief this Court deems just and proper.

Respectfully Submitted

1st Ben Nabors
Benjamin Ray Nabors, #233844

(57)

secure information in the possession of the prosecution and law enforcement authorities. See ABA for Criminal Justice 4-4.1 (2nd. ed. 1982 Supp.). The failure to investigate, research and prepare is equivalent to not representation at all. Brubaker v. Dickson, 310 F.2d 30, accord Willaims v. Beto, 354 F.2d 698, and Brooks v. Texas, 381 F.2d 619.

Based on counsel's actions and inactions, Applicant should be granted a new trial.

2

~~117~~

93

NOTE → AMENDMENTS / SERVED ON THE

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF LAURENS)	
)	C/A No. <u>2011-CP-30-308</u>
Benjamin Ray Nabors, #233844)	
Applicant,)	CERTIFICATE OF SERVICE
V.)	
State of South Carolina,)	
Respondent,)	
)	

(f)

By and through Counsel of Record, I hereby certify that I have served upon the Attorney for the Respondent one (1) Copy of Applicant's; (1) Amendment to Application for P.C.R. Pursuant to SCRCIV.P. Rule 15 to include Memorandum of Law; (2) Affidavit, (3) Motion For Expenditure of Funds, in the above captioned case by depositing a copy of same in the United States Mail, first class, postage pre-paid, addresses as follows; This 20th day of October, 2011

Respectfully, Submitted,
 Is: Ben Nabors
 Benjamin Ray Nabors, #233844

Salley W. Elliott

~~South Carolina~~
 South Carolina Attorney General's Office
 P.O. Box 11549
 Columbia, S.C. 29201

[Handwritten signature]

AFFIDAVIT

LYNN W. LANCASTER

I, Jody L. Ward, hereby swears that the facts herein are true and correct to the best of my knowledge and ability.

- 1) I'm housed within the Lieber Correctional Institution in the Mental Health Unit [Edisto] due to I'm also a Mental Health patient.
- 2) My roommate is the Applicant herein Benjamin R. Nabors.
- 3) He really has a lot of Mental Health issues and due to that reason, I prepared his Amended Post-Conviction Relief Application.
- 4) I believe in good faith that he is unable to prepare or even assist his own self, due to his Mental Health state, and from being highly medicated.

15/ Jody L. Ward
Jody L. Ward AFFIANT.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 4th DAY OF October,
2011
Andrew Bryant
NOTARY PUBLIC
STATE OF SOUTH CAROLINA
MY COMMISSION EXPIRES May 26, 2020

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS.

WARDEN

BROAD RIVER CORRECTIONAL INSTITUTION
P.O. DEPARTMENT OF CORRECTIONS



9X12



LEGAL MAIL
SALUDA UNIT

BEN NABORS #233844
BROADS NEWS PAPER CO. INC. SA-1
4460 BROADS NEWS PAPER
COL. S.C. 29210



DO: CLEM COURT,
S.C. COURT OF APPEALS
PO BOXES 11629
COLUMBIA S.C. 29211

RECEIVED

JUN 03 2013

SC COURT OF APPEALS

RECEIVED
MAIL ROOM
MAY 20 2013

LEGAL MAIL