

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Anderson County
R. Lawton McIntosh, Circuit Court Judge

RECEIVED

JUN 14 2013

S.C. Supreme Court

DEREK S. CARTER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-213168

SUPPLEMENTAL APPENDIX

CARMEN V. GANJEHSANI
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JOHN WALT WHITMIRE
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
C.A. # 02-CP-04-1791 (PCR)



Derek S. Carter, #275938)

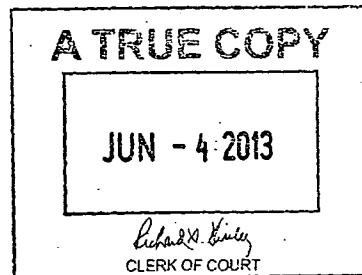
Applicant,)

v.)

State of South Carolina,)

Respondent.)

APPENDIX OF DOCUMENTS



TO: THE HONORABLE COURT and the RESPONDENT

PLEASE TAKE NOTICE AND BE ADVISED that the above-named Applicant, in support of his Amended Application for Post-Conviction Relief, filed August 29, 2003, and Applicant's Memorandum of Law In Support of Applicant's Application For Post-Conviction Relief, filed November 24, 2004, now submits an APPENDIX OF DOCUMENTS pursuant to S.C. Code Ann. § 17-27-50 ("records or other evidence supporting its allegations shall be attached to the application or the application shall recite why they are not attached").

A TABLE OF CONTENTS is provided on page "i.". Applicant's signature page is located at the end.

Respectfully submitted,

Derek S. Carter

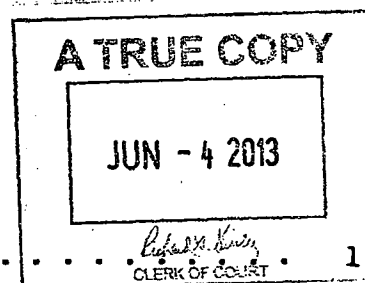
SCDC #275938
Lieber Correctional Inst.
Cooper A-02 P.O. Box 205
Ridgeville, SC 29472
Applicant

RECEIVED
JUN 10 2013

JUN 10 2013

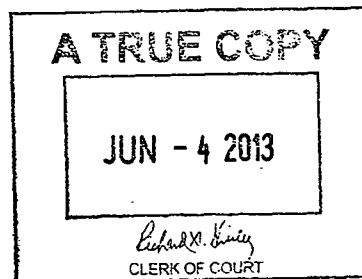
CLERK OF COURT'S OFFICE

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Punch Detail
10/08/2000 -> 10/29/2000

03/07

CARTER,DEREK S.

0003100410 200222 1

PAINT LINE 1

B5K

5652691

ID IN	DEPT.	L	ACTIVITY	OUT	ID IN	DEPT.	L	ACTIVITY	OUT	TOTALS
Mon 10/09	651a*U			330p						8.15 8.15
Tue 10/10	655a*U			433p						9.13 17.28
Wed 10/11	Unscheduled									
Thu 10/12	645a*U			630p						11.25 28.53
Fri 10/13	648a*U			628p						11.17 39.70
Sat 10/14	649a*U			1230p						5.18 44.88
Sun 10/15	Unscheduled									
Sun 10/15	Sign-off									
- Audit Suppressed -										

Acct:200222-DIRECT

REG: 40.00 OVT: 4.88 GRND TOT: 44.88

A TRUE COPY

JUN - 4 2013

Richard M. Kintz
CLERK OF COURT

Minor Child

Page 3

5-51-42

(7/00 continued...

EXT EXAM: Shows the lids and adnexae to be normal. Pupils are equal and react to light, unable to tell if they react to accommodation.

SLE: Is within normal limits.

INDIRECT: After dilation, shows normal peripheral retinal and posterior pole. The discs however are moderately elevated, swollen and somewhat congested in appearance. Extraocular muscles show definite bilateral sixth nerve paralysis.

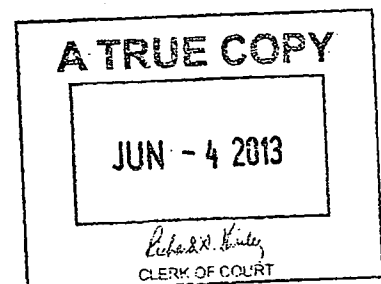
IMPRESSION: Bilateral sixth nerve paralysis with early papilledema not seen when observed in the hospital.

RECOMMEND: Neurologic referral. The patient has PHP and probably needs to go to a neurologist in Greenville. H/bma dod 4/19/00 dot 4/19/00.

4/00 spoke to M. Legarda about Stephanie. She will see
in Adm. @ 830 -

100 faxed back form and office notes to Dr. Lagorda's
office for uppt 4/20/00 @ 8:00/m

11/1/00 Spoke to Dr. Legarda about Minor. Talked about the possibility this could be child abuse and although I saw no signs of any retinal hemorrhages or shaken baby syndrome to confirm this. We are both somewhat suspicious of that possibility. I did state clearly that I saw no evidence of it at the time I saw her as far as her ocular exam goes. It appears that she might have lupus since she had a moderately positive test for lupus and may have had some seizures with persistent papilledema. Seen in the emergency room with a dilated pupil on the right side. Persistent 6th nerve paralysis. Have not seen Minor since her original visit in April. Dr. Legarda is trying to get a copy of the autopsy report and will send us one to our fax number. H/kw dod 11/2/00 dot 11/6/00





SRHS Pediatric Neurology
Follow-Up Visit

Patient Name: Minor Child
 Medical Record #: 250-99-0904
 Date of Birth:
 Date of Visit: 10/11/00

Subjective: 4 years old girl with SLE/ status post presentation with pseudotumor cerebri returns after 5 months because there are times she seems "off balance". Mom, Dad and two siblings are with her. She recently had strep throat, managed by local PMD. Mom is wondering if she may be having seizures. She has had no more headache complaints; the family feel her eyes are "pretty normal". Her appetite remains excellent; they "don't know where the food goes" as she remains small for age. She is described to be very rambunctious, Mom states "I always wanted a little girl but she is just another boy!". She likes to play rough with her sibs and the other kids in the neighborhood, refuses to play with dolls. **MEDICATIONS:** PediaCare for runny nose.

Objective: Temp: 98.0 po Wt: 15.6 kg BP: 120/57 HR: 117
 Dryness of facial skin texture remains.

Papilledema remains present on fundoscopy, to a lesser extent than on initial evaluation.
 Residual left Vth palsy. Pupils normal, EOMs with full range. Good upgaze. Symmetric facial expressions. Normal affect, cheerful. Interactive, cooperative with assistance from Mom who showed her how to do tasks. Able to perform FTNT symmetrically, sequential finger tapping bilaterally. Ran well, with slight wide base. Unable to hop on each foot/ ?uncooperative, jumped well, briefly. Reflexes normal.

Impression:

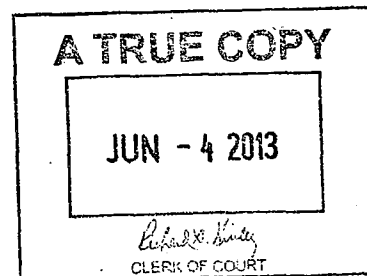
1. SLE, with likely intracranial sequela/ possible seizures.
2. Motor skills less than par for age.
3. Persisting papilledema, less pronounced than on presentation.
4. Residual left CN VI palsy, improved from last visit (5 months ago).

Current Plans:

1. EEG, awake and asleep.
2. Refer for PT and OT evaluation/ management.
3. Refer to Dr. Varn/ Peds Ophtha for input on persistence of papilledema this far out.
4. RTC after xct.

Stella B. Legarda, M.D.

cc: Dr. Barry H. Maadox/ Anderson
 Dr. Hunter/ Anderson
 Dr. Varn



ANDERSON AREA MEDICAL CENTER

CLINICAL LABORATORY REPORT

Patient: CARTER, STEPHANIE NICOLE 4 YRS FEMALE

NS/RN/DED: DP

Account #: 0000215

Med Rec # (0215)0904

Adm Physician: ANDERSON, COUNTY COR

Ord Physician: WOODARD, BRETT H

IMMUNOLOGY

COLLECTION DATE: 18OCT00

DAY OF STAY: WED 001

COLLECTION TIME: 1127

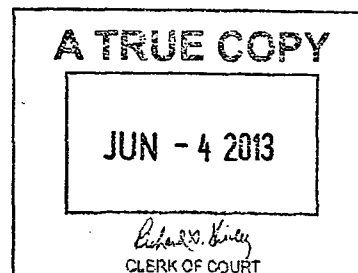
PROCEDURE REF RANGE UNITS

ANA/RA

NA [NEG] POSITIVE*
 NA TITER 1:160*
 NA PATTERN SPECKLED*
 REVIEWED BY: DFE#
 00CY00 1127 REVIEWED BY: SPECKLED PATTERN:

The speckled pattern can represent the presence of antibodies to a variety of extractable nuclear antigens - (Smith, RNP, SCL-70, SSA, SSB). This pattern may be seen in patients with Systemic Lupus Erythematosus (SLE), Mixed Connective Tissue Disease (MCTD), Progressive Systemic Sclerosis (PSS), Sjogrens Syndrome (SS) and other connective tissue disease.
 ANA PDS:

FURTHER ANTIBODY TESTING TO FOLLOW FROM REFERENCE LABORATORY (SEPARATE REPORT WILL FOLLOW).



14

SATURDAY

JUN - 4 2013

MORNING

AF

	6AM	6:30	7AM	7:30	8AM	8:30	9AM	9:30	10AM	10:30	11AM	11:30
A&E	Cracker. Drama.		★★★ FILM: Requiem for a Heavyweight (1962). p.A29				America's Castles. Documentary.		House Beautiful		Travels w/Harry	Travels w/Harry
AMC	★★★ FILM: Devil's Canyon (1953). Western. p.A21		★★★ FILM: Three Faces West (1935). p.A37				Three Faces West. p.A37		Cinema Secrets	★★★ FILM: Spiral Staircase (1946). p.A31		
BET	Infomercials	Feed/Children	Infomercials	We Are One	Infomercials. Paid Programming.		Cla's World				Madd Sports	Madd Sports
CNN	World News	Travel Now	Your Money	Golf Plus	CNN Saturday				Showbiz	Style/Kensch	Travel Now	Page One
COM	★(4:00) Infomercials		Soap. Comedy.	Soap. Comedy.	★★★ FILM: Like Father, Like Son (1987). Comedy.				Win Ben Stein's	Win Ben Stein's	Whose Line?	Whose Line?
CSS	Charter Southeast Sports											
DIS	DuckTales	Little Mermaid	Rupert	Bear/Hse	Bear/Hse	Rolie Polie Olie	PB & J Otter	Out of the Box	Rolie Polie Olie	Z Games	Totally Circus	Boy/World
DSC	★(3:00) Paid Programming						Scisquad	Movie	Crocodile Hunt	Real Kids/Adv.	Outward Bound	Kids Story Stud
EI	★(4:00) Paid Programming						Myst/Scandals	Myst/Scandals	Fashion File	Videofashion!	TBA	Fashion
ESPN	SportsCenter	SportsCenter	SportsCenter				SportsCenter		SportsCenter		College Gameday	
ESPN2	NFL 2Night	RPM 2Night	Big Game Fish	Bass Profiles	Walker's Cay	Wild Skies	Spanish Fly	Photo Safari	Outdoors	EXPN 2Day		In-Line
FFAM	★(3:00) Paid Programming		S Club 7 In LA	S Club 7 In LA	S Club 7 In LA	S Club 7 In LA	S Club 7 In LA	S Club 7 In LA	S Club 7 In LA	S Club 7 In LA	S Club 7 In LA	S Club 7 In LA
FOOD	★(5:00) Paid Programming						Essence/Emert	Molto Mario	Emert		Cooking with Sara Moulton	
FOXSS	Regional Sports	National Sports Report	Regional Sports	Infomercial	Infomercial		Infomercial	Fantasy Football	SEC-TV Weekly	Southern Saltw.	Tree/Outdoors	Coll. Fball
HGTV	Infomercials	House Doctor	House Doctor	Homebuilding	Workshop	The Fix	Help/He House	Fix It Up!	Dream Builders	Design. Landsc.	Landscape	Gardening/Yard
HIST	History Traveler. Travel.	Battle Line	Vietnam/War	Rain of Steel. Documentary.			Spy Web. Documentary.		Secrets of World War II		Black Sheep Squadron	
HSN	Home Solutions	Career Classic Fashions	Leather Shop				Physician's Advice Skin Care		Casio		Andrew Lessman	
LIFE	★(2:30) Paid Programming						Paid Programming				Design	Design
NICK	Kablam!	Kablam!	Doug	Doug	Rocket Power	Rocket Power	Rugrats	Rugrats	Spongebob	Spongebob	CatDog	CatDog
OXY	Paid Programming				shE- Commerce				shE- Commerce			
PAX	Public Affairs. Talk.		Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.
SCI	Paid Programming						Mystery Science Theater 3000 "Devil Fish"				Space: Above and Beyond	
SPDY	★Consumer Product Showcase	Motorsports	Auto Week	Inside NASCAR			W/NASCAR	BikeWeek	Motorcycle	Legends/Air	Bush Pilot	Automo.
TBS	Gilligan's Island	Gilligan's Island	Gilligan's Island	Gilligan's Island	Family Matters	Family Matters	Family Matters	Family Matters	Ripley's Believe It or Not		Hunter. Drama.	
TCM	★★★ FILM: Goodbye, Mr. Chips (1969). Musical. p.A23						★★★ FILM: Bringing Up Baby (1938). Black and White. p.A19		★★★ The Hallmark Trail p.A23			
TLC	★(3:00) Paid Programming						Home Savvy	Home Savvy	How-2 Crew	How-2 Crew	Hme Agn.	
TNN	★(3:00) Paid Programming						Motor Madness		To Be Announced		Ducks	Powerboat
TNT	Kung Fu. Adventure.	Thunder in Paradise. Adventure.		Due South. Comedy.			Wild Wild West. Adventure.		Brisco County		Pensacola: Wings of Gold	
TOON	Acme Hour. Animated.	Bugs 'n' Daffy. Animated.							ThunderCats	ThunderCats	Sailor Moon	Tenchi Muyo
TVLD	Charlie's Angels Marathon. Drama.											
USA	Small Business	Bloomberg	Infomercials. Paid Programming.						Core Culture USA		When Danger	
WGN	Infomercial	Feed/Children	Adelante. Chi.	JL's Luckiest	U.S. Farm Rpt.	Minority Bus.	Video Computer Store		Infomercial	Infomercial	Infomercial	Outdoor Secrets
WASV-WB	Outdoorsman	TBA	Popular Mech.	Jack Hanna	Jack Hanna	Jim Fowler	Wild America	HS Weekly	Malibu, Ca.	Wild Moments	WCW Wrestling	
WBSC-WB	Pd Prog.	Pd Prog.	Every Woman	Girl Scouting	Mein in Black	Pokemon	Jackie Chan	Cardcaptors	Pokemon	Static Shock	Batman Beyond	Max Steel
WHNS-FOX	Pd Prog.	Haven	Wildlife	Animal Rescue	Power Rangers	CyberSix	Digimon	Action Man	Beast Machines	Digimon	Escaflowne	Dinosaurs
WLOS-ABC	Paid Programming		This Old House	House	Sewing	Quilt in a Day	Buzz Lightyear	One Saturday Morning. Animated.			Sabrina/Anim.	
WNTV-PBS	G.E.D.	Workplace Ess.	Healthw.	Best/Painting	News		This Old House	Workshop	Hometime	Justin Wilson	Victory Garden	The South. Gd.
WSPA-CBS	Panther Huddle	Home Again	Blue's Clues	Doa/Explorer			Saturday Early Show. News.				Little Bear	Little Bill
WYFF-HBC	Rebecca's Grdn.	SOS In America	News		Today. News.				Hang Time	One World	City Guys	Just Deal
PREMIUM SERVICES												
HBO	★Postcards from the Edge	Country Mouse	Bober	Happily Ever	★★★ FILM: Renaissance Man (1994). Drama. p.A11						Inside the NFL	
HBOP	★I Married: FILM: Running Mates (1992). Drama.			★★★ FILM: Never Say Never Again (1983). Action.							FILM: Simon Sez (1999). Action.	
HBOS	★★★ FILM: Ten Little Indians (1965).		★★★ FILM: Cookie's Fortune (1999). Comedy.	★★★ FILM: How Stella Got Her Groove Back (1998). Drama.							Braveheart	
MAX	★★★ FILM: Butch Cassidy/Sundance Kid (1969). Western. p.A6		★★★ FILM: Without Limits (1998). Drama. p.A9	★★★ FILM: Mr. Scoutmaster (1953). p.A7							Highwayman	
MMAX	★Power Play (6:15) ★★ FILM: Casablanca (1942).		★★★ FILM: Beverly Hills Cop III (1994). Comedy.									
SHO	FILM: Monkey Business (1998). Animated. p.A16		(7:40) FILM: Looking for Lola (1997). Romantic Comedy. p.A16	(9:20) ★★ FILM: Once upon a Crime (1992). p.A16							Believe. Mystery. p.A14	
SHO2	★★★ FILM: The Out-of-Towners (1999). Comedy.		(7:35) FILM: Sweet Revenge (2000). Comedy.	(9:15) ★★ FILM: Never Say Never Again (1983). Action.								
TMC	★(5:30) ★★ FILM: Only You (1994). p.A13		(7:25) ★★ FILM: 60 Scout & Catherine-Thursdays (1978). p.A12	(9:15) ★★ FILM: Moonlighting (1982). p.A13							(10:50) Curse of Inferno p.A12	
PAY-PER-VIEW												
CHT1	★(5:00) ★★ FILM: Erin Brockovich (2000).		★★★ FILM: The Cider House Rules (1999). Drama.						★★★ FILM: The Beach (2000). Drama.			
CHT2	★(5:00) ★★ FILM: Ninth Gate (1999). Thriller.		★★★ FILM: Fire on the Amazon (1991). Action.	FILM: The Coroner (1999). Horror.					★★★ FILM: The Ninth Gate (1999). Thriller.			

Pick of the Day

NOTTING HILL—Beverly Hills meets Notting Hill in a sparkling romantic 1999 comedy starring Julia Roberts and Hugh Grant. Grant plays shy London bookseller William Thacker, who meets, charms and woos Hollywood megastar Anna Scott (Roberts) after she ambles into his shop. Thacker's affair with the screen goddess blossoms, but dealing with gossip innuendo, tabloidy exploitation and prying paparazzi quickly takes a toll, and soon it appears that the relationship may be headed downhill. Rhys Ifans costars. 9 PM. (ET/PT) on TMC

TODAY'S NOTEWORTHY PROGRAMS

Movies

- 7:30am HBOS **COOKIE'S FORTUNE**. ★★ 1999, Comedy. [PG-13, 2:00]
- 8:30am HBO **RENAISSANCE MAN**. ★★ 1994, Drama. [PG-13, 2:15] p.A11.
- 9:30am HBOS **HOW STELLA GOT HER GROOVE BACK**. ★★ 1998, Drama. [R, 2:00]
- 12N TNT **THE APOSTLE**. ★★ 1997, Drama. [PG-13, 3:00] p.A18.
- 12:30pm HBOP **BLUE STREAK**. ★★ 1999, Comedy. [PG-13, 1:30]
- 1pm MAX **HOME FRIES**. ★★ 1998, Drama. [PG-13, 1:30] p.A7.
- 1:30pm TCM **PATHS OF GLORY**. Black and White. ★★ 1957, [NR, 1:30] p.A28.
- 2:30pm HBO **NEVER BEEN KISSED**. ★★ 1999, Romantic Comedy. [PG-13, 2:00] p.A11.
- 2:30pm HBOP **BLUE CHIPS**. ★★ 1994, Drama. [PG-13, 2:00]
- 4pm MMAX **THE DIARY OF ANNE FRANK**. Black and White. ★★ 1959, Drama. [NR, 2:30]
- 4:30pm HBOP **RANDOM HEARTS**. ★ 1999, Drama. [R, 2:30]
- 5pm TNT **A LEAGUE OF THEIR OWN**. ★★ 1992, Comedy. [PG, 3:00] p.A25.

MORNING AFTERNOON

JUN - 4 2013

SATURDAY

14

11:30	NOON	12:30	1PM	1:30	2PM	2:30	3PM	3:30	4PM	4:30	5PM	5:30
Avs with Larry (1946). p.A31	ABE Night Court	NewsRadio	Northern Exposure. Comedy.	Inside Story. Documentary.	Love Chronicles. Documentary.	Investigative Reports	American Justice. Documentary.	World's Greatest Lover p.A33	Backstory	Teen Summit. Talk.	Evans, Novak	Comedy Centra
Madd Sports Page One	AMC Fashion	★★★FILM: That Touch of Mink (1963). Romantic	Comedy. p.A32	(2:15) ★★Last Train from Glen Hill p.A25	BET: IN2	Heart & Soul	Hit Every Voice	Amn. Comedy.	Infomercials	CNN Saturday	Your Money	BattleBots
Whose Line?	BET Hins from the Streets	CNN Saturday	CNNdotCOM	CNN Saturday	Science/Tech.	CNN Saturday	Your Health	Moneyweek	Movers/Hopkins	CNN Saturday	Your Money	BattleBots
Boy/Wrld	COM ★FILM: Class (1983). Drama.	Charter Southeast Sports	The Jersey	The Jersey	FILM: H-E-Double Hockey Sticks! (1999). Comedy. p.A9	Smart Guy	Z Games	Totally Circus	Boy/Wrld	The Jersey	Even Stevens	Into the Death Zone
Club 7 in LA	DSC Discovery News	Explore/World	Secrets of the Great Wall	In the Shadow of Vesuvius	Behind Scenes	Coming Attrac.	Storm Warning! Documentary.	Ancient Puzzles. Documentary.	True Hollywood Story. Profile.	SportsCentury	Las Vegas Invitational	NFL 2Night
Sara Moulton	EI EI News	Talk Soup. Talk	Celebrity Profile. Profile.	Fix It Up!	Carol Duvall	Carol Duvall	Inside Dirt	Gardener	Gard./Journ.	Gardener	Living on the Edge	Suicide Missions. Documentary
Col. Fball	ESPN COLLEGE FOOTBALL: Teams TBA. Live.	COLLEGE FOOTBALL: Teams TBA. Live.	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA	S Club 7 in LA
Gardening/Yard	FFAM From Martha's	Ultimate Kitch.	Food Finds	Calling Cooks	Best Of	In Food Today	Emeril	Al Roker's Milwaukee Food Fast	Door Knock Dinners	COLLEGE FOOTBALL: Teams TBA. Live.	COLLEGE FOOTBALL: Teams TBA. Live.	COLLEGE FOOTBALL: Teams TBA. Live.
Squadron	FOOD This Old House	This Old House	The Fix	Fix It Up!	Carol Duvall	Carol Duvall	Inside Dirt	Gardener	Gard./Journ.	Gardener	Living on the Edge	Suicide Missions. Documentary
Design	HIST Sink the Bismarck. Documentary.	Andrew Lessman	Plug It In	Who Know	Who Know	FILM: Sidney Sheldon's 'Nothing Lasts Forever' (1995). Drama. p.A30	To Be Announced	Trackers. Talk.	I've a Secret	I've a Secret	Pan Am Tournament: U.S. vs. Little Men. Drama.	★The Legacy. Mystery.
CatDog	LIFE Golden Girls	Golden Girls	Who Know	Who Know	FILM: Sidney Sheldon's 'Nothing Lasts Forever' (1995). Drama. p.A30	To Be Announced	Trackers. Talk.	I've a Secret	I've a Secret	Pan Am Tournament: U.S. vs. Little Men. Drama.	★The Legacy. Mystery.	Sport Aviation
Pd Prog.	NICK Angry Beavers	Angry Beavers	Ren & Stimpy	Ren & Stimpy	FILM: Sidney Sheldon's 'Nothing Lasts Forever' (1995). Drama. p.A30	To Be Announced	Trackers. Talk.	I've a Secret	I've a Secret	Pan Am Tournament: U.S. vs. Little Men. Drama.	★The Legacy. Mystery.	Legends/Air
and Beyond	OXY Ka-Ching	As She Sees It	"Chalet Girls" Documentary.	Documentary.	Documentary.	Documentary.	Documentary.	Documentary.	Documentary.	Documentary.	Documentary.	Documentary.
Automotive.	PAX Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.	Pd Prog.
Trail p.A23	SCI Alien Nation. Science Fiction.	★★★FILM: Horror of Dracula (1958). Mystery.	MOTOR SPORTS: Auto Racing: USAR Hooters Cup. Taped.	(2:35) ★★FILM: The Spy Who Loved Me (1977). Action. p.A31	★★★FILM: Viva Las Vegas (1964). p.A33	★★★FILM: True Grit (1969). Western. p.A32	Unmasked/Secrets of Deception	Inside NASCAR	League of Their Own p.A25	Thunderball	Thunderball	Thunderball
Hme Agn.	SPDV Truck Competition	Truck Competition	MOTOR SPORTS: Auto Racing: USAR Hooters Cup. Taped.	(2:35) ★★FILM: The Spy Who Loved Me (1977). Action. p.A31	★★★FILM: Viva Las Vegas (1964). p.A33	★★★FILM: True Grit (1969). Western. p.A32	Unmasked/Secrets of Deception	Inside NASCAR	League of Their Own p.A25	Thunderball	Thunderball	Thunderball
Powerboat	TBS ★★★FILM: From Russia with Love (1963). Action. p.A22	(2:35) ★★FILM: The Spy Who Loved Me (1977). Action. p.A31	★★★FILM: Viva Las Vegas (1964). p.A33	★★★FILM: True Grit (1969). Western. p.A32	Unmasked/Secrets of Deception	Inside NASCAR	League of Their Own p.A25	Thunderball	Thunderball	Thunderball	Thunderball	Thunderball
Wings of Gold	TCM ★★(11:00) ★★FILM: Hallelujah Trail p.A23	★★★FILM: Paths of Glory (1957). p.A28	★★★FILM: Viva Las Vegas (1964). p.A33	★★★FILM: True Grit (1969). Western. p.A32	Unmasked/Secrets of Deception	Inside NASCAR	League of Their Own p.A25	Thunderball	Thunderball	Thunderball	Thunderball	Thunderball
Tenchi Muyo	TLC Hometime	Hometime	Hometime	Hometime	Super Structures of the World	Children's Hospital/Orange City	Children's Hospital/Orange City	Trucks I	My Classic Car	Antiques Roadshow	Antiques Roadshow	Antiques Roadshow
Outdoor Secrets	TNN Amer. Shooter	Hank Parker	Secrets of Hunt	Outdoors	Best/Outdoors	Crank &	Horsepower TV	Car and Driver	Trucks I	My Classic Car	Antiques Roadshow	Antiques Roadshow
Max Steel	TNT ★★★FILM: The Apostle (1997). Drama. p.A18	Dragon Ball Z	Powerpuff Girls	Scooby, Where?	Scooby/Scrappy	New Scooby-Doo Movies	Scooby	Scoo. Do	Boomerang. Educational.	The Huntress. Drama.	Xena: Warrior Princess	Invisible Man. Drama.
Dinozaurus	TVLD Charlie's Angels Marathon. Drama.	When Danger	Soul Train	FILM: Buried Alive II (1997). Thriller. p.A19	FILM: Over the Top (1987). Drama.	FILM: Terror in the Family (1996). Drama. p.A31	The Lost World. Adventure.	Earth: Final Conflict	Baywatch Hawaii. Drama.	Invisible Man. Drama.	Nash Bridges. Drama.	Nash Bridges. Drama.
Sabrina/Anim.	WASV-WB COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Teams TBA. Live.	To Be Announced	★★★FILM: Cotton Comes to Harlem (1970). Drama.	★★★FILM: St. Elmo's Fire (1985). p.A8	★★★FILM: Once a Thief: Director's Cut (1998). Drama. p.A15	(3:05) ★★FILM: Lone Star (1996). Drama.	(3:55) ★★Twenty-Four Hour Woman p.A14	Night/Roxbury	Night/Roxbury	Night/Roxbury	Night/Roxbury
The South. Grd.	WBSC-WB Game Day	COLLEGE FOOTBALL: Teams TBA. Live.	To Be Announced	★★★FILM: Cotton Comes to Harlem (1970). Drama.	★★★FILM: St. Elmo's Fire (1985). p.A8	★★★FILM: Once a Thief: Director's Cut (1998). Drama. p.A15	(3:05) ★★FILM: Lone Star (1996). Drama.	(3:55) ★★Twenty-Four Hour Woman p.A14	Night/Roxbury	Night/Roxbury	Night/Roxbury	Night/Roxbury
Little Bill	WNNS-FOX NFL Hmt	Clueless	To Be Announced	★★★FILM: Cotton Comes to Harlem (1970). Drama.	★★★FILM: St. Elmo's Fire (1985). p.A8	★★★FILM: Once a Thief: Director's Cut (1998). Drama. p.A15	(3:05) ★★FILM: Lone Star (1996). Drama.	(3:55) ★★Twenty-Four Hour Woman p.A14	Night/Roxbury	Night/Roxbury	Night/Roxbury	Night/Roxbury
Just Deal	WLOS-ABC To Be Announced	Pd Prog.	★★★FILM: Cotton Comes to Harlem (1970). Drama.	★★★FILM: St. Elmo's Fire (1985). p.A8	★★★FILM: Once a Thief: Director's Cut (1998). Drama. p.A15	(3:05) ★★FILM: Lone Star (1996). Drama.	(3:55) ★★Twenty-Four Hour Woman p.A14	Night/Roxbury	Night/Roxbury	Night/Roxbury	Night/Roxbury	Night/Roxbury
	WNTV-PBS Season	Home Cooking	Great Food	You're Cooking	Ciao Italia	Chefs/Cucina	Medico: 1 Plate	Dessert Circ.	Chef Harry	Burt Wolf	Antiques Roadshow	Antiques Roadshow
	WSPA-CBS COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.	COLLEGE FOOTBALL: Notre Dame at Navy. Live.
	WYFF-NBC City Guys	NBA In. Stuff	Local Programming	Basketball Hall of Fame Induc.	President's Cup Preview	HORSE RACING: Breeders' Cup Preview. Taped.	HORSE RACING: Breeders' Cup Preview. Taped.	HORSE RACING: Breeders' Cup Preview. Taped.	HORSE RACING: Breeders' Cup Preview. Taped.	HORSE RACING: Breeders' Cup Preview. Taped.	HORSE RACING: Breeders' Cup Preview. Taped.	HORSE RACING: Breeders' Cup Preview. Taped.

PREMIUM SERVICES

HBO	Real Sports with Bryant Gumbel	★★★FILM: Muppets from Space (1999). p.A11	★★★FILM: Never Been Kissed (1999). Romantic Comedy. p.A11	★★★FILM: Evening Star (1996). Drama. p.A10
HBO	Tracey	★★★FILM: Blue Streak (1999). Comedy.	★★★FILM: Blue Chips (1994). Drama.	★★★FILM: Random Hearts (1999). Drama.
HBO	★★(11:30) ★★FILM: Braveheart (1995). Action.	★★★FILM: One Crazy Summer (1986).	Fetch	(4:15) ★★FILM: Love Me Tender (1956).
MAX	★★(11:30) Highwayman p.A7	★★★FILM: Home Fries (1998). Drama. p.A7	★★★FILM: St. Elmo's Fire (1985). p.A8	(4:15) ★★FILM: Heartbreak Ridge (1986). p.A7
HMAX	Shining	★★★FILM: See No Evil, Hear No Evil (1989). Comedy.	(2:15) ★★FILM: Cliff Factor (1999). Action.	★★★FILM: Diary of Anne Frank (1959). Black and White.
SHO	★★(11:00) Believe p.A14	(12:45) ★★FILM: In God's Hands (1998). p.A15	FILM: Once a Thief: Director's Cut (1998). Drama. p.A15	(4:15) ★★FILM: The Cutting Edge (1992). p.A15
SHO2	(11:45) ★★FILM: In the Army Now (1994).	★★★FILM: The Out-of-Towners (1999). Comedy.	(3:05) ★★FILM: Lone Star (1996). Drama.	Mask of Zorro
TMC	Curse/In	(12:20) FILM: Last Big Thing (1997). p.A13	★★★FILM: Rebel Without a Cause (1955). Drama. p.A13	(3:55) ★★Twenty-Four Hour Woman p.A14

PAY-PER-VIEW

CHT1	ESPN GamePlan Doubleheader: Teams TBA. Live.	FILM: Marilyn Chambers' Desire (1994). Comedy.	★★★FILM: The Ninth Gate (1999). Thriller.
CHT2	★★(10:30) ★★The Ninth Gate	★★★FILM: Fire on the Amazon (1991). Action.	★★★FILM: The Ninth Gate (1999). Thriller.

5:30pm SHO2 THE MASK OF ZORRO.

★★★ 1998, Action. (PG-13, 2:30) ③ ③

5:30pm TMC A NIGHT AT THE

ROXBURY. ★ 1998, Comedy. (PG-13, 1:25) p.A13. ③ ③

TIME TIME

8pm HBOP THE MATRIX. ★★★ 1999,

Science Fiction. (R, 2:30) ③ ③

8pm SHO ★ STIGMATA. ★ 1999,

Horror. (R, 2:00) p.A17. ③ ③

9pm HBO ★ EYES WIDE SHUT. ★★★

1999, Drama. (R, 2:45) p.A10. ③ ③

9pm TMC ★ NOTTING HILL. ★★★

1999, Romantic Comedy. (PG-13, 2:05) p.A13. ③ ③

10pm MAX ★ ANOTHER STAKEOUT.

★★ 1993, Comedy. (PG-13, 2:00) p.A6. ③ ③

10pm SHO SNAKE EYES. ★★ 1998,

Thriller. (R, 1:45) p.A17. ③ ③

10pm SHO2 AT FIRST SIGHT. ★★ 1998,

Drama. (PG-13, 2:15) ③ ③

10:30pm TNT U.S. MARSHALS. ★★ 1998,

Action. (PG-13, 2:30) p.A32. ③

12am USA WEIRD SCIENCE. ★ 1985,

Comedy. (PG-13, 2:00) p.A33. ③

12:50am TMC SLIDING DOORS. ★★★

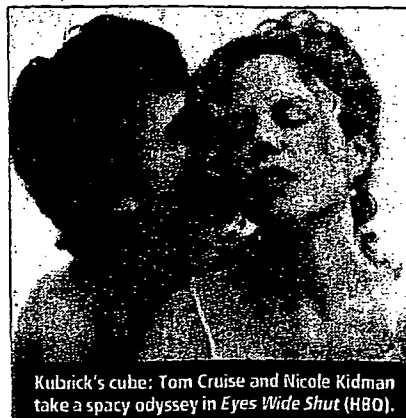
1998, Drama. (PG-13, 1:40) p.A13. ③ ③

2am HBOP THE SIEGE. ★★ 1998,

Action. (R, 2:00) ③ ③

2:30am TMC ★ THE VAGRANT. ★★

1992, Thriller. (R, 1:35) p.A14.

Kubrick's cube: Tom Cruise and Nicole Kidman take a spacy odyssey in *Eyes Wide Shut* (HBO).

NOTE SHEET

Client Name (Last, First) Whitaker, Andrew	ID# 11032
✓ Date, Service, 1/5/01 IC Staff Time 1:00 Client Time 1:00	NOTES

Today Andrew and I talked individually while we tossed a foosball around a little bit. We didn't play a lot today, he was very talkative. I brought up court, that we had talked before about whether or not he wanted to testify and I asked if he had been thinking about it. Andrew told me that he has changed his mind, that he thought a lot about it all week, about testifying in court and what he would want to say and whether or not he would want to do it.

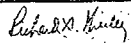
He told me very matter of factly that his mother has told him to lie about so much stuff and he has lied about so much stuff that now if he had to talk in court, he couldn't remember what is the truth and what is a lie. He can't remember exactly what he told the police before, but he knows that he told them some lies and some truths and he is afraid that he will get all mixed up in the courtroom.

He then proceeded to tell me about these things. Please see these with the date of 1/5/01 for more detail. I told Andrew that whether or not he wanted to testify may not be as important as what the judge wants him to do. He may not have a choice in whether or not he testifies and that it is really important for him to explain to the prosecutor when she talks with him about the lying and how he is all confused about what he said. The important thing for him is to tell as much of the truth as he can remember and try to sort out what was made up and what was true. He told me that his mother had made up so many lies and he had told so many of them to so many different people, doctors, Derek, school that he was afraid that he could not keep his story straight. I told Andrew that no children get in trouble for acknowledging that they have gotten mixed up and not told the truth. The only time that they would get in trouble is if they purposefully did not tell the truth in court and I knew that he wasn't going to do that.


Lynn Cherry Finley, LMSW

A TRUE COPY

JUN - 4 2013


CLERK OF COURT

STATE OF SOUTH CAROLINA)
: IN THE COURT OF GENERAL SESSIONS
COUNTY OF ANDERSON)

THE STATE OF SOUTH CAROLINA,)

VS.)

DEREK SHANE CARTER,)

DEFENDANT.)

SUPPLEMENTAL
ANSWER TO DEFENDANT'S REQUEST
FOR FAVORABLE EVIDENCE AND
REQUEST FOR DISCOVERY AND
INSPECTION

01-GS-04-0763

01-GS-04-0764

TO: ROBERT E. TREACY, JR., ATTORNEY FOR DEFENDANT:

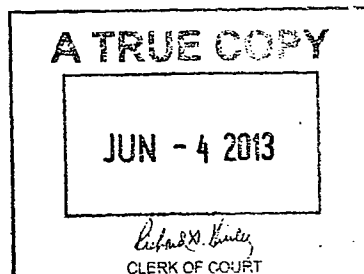
The State would answer the Defendant's Request for
Favorable Evidence and Request for Discovery and Inspection as
follows:

1. A copy of Fax Transmission Cover Sheet dated 6/08/01
from Lyn Finley to Drew Ann White and attached notes
dated 1/05/01 (2 pages).
2. A copy of summary of telephone calls beginning
10/13/00 at 05:13 through 10/18/00 at 23:12 (7 pages).

Druanne D. White

DRUANNE D. WHITE
Assistant Solicitor
Tenth Judicial Circuit

Anderson, South Carolina
Dated: June 8, 2001



A TRUE COPY

Caryn M. Arledge
CLERK OF COURT

12

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON) : IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA,)
VS.) AFFIDAVIT OF MAILING
DEREK SHANE CARTER,)
DEFENDANT.) 01-GS-04-0763
01-GS-04-0764

THIS HEREBY CERTIFIES THAT I AM AN EMPLOYEE OF THE ANDERSON COUNTY SOLICITOR'S OFFICE AND THAT ON THE 8TH DAY OF JUNE, 2001, I SERVED A CERTIFIED COPY OF OUR SUPPLEMENTAL ANSWER TO THE DEFENDANT'S REQUEST FOR FAVORABLE EVIDENCE AND REQUEST FOR DISCOVERY AND INSPECTION DATED THE 8TH DAY OF JUNE, 2001, UPON THE DEFENDANT'S ATTORNEY BY FAX AND BY PLACING SAME IN THE UNITED STATES MAIL, WITH THE APPROPRIATE AMOUNT OF POSTAGE ATTACHED THEREON, TO THE FOLLOWING ADDRESS:

ROBERT E. TREACY, JR.
ATTORNEY AT LAW
514 SOUTH MCDUFFIE STREET
ANDERSON, SC 29624

Paula Peddycord
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE
ME THIS 8TH DAY OF JUNE, 2001.

Sherril D. Howard
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 11/14/2004

A TRUE COPY

JUN - 4 2013

Richard X. Kintz
CLERK OF COURT

Cathy M. O'Neil
CLERK OF COURT



SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES

Elizabeth G. Patterson, State Director, P.O. Box 1520, Columbia, S.C. 29202-1520

Rick Hane
Director, Anderson CountyPO Box 827
Anderson, South Carolina 29622-0827
Telephone: (864) 260-4100

Fax: (864) 260-4547

FAX TRANSMISSION COVER SHEET

(864) 260-4547

DATE 6-8-2001
TO: Drew Ann White
FIRM/CO: _____
FROM: [Signature]PAGES 1+ cover
FAX NO: 260-4187
PHONE NO: _____
FAX NO: 260-4547
PHONE NO: 260-4450 ext. 473If you experience problems in receiving this transmittal, please call (864) 260-4100.Message:

This was in a stack of to be filed
I put in workbooks & I found it!
I referred to this on session 1-5 citation
& wrote this while I talked w/ Drew

CONFIDENTIALITY STATEMENT: This message is intended solely for the use of the addressee and may contain attorney privileged, confidential information, being exempt from disclosure under applicable law. If the reader/receiver of this communication is not the intended recipient or agency responsible for delivering to the proper recipient, you are requested to notify us immediately by telephone and return the original message to us at the address shown above via US Postal Service. Thank you

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JUN - 4 2013

Richard X. Hixley
CLERK OF COURT

A TRUE COPY

JUN - 4 2013

Richard A. Harty
CLERK OF COURT

1-5-2001

w/ Andrew W.

1) S was hurt and M took her to Dr & said she was jumping on bike. Me & jump are bikes & play and we got hurt a lot. I said the was true that S was jumping a bike & it was a lie S didn't ride a bike. Every sad & desperate

2) I said I was watching D-ball and heard a thump! and saw the S had fallen. I didn't hear a thump M told me to say that & told me S had fallen.

3) I time Derrick came home &

S was hurt & M told that she fell playing and I asked me & I told him too & it wasn't true cause really didn't know how she got hurt but I couldn't say I know cause M said I should. I agreed w/ M & lied for her cause



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JUN - 4 2013

Richard D. Kintz
CLERK OF COURT

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES

Elizabeth G. Patterson, State Director, P.O. Box 1520, Columbia, S.C. 29202-1520

Rick Hane
Director, Anderson County

PO Box 827
Anderson, South Carolina 29622-0827
Telephone: (864) 260-4100

Fax: (864) 260-4547

FAX TRANSMISSION COVER SHEET

(864) 260-4547

DATE 6-8-2001

PAGES 1 + cover

TO: _____

FAX NO: _____

FIRM/CO _____

PHONE NO: _____

FROM: *hystr*

FAX NO: 224-2083

PHONE NO: _____

If you experience problems in receiving this transmittal, please call (864) 260-4100.

Message:

This was in a stack of papers that were to be filed either in court or in kids tx books. I had not taken the time to go through this stack because most is tx book activities & things completed by various clients on session.

CONFIDENTIALITY STATEMENT: This message is intended solely for the use of the addressee and may contain attorney privileged, confidential information, being exempt from disclosure under applicable law. If the reader/receiver of this communication is not the intended recipient or agency responsible for delivering to the proper recipient, you are requested to notify us immediately by telephone and return the original message to us at the address shown above via US Postal Service. Thank you.

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JUN - 4 2013

Richard M. Kelly
CLERK OF COURT

1-5-2001

w/ Andrew W.

1) S was hurt and M took her to Dr & said she was jumping on bike. Me & jump on bikes & play and we got hurt a lot. I said that was true that S was jumping a bike & it was a lie S didn't ever ride a bike. (very sad & desperate)

2) I said I was watching D-ball and heard a thump! and saw that S had fallen. I didn't hear a loud thump M told me to say that & told me S had fallen.

3) 1 time Derrick came home &

S was hurt & M told that she fell playing and I asked me & I told him too & it wasn't true cause I really didn't know how she got hurt but I couldn't say I know cause M said I should. I agreed w/ M & lied for her cause I was afraid D would not believe me.

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JUN - 4 2013

Richard S. King
CLERK OF COURT

NOTE SHEET

Client Name (Last, First) Whitaker, Andrew	ID# 11032
Date, Service, 1/5/01 ~~CM~~ CM Staff Time :15 Client Time :00	NOTES

~~REDACTED~~
Shari advised me to call Druanne and let her know what was going on so that she could decide when she needed to interview him. I also asked Shari about the note to be in court with all of the different dates and she said that was just a formality and that the boys did not need to know about that right now, that they would need to know right around the time that Druanne was ready to talk to them because that was a sign that they were getting ready to go to court.

Lynn Cherry Pinley
Lynn Cherry Pinley, LMSW

18 The State,
vs. DEREK SHANE CARTER
CASE NUMBER(S):
2001-65-04-763/764

OFFICE OF INDIGENT DEFENSE ATTORNEY'S TIME SHEET

PLEASE TYPE OR PRINT LEGIBLY

PAGE 1 of 1

DATE	ACTIVITY	TIME	AMOUNT
11-17-00	review case w/ Public Defender and Order	60	
11-20-00	preliminary hearing	60	
11-27-00	review letter from client	15	
11-29-00	visit client at ACDC SEE JUNE 3, 2003 LETTER WHICH FOLLOWS:	180	
11-29-00	review letter from client	15	
11-30-00	review 89 questions from client	60	
12-5-00	review file, type and deliver letter to Jimmy Penn	45	
12-5-00	review file, type and deliver letter to client	45	
12-5-00	review letter from client of 11/28	15	
12-5-00	type and deliver discovery request + rep letter	60	
12-11-00	review letter of 12/5 from client; respond	60	
12-20-00	review letter of 12/12 from client; respond	60	
12-20-00	review discovery sent from Solicitor on 12/9	90	
12-27-00	review letter of 12/25 from client	15	
12-30-00	review letter of 12/28 from client, cellmate info	15	
12-30-00	call Robert Daly, director of ACDC	15	
1-3-01	review letter of 1-2 from Robert Daly	15	
1-6-01	review letter of 1-4 from client; meet Solicitor, Penn	60	
1-9-01	dictate letter to client	30	
1-10-01	review entire file; meet with Solicitor	120	
1-11-01	visit client at jail SEE JUNE 3, 2003 LETTER WHICH FOLLOWS:	150	
1-11-01	review law + prepare bond motion	60	
1-11-01	prepare order hiring Tommy Williams, signed; filed	60	
1-11-01	file motions; serve on Solicitor	30	
1-11-01	discuss w/ Bruce Burholdt, atty for client in family ct.	15	

I hereby certify to the Court that the information set forth on this time sheet accurately reflects the time and activities performed by me for the above named client.

Signature: [Signature]

Date: 6/13/01

TOTAL FOR THIS PAGE:

TOTAL FOR ALL PAGES:

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JUN - 4 2013

Richard X. Bailey
CLERK OF COURT

The State,

OFFICE OF INDIGENT DEFENSE

vs.

ATTORNEY'S TIME SHEET

DEREK SHAW CARTER

CASE NUMBER(S):

2001-65-04-763/764

PLEASE TYPE OR PRINT LEGIBLY

PAGE 2 of 2

DATE	ACTIVITY	TIME	TOTAL
1.19.01	bond hearing	30	60
1.19.01	telephone call w/ client	15	
1.19.01	meet w/ paralegal in solicitor's office	15	
1.19.01	reviewed media coverage ; made copies	15	
1.19.01	printed subpoenas for records ; prepared	120	
2.01	spoke w/ client's stepmother by phone	45	
2.01	coordinated turn-in of evidence from stepmother	30	
2.01	reviewed medical records received via mail	300	
1.13.01	order of buddy burgers	90	
3.2.01	Schmarcken order. discuss w/ solicitor investigator	30	
3.28.01	got docket list / reviewed file	120	
3.28.01	met w/ Buddy Burgess	120	
3.30.01	review suppl. Answer to Discovery from Solicitor	120	
4.2.01	moved for continuance by phone / called DSS	60	
4.3.01	spoke w/ PD investigator, dictated file summary, read	480	
4.6.01	review suppl. Answer from Solicitor 4-6	15	
4.12.01	review suppl. Answer from Solicitor 4-12	15	
4.11.01	review letter of 4-11 from client	15	
4.5.01	met w/ Dr. Meddley + Angie Hawks	120	
4.12.01	Motion for Continuance		60
4.16.01	review order	15	
3.19.01	review letter of 3-19 from client	15	
4.27.01	review letter of 4-27 from client	15	
5.1.01	write client		
5.3.01	read letter from client		

I hereby certify to the Court that the information set forth on this time sheet accurately reflects the time and activities performed by me for the above named client.

Signature: [Signature]Date: 6/13/01

TOTAL FOR THIS PAGE:

TOTAL FOR ALL PAGES:

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15

JUN - 4 2013

[Signature]
CLERK OF COURT

20 The State,
vs.

OFFICE OF INDIGENT DEFENSE
ATTORNEY'S TIME SHEET

DEREK SHANE CARTER

CASE NUMBER(S):

2001-65-04-763/764

PLEASE TYPE OR PRINT LEGIBLY

PAGE 3 of

DATE	ACTIVITY	TIME	TIME
5.7.08	read paper articles	15	
5.13.08	read letter from client	15	
5.15.08	read letter from client	15	
5.20.08	read letter from client	15	
5.23.08	met w/ Buddy Burgess; gave instructions	120	
5.30.08	read responses from buddy Burgess	120	
5.08	met w/ PD	60	
6.1.08	prepare opening + closing	120	
6.2.08	trial prep at office	420	
6.2.08	trial prep at home	120	
6.3.08	trial prep at office	480	
6.5.08	trial prep	120	
6.6.08	trial prep / met w/ client	360	
6.7.08	trial prep / jury review / met w/ client	360	
6.8.08	met Jimmy Penn @ courthouse / met client	60	
6.8.08	trial prep	320	
6.9.08	trial prep	540	
6.10.08	trial prep	600	
6.11.08	trial prep	300	
6.11.08	trial		420
6.12.08	trial prep	150	
6.12.08	trial		300

I hereby certify to the Court that the information set forth on this time sheet accurately reflects the time and activities performed by me for the above named client.

Signature: Robert H. [Signature]

Date: 6/13/01

TOTAL FOR THIS PAGE:

TOTAL FOR ALL PAGES:

JUN - 4 2013

CLERK OF COURT

13



ANDERSON COUNTY

**Making News.
Making Progress.**

June 3, 2003

Derek S. Carter, #275938
Lieber Correctional Institution
Cooper A-02
P. O. Box 205
Ridgeville, S. C. 29472

County Administrator

Joey R. Preston

Council Members

William C. Dees
Chairman
District 6

Larry E. Greer
Vice-Chairman
District 3

G. Fred Tolly, Jr.
District 1

Gracie S. Floyd
District 2

Clint Wright
District 4

Mike Holden
District 5

M. Cindy Wilson
District 7

Clerk to Council
Linda N. Gilstrap

Re: Visitors

Dear Mr. Carter:

This is in response to your May 26, 2003 letter concerning your visitors.

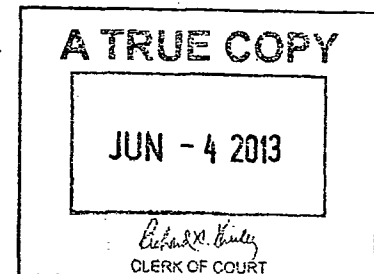
According to our records the following people visited you:

Robert Treacy	3/16/01, 6/8/01, 6/10/01 and 6/11/01
Bruce Byrholdt	11/7/00 and 3/28/01
James Burgess	1/16/01, 1/31/01, 5/29/01 and 5/30/01
Tommy Williams	1/11/01
Terry Carter	11/29/00

Sincerely,

ANDERSON COUNTY DETENTION CENTER

Robert Daly
Detention Director



Post Office Box 8002 • Anderson, S.C. 29622-80
(864) 260-40

www.andersoncountysc.com



2001, 2002 J. Mitchell Graham Award Winner
for Excellence in Governmental Performance
2002 Government Regional Cooperation Award Winner

Terri L. Carter

February 11, 2004

Pelzer South Carolina 29669

Anderson County Department of Social Service
Children's Protective Services
224 McGee Rd.
Anderson, South Carolina 29625

Case ID # 129064 01 001

To Whom this may concern,

It has been brought to my attention that Paulla Pratt has documented several false statements of my visit at the Department of Social Service on McGee Street.

On Nov. 20th, I gained Power of Attorney from Derek, and Michelle Carter. The Sheriffs Department informed me that the Social Service needed the children's clothing, medicine's, toys, photos, school books, etc.. I packed their things, and brought them to Social Services. I waited about 45 min.'s before Paulla Pratt came to see me. I asked how the children were doing, and if we would be able to see them! She stated no one was allowed to see the children, and they were doing fine. She then stated that she heard that Becky Legette was going to trying to get custody of Jarred. She then asked me questions about how the family felt about this. I told her that Becky was going to try to get Jared so we could keep him in the family. She then told me that chances were she (Becky) would not be getting him that he would be put up for closed adoption, and explained the process to me. Paulla then asked me questions about Derek and how he was raised. I told her that Derek had not ever hit or fought with any of his brothers, or sisters (step) while growing up.

Both the Sheriffs office and Paulla Pratt wanted to see photo of Minor before her death that the only photos they had seen where from the autopsy. I showed Paulla some of MY photos that I had taken. One of my photos shown to her was taken in April 2002, and the other was taken in June of 2002, the last time I saw Minor alive, beside in the hospital. I stated there where several rolls of film found in the home that I was going to have developed.

I don't remember making any remarks to Paulla Pratt about letters Becky Legette receives from Derek to send copies of Derek's letters to me, so I could send them to the Solicitor.

Please note these corrections in the documentation of case # 129064 01 001 Action date 11/20/00 page 8.

Please send a written response to me in reference to these corrections.

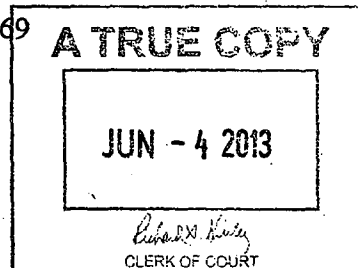
Thank You

Terri L. Carter

Terri L Carter

Pelzer, South Carolina 29669

Copy



Feb. 11, 2004

Hi Derek.

I thought I would write you a quick note to let you know I have sent Michele a letter. I also printed you a copy of it with the other letter. I sent before. The other letter I sent was hand written sorry, I was not thinking. I have also printed out the letter to DSS so it can be added to their paperwork.

I was going to write Anderson County Sheriff Dept. on the correction in the statement I made to them, but the only two things I see is: 1. About Angies death, I said a few family members had doubts, Personally I did not have any doubts. 2. After Angie died (Derek said he couldn't deal with her) (Minor). It should read Derek said he couldn't deal with her and grieve at the same time.

Derek, you ALWAYS took good care of Minor , you gave her baths, changed her diapers, changed her cloths, washed, and styled her hair, did her laundry. You were always a great dad to Minor , You just screwed up when you trusted Minor to someone else. Sorry, but that's the way I feel.

While we are on the subject : Was you really planning to separate from Angie?

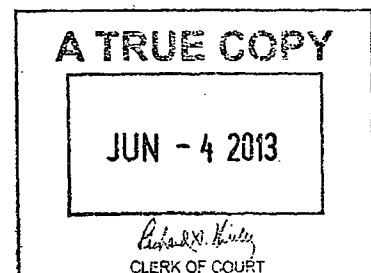
You don't have to answer just wanted to know how you really felt.

Need to go to town so I can Michele's letter registered, and sent. I will write you if I hear any thing, or soon which ever comes first.

Terri

Please let us know if + when we
might be able to come see you!

Terri



Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



December 5, 2000

Derek Shane Carter
c/o Anderson County Detention Center
VIA HAND DELIVERY

CONFIDENTIAL

Re: *State of South Carolina v. Derek Shane Carter*

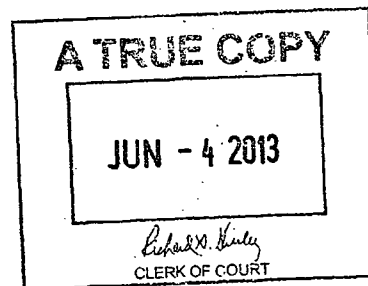
Dear Derek:

I am requesting that the Public Defender's investigator meet with you as he prepares the detailed investigation I have requested of him on your behalf. Please cooperate with him. My investigator, Tommy Williams, might come to see you on occasion, cooperate with him as well. As for anyone else, do not discuss this case with them. I am the only person you can trust completely about this stuff--anyone else is not bound by confidentiality rules. I am the only person with your interests at heart, make no mistake about that.

I will come see you shortly, after I have gathered enough information to have a meaningful conversation with you. I need to explain your options based on the strength of the state's case and your possible defenses, before I hear from you in detail. Help the investigators working for us (Jimmy Penn and Tommy Williams) and otherwise keep to yourself.

I am looking into the inmate who asked you for a time line. Do not prepare any such document in writing. Do not talk to that inmate again. Everyone in the ACDC has self interests that make them subject to turning on you to help their sentence. You have no friends over there, including your wife. Be very careful what you communicate to her about. Also, understand that they read all of your mail. When you write me, put "confidential--attorney mail" on outside and on every page.

As for your series of 84 questions: I am a former prosecutor with this judicial circuit (Assistant Solicitor in Oconee County for two years) and a former law clerk for our local circuit judge (Judge Hall). I have been in private practice here in Anderson for a year and a half, specializing in criminal defense and the litigation of personal injury claims. I am good friends with everyone in the Solicitor's Office and with the court staff. I managed the Clerk of Court's campaign this last election. My relationships will only benefit you. I have tried these types of cases as a prosecutor, and have several clients currently with similar charges. You are getting the benefit of an experienced lawyer who normally would charge you \$15,000 to \$20,000 for this defense for free. And I will defend you with the same vigor as I would if you retained me. I was not forced to

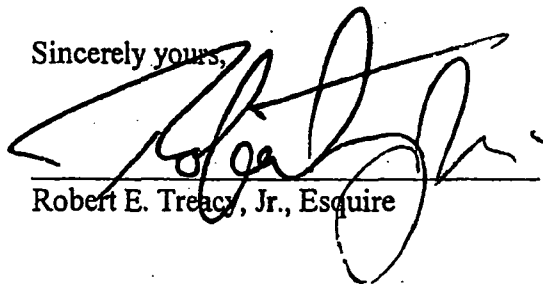


represent you. I chose to do it when asked because I knew I could give you a good defense when others were declining to represent you. You must appreciate that this community is outraged at the death of your daughter. My job is to make sure you do not get abused by the system and that you are only punished for that which you are guilty. You have confessed to child abuse, if that confession is found admissible, and for now, that is all I believe they can prove. It will be difficult for the State to pin homicide on you. You need to make sure you are prepared to do whatever it takes to save yourself--even if that means testifying against your wife. The law does not allow the privilege between a man and wife to cover the abuse of a child. They can't make you do it because of your privilege against self-incrimination, but we may have to work out a deal later.

My job is to prepare the best defense and let you make fully informed decisions along the way about how you wish to handle your case. After the investigation gives us an idea of your options, I will come see you about your decision. Be patient. This cannot be hurried. I consider myself to be a very good attorney--I think others would say that as well. I have never had a client get unjustly punished and most do very well. Just don't do anything to screw up your options, like talking to inmates or your wife. Make no mistake, she is looking to help herself. The only hope she has of a reduction in sentence is to nail you with her. The State has a weaker case against you and needs her help to get you.

I will discuss your other issues with you later. Stay smart and quiet.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Robert E. Treacy, Jr.', written over a horizontal line.

Robert E. Treacy, Jr., Esquire

DUNAWAY & ASSOCIATES

ATTORNEYS AT LAW
514 SOUTH MCDUFFIE STREET
POST OFFICE BOX 1965
ANDERSON, SC 29622

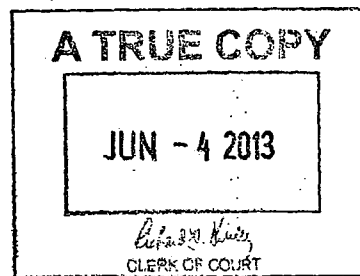
TOM W. DUNAWAY, III
ROBERT E. TREACY, JR.

TELEPHONE
(864) 224-1144
FAX (864) 224-208

December 11, 2000

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Derek S. Carter
C/O ANDERSON COUNTY DETENTION CENTER
1009 County Home Road
Anderson, SC 29625



Re: State of South Carolina vs. Derek Shane Carter

Dear Derëk:

I am in receipt of your letter dated December 5, 2000. I am confident after reading your letter that we have resolved the threat of harm to your case at the Detention Center as regards the other inmates. I would not worry about that so much any longer. I understand that you're going to have significant difficulties with other inmates as they might be abusive towards you or call you such things as a baby killer. This should be the least of your worries at this time, it is much more important what a jury thinks and not your fellow inmates. If you feel endangered in any way, I would advise you to contact your COs immediately about that. You should be kept by yourself and relatively free from any actual physical threat. If this is not the case, please let me know.

The problems you are having within the Detention Center reflect the general, overwhelming problem with your case. That is, that most people abhor the thought of anyone who would tolerate the abuse of their child, never mind such abuse that might lead to the death of that child. Most people are not going to give you any benefit of the doubt, listen to any explanations, or make any effort to understand or empathize with you. This is a very emotional case and the best cure for that is time. It will be several months before this case is resolved. You must resign yourself that this time will, in the long run, be good for you. It is better to handle this case appropriately, recognizing the heated emotions and allowing them to cool down, then it is to push this case and get a result that might hurt you for the rest of your life. You must also resign yourself that your relationship with your wife will never ever be the same. As I am now totally focused on protecting your best interest, I need to know that you are

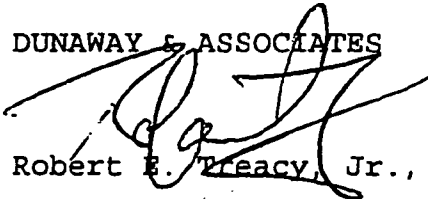
concerned with your best interest and not some chivalrous notion of protecting your wife. What I am faced with in this case is an apparently abusive relationship with the child, but the very significant factor that you were not at home when the deadly injury occurred. Your alibi of being at work is extremely significant and gives you considerable hope for not spending the rest of your life in prison. Your wife does not enjoy the same situation. I assure you that your wife is not putting your interest above her own. And as regards resolving this case as best we can for you, I need to know that you and I are on the same page.

Please let me know whom I can speak to in your family or who can allow me access to your home. I would be interested in trying to track down those records and to see the house for myself.

I will let you know when I have heard anything back from the investigators. For now, focus on simply getting by day by day and thinking of anything you can to help your case. Do not concern yourself with the end to this ordeal, as you wrote. You will only frustrate yourself thinking about how long this process takes. Just keep in mind that time is your best friend right now.

Sincerely,

DUNAWAY & ASSOCIATES



Robert E. Treacy, Jr., Esquire

RET, JR/aff

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

December 20, 2000



Derek Shane Carter, Inmate
1009 County Home Rd
Anderson, SC 29625

CONFIDENTIAL ATTORNEY/CLIENT
A TRUE COPY

JUN - 4 2013

Re: *State of South Carolina v. Derek Shane Carter*

Dear Derek:

I am in receipt of your 12/12/00 letter. I am reviewing the information you sent me, as well as researching several legal issues that will likely prove significant—privileged communications between husband and wife, the legal precedent for a charge of kidnaping against a parent for his own child, the law of accessory-after-the-fact as applied to these facts, and the precedent for an omission (failure to stop at AMH) as providing the *actus reas* (act) element of this homicide charge.

These are all complicated issues as applied to the facts of your case. As for Jimmy Penn, you must understand that he is the investigator for this case. Tommy Williams is my assistant and is not being paid for his work on this case. I will discuss concerns about confidentiality with Jimmy, but you must feel comfortable with him. My advice is to avoid saying anything to him you fear might get to your wife. Save that information for your letters to me or personal conversations with me or Tommy Williams. As far as turning stones and digging up info, however, Jimmy is your man.

I need to know on what type of bond, if any you are being held. If you haven't had a bond hearing, I need to schedule one. If your bond is ridiculously high, I need to file a bond reduction request. Let me know by mail.

I know the next two weeks will be hard for you. Try to be positive and remember what Christmas is all about—to celebrate the birth of a man who was wrongfully persecuted and died to forgive all of our sins. I am not a very religious person, but I am spiritual. I can't imagine how you will make it through this without some faith in a god, Jesus or otherwise. I encourage you to find that for yourself. Ask for a Bible to read or something. If no one will get you one, ask Officer Mike Partain to get you one (tell him I requested it). He is a good man and knows me well.

Take care. I will come see you soon.

Robert E. Treacy, Jr., Esquire

DUNAWAY & ASSOCIATES

ATTORNEYS AT LAW
514 SOUTH MCDUFFIE STREET
POST OFFICE BOX 1965
ANDERSON, SC 29622

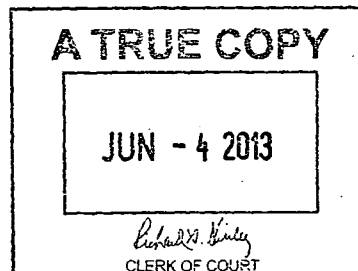
TOM W. DUNAWAY, III
ROBERT E. TREACY, JR.

January 9, 2001

TELEPHONE
(864) 224-1144
FAX (864) 224-2083

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Derek S. Carter
C/O ANDERSON COUNTY DETENTION CENTER
1009 County Home Road
Anderson, SC 29625



Re: State of South Carolina vs. Derek Shane Carter

Dear Derek:

This letter is in response to your letter of January 4, 2001. Since I have last corresponded with you, I have learned that Jimmy Penn with the Public Defender's Office will not be available to serve as your investigator in your case. Out of concern that his working both for you and for your wife possibly being a conflict of interest, the Public Defender and I have decided to discontinue his work on your case. Fortunately or unfortunately, depending on how you see it, Mr. Penn had not yet performed many of the tasks I requested him to do. The difficulty this raises for you is that you will not have an investigator assigned to your case. I have been appointed to represent you and do not have the resources available to hire a private investigator for your case. The Government only compensates me \$40.00 per hour for my time, not for the time of an investigator. I can, however, move for an order from the court allowing me to hire a special investigator to work on your case at the Government's expense. I will work on that.

I have also called and made arrangements to speak with the Solicitor, Druanne White, about your case and where she is headed in the prosecution of your wife. After I get some sense of where she is headed with your case and receive her discovery, I will come and meet with you and discuss all the issues you have raised.

The Director of the Detention Center wrote me regarding your cellmate, indicating that he checked out his background and feels like you are in no danger. I am also going to write him about your

friend being added to the visitation list and any efforts he can make to insure your visit with a mental counselor. Of course, I am still working on your bond and will discuss that with the Solicitor.

With kindest regards, I remain

Yours very truly,

DUNAWAY & ASSOCIATES



Robert E. Treacy, Jr., Esquire

RET, JR/aff

Dunaway & Associates

Attorneys and Counselors at Law

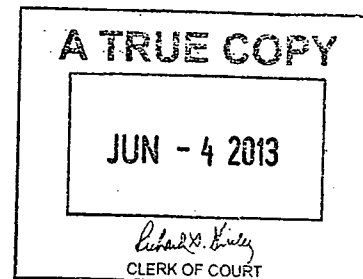
Tom W. Dunaway, III
Robert E. Treacy, Jr.



May 1, 2001

ATTORNEY CLIENT MAIL CONFIDENTIAL

Anderson County Detention Center
Derek S. Carter
1009 County Home Road
Anderson, South Carolina 29625



Re: State of South Carolina v. Derek Shane Carter

Dear Derek:

I'm writing in response to your last two letters. While I have not been able to respond to you, as much or as often as we would like. I've been very busy on your case and finally have some significant news to report to you.

I made a copy of your entire file and Federal Expressed it to Charleston for review by the states leading expert on rheumatology, Rick Silver of the Medical University of South Carolina. He is an acquaintance of mine and would have very much liked to help us in this case. Unfortunately, he notified me by phone that, after reviewing the entire medical records, photographs, and statements, that it is his opinion that ^{Minor} did not have lupus. He acknowledges that there were reasons for the doctors to have misdiagnosed or to have sought the further testing of a rheumatologist (as doctor Dr. Lagarda was doing), but he said that he has no doubt that she did not have lupus. He could not speak to whether or not the subdural hematoma from the April fall against the bed rail could have ultimately led to her death without any intervention by Ila Michele. He referred me to a neurologist or forensic pathologist for that expertise.

I now, am in the process of scheduling an appointment for Robert Gambell and myself to meet with Dr. Lagarda to try and sway her to testify on our behalf regarding the neurology. We are also retaining the services of one of the states leading forensic pathologists, Dr. Joel Sexton. Hopefully, we can get Dr. Lagarda and Dr. Sexton on board with a theory of naturally-caused death that would provide you and Ila Michele with a considerable defense. Of course, we still have to overcome the varied stories that you gave about that day, the horrible statements that you gave to police, and the emotion of the trial. But, we at least can have a fighting chance with two doctors supporting our theory.

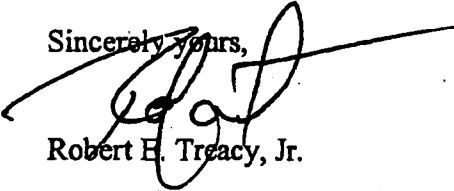
Page 2

It has taken me quite a bit of time to copy the appropriate records, get photographs from the Sheriff's department, and communicate with these doctors. I have every intention of coming to see you in the near future to go over all this stuff, and I beg of your patience until then.

I understand this is very difficult for you and very frustrating in that you cannot communicate with me on a more regular basis. I ask your trust; I am doing the very best that I can for you. As for Dennis Keefe, I would not worry about him as much as you are. I will deal with him, if and when I find out the state is actually going to use him as a witness. As for your kidnapping charges, they no longer exist. The Grand Jury has indicted you for "Homicide by Child Abuse" and "Causing Great Bodily Injury to a Child". These are both two relatively new statutes. I will go over them with you when I come out to visit you. As for the "Change in Venue Motion", it cannot be raised until the jury panel can be questioned about how much influence they have received from the media. We will deal with that right before the trial. I agree with your analysis, however, that you should not be that confident that a judge will grant you such a motion. Finally, I'm afraid I cannot be much help with the nurse. Whenever I've tried to intervene with the medical personal at the detention center, it has never proven fruitful for my clients. Just try to make do the best that you can with complaints to your corrections officers.

I look forward to seeing you in the very near future. I hope to have already visited with Dr. Lagarda and hopefully met with the forensic pathologist as well.

Sincerely yours,



Robert H. Treacy, Jr.

RET/cb

Dunaway & Associates

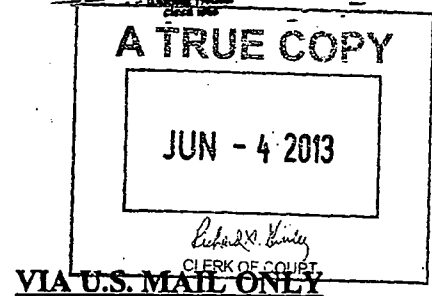
Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



November 15, 2001

Derek S. Carter #275938
Liber Correctional Institution, Cooper A-23
P.O. Box 205
Ridgeville, SC 29472



RE: State of South Carolina vs. Derek S. Carter

Dear Derek:

I am writing to advise that I am in receipt of the letter you sent me requesting essentially your entire file. I received this letter on November 5, 2001 and wanted to write you within the ten day time you requested. I must remind you that most of the information that you are requesting from me was provided to you in preparation for your trial. I am unable as a practical matter to afford a complete copy of your entire file for you. If you recall, your file contains thousands of pages. Regarding your competency evaluation hearing, there was none in your case. There was never any question of whether or not you were competent to stand trial. As for copies of the medical records, I cannot see how those would of any value to you now. All the motions I made were made orally on the record as well as in writing and the Judges' decisions are on the record. If you will request a transcript of your hearing, you would be able to obtain verbatim the legal arguments made on your behalf and the rulings. I do not have a copy of the transcript of your hearing. That is something that the Office of Appellant Defense would have to get for you. Dr. Silver, the rheumatologist at the Medical University of South Carolina in Charleston, evaluated your entire file and gave his assessment to me over the phone. We did that so that the Solicitor would not obtain his opinion. If he gave a written response, we would be required to turn that over to the Solicitor. His response was not helpful to you. In fact, if the Solicitor knew of his evaluation, she likely would have called him as a witness against you.

I am not sure why you are requesting all of this information. If you have filed a Post Conviction Relief Application, an attorney will be appointed to represent you and that attorney can obtain this information on your behalf. I am happy to cooperate in that effort and will gladly turn over any documents to an attorney on your behalf. However, I must remind you that the goal of an application for Post Conviction Relief is to obtain a new trial. That is, the only remedy you can get is a new trial (not less time). I assure you, if you somehow achieve a new trial (which I find extremely unlikely), your new trial would very likely result in you receiving a sentence similar to your wife's (life plus 20 years). While you may not be aware of it behind prison walls, there has been a great deal of publicity regarding your daughter's death after the trial of your wife. The

community has very actively discussed your daughter's death and named a home at an abuse shelter after her. Many people in the community were outraged that you did not receive the same sentence that your wife received. I hope you appreciate, but based on your letters to me doubt that you do, that your sentence was a miracle. The only reason you received a thirty year sentence was because I cut a deal in exchange for your guilty plea before the judge fully comprehended the horrible acts that were perpetrated on your daughter by your wife (and indirectly by you).

I understand that someone serving as much time as you have to serve has many hours and minutes to reflect on ways of reducing your sentence. If you wish to file a P.C.R. action, that is certainly well within your rights to do so. I can tell you as an experienced criminal defense attorney that the odds of you reducing your sentence are next to impossible. If you achieve the only remedy available to you, that is a new trial, you would be tried and convicted and sentenced to life like your wife was. My suggestion is that you consider accepting your sentence and finding better ways to spend your time. With that said, I am more than happy to comply with any subpoenas or requests from the Attorney General's Office or a court appointed attorney for your appeals.

I wish you the best of luck.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert E. Treacy, Jr.', with a stylized, cursive script.

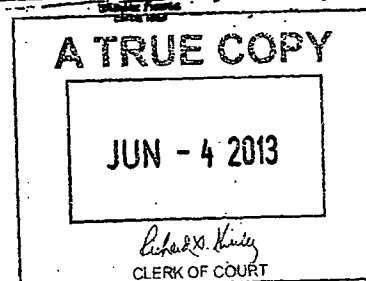
Robert E. Treacy, Jr.

RET,Jr/adf

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



December 4, 2001

Derek Carter #275938
Lieber Correctional Institution
Cooper A-23 P.O. Box 205
Ridgeville, SC 29472

VIA U.S. MAIL ONLY

RE: State vs. Derek Carter

Dear Derek:

I received your letter to me on December 3rd, 2001. You must understand that your file was packed for storage (which means that many extra copies of documents were discarded in order to save space) and put in a storage building for safe keeping. It will take time and expense for me to have the file copied. The file is 35 inches thick. I have to keep a full copy of your file at my office, so I can't send you the originals. I am hereby requesting a reasonable fee for the preparation of copies of your entire file plus regular postage in the amount of \$50.00. Please forward that amount to me and I will get this information in the mail to you.

You mentioned that I failed to respond about the examination of the medical records by the state neurologist. I am not sure how I failed to respond. Dr. Silver was mailed a package containing all of the medical records, including autopsy photographs and records, and all of the criminal investigation papers. He reviewed the stack of documents which was about 7 inches thick, and contacted me by telephone with his analysis. His name is Dr. Rick Silver. He is the head of rheumatology at the Medical University of South Carolina. My letter to him will be in your file. The basis of his assessment was that in his years of experience and expertise with childhood Lupus, he had never seen a presentation of Lupus in the manner in which ^{Minor} 's symptoms evolved. He explained why the doctor in Spartanburg would have had a preliminary analysis of Lupus, but set forth to explain why, in his opinion, it was clear that it was not Lupus. The purpose of his evaluation was to determine whether he could testify that there ever was a possibility this was in fact Lupus. His determination was that he could not give us that testimony. He then returned the entire file that he reviewed. It is possible that if you wrote him a letter requesting an explanation he would give it to you in writing.

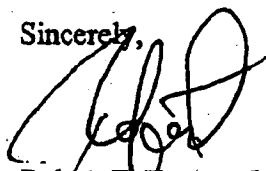
What I recall about our discussions prior to your guilty plea is that I had made several legal motions that could have considerably reduced your exposure for jail time by lowering the charges from serious ones to not so serious ones. If the Judge had ruled my way on these motions, based on the testimony presented in those pre-trial hearings, I would have advised you that you had a chance

of avoiding a very long sentence. The risk of continuing the trial would have been much less. After hearing the testimony of the medical examiner, Judge Kittridge agreed with the Solicitor on those legal issues. That put you in a very serious predicament of possible life plus twenty year exposure with the testimony of the medical examiner being very strong against you. In my experience, I understood that the jury would almost certainly convict you of all the charges and that the Judge would be inclined to sentence you to the maximum sentence, like your wife got. Based on that analysis, I encouraged you to let me try to work something out. Because the Judge had not heard all of the facts yet, I was in a good position to get you the thirty years. Fortunately, that is the way it worked out. Judge Kittridge has since told me that he should have sentenced you to more than thirty years and would if he had the chance to do it all over again.

As for your comment about the percentage of time you will have to serve, I am most certain that I did not have any discussion with you about your parole eligibility ranging from 85% to 61%. I am confident that I did not have that discussion with you because I know for sure that your sentence is covered by the 85% rule. Any sentence term of more than fifteen years requires that you serve at least 85% before being eligible for parole. As I have calculated from the day of your sentence, you should expect to serve 26 years before being eligible for parole. I must also add that the Judge put on the record as part of your sentence that you understand that parole eligibility is not being taken into consideration in your decision to plead guilty. Therefore, if the rules about parole eligibility change, you can not have your sentence altered.

I appreciate that you would like to get some sense of closure and understanding about your case. It was not my intention to be short with you in my last letter. My evaluation of your situation is that you were at best seriously and deeply misled about your child by your wife. She clearly manipulated her own children into lying to you about ^{Minor} 's injuries and condition. Only you, Michelle and God fully understand what went on with ^{Minor} . I am happy to provide you with your file so that you can try to resolve any open questions you have about ^{Minor} Child. I would encourage you to write your wife, as well. If she is unwilling to accept responsibility for her actions, she must be clinging to the hope that you still love her and will continue writing her. If she thought you would love her anyway, she would probably confess to you. She certainly has no other reason to deny it.

Sincerely,



Robert E. Treacy, Jr.
DUNAWAY & ASSOCIATES

RET,Jr/adf

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



March 26, 2002

Derek Carter, #275938
Lieber Correctional Institution
Cooper A-23
P.O. Box 205
Ridgville, SC 29472

Re: *State v. Derek Carter*

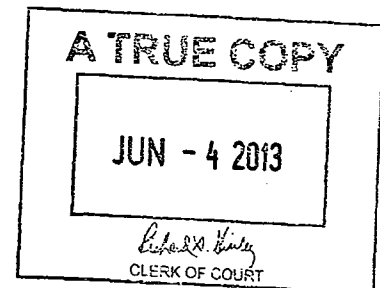
Derek:

For whatever reason I just received the check from the DOC yesterday in the mail. I have my secretary copying your file as she answers phones. As it is a very big file, it will take several days for her to accomplish this. I will then mail it to you.

I wanted to advise you of the status of your request in case it takes beyond the 15 days alluded to in your previous letter. I am getting it done as quickly as possible.

Sincerely,

Robert Treacy, Jr.



Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



April 1, 2002

Derek Carter, #275938
Lieber Correctional Institution
Cooper A-23
P.O. Box 205
Ridgville, SC 29472

Re: *State v. Derek Carter*

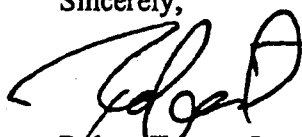
Derek:

Enclosed herewith please find the entire contents of your file less attorney notes (I have to keep those in my file). In the interest of being complete, I also included the audio tapes of interviews and any photographs in the file. Some of the copies are duplicates, But I did not have time to sort it out. I hope this information is helpful to you. I would also encourage you to order a transcript of the court proceedings.

Again, in response to a previous letter requesting this information, you made a factual error in describing what happened as far as our plea negotiations. I never advised you of any sort of change in parole eligibility from 85% to 61% as you described. My only comment to you about parole eligibility was that you would have to serve 85%. I also remind you that Judge Kittredge advised you on the record that no one knows when you would be eligible for parole and you confirmed that any advise on that subject was not being considered by you in your plea. I have been around enough to understand that long-timers try to use incorrect advice about parole as a means to PCR. Let me make perfectly clear the fact that I would not agree with your claim of incorrect advice, as I advised you correctly. Furthermore, if you were to successfully apply for PCR and win, you would at best only get a new trial. If you went to trial a second time, you would not be allowed by the Solicitor to plea for mercy. You would be facing the same amount of time your wife received (150 years, I think). A PCR cannot get you less time or a resentencing hearing.

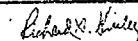
I hope this material satisfies your request. Good luck to you in every way.

Sincerely,


Robert Treacy, Jr.

A TRUE COPY

JUN - 4 2013


CLERK OF COURT

GEORGE Sink, P.A.

INJURY LAWYERS

The Atrium
Suite 160
7301 Rivers Avenue
North Charleston, SC 29406
FAX: 843-569-1848
843-569-1700

Please reply to:
Post Office Box 63508
North Charleston, SC 29419-3508

June 23, 2003

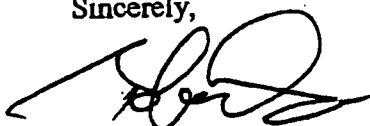
Derek S. Carter #275938
Lieber Correctional Inst.
Cooper A-02
P.O. Box 205
Ridgeville, SC 29472

Re: Your letter of June 19, 2003

Mr. Carter:

In response to your request that I act as a pro forma requester on your behalf to request information from third parties, I must decline such request. I am not interested in any further work on your case on either a pro bono or paid basis. My representation of you ended after your sentencing. I have provided you with everything in my file, including multiple copies of some items. I have no desire to be involved in your collection of information beyond the responses I have previously made. I am confident that you can obtain the information you have most recently requested by way of written request to Mr. Burgess and / or via valid subpoena.

Sincerely,



Robert E. Treacy, Jr.
Attorney at Law

A TRUE COPY

JUN - 4 2013

Richard D. Kinney
CLERK OF COURT

GEORGE Sink, P.A.

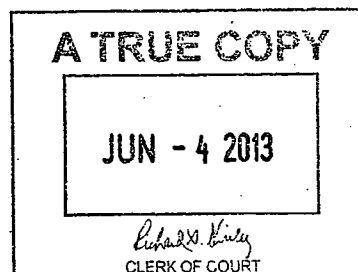
INJURY LAWYERS

The Atrium
Suite 160
7301 Rivers Avenue
North Charleston, SC 29406
FAX: 843-569-1848
843-569-1700

Please reply to:
Post Office Box 63506
North Charleston, SC 29419-3506

October 8, 2004

Derek S. Carter #275938
Lieber Correctional Inst.
Cooper A-02
P.O. Box 205
Ridgeville, SC 29472



Dear Derek:

In reply to your last cartoon and the previous letters in which you clearly have decided to somehow assign some blame for your situation to me:

I volunteered to represent you because no one else on the list of trained criminal defense attorneys wanted to represent you. The judge was presented with two attorneys on the list ahead of me who voiced strenuous objections that they could not represent you because the publicity would hurt their practice and because they had children, the case was repugnant to them. The local judge (not the one who tried your case) asked me to step up to the plate and take the case out of turn because I had no children and because I did not have my own private practice. I did so, and I took the job very seriously.

I went to school for seven years to do what I do, and my specialty had been criminal law. I clerked for a judge for a year and prosecuted for two years. I had developed a great reputation in Anderson around the courthouse as a trial attorney and as a well-connected defense attorney. I managed the Clerk of Court's election campaign. You got the benefit of all of that experience.

Because I was working for a law firm on salary, my economic situation was not hurt by taking on your case. The law firm lost money by losing me for all of the time I spent on your case. They recouped only a fraction of that cost by submitting the papers to the State for payment for my time. The point is, I made the same paycheck throughout because I was on salary with my firm. So, money had nothing to do with your case.

I faced a great deal of negative pressure in my family and in the community for representing you. My wife did not speak to me for some time and has never been able to discuss your case with me. The public anger toward you and your wife was overwhelming. In spite of that, I set out to win your case. Robert Gamble and I knew that Michelle would probably lose and get life. He and I both

thought you had a shot and seeing freedom someday if I put as much pressure as I could on the Solicitor and the Judge. I did that. The motions I argued were very complicated and were designed to gain leverage with the Solicitor by opening up lesser charges that the jury could possibly convict you of. When the judge ruled against us on those motions, I took advantage of that moment—when both he and the Solicitor were impressed with the strength of those arguments, to get the offer you were sentenced to. The judge made it very clear to me afterwards, that if he had gone forward and heard all of the evidence (as he later did with Michelle), you would have never seen the light of day again.

I considered your plea bargain to be a great success for you. It was the best possible result, and I hoped that you would be appreciative of my hard work. No one else in the community was. I was confronted with disgust for having helped you "get off easy". I was labeled as the guy who defended Derek Carter—and not as a compliment. My political future was ended in Anderson County by representing you. I was nominated to serve on the Board of Trustees for the College of Charleston, and during the election process, I was described as a liberal attorney who defends child killers. I lost that election.

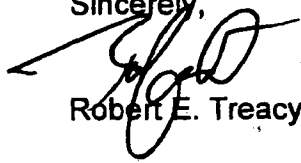
After your sentencing, I have tried to comply with all of your requests for information. I have not attempted to engage your efforts to figure out why this has happened to you. That is not for me to determine. I would encourage you to get counseling in an effort to figure out what led to you allowing Michelle to have so much control over your house and child—to determine what prevented you from stopping her. Because you gave statements to the police admitting to your witnessing and being involved in so much of the abuse, and because you were the natural parent, it was unavoidable that you were going to prison. I had hoped and fought very hard to get the judge to let us argue for regular child abuse. Even then, the jury would have most likely convicted you of the greater charges and the judge would have sentenced you to 150 years. So, with his ruling against us, the plea deal you got was a miracle. It allows you the hope of a life after prison. I wish you the best with that pursuit.

I have no ill feeling toward you. I gained a valuable experience in serving you as your attorney. I am proud of the work that I did for you. I no longer practice criminal defense. After representing you and several other clients charged with extremely intense and complicated cases, I chose to switch careers. I have moved, and I am trying to move on with my life. I understand that you have a great deal of time on your hands to reflect on things and contemplate what might have been done differently. I assure you that I did everything I could for you. In

the heat of the battle, I was not even thinking of consequences to me personally. I wanted to get you acquitted or sentenced to a misdemeanor. That is what I worked so hard for. I am the only person on this earth who was fighting for you. I hope that that earns me at least the right to not receive mail from you that denigrates my service to you. I can tolerate everyone, including my family, hating what I did for you; but for you not to appreciate it really confuses me.

Again, I wish you the best and hope that you can find some peace in the hand that fate has dealt you.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Treacy, Jr.', with a stylized, cursive script.

Robert E. Treacy, Jr.

**George
Sink, P.A.**
INJURY LAWYERS

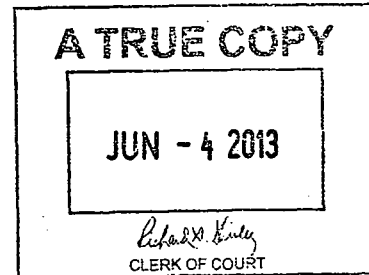
The Atrium
Suite 160
7301 Rivers Avenue
North Charleston, SC 29406
FAX: 843-569-1848
843-569-1700

Please reply to:
Post Office Box 63506
North Charleston, SC 29419-3506

October 22, 2004

Derek Carter # 275938
Lieber Correctional Inst.
Cooper A-02
P.O. Box 205
Ridgeville, SC 29472

Mr. Carter:



I apologize for taking so long to reply, but I have had several hearings in the past two weeks. I appreciate your clarification on the cartoon. I do have a sense of humor, and accept that you meant it without malice.

I am certainly open to criticism, Derek. I wish you had pursued a PCR action so that we could have examined your representation in detail with a fresh pair of eyes (PCR counsel) critiquing my work. I was happy to provide you with the information you asked for earlier assuming that you would file such an action. I certainly passed no judgment on you for asking. You have every right to inquire and pour over every detail of your case.

Please understand, I was very aware of how heavily you were relying on my perception of your case. My job was to pay attention and use all of my skills for your benefit. That is what I did, in spite of the consequences. And, I certainly do not have any regrets; I am proud of the work I did for you. I may not have done a perfect job—I am humble e to admit fallibility. However, do not presume that I overlooked something. And I did not rely on Mr. Gamble. I may have picked his brain for every advantage I could gain and to learn everything I could about what he had learned from the State—he has tried more cases than anyone in the state and more than anyone against Druanne White.

I am not sure what Mr. Penn and Mr. Williams had to do with your case. Mr. Penn had an obvious conflict between you and Michelle, and he recognized it early on. However, if he did anything he provided me with information about Michelle—that helped. Mr. Williams was not interested in being involved in your case and only interviewed you once, as I recall. Remember, I had the court appoint Buddy Burgess to serve as our investigator—he was a retired homicide detective from Greenville. He was very helpful, particularly in examining how the physical evidence was going to play out in court. He and I were both convinced that we had a theory that could work—if everything worked out perfectly. I personally turned most of the “stones”.

Again, I have not been judgmental at your efforts—I have just been stunned at your unwillingness to see the obvious. Your admissions to the police were outrageous. No

decent person could have listened to your confessions and done anything but convict you of the highest charges. That is what I meant when I said you could not get a fair trial—even if we got to argue our best case, the jury would be closed-minded once they heard your statements and saw the pictures. I tried to get the judge to give the jury the option of lesser charges. My goal was to get the jury to convict you of regular child abuse or ABHAN. The judge refused to allow those charges. I also tried to get your statements excluded—that failed as well. My arguments were praised by the judge, reporters and other defense attorneys who observed. I tried my best, I did. When I heard the medical examiner's testimony at the pretrial hearing and got the rulings I did from the judge, I knew the only hope we had was to push the judge into accepting a plea before he heard all of the facts. I used every ounce of charm and rapport that I had developed with Judge Kittredge (who had handled my boss's divorce years ago as an attorney and had appointed me on a death penalty case). Judge Kittredge did not want to be rude to me when I pushed him to informally agree to keep your sentence under 30 years. He agreed—he could have backed out when he heard Druanne in the courtroom, but he kept his word. And my efforts paid off. Your sentence was a victory, a coup. As I have told you before, he called me to the bench some days after Michelle was sentenced and told me that I had pulled a fast one on him and that he would have never let you out of jail if he knew everything.

I am at a loss for your evaluation that the system failed you. Michelle failed you. You failed you. Your statements admitted to observing and participating in torturing and abusing your child. There was no way for me to sugar coat your admissions. I had hoped that we could argue that you were working and maybe confused by the unusual symptoms of lupus. That was our only hope. SC law is very clear that "the hand of one is the hand of all." The only evidence, as I recall, the State had to your knowledge and complicity in the abuse was your stepson and your statements. Cross-examining the child would have been easy enough, but the thought of Druanne cross-examining you was horrifying. Had you not given the statements, we could have argued that you were at work and played dumb about the abuse and even muddy the waters with the lupus diagnosis. The statements were all the State needed to send you away forever.

I argued pretrial that what you admitted to could be construed as ABHAN or child neglect. The judge would not accept that even as an option for the jury to consider. The choice was to advise you to plead guilty or go ahead with trial, lose and appeal that decision. Judge Kittredge is now on the Court of Appeals—to give you an idea of how smart he is. If he did not allow it, odds are very much against the Supreme Court reversing your conviction. It was a creative argument, but not the stronger of the two sides. So, cutting a deal was forced upon us. Luckily, it was an option.

Please share with me what you believe was overlooked. What makes you think the defense of natural death was moot. First, we did not have to show that she actually had lups. We only had to confirm that you had a reasonable belief that the bruises, etc. were from lupus and not abuse. The neurologist in Spartanburg was going to testify that she diagnosed her with lupus, and Dr. Silver conceded the reasonableness of the misdiagnosis. You told your family the truth—Dr. Lagarda did say she had lupus. You did not lie.

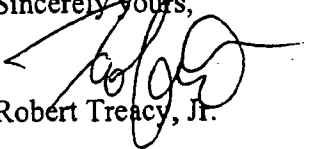
I certainly gave you the benefit of every doubt. I do not think you did any more than you said you did. I do not even think the hand of one rule is fair. I have always defended your getting less time than Michelle—even though everyone else thinks you should have gotten more because you were her natural father and had a higher duty to her. I would still defend the result—I think it was fair. You did not actually kill her, so you should not get the same time. However, accomplice liability in SC law is very harsh. Two guys go into a store and one guy robs the clerk while the other stands there—they get convicted of the same thing. They may get different sentences, but they are guilty of the same thing.

I am happy to review any other details you can think of. Just write me.

Finally, one line in your letter concerns me. You mentioned my losses as a result of representing you compared with you having “lost a great deal more.” Surely, your freedom is a heavy price. But, I took on all of what I did for you voluntarily. I was never accused of anything. I could have just turned my back on you like the others did. I did nothing wrong—I stood up for my client in the face of unbelievable public pressure. I am proud of that. No one appreciates that. No one other than defense attorneys like Robert Gamble who do this all the time. We get no respect from our families or friends or neighbors. That does not concern me—I am self-righteous in the face of their criticism. I guess you got a little bit of that from me because I was taken back by the criticism coming from you. You are the last person I expect it from. I would have done anything legal to defend you. I would have even criticized myself in a PCR action if I thought it would help you. Oh well, let me know if I can explain anything else.

With kind regards, I remain

Sincerely yours,

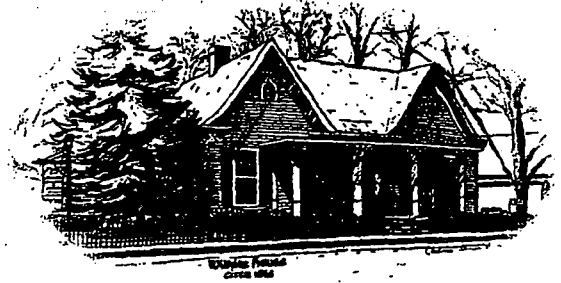


Robert Treacy, Jr.

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

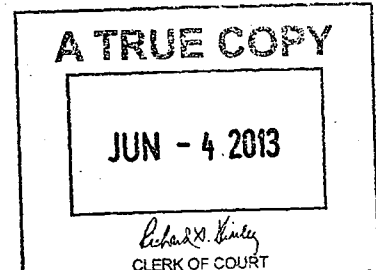


June 7, 2001

Dr. JAMES HUNTER

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **Dr. Hunter**:



Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT COUNTY: ANDERSON

THE STATE,

CASE NO:

-vs-

SUBPOENA FOR: DEFENDANT

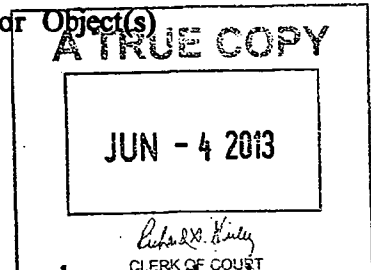
DEREK S. CARTER,

 X Person

Defendants.

 X Document(s) or Object(s)

**TO: Dr. James E. Hunter, IV
900 W. Faris Rd.
Greenville, SC 29605**



YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

**PLACE: ANDERSON COUNTY COURTHOUSE DATE: 06/11/01 - 06/30/01
ANDERSON, SOUTH CAROLINA TIME: 9:00 A.M.**

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s): any and all documents but not limited to records, reports, data, etc. on Minor Child

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

**ROBERT TREACY
ATTORNEY
514 SOUTH MCDUFFIE ST.
ANDERSON, SC 29624
(864) 224-1144**

This subpoena is issued upon application of the:
 Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

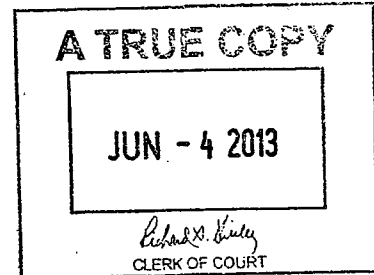


June 7, 2001

DR. MICHAEL AVANT, GHS

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **Dr. Avant**:



Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-VS-

SUBPOENA FOR: DEFENDANT

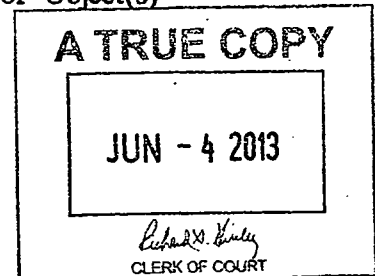
DEREK S. CARTER,

 X Person

Defendants.

 X Document(s) or Object(s)

**TO: Dr. Michael Avant
GMHS Pediatrics ICU
701 Grove Rd.
Greenville, SC 29605
(864) 455-8911**



YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

**PLACE: ANDERSON COUNTY COURTHOUSE
ANDERSON, SOUTH CAROLINA**

**DATE: 06/11/01 - 06/30/01
TIME: 9:00 A.M.**

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s): any and all documents but not limited to records, reports, data, etc. on Minor Child

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DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

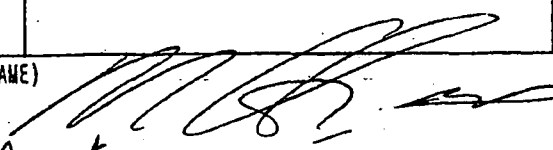
**ROBERT TREACY
ATTORNEY
514 SOUTH MCDUFFIE ST.
ANDERSON, SC 29624
(864) 224-1144**

This subpoena is issued upon application of the:

 Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

SERVED	DATE <u>6/8/01</u>	PLACE <u>701 Grove Rd.</u> <u>Greenville SC</u>
	<u>Greenville Hospital</u>	
SERVED ON (PRINT NAME)		MANNER OF SERVICE <u>Hand Delivered</u>
SERVED BY (PRINT NAME)	<u>Dr. Michael Arant</u>	TITLE
<u>James T. Burgess</u>		<u>Private Detective</u>
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on _____	<u>James T. Burgess</u> SIGNATURE OF SERVER	
DATE _____	<u>102 Barrett Circle</u> ADDRESS OF SERVER	
	<u>Anderson, SC 29621</u>	

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

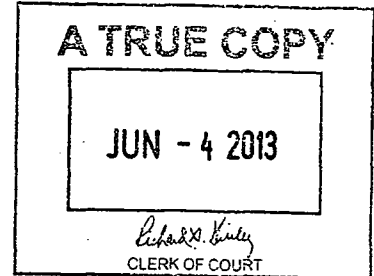


June 7, 2001

DR. STELLA LEGARDA

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **DR. LEGARDA**:



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It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

*** CALL ME, PLEASE.**

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON.

THE STATE,

CASE NO:

-VS-

SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

 X Person

Defendants.

 X Document(s) or Object(s)

TO: Dr. Stella Legarda
 210 Catawba St.
 Spartanburg, SC 29303

A TRUE COPY

JUN - 4 2013

YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

PLACE: ANDERSON COUNTY COURTHOUSE
 ANDERSON, SOUTH CAROLINA

DATE: 06/11/01 - 06/30/01

TIME: 9:00 A.M.

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s): any and all documents but not limited to records, reports, data, etc. in the above captioned matter.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

ROBERT TREACY
 ATTORNEY
 514 SOUTH MCDUFFIE ST.
 ANDERSON, SC 29624
 (864) 224-1144

This subpoena is issued upon
 application of the:

 Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

SERVED	DATE 6/8/01	PLACE 210 Catawba St. Spartanburg, SC
	Regional Center for Pediatrics	
SERVED ON (PRINT NAME) Donna Reeder		MANNER OF SERVICE Hand Delivered
SERVED BY (PRINT NAME) James T. Burgess		OFFICE MANAGER
		TITLE Private Detective

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 6/8/01
DATE

James T. Burgess
SIGNATURE OF SERVER

102 Barrett Circle
ADDRESS OF SERVER

Ardur, SC 29624

Dunaway & Associates

Attorneys and Counselors at Law

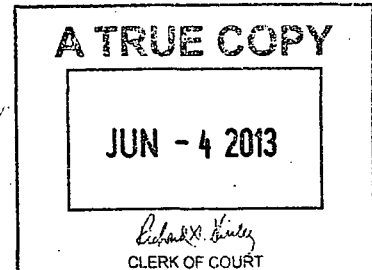
Tom W. Dunaway, III
Robert E. Treacy, Jr.



June 7, 2001

STEVE MOSS, HR DIRECTOR, PLASTIC OMNIUM
Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **MR. MOSS** :



Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

** please bring work records with time in/out
for derek - 4/10 to 4/20/00 and 10/10 to 10/20/00.*

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

514 South McDuffie Street • Post Office Box 1965 • Anderson, SC 29622
(864) 224-1144 Phone • (864) 224-2083 Fax

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-vs-

SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

 X Person

Defendants.

 X Document(s) or Object(s)

**TO: Steve Moss, HR Director
Plastic Omnium
Anderson, SC**

A TRUE COPY

JUN - 4 2013

Richard M. Bailey
CLERK OF COURT

YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

**PLACE: ANDERSON COUNTY COURTHOUSE
ANDERSON, SOUTH CAROLINA**

DATE: 06/11/01 - 06/30/01

TIME: 9:00 A.M.

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s): work records, time-in/time-out documents for dates April 10, 2000 thru April 20, 2000; and October 10, 2000 thru October 20, 2000.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

**ROBERT TREACY
ATTORNEY
514 SOUTH MCDUFFIE ST.
ANDERSON, SC 29624
(864) 224-1144**

This subpoena is issued upon
application of the:
 Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

SERVED	DATE <u>June 8, 2001</u>	PLACE <u>Plastic Omnium</u>
SERVED ON (PRINT NAME) <u>Steve Moss / HR Director</u>		MANNER OF SERVICE <u>by hand</u>
SERVED BY (PRINT NAME) <u>Andrea D. Jackson</u>		TITLE <u>Private Investigator</u>
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on <u>6-8-01</u> DATE	<u>Andrea D. Jackson</u> SIGNATURE OF SERVER	
	<u>102 Barnett Circle</u> ADDRESS OF SERVER	
	<u>Burgess Investigations</u>	

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



June 7, 2001

ROBERT DUTEAU, PLASTIC OMNIUM

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

A TRUE COPY

JUN - 4 2013

Richard X. Kiley
CLERK OF COURT

Dear **Mr. Duteau** :

Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-vs-

SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

X PersonDocument(s) or Object(s)

Defendants.

TO: Robert Duteau
 Plastic Omnium
 Anderson, SC

A TRUE COPY

JUN - 4 2013

YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

PLACE: ANDERSON COUNTY COURTHOUSE
 ANDERSON, SOUTH CAROLINA

DATE: 06/11/01 - 06/30/01

TIME: 9:00 A.M.

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s):

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

ROBERT TREACY
 ATTORNEY
 514 SOUTH MCDUFFIE ST.
 ANDERSON, SC 29624
 (864) 224-1144

This subpoena is issued upon
 application of the:

Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

59

SERVED	DATE <u>June 8, 2001</u>	PLACE <u>Plastic Omnium</u>
SERVED ON (PRINT NAME) <u>Steve Mass, HR Director</u>		MANNER OF SERVICE <u>by hand</u>
SERVED BY (PRINT NAME) <u>Andrea D Jackson</u>		TITLE <u>Private Investigator</u>
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on <u>6-8-01</u> DATE	<u>Andrea D. Jackson</u> SIGNATURE OF SERVER	
	<u>102 Barrett Circle, Anderson</u> ADDRESS OF SERVER	
	<u>Burgess Investigations</u>	

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

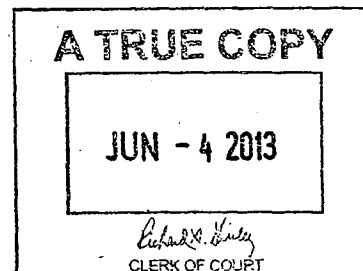


June 7, 2001

DR. BARRY MADDON, PEDIATRIC ASSOC.

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **Dr. Maddox** :



Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

53

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-VS-

SUBPOENA FOR: DEFENDANT

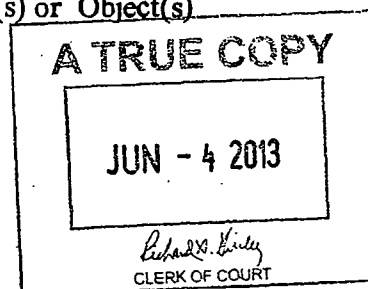
DEREK S. CARTER,

 X Person

Defendants.

 X Document(s) or Object(s)

TO: Dr. Barry H. Maddox
 Pediatric Associates of Anderson
 2000-E Greenville St.
 Anderson, SC 29621
 (864) 224-1055



YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

PLACE: ANDERSON COUNTY COURTHOUSE
 ANDERSON, SOUTH CAROLINA

DATE: 06/11/01 - 06/30/01
TIME: 9:00 A.M.

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s): any and all documents but not limited to records, reports, data, etc. on Minor Child ; Jared Carter, Andrew J. Whittaker, and Jordan R. Whittaker.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

ROBERT TREACY
 ATTORNEY
 514 SOUTH MCDUFFIE ST.
 ANDERSON, SC 29624
 (864) 224-1144

This subpoena is issued upon
 application of the:

 Plaintiff X Defendant

54

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

SERVED	DATE <u>June 8, 2001</u>	PLACE <u>Pediatric Assoc</u>	
	SERVED ON (PRINT NAME) <u>Patty Spake / Assistant Manager</u>		
MANNER OF SERVICE <u>by hand</u>		SERVED BY (PRINT NAME) <u>Andrea D. Jackson</u>	
TITLE <u>Private Investigator</u>		DECLARATION OF SERVER	
I certify that the foregoing information contained in the Proof of Service is true and correct.			
Executed on <u>6-8-01</u> DATE	<u>Andrea D. Jackson</u> SIGNATURE OF SERVER		
	<u>102 Barnett Circle, Anderson</u> ADDRESS OF SERVER		
	<u>Burgess Investigations</u>		

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

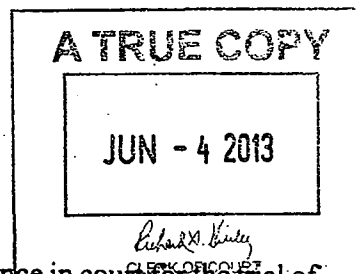


June 7, 2001

Mrs. Angie Hawks

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear *Angie* :



Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

55

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-vs-

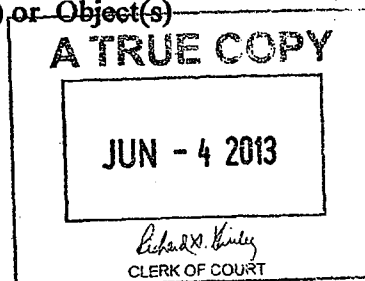
SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

X Person Document(s) or Object(s)

Defendants.

TO: Angie Hanks, Nurse
 Pediatric Associates of Anderson
 107 Sheffield Dr.
 Anderson, SC 29625
 (864) 225-5420



YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

PLACE: ANDERSON COUNTY COURTHOUSE
 ANDERSON, SOUTH CAROLINA

DATE: 06/11/01 - 06/30/01
 TIME: 9:00 A.M.

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s):

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

ROBERT TREACY
 ATTORNEY
 514 SOUTH MCDUFFIE ST.
 ANDERSON, SC 29624
 (864) 224-1144

This subpoena is issued upon
 application of the:
 Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

DATE June 8, 2001

Pediatric Assoc.

PRINT NAME

Patty Spake / Assistant Manager

MANNER OF SERVICE

by hand

Andrea D. Jackson

Private Investigator

DECLARATION OF SERVICE

I certify that the foregoing information contained in the body of service is true and correct.

6-8-01

Andrea D. Jackson

102 Barnett Circle, Anderson

Burgess & Investigations

Dunaway & Associates

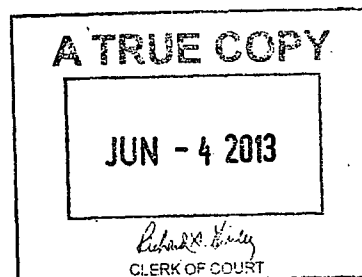
Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



June 7, 2001

DR. AARON SHEETS, ANDERSON FAMILY PRACTICE
Witness in the Case of *State of South Carolina vs. Derek Shane Carter*



Dear **Dr. Sheets** :

Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

The trial will start at 2 p.m. on Monday, beginning with pre-trial motions and then the State's case. That should last through Wednesday morning. If you are subpoenaed by the State as well, you will need to coordinate your appearance with the Solicitor. As far as my needs are concerned, I will need you to be on "standby" from Monday at 1 p.m. until Thursday at 5 p.m. "Standby" means that I will need to have an accurate phone number to contact you and request your appearance within 30 minutes from the call. That way, I can avoid your having to sit in court all week—I can simply call you shortly before I expect to call you to the stand.

If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

I look forward to speaking with you by phone this weekend if you have questions or want to give me a contact number for your "standby". I can be reached at 864-934-0455; 864-224-1144; or 864-231-6891.

Thank you for your prompt and considerate response to this subpoena.

A CALL ME.

57

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-vs-

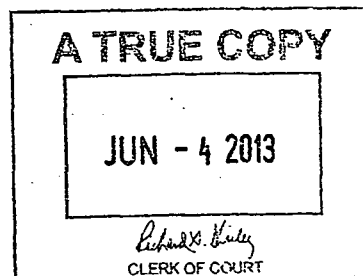
SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

☒ Person☒ Document(s) or Object(s)

Defendants.

TO: Dr. Aaron B. Sheets
 Anderson Family Practice
 600 N. Fant St.
 Anderson, SC 29621
 (864) 261-1473



YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

PLACE: ANDERSON COUNTY COURTHOUSE
 ANDERSON, SOUTH CAROLINA

DATE: 06/11/01 - 06/30/01
TIME: 9:00 A.M.

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s): any and all documents but not limited to records, reports, data, etc. on Minor Child including treatment rendered to Minor Child at AAMC on or about 4/17/00.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

ROBERT TREACY
 ATTORNEY
 514 SOUTH MCDUFFIE ST.
 ANDERSON, SC 29624
 (864) 224-1144

This subpoena is issued upon
 application of the:

Plaintiff ☐ Defendant ☒

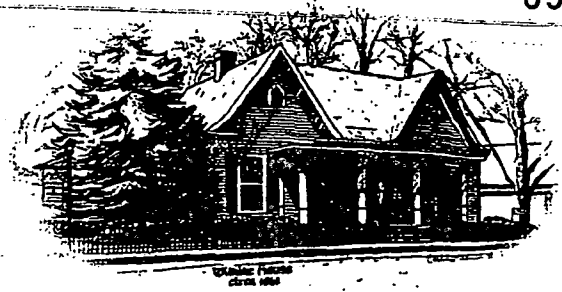
PROOF OF SERVICE

SERVED	DATE <u>June 8, 2001</u>	PLACE <u>Anderson Family Practice</u>
	SERVED ON (PRINT NAME) <u>Darlene Norton / Dr. Aaron Sheets</u> <u>Sandra Vickery</u> <u>Administrative Office</u>	
MANNER OF SERVICE <u>Advised that Dr. S. is on vacation.</u> <u>by hand</u>		TITLE <u>Private Investigator</u>
SERVED BY (PRINT NAME) <u>Andrea D. Jackson</u>		
DECLARATION OF SERVER I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on <u>6-8-01</u> DATE	<u>Andrea D. Jackson</u> SIGNATURE OF SERVER <u>Barnett Circle, Anderson</u> ADDRESS OF SERVER <u>Burgess & Investigations</u>	

Dunaway & Associates

Attorneys and Counselors at Law

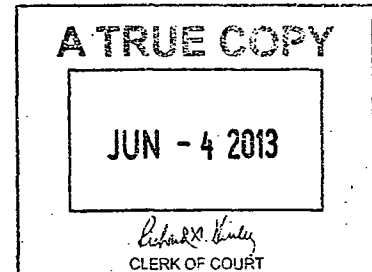
Tom W. Dunaway, III
Robert E. Treacy, Jr.



June 7, 2001

LYN CHERRY FINLEY, LMSW, LPCS (AND DHS)
Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **LYN** :



Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

It has been determined in my investigation that you have information that may need to be admitted as evidence in this trial. Of course, it will not be necessary for you to come sit all week in the courtroom awaiting your turn to testify. Please contact me by phone if you have any questions about the subject of your testimony or the times I will need you in the courtroom.

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If you are not present in the courtroom when I call you, the Judge will hold you in contempt and fine or jail you. This is very serious. Do not address complaints or concerns to the Court without trying to arrange something with me first. Also, please pay attention to whether your subpoena commands that you bring some documents or information with you when you come. Call me if you have questions about those requests.

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Thank you for your prompt and considerate response to this subpoena.

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

59

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-VS-

SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

X Person

Document(s) or Object(s)

Defendants.

TO: Lynn Finley, LMSW, LPCS

Anderson County DSS-Behavioral Health Services
Anderson, SC

A TRUE COPY

JUN - 4 2013

Richard S. Finley
CLERK OF COURT

YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

PLACE: ANDERSON COUNTY COURTHOUSE
ANDERSON, SOUTH CAROLINA

DATE: 06/11/01 - 06/30/01
TIME: 9:00 A.M.

YOU ARE ALSO COMMANDED to bring with you/or turn over to our office the following document(s) or objects(s):

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

ROBERT TREACY
ATTORNEY
514 SOUTH MCDUFFIE ST.
ANDERSON, SC 29624
(864) 224-1144

This subpoena is issued upon
application of the:

Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

71

SERVED	DATE 6.8.01	PLACE DSS Office Anderson
SERVED ON (PRINT NAME) Donna Getsinger / Paralegal		MANNER OF SERVICE by hand
SERVED BY (PRINT NAME) Andrea Jackson		TITLE Private Investigator
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on 6.8.01	SIGNATURE OF SERVER ADDRESS OF SERVER 102 Barnett Circle, Anderson Burgess Investigations	

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.



June 7, 2001

ROSS BROWN, ACSO

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **Dept. Brown** :

A TRUE COPY

JUN - 4 2013

Robert E. Treacy
CLERK OF COURT

Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

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61

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-vs-

SUBPOENA FOR: DEFENDANT

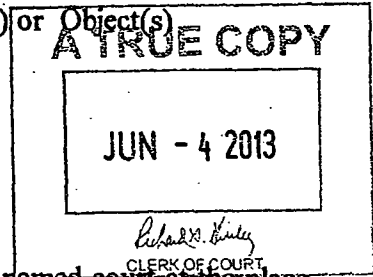
DEREK S. CARTER,

 X Person

Defendants.

 Document(s) or Object(s)

**TO: Deputy Ross Brown
Anderson County Sheriff Office
Anderson, SC**



YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

**PLACE: ANDERSON COUNTY COURTHOUSE
ANDERSON, SOUTH CAROLINA**

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CLERK OF COURT

DATE: June 7, 2001

DEPUTY CLERK

ATTORNEY'S NAME AND ADDRESS:

This subpoena is issued upon application of the:
 Plaintiff X Defendant

**ROBERT TREACY
ATTORNEY
514 SOUTH MCDUFFIE ST.
ANDERSON, SC 29624
(864) 224-1144**

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

SERVED	DATE June 8, 2001	PLACE Anderson County Sheriff's Office
SERVED ON (PRINT NAME) Sandra McCauley / Administrative Assistant		MANNER OF SERVICE by hand
SERVED BY (PRINT NAME) Andrea D. Jackson		TITLE Private Investigator
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on 6-8-01 DATE	Signature of Server Andrea D. Jackson Address of Server 102 Bassett Circle, Anderson Burgess Investigations	

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

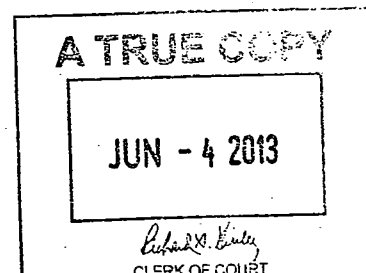


June 7, 2001

MICHAEL COX, ACSO

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **Dept. Cox** :



Please find the attached subpoena which commands your appearance in court for the trial of Derek Shane Carter this coming week, June 11 - June 14, 2001, at the Anderson County Courthouse, 4th floor courtroom. The Honorable John Kittredge will be presiding over this case and enforcing the effect of this subpoena. Your presence is NOT optional. By law, the defendant in a criminal case can compel witnesses to appear in court (as can the State) to testify about knowledge of the facts and circumstances of this charge.

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Thank you for your prompt and considerate response to this subpoena.

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT

COUNTY: ANDERSON

THE STATE,

CASE NO:

-VS-

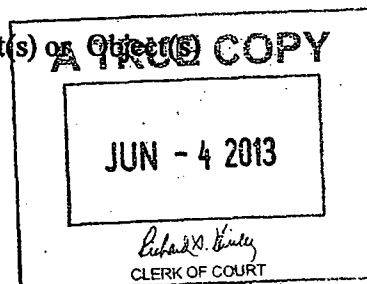
SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

☒ Person☐ Document(s) or Object(s)

Defendants.

TO: Deputy Michael Cox
 Anderson County Sheriff Office
 Anderson, SC



YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above-entitled case. Please contact this office upon receipt of this subpoena.

PLACE: ANDERSON COUNTY COURTHOUSE
 ANDERSON, SOUTH CAROLINA

DATE: 06/11/01 - 06/30/01
 TIME: 9:00 A.M.

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 CLERK OF COURT

DATE: June 7, 2001

ATTORNEY'S NAME AND ADDRESS:

 DEPUTY CLERK

This subpoena is issued upon
 application of the:

☐ Plaintiff ☒ Defendant

ROBERT TREACY
 ATTORNEY
 514 SOUTH MCDUFFIE ST.
 ANDERSON, SC 29624
 (864) 224-1144

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

77

SERVED	DATE <u>June 8, 2001</u>	PLACE <u>Anderson County Sheriffs Office</u>
	SERVED ON (PRINT NAME) <u>Sandra McCrley / Administrative Assistant</u> SERVED BY (PRINT NAME) <u>Andrea D. Jackson</u>	
MANNER OF SERVICE <u>by hand</u> TITLE <u>Private Investigator</u>		
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct. Executed on <u>6-8-01</u> <u>Andrea D. Jackson</u> DATE SIGNATURE OF SERVER <u>102 Barnett Circle, Anderson</u> ADDRESS OF SERVER <u>Burgess Investigations</u>		

Dunaway & Associates

Attorneys and Counselors at Law

Tom W. Dunaway, III
Robert E. Treacy, Jr.

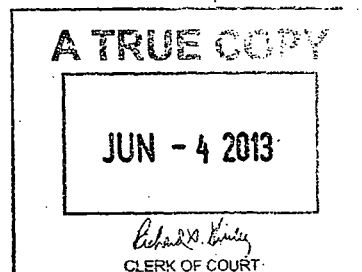


June 7, 2001

TODD CARSON, ACSO

Witness in the Case of *State of South Carolina vs. Derek Shane Carter*

Dear **Dept. Carson** :



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Thank you for your prompt and considerate response to this subpoena.

Robert E. Treacy, Jr., Esquire
Appointed Counsel for Derek Carter

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CIRCUIT COURT **COUNTY: ANDERSON**

THE STATE,

CASE NO:

-vs-

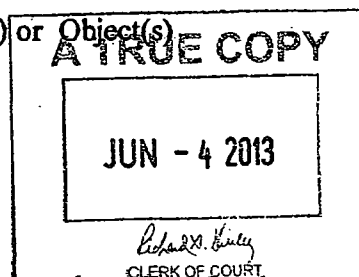
SUBPOENA FOR: DEFENDANT

DEREK S. CARTER,

 X Person
 Document(s) or Object(s)

Defendants.

**TO: Deputy Todd Carson
 Anderson County Sheriff Office
 Anderson, SC**



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PLACE: ANDERSON COUNTY COURTHOUSE DATE: 06/11/01 - 06/30/01
ANDERSON, SOUTH CAROLINA TIME: 9:00 A.M.

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DATE: June 7, 2001

CLERK OF COURT

ATTORNEY'S NAME AND ADDRESS:

DEPUTY CLERK

**ROBERT TREACY
 ATTORNEY
 514 SOUTH MCDUFFIE ST.
 ANDERSON, SC 29624
 (864) 224-1144**

This subpoena is issued upon application of the:
 Plaintiff X Defendant

Please contact this office upon receipt of this subpoena.

PROOF OF SERVICE

SERVED	DATE <u>June 8, 2001</u>	PLACE <u>Anderson County Sheriff's Office</u>
SERVED ON (PRINT NAME) <u>Sandra McCasley / Administrative Assistant</u>		MANNER OF SERVICE <u>by hand</u>
SERVED BY (PRINT NAME) <u>Andrea D. Jackson</u>		TITLE <u>Private Investigator</u>
DECLARATION OF SERVER		
I certify that the foregoing information contained in the Proof of Service is true and correct.		
Executed on <u>6-8-01</u> DATE	<u>Andrea D. Jackson</u> SIGNATURE OF SERVER	
	<u>102 Barnett Circle, Anderson</u> ADDRESS OF SERVER	
	<u>Burgess Investigations</u>	

DEC 27 2004

STATE OF SOUTH CAROLINA

A TRUE COPY

IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON

JUN - 4 2013

C.A. # 02-CP-04-1791 (PCR)

Derek S. Carter, #275938

Applicant,

Richard A. Kuty
CLERK OF COURT

v.

APPENDIX OF LETTERS

State of South Carolina,

Respondent.



TO: THE HONORABLE COURT and the RESPONDENT

PLEASE TAKE NOTICE AND BE ADVISED that the above-named Applicant, in support of his Amended Application for Post-Conviction Relief, filed August 29, 2003, and Applicant's Memorandum of Law In Support of Applicant's Application For Post-Conviction Relief, filed November 24, 2004, now submits an APPENDIX OF LETTERS pursuant to S.C. Code Ann. § 17-27-50 ("records or other evidence supporting its allegations shall be attached to the application or the application shall recite why they are not attached").

A TABLE OF CONTENTS is provided on page "i.". Applicant's signature page is located at the end.

Respectfully submitted,

Derek S. Carter

SCDC #275938

Lieber Correctional Inst.

Cooper A-02 P.O. Box 205

Ridgeville, SC 29472

Applicant

FILED-CLERK'S OFFICE
ANDERSON, SC
2005 AUG 22 P 1:43

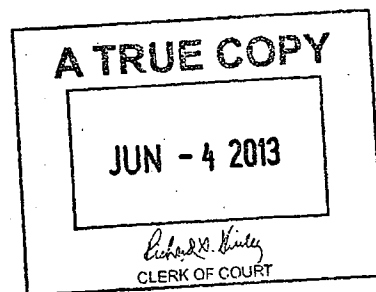
A TRUE COPY

JUN - 4 2013

Richard A. Kuty
CLERK OF COURT

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A TRUE COPY

JUN - 4 2013

Richard A. Kelly
CLERK OF COURT

Derek,

Friday 10.26.01

Hello my love. I love you. Well it is the be-
 ginning of another weekend without you. I really
 wish we could be together. I miss you so much.
 It is killing me to be away from you. I do love
 you so much. You could never imagine just
 how much I do love you. Words cannot express
 my love for you. I miss being beside you at
 night. I miss kissing you. Derek I miss being
 with you. I feel so empty without you. I love
 you so much. We can't have room visits or go
 down another isle unless we live on it. Someone
 has been putting water and cleaning fluid on
 people's beds so everyone is getting punished for
 it. I don't know when we will get to visit again.
 We aren't even aloud to stand in anyone's door.
 So if you want to talk to anyone you have to go
 out in the dayroom. So now I don't get to watch
 TV or listen to the radio anymore because I
 can't go in Ross's room. Some of these women
 act like children! Now everyone has to suffer
 because someone wants to be childish! I am
 down in the dumps right now because I miss
 you and the kids so much. I am going to try
 to call Dee and dad later or I guess I will
 wash some clothes as well. Derek I love you

much. You mean so much to me. Well I put
 my order for my radio today. Now I have
 wait on it. Some women have ordered a radio
 and it took a month to get it. I sure hope it don't
 take that long! This is really driving me nuts
 being away from you. I want to be snuggled up
 in your arms so bad. I guess I am depressed
 because I didn't get a letter from you or the
 pictures your mom said she was going to send.
 Tella my love. I stopped and you didn't even know
 it. I still love you very much. I washed my parties
 rocks and a bra. So I got most of my washing out
 of the way. I was going to wash my uniform but I
 guess I will wait and do that later. I also went
 ahead and took my shower as well. So now I am
 all fresh and clean! ^{TS} Want to come over and
 get DIRTY!?! ^{TS} The last time we made love
 was October 24, 2000!! It sure would be nice to
 get dirty with you about now. I have got to
 clean my room tomorrow. I was going to do it
 before I took my shower but the CD that is on
 tonight keeps the supply closet locked. I don't
 feel like going through drama just to clean
 my room. I still haven't gotten my DTR for the
 doctor yet so I don't know if they have for-

A TRUE COPY

JUN - 4 2013

Richard M. Kelly
CLERK OF COURT

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option or what. If I don't get an OTR by Tuesday or Wednesday I am going to write a request to medical and ~~at~~ see what the hold up is. I am going to read a little bit but I will be back. I love you!

Saturday 10-27-01

Hello my love. I love you very much. Well it is COLD today! It got down below freezing last night. This building is cold as well. It has no insulation at all so it doesn't hold heat in. It is a steel building with concrete floors so you can imagine that it doesn't hold heat. I need some thermals to try to keep warm. We can have parties, bras, socks, t-shirts and thermals sent in for Christmas. I asked dad if he would send me a Christmas box but as usual he said he does not have the money. I was going to write and ask Dee but I figured that would be a lost cause as well. It seems like they would give us long sleeve shirts in the winter instead of these short sleeve shirts. Then again that would make too much sense for SCD to do. As we both know SCD doesn't do anything that is going to make sense. Ha! Ha! I cleaned my room this morning. While I was cleaning my room I spilled coffee

my bed! I took my plastic cup to the cafeteria this morning. I hid it in my coat. I poured my coffee in my plastic cup and put my cup in my coat pocket. So I got back to the building and took it out of my pocket. So while I was clearing my room I put my books on my bed and set my cup on the books. The cup turned over but it had a lid on it so some of the coffee got on my bed. I had to wash the spot out so now I am waiting for it to dry. I guess that is what I get for sneaking the coffee out of the cafeteria! Ha! Ha! (We aren't allowed to take anything out of the cafeteria. It is really cold in here. All I really need sent in is thermals and t-shirts. I don't need the other stuff. It is pretty bad when you have to wear your coat inside to get a little warm. I am going to answer your letter I got on Wednesday. I hope you got the letters I sent to Edisto building since you have moved. I hope they send them over to the new building. I haven't gotten to go to the law library yet. I need to go but the law clerk is no help at all. I have explained that in previous letters. She is on Whitney A and in the room (cub) next to mine. So it is a great opportunity to have the law clerk live in the next cube but she does

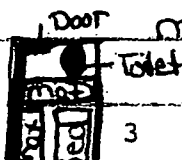
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JUN - 4 2013

Richard M. Kelly
CLERK OF COURT

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not like being the law clerk. Her girlfriend works in the sewing plant with me so I believe she is going to try to move to the plant. I still have not received any information from the epilepsy foundation. We need information on people that has died from seizures due to head trauma. Or injuries due to head trauma concerning seizures. Send me the address again or what ever address is on the information you have. You are really moving up in the world to get a raise. Ha! Ha! I really wish your mom would send me those pictures. I don't understand why she can send them to you and not me. I am not mad at you I just want the pictures. It makes me mad because she said she was going to send them and she hasn't. It isn't right to have to sleep on the floor I agree totally with that! In receiving they had 4 women to a room at one time. There is one bunk bed in each room. Then they had two in the floor sleeping. There isn't room for two people let alone three or four. One of the mats laid beside the bed and the other one between the foot of the bed and the TOILET! In between the bed and the there is room to



me someone had to use the bathroom the person
 sat slept between the bed and the toilet had
 to get up and hold their mat until the person
 finished using the bathroom!! Do you have a
 nice care place where you are at? We actually
 have a beauty shop here. That is how I got a
 perm. By the way you never said anything about
 me getting a perm when I wrote and told you.
 It looks like Julia Roberts in Pretty Women. It
 is curly all over. I just wet it and go. So I just
 let it hang in curls. I left my top long as well.
 I am going to cut the top when I get a curling iron.
 Then it will look just like the way I wore it on
 the streets. As far as Dr. Woodard's testimony goes....
 He wasn't talking about the April head injury
 when he said she hit herself in the head with
 something that was padded. He was referring to
 October. See when she had those spells (seizures)
 that would explain the head injury! You know
 just as well as I do she would fall during these
 seizures. I am not going to call them spells be-
 cause I know she was having seizures!! That
 is why we took her to Dr. H that last time be-
 cause we were concerned that these spells were
 seizures. We discussed that with Dr. H that is

A TRUE COPY

JUN - 4 2013

Richard D. Kelly
CLERK OF COURT

4

why she sat the appointment up for the EEG! RG told me calling Dr. H to testify was a "loaded gun". I think about this if calling her was a "loaded gun" why didn't Duane call her to testify!?!?!? We were SET UP!!! Also in Dr. Woodards testimony this was asked...

Q All right. At some point before her death, was she given a presumptive test for Lupus?

A. Yes. She was given the screening test that's performed for Lupus called the A.N.A. or Anti-Nuclear Antibody Test. And her results were considered to be a 1 in of one to one sixty by the laboratory report.

Q All right. She was positive on the presumptive test?

A. That's correct.

That is word for word from the transcripts. Your mom stood up in court and said I lied about the Lupus. No one paid any attention to that question and answer when he testified because of the way Duane played it off! We didn't lie about Lupus. We know what Dr. H said to us that day plus Dr. W confirmed it!! The next time you write or talk to your mom I

not you to ask her if she remembers Dr. W's
 saying she did test positive for Hepus. I
 bet you she will say no! The transcripts
 are from court so there is no way to doctor
 her to say that! That is on page 220 line
 -14 !! So what do you have to say about
 that! See everyone only heard what they wanted
 to hear. I just really can't wait to hear her
 answer to that! I can bet she doesn't remember
 me saying she tested positive! Well it is lunch
 time I will be back. I love you! Hello my love I
 am back. It is almost 9 pm court. I have been
 reading most of the day. I just got out of the
 shower. I was so cold so the hot water felt very
 good! I hated to get out. I am going to have to
 wait until tomorrow to finish writing your letter
 or should I say answering your letter. My brain
 fell asleep there for a moment. I love you so much.
 I just wanted to tell you good night and sweet
 dreams. Derek I love you very much!!

Sunday 10-28-01

Hello my love. I love you so much. I am having
 a hard day today. I want you to understand
 just how much I truly do love you. Sometimes
 I feel like you really don't know or you don't really

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Richard M. Kelly
CLERK OF COURT

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understand how deep my love is for you. Derek I do love you very much. You completed my life when you entered it. I love you so much. I will always be in love with you. My heart aches without you. I love you very much. Now I will finish answer your letter. We do need to get everyone that made a mistake in both our cases. We are going to have to hit everyone where it hurts. Even DSS, the investigators, Duane, our attorney, **EVERYONE!!** They played dirty and lied. It is our turn to play dirty!! I did learn a few things through all of this and I am not going to make those same mistakes again. It is a part of life to learn from mistakes and not to make those same mistakes again! I don't know if the clerk of court will supply that information or not. Usually there is a fee for any copies they make. An attorney can get all that information for you. The main thing is getting all the information that we can on seizures and head injuries relating to seizures. Another thing Duane keep saying was that we were claiming that everything happened because of Rupus. I don't know everything you said to Carpenter how ever you spell his name but I do know I never told them everything had to do with Rupus. Duane blew

anything up and RG didn't try to object to any-
 ing! He allowed everything. Before we went into
 a courtroom he said Dr. X and the other doctors
 are going to testify. So after I got off the stand I
 learned Dr. X was going to testify. Instead the next
 words out of RG's mouth was ... Defense rests!!
 When it comes down to it RG didn't even try to defend
 me. He didn't care! He didn't even look at the tape.
 The first time he saw it was in COURT!! Yes it
 did make me angry at him. Also the attorney said
 they still really didn't have a good case. That is why
 Duvarre wanted us tried apart. The reason for that
 was Duvarre said you were weaker so that is why
 they pushed you into pleading guilty. That way if
 you pled guilty they had a better case against me.
 She said since you already admitted guilt then it
 would be easier to convict me. She said they knew
 they could break you down. Carpenter said you
 are the type of person that can be swayed into
 believing who ever you are around at that time.
 Duvarre and Carpenter said you were an easy
 target. They proved to be right because all
 anyone had to do was to plant a bug in your
 ear and you lost all ~~some~~ reasoning and be-
 lieved things you knew were not true. Honey

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Richard M. Bailey
CLERK OF COURT

I am not mad or fusing. I am just letting you know what happened. I am not blaming you or living in the past so don't take it that way. Well it is lunch time. I will be back. I Love You ♥♥

I am back my love. That was really a waste of time going to the cafeteria. I ate the bread and a bite of the rice. I bet they wouldn't like to eat the olop they feed us every day. Everyone is pretty uptight today because the officers that are on our building like to pick pick. They called a white shirt to the building because a woman on our building was cooking potatoes. You can buy a cart of potatoes from the canteen and she had bought a cart. The officer said things are being stolen from the cafeteria. The woman had the cart and the slip from the canteen where she had bought the cart of potatoes. She ended up keeping and cooking the potatoes. It is just the point of being harassed by the ^{officers} officers. They knew the potatoes didn't come from the cafeteria they just want to harass anyone that they can. Just like at court time, a memo came down saying we no longer had to stand for court except for the 9 pm court. So yesterday during 12:30 court everyone was sitting on the ends of their beds.

or court. The officer said everyone had to stand.
 everyone got mad and was telling the officer we
 id not have to stand. The officer said he knows
 that the memo says he still made us stand.
 they like to play mind games. They like to see
 us get mad so that they can try to find a
 reason to write you up. Speaking of court it is
 now 12:30 court! I love you. I am going to go over my
 transcripts for a little bit and then I will be back.
 love you! Hello my love I am back. I love you. I
 had to stop reading over the transcripts because
 I was getting mad. They lied!! It really burns me
 up. So I had to stop reading. Now I have a head
 ache and the medicine they gave me isn't helping!
 You said that there isn't an open yard there. So
 you don't get to go outside? I really don't understand
 what you mean by that. We can't go into other
 buildings or cottages but we can go to other living
 quarters. In other words I can go to any cottage
 or building but I can't go inside. There is a red
 line that you can't cross if you don't live on that
 cottage. We can walk around the compound when
 it is open but we can't walk and smoke. We have
 to be where the butt cars are at in order to
 smoke. They took big coffee cans and painted

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Richard S. Kintley
CLERK OF COURT

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them red. They are in front of the cottages. It would be nice to be able to smoke in my cub. It is getting pretty cold outside. Plus the wind is always blowing. Everyday since I have been on this compound the wind blows in from the north. I never noticed the wind blowing except in March! Ha! Ha! The wind never stops blowing here! It is now 3:30 court. I love you so much. Derek I want to be in your arms so bad. You give me so much and it taught me how to love you more. You satisfied me all the way to my soul. I have never known this kind of love with another man. My love and emotions for you are condensed inside of me. Filling spaces I had never known was empty. I love you much more than my physical body. I love you my heart and my undying love. I want to laugh with you, cry with you, argue with you, make love with you until there is only one of us, not two! We belong to one another in a way that has nothing to do with when we met or how long we've known each other. I've always known you, always loved you. It just took me years to find you. Too many years. I want my life with you. Derek I have waited for you so long. Being with you feels so right and so good. I don't

ant to love you. I do love you so much. You are my
 husband and I want it to stay that way. I will
 always love you. Well I am going to get this in the
 mail as we go to supper. I am going to start a new
 letter. I love you very much. Meet you in my
 dreams. Remember.....

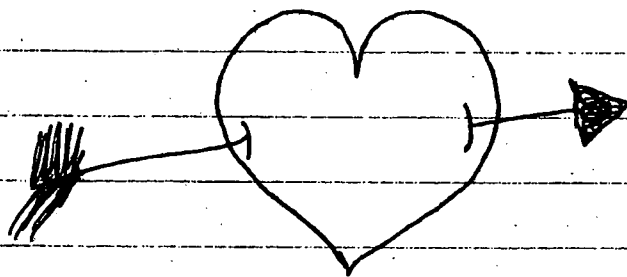
I LOVE YOU!

Love Always
 Michele

LOVE

TNT
 ♥
 COWBOY

4-EVER



This letter got sent back to me so I had to re-mail it

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Richard M. Wiley
CLERK OF COURT

Derek,

Sunday 11/11/01

Hello my love I love you so much. I miss you. I can't wait to be in your arms again. I miss going to sleep and waking up with you. You are the one true love of my life. I pray that we will be together again. I care about you so much. I have never loved another man the way I love you. My love grows each day for you. I feel so lost without you. I will always love you. Well it is after lunch. I went to C church this morning. We had to go ahead and put everything up after the services this morning because the assistant warden did not approve C church services for tonight. They say it is because we are only allowed 1 hour a week for C church. It doesn't make any sense to me but that is in policy. So we can't do anything about it. When I got back from C church I worked on my Bible studies. I finished the second book. So I am going to get started on the third book in just a little bit. They are not easy at all. I got confused on the second book. I read and re-read and I am still not sure that I got the right answers. I did try so now I will have to wait and see. We were hoping to get our room visits back by now but we still haven't heard anything.

hope we get them back by next weekend. Rosa
is on visit so she won't be back for awhile. I am
going to start answering your letters. I finished
answering one now I have got to answer the other
two. I love you! She sent me the picture of Drew
and Jordan, Jared in the pool, Jared beside a
window and one of his school pictures. She
didn't send one of me and you and Jared. In
the letter I wrote her I asked her if she would
but she hasn't responded to my letter yet. I
need to stop for a minute. I love you. I am back.
It was smoke break time. While I was out there
Rosa came back from her visit with her husband.
Did I ever tell you why Rosa is in here? The man
that does the catering at ACDC - Armstrong - killed
Rosa's husband. I heard rumors that he cut
his wife up with a chainsaw. He killed Rosa's
husband and said Rosa paid him to do it.
Rosa remarried while she was at State Park. She
said a lot of things have been taken away from
inmates over the years. She has been in prison
for 18 years. She has been up for parole the last
3 years and got turned down. So she is hoping
to make it in July. Her husband hired an
attorney to go up with her in July. They just

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Richard M. Kelly
CLERK OF COURT

arent letting anyone make people. Now back to the pictures. I hope it doesn't take you more 3 weeks to send his holloway pictures or the pictures I asked for. I still haven't received the money yet. So I don't know what the hold up is. It looks like if I'm not the only one having problems at work. I am hoping my problems have been taken care of. If I was you, I would tell them to exchange your lock since yours didn't get exchanged. If you have to write a request to your superior's supervisor, I do pray that we can get through this. It is a miserable time for both of us. Yes, we are going to have a lot of obstacles from here on out. When we do make it back to court, it is going to be harder to win because we are in prison. So it is going to be much harder this time around. We can't give up. This place sucks when it comes to medical help on the island. Since I came on the compound in August 5 people have died and one did die but they revived her. The bad part is medical wouldn't do anything when they kept going up there. Speaking of medical, Did you get your tooth fixed? Have our "friends" come back? I did a real good cleaning on my room Friday. I read some of your letters again.

and I tore them up in little pieces so that no
one could get them out of the trash can to try
and read them. We can't keep a lot of papers
because it is a fire hazard. Plus I figured with
all this that is going on with Janet that I would
get shook down. So I didn't want to get caught
with anything that I wasn't suppose to have.
Boss got shook down Friday so I figure I am
safe. I really just want the addresses to the places
you have gotten a response from. My main concern
is head injuries and seizures. Did you ever get
hot mail from Edisto dome? How are your domes
made up? Is it one floor or two floors to a dome?
Well that covers everything in that letter. I
stopped and you didn't ever know it. The race is
on. The pit crew from 28 got hit by a car leaving
pit road. All 5 got hurt. They air lifted the
pick man to Miami hospital. He isn't responding.
He was still unconscious. I am still waiting on an
update. Well they just said they don't know the con-
dition of the one that was air lifted. They are trans-
porting one by ground to the hospital. The other
three are being treated at the in field hospital
and they may be released. I am out in the day.
I am watching and writing at the same time. I am

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Richard X. Kelly
CLERK OF COURT

trying to read the screen but it is going pretty fast. I wish I had my radio. It should have come on the truck that came Friday. I have to wait for my order to report to get it. When I have to wait for the money to get here or I can buy some batteries. I also just called dad and Joe. I got the answering machine at dad's and whoever answered the phone at Joe's didn't accept the call. It may have been her answering machine but I think someone answered. I am really not sure. I am going to try again later. I love you so much. I really wish I could be with you. I want to see the boys so bad. I get depressed when I think about them. So I am going to move or I am going to start answering the letter I got from you on Friday. How can you still be charged \$10 if you fixed the lock? Terri has the internet but it is hard for her to do anything right now. She had to go back on chemo therapy and steroids. Her RL is really bad right now. She had to quit work because she is in bad shape right now. Can you more help look things up? She has internet. I understand she is busy but it doesn't take that long to do some research on a computer. These people look like crazy. I have ink all over my

ands. You never told me about a memory
or at CDC. The only time I heard anything
about it was when you said something in your
letter. There was ALDT you wasn't telling me at
CDC. As far as we have an alternate address
to write your mom you need to replace that. I
have an alternate address you are allowed to
write to her home address. I still haven't found
out anything about the knot yet. Medical still
don't sent me an DTR. About my transcripts I
don't know WHO the attorney is I haven't seen him
or spoke to him. He sent a letter and my transcripts.
He works here in Columbia on Lady Street. That
is all I know. I have written him two times since
received my transcripts but he hasn't responded!
I don't know what is going on. I don't know any-
thing else. That is why I wrote him to find
out what part he play in all of this but he
hasn't responded. You know as well as I do that
New was forced to testify that way. I can bet.
Andy promised New a few things as well. I
don't blame New for what he said because
he is just a child. The truth will come out
over or later. Its time to go eat supper. I'll be
back. Remember that I love you very much.

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Richard M. Kelly
CLERK OF COURT

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I am back again. Rose and I went to go eat then we walked outside for a little bit. We walked around to the tables behind our building and talked to you. Before you know it I am in a game of Volleyball! I got Rose out at the picnic table and watched. How my arms are sore and hurting. It was fun. We have a volleyball net outside the gym. So it was a good tension reliever. Now I can get back to you. I love you so much. You are my first true love. Thank you so much for so much to me. I want to be with you so bad. I will always love you. Well I need to take a good hot shower. I also need to work some more on my Bible studies. I will see you in my dreams. Good night and sleep tight. Sweet Dreams. I love you.

Monday 11/2/01
Good morning my love. Well I didn't have to work today. So maybe I can catch up on a few things. I love you so much. We don't know if we are going to get our room visits back or not. They are going to call the Mayor to come in today because Cottage 1 has some trouble last night. A girl got into it with an officer. The inmates pulled the girl out of the office and shut the door to the office so that the inmate

couldn't get to the officer. Then another inmate came
 out of her room and started in on the officer. They
 called a bunch of officers down to the cottage. The
 two girls ended up in jail. I am not sure if either of
 the inmates hit the officer or not. They said the
 officer quit after it happened. A few of the girls talked
 to Sergeant Martin this morning and he said that
 when the major gets a hold of what happened on
 the cottage that we may not get our room visits
 back. So I guess we will just have to wait and
 see what happens. Now I love you so much I am
 going to get back to answering your letter. Yes I
 know Terri helped Duane a lot in blowing my
 case up. Also Tim played a big part in it. I am
 tired of all their lies and opinions as well. No there
 was no fair trial at all. Duane knew she could
 convict me after you pled guilty. With you pleading
 guilty the public automatically assumed that I was
 guilty. Drew changed his story before he got on the
 stand. He also changed his statement. It doesn't
 really matter about the lupus. The seizures alone
 can cause a head injury from not protecting the
 head during a seizure. As far as Bee's testimony,
 yes. He is the one that said she was buried with
 pretties. When he got on the stand he said it was

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Richard M. Bailey
CLERK OF COURT

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a car cigarette lighter. That is where her being buried with a cigarette comes from and so that is where Dr. W got his opinion from. Drew testified that she was not buried with a cigarette. I have already told you how many pages are in the transcripts. There are 700 pages, 600 of those pages are Dr. W, Drew and Heio's testimony. That is back and front of each page for a total of 1400 pages, 1200 pages of the information you are asking for. At .25¢ a copy that is \$300.⁰⁰ and \$350.⁰⁰ for all 1400 pages. So see it isn't as easy as you think. I know it is important to research our case. Every minute of our day is planned out by the warden. There are certain times you are allowed to do certain things. Then when it is time to do those things usually there is 50 people in line ahead of you. It is like during court we are not suppose to write, talk, read, walk etc. You are suppose to stand in your door way from the time they announce court until court clears! They play out your day to the point that you barely have any free time. You have to go to groups and all kinds of places. Then when you finally get some free time everything is closed or unavail^{SP}able. I had

a switch pen because that one is leaking too
 much I have ink all over my hands. Usually
 in my free time I write to you. Our prison is
 totally different from a mens prison. Well a place
 just west of Spring H. I don't really know any of
 the details. I still haven't received the money from
 your mom yet. The last I got was the \$15. Why would
 the court reporter saying what time it is help you
 with a guilty plea? Saying or not saying it is my
 trial has nothing to do with your plea. So I am
 pretty confused now. Well honey I am going to stop
 for now. It will be lunch time soon. I am going to
 power my transcripts come. I do love you! Kara
 wants to put a letter in with this one so I will
 start a new letter. Remember I love you! I will
 always love you. Love Always,

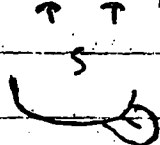
LOVE



TNT



Cowboy



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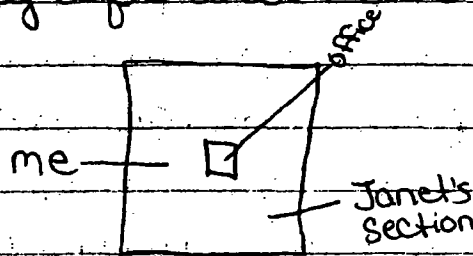
Richard S. Bailey
CLERK OF COURT

Derek,

Thursday 11:15:01

Hello my love. I love you so much. I hope you had a good day. I miss you and I want to be with you. I want to be in your arms so bad. I can't stand being away from you. You are the love of my life. I do pray that we will be together soon. I do love you and I will always love you. Well I didn't get any mail today. I wasn't expecting one from you today since I got a letter from you yesterday. I still haven't heard from your mom. I also haven't received the money. I did get my radio today! So now I can listen to my music. She called the plant and I left work to go pick it up. They etch your SCDC number on the radio and on the headphones. So I have been listening to it a little bit. I worked some on my Bible studies. I finished one and got it ready to mail in the morning. I also received another Bible study yesterday. So now I am working on Bible studies from 3 different companies. I am going to try to finish them up over Thanksgiving holidays. I have six books of Bible studies to do. I work on them a little each day. I love you! I am trying to get to the mailroom to mail your card but she isn't doing cards. I don't know

that day she is going to do them or. You can't get anything done in this place. Things are better at work now that I am out of Janet's section. I make boxer shorts now. Also I am right beside the office. Now all I have to do is look to my left and I can see Rosa. So now



Janet is always turning around to see what Rosa and I are doing. We completely ignore her. I know it is making her mad now that we are right beside the office. Oh Well! Now I don't have to listen to her. So how many more times have you forgotten your key? Why don't you put them on your I.D. That is where I keep mine. I did have my key tied on to my I.D. with a piece of yarn then I bought a key ring from the canteen. That way you can keep up with your key better. I am glad that tomorrow is Friday. I am mentally tired. My brain has been on overload since this whole thing started with Janet. I really couldn't relax over the weekend because I was worried

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Robert M. Kelly
CLERK OF COURT

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that they were going to come get me at any minute and take me to jail because of Janet. So I am looking forward to relaxing mentally this weekend. Well my love I have got to go take my shower. I love you very much I am back my love. I took my shower and while I was in the shower I smoked. I figured it would be safer to smoke in the shower rather than in the toilet stall. Then I watched a little bit of Survivor. Now we are waiting for court. We got a 10 minute warning and then at 5 minutes before court we have to be in court ~~poor~~ position! Yes at 5 til 9 we have to be standing at our dome with our ID in our left hand. Our left hand up against our left cheek. So at 5 minutes before every court that is what we have to do. Well it is about that time. I am going to stop for tonight. Sweet Dreams. I Love You!

Sunday 11:18:01

Hello my love I haven't written in a couple of days because I am sick! I have barely been able to get out of bed. I started getting sick Friday at work. I didn't go to Church last night or

his morning I believe it is just a sinus infection.
 do love you very much. I will always love you.
 You mean so much to me. I got two letters from
 you on Friday. I have got to finish answering the
 one I got on Tuesday or Wednesday. It was on Wed.
 that I got it. The cowboy is so cute. What I meant
 by graduation is the inmates that don't have a
 high school diploma have to go to school here.
 They get their GED. So when they pass their GED
 they get to graduate. I am not sure which question
 missed on the Book to Win Bible Study. After I
 got it back I looked at the question I missed and
 then I threw it away. I have gotten the next two
 books from that Bible Study. I finished Book two
 and is "Here" today. I am on Book 3 of it now. Yes
 miss that little dance of yours. I think about
 seeing you do it. It still brings a smile to my
 face. Well that covers that letter. I love you so
 much! I am going to try to write a standard letter
 to some of those addresses you sent me. Your letter
 with Mickey and Thirrie or it was so sweet. Now
 that does cover everything from that letter. Now
 am going to answer the one with the rose or
 it I don't know why I got two letters on Friday.
 It had two different post marks on them. I

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Richard X. Kiley
CLERK OF COURT

should have gotten them on separate days. It really doesn't matter as long as I got them. I do love you so much. I am so glad you are finally getting some answers to the medical letters you sent out. I wish I could do some research for the medical part but I don't have the envelopes to do it. Also I was reading over that brochure you sent me I noticed they said a shunt is used to draw the fluid off the brain. The doctors at Greenville put one in her head remember! Also I get letters from you sometimes that do not have a post mark on them. So I don't know what is up with that. I know that _____ was having seizures. I know that those spells were seizures. We have just got to prove it. All this information you are finding fits _____ to a tee! No I still haven't received that \$20 from your mom yet. She hasn't answered my letter or sent the money. As far as the Christmas package goes all I need is 1 pair of 4 thermals and 3 White 7-Shirts-Crew Neck not V-Neck. Terri is going to send socks, panties and a pair of thermals from Dad. So be sure your mom know 1 pair of 4 thermals and 3-7-Shirts

o all I need they have to be in the package
he buys them in. The package has to be
postmarked from Nov. 26 - Dec. 10. If the post
mark is before Nov. 26 or after Dec. 10 they
will send it back and debit my account
for the cost of sending it back. So be sure she
gets that information! I love you. That medical
information is helping. We just have to get
someone to listen. I do love you so much! Well
that covered that letter. Now on to the letter
with the our or it. The picture and the card
you made are so sweet. The writing in the
card doesn't look like your writing. I have
them on my desk so I can look at them. It
was so wonderful of you to send them. The
poem was sweet too. You did a good job! I do
love you so much. I will always love you! I
haven't gotten anything from my family court
attorney. I wrote him a letter but he hasn't
responded to it. Work is better now that I am
out of Janet's section. She still runs her mouth
so anyone that will listen. Everyone is pretty
much tired of her. I didn't realize how many
people didn't like her until this whole mess
started. I hope you are able to send money

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Robert X. Kelly
 CLERK OF COURT

directly to me. It looks as if that is the only way I am going to get it in a reasonable amount of time. We have to go to the center tomorrow - Monday - rather than on Tuesday because of the holiday. I am going to go up there and check my card just in case the money is there and I just haven't gotten the money slip yet. Rosa gave me an envelope to mail this letter in. If the money isn't there I won't be able to go to the center until the 27th. So don't think that I am mad if you don't get a letter. I am going to keep writing everyday and then mail them when I get some envelopes. I do love you very much! My love for you grows stronger every day. You are the love of my life. Well I was listening to the race but it is on ABC and the radio don't pick up that station good. So I finally turned it off. Plus I have to save my batteries. The batteries only last about 7-9 days. So it looks as if I won't be able to get any batteries until the 27th. That is if your mom sends it by then. I will just have to wait and see. I did call Dee earlier I don't know if someone there answered the phone or if the answering machine picked up. They didn't accept the call. I called dad but all I

it was the answering machine. So I didn't have
 my luck. Well I am going to stop for a minute.
 Remember I Love You! I will always love you!
 Hello my love. Well I thought I would write you
 a few lines to tell you I love you very much as I
 kiss your neck. My tongue licks were my lips
 nuzzled your neck. I slid my hands over your
 stomach and chest as I pull your shirt off. My
 lips and tongue move across your chest with
 moisture. My hands remove your pants and under-
 wear as I kiss your thighs. We lay on the bed kissing.
 I kiss your lips your cheek, my tongue play with
 your ear. My lips move to your neck as my hands
 move to your erection. I suck your neck as my
 hands play. My hands are moving up and down
 so I gently twist around the head of your erection.
 My hands are twisting as my lips move down to
 your chest. My tongue circles your nipples as my
 fingers move up and down your hard erection
 twisting playing. My tongue draws a wet line
 lower to your erection. My tongue licks the head
 as my hands move up and down its shaft. My
 lips suck on the head as my tongue twists around
 it. Your head is wet as my tongue licks. My lips
 surround and consume your erection. My mouth

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Lubert X. King
CLERK OF COURT

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moves up and down wetting your shaft. My hand is playing with your balls as my tongue and mouth move up and down on your shaft. You are so hot. I get on my hands and knees. You drive your hard shaft into my moisture. It is warm and moist. You thrust deeper harder in out deeper harder. I thrusting your shaft into sweet moisture until you explode within me. We lay kissing and holding each other. Good Night Sweet Dreams. I love you and I always will.

Monday 11-19-01

Hello my love. I love you so much. I didn't get a letter from you today. I also did not get the money. I went to the center to check my card but it wasn't there. So I don't know when she is going to send it. I can't go to the center until the 27th. So maybe it will be here by then. When can those checks you sent to Dee be voided? Your mom hasn't replied to my letter. I guess she is busy. I sent Jared a card from the both of us. I wrote him something in it and I put mama and daddy loves you. It is a Thanksgiving card. It is actually for Jared, your mom and David. I sent it to her work. I would like to get on the craft list so that I can make

him some things. You have to kept \$30.00 in
 your account in order to be in the craft program.
 Well I am still not feeling good. I wrote a request
 to medical once I still have not gotten an DTB.
 I still haven't gotten an answer from my request.
 It doesn't surprise me. This place doesn't care.
 I do love you so much. I hope we get our room
 visits back before Thanksgiving holidays. I
 figure they won't give the room visits back until
 after Thanksgiving. I am pretty depressed today.
 I believe some of it has to do with the fact that
 I am not feeling good. I am going to try to call
 Dad and Dee in a little bit. I keep looking at
 the card and "Memories" you made for me. By
 the way about the lears you are not that much
 colder than me. Ha! Ha! I have got to take
 my shower. They aren't doing laundry on
 Thursday and Friday. The next time they
 will do laundry is on Monday. They wash
 sheets on Wednesday. So it will be six days
 that we will have to wash our clothes. I
 don't have a problem doing it but it's just the
 fact that we can't hang up our clothes until
 1 pm. Then we have to take them down by
 1 am. They are still wet at 6 am unless you

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Richard X. Kelly
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have a fan. The people that have a fan use it to dry their clothes. I love you so much. You bring so much meaning to my life. I carry your love with me each day. You are the sun that brightens my heart. You and the kids are all I need. You are the love of my life. You are so dear to my heart. Part of you will always live in me. My love for you is as strong as it ever was. I will always love you. You are the only man that I have truly been in love with. Derek I really love you with all of my heart. I want to be with you so bad. I miss you, your touch, your kiss, you just being close. I love you very much. Well I called Dad. He didn't accept the call. I am going to call him back in a little bit and tell him to send me some money. I didn't bother to call Dee. I may call her when I call ~~my~~ dad. I really don't know why because I am sure she won't accept. I am going to write a request and see if I can get a room change. Rosa is on the next isle over from me. There is a room coming open on that isle at the end of this month so I am going to see if I can get it. You are so sexy. I love you so bad. I give my heart to you gladly. I do believe in miracles and I do believe we will be

together again. You made all my dreams come
 true. I will always love you. I hope your mom
 sends pictures soon. I thought about Jared when
 the Gamecocks beat Clemson. I was wondering
 if he watched the game. I know David did. It
 would be so nice to be home. All we can do is
 pray. I haven't called your mom because I just
 get the feeling she really doesn't want to be bothered
 with me. This is just so hard because I don't
 know everything you said to her against me
 at ACDC. It hurts so bad because I finally
 had a BFA family. I tried so hard to earn
 a place with your mom. Your dad's feelings
 really don't bother me but your mom's do. I wanted
 so much for her to like me and accept me. It's
 all gone now. Well I am getting more depressed
 so I am going to close this letter so I can get it
 in the mail in the morning. I don't know when
 you will get another letter from me. I will have
 to wait until I get money to buy envelopes. I will
 write everyday. Remember I do love you very
 much. I will always love you! I will see you in
 reamland my cowboy. Meet me there with
 out your cowboy hat on! I Love You Very
 Much Derek Love Always
 Michele

JUN - 4 2013

Richard X. Kelly
CLERK OF COURT

Derek,

Sunday 11:25:01 -

Hello my love. I still love you very much! I just walked down to the mall and mailed your letter. I am getting ink everywhere because these pens are leaking off the center pour ink out. They are Paper Mates but the pens are solid blue or black. They need to get the white ones with the blue or black top. I like a pen to write dark. But I don't want it to pour ink out! I love you so much. I do pray that you really love me. I am not saying you don't so please don't take it that way. I just want your love to be so strong and true as my love is for you. Derek I have never been in love with a man before until you. I really do mean that. That is what I am afraid of. I am afraid that I am so deeply in love with you that you don't love me the same as I do you. I am not saying you don't love me. So please don't take it that way Honey. I have never felt these feelings before so I am afraid. You are doing things to make sure I know you love me but the fear is still there because I do love you so much. My fear comes in because I have never felt true love before. I don't want to lose you. We are in a bad situation and I am so afraid that I am going to lose you through all of this. Derek I didn't do anything that morning to cause a death. I promise

pu I didn't. You saw her spells and how she would
 all during there. Just like when I was hit
 the head with the door. That may have caused
 the head injury. He didn't mean to do it.
 was going out as he was coming in. I didn't lie to you.
 the whole time we were at ACDC I thought she died
 us to suffocation. RG never told me any different. I
 didn't find out that they were saying she died from
 blow to the head until your trial was over. I heard
 it on the news. They said you said to the judge, "She
 caused the fatal blow to I don't know
 what all abuse had to suffer at the hands
 of Michele." Derek I know we didn't really know
 each other well before we got married but Derek I
 am not capable of murder. I do love very
 much. I could never murder her knowing I would
 lose you and the boy. Even if I didn't have any
 feelings for you or just stop and think
 about how much I love the boy, I would not risk
 going to prison or losing my boy. Don't take it
 the wrong way # because I more than care for
 you and I love you both very much. I was
 just trying to make a point when I wrote #. Please
 think about it with your heart not what every-
 one is saying. I did say I felt responsible for her

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Richard D. Kelly
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death and I explained that to you. I feel responsible because I should have known something was wrong. I just guessed after we spoke with DA and told her how I was doing that. It wasn't life threatening because she didn't act like it was a big thing to be concerned over. I do wish I would have done this or that but I just didn't know it was that serious. Sorry can never make up for it because I punish myself every day. I wish we just had a baby I would never do anything to put him in Foster Care. I would never do anything to put the baby with Andy. You know better than me how Andy is concerning them. You know I tried to protect them from him. You know that because you were there. I am not making anything or trying so please don't take it that way. I just want you to really think. After this I got the feeling that you still have a little doubt. I am not saying that I don't believe you when you say you love me. I am not saying that at all so please don't take what I am saying the wrong way. I do love you very much. My love is from my heart. My heart belongs to you. All my love is for you. I have never stopped loving you and I never will. Even if you didn't have feelings for me I would still help you in any way that I could because I don't want you where you are at. That is

hat love is ~~my~~ sacrifice. Again I am not saying
 we don't love me. I am just letting you know my
 feelings. My feelings are I love you dearly. My love is
 my real and true for you! I want our family back
 together. I want to sleep beside you, feel your kisses
 and touches. I want to share a life with you. Derek,
 really do love you please believe me. You matter
 so much to me. Our family means so much to me. I
 love the boys unconditionally and I want you included
 in our life. I want to share everything with you. I
 love you very much. Well I have been doing a lot of
 work on the transcripts today. I am almost finished
 with the first book. Yes all three of them are so thick
 like a book. I washed some clothes yesterday and today
 have them hanging on hangers on my desk. Every
 time I hear the office door open I take them down so
 that I won't get into trouble. I went to Church last
 night and this morning. I am going tonight as well.
 It felt good to go since I was too sick to go last week-
 end. I have ink all over my hands because of this
 pen. They don't sell pencils so I am stuck with these
 pens. Well my love it is time for me to go eat. I will
 be back. It looks like it is going to rain again. I will
 be thinking about you as always. Remember I do
 love you very much. I will always love you! 

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Hello my love I just got back from eating. I have
got to get ready for Church shortly. We have to go to
the apt at 5:30 pm. Then it will be almost 9 pm be-
fore we get back. We go set everything up on Saturday
before services start that night. Then we leave every-
thing set up until after services on Sunday night.
The people that come on Saturday and Sunday nights
are suppose to be out of here by 8:30 pm. So we end
up having to put everything up while they are
still in the apt. That way we can be finished be-
cause church begins at 9 pm. I have tell the Church
people that if they are not out of here by 8:30 pm
then they don't get to come back. The assistant wor-
den doesn't want us to have a chaplain. He says
he doesn't see the need in a chaplain because he doesn't
do anything. That is his opinion! He also says we are
only allowed 1 hour of services a week so he is doing
us a favor by allowing us services on Saturday night
Sunday morning and Sunday night. He (assistant wor-
den) is a real asshole! I do love you so much. Well
it is getting about time to go to Church. I do love
you very much. I will be back after Church. I love
you! Hello my love I am back. I love you so much. We
got back a little early tonight. I went ahead and
took my shower. Now I have my radio tuned into

a You've Got Mail. I was going to go out into the day
 room and watch it, but I decided to come into my
 office and listen to it. So that way I can write to you
 and enjoy the movie as well. I still have been unable
 to get your name on the phone. I really believe you
 are taking some things she says the wrong way. You
 don't call and write to her house I can't. So please
 explain that to me. You say she said for me to
 call after 7 pm. Yet when I do I don't get her. So I
 believe maybe you took what she said the wrong
 way. I am not mad or fussing or venting I am
 writing in a normal tone. Ha! Ha! I love you so much.
 I really am dreading going back to work tomorrow. I
 wish I had a couple more days off. My headaches
 kept me from doing anything Thursday and Friday.
 So I was really planning on doing a lot these past
 few days. I was hoping to be finished with the
 majority of my transcripts. I am going to try to
 work on a few pages every day. It is just so hard
 to get anything done on days that I work because
 every second of our day is planned out. Most of
 our day is standing and waiting. You have to go
 to the dayroom after 5:30 am, and 3:30 pm court
 when it clears to wait to go eat. Sometimes we
 have to wait 30 minutes before they call us to go

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eat then we have to go to the cafeteria and wait. So most of what could be our free time is used up waiting. After they call us to go eat we only have so many minutes to leave the building and get to the cafeteria. Then once you get into the cafeteria you have a certain amount of time to get your tray, drink, find a table and eat. You are always hurrying up to wait. You only have a few minutes here and there. I guess you are tired of hearing about all of that. I love you! Well it is time for me to close for the night. I have got to get into the bed we just had 9 pm count as an hour as count close they turn the lights down. I will see you in dreamland. By the way you were spent in dreamland last night!! ^{1st} ^{2nd} ^{3rd} ^{4th} ^{5th} ^{6th} ^{7th} ^{8th} ^{9th} ^{10th} ^{11th} ^{12th} ^{13th} ^{14th} ^{15th} ^{16th} ^{17th} ^{18th} ^{19th} ^{20th} ^{21st} ^{22nd} ^{23rd} ^{24th} ^{25th} ^{26th} ^{27th} ^{28th} ^{29th} ^{30th} ^{31st} ^{32nd} ^{33rd} ^{34th} ^{35th} ^{36th} ^{37th} ^{38th} ^{39th} ^{40th} ^{41st} ^{42nd} ^{43rd} ^{44th} ^{45th} ^{46th} ^{47th} ^{48th} ^{49th} ^{50th} ^{51st} ^{52nd} ^{53rd} ^{54th} ^{55th} ^{56th} ^{57th} ^{58th} ^{59th} ^{60th} ^{61st} ^{62nd} ^{63rd} ^{64th} ^{65th} ^{66th} ^{67th} ^{68th} ^{69th} ^{70th} ^{71st} ^{72nd} ^{73rd} ^{74th} ^{75th} ^{76th} ^{77th} ^{78th} ^{79th} ^{80th} ^{81st} ^{82nd} ^{83rd} ^{84th} ^{85th} ^{86th} ^{87th} ^{88th} ^{89th} ^{90th} ^{91st} ^{92nd} ^{93rd} ^{94th} ^{95th} ^{96th} ^{97th} ^{98th} ^{99th} ^{100th} ^{101st} ^{102nd} ^{103rd} ^{104th} ^{105th} ^{106th} ^{107th} ^{108th} ^{109th} ^{110th} ^{111th} ^{112th} ^{113th} ^{114th} ^{115th} ^{116th} ^{117th} 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rat you couldnt mail anything on Friday either.
o I will opt on Monday or Wednesday. I was hoping
o get a money slip. I guess I will have to wait until
our mom needs that money order. So I guess I will
pt. to go to the carter next week. That is if David
dont throw it away when they sent it back. I hope
he mails it right back out to Cooper and not
here. I come in from work and put my clothes up.
read my Bible and then we had to go eat. I have
pt. to clean my room up now but I just wanted
o tell you that I love you very much! Hello my
one I am back. I am finished cleaning my room. I
have opt to go take a shower in a little bit. I just
wanted you to know that I love you very much. I
am still having problems with my sister. I also
haven't heard from medical. I am going to write
another request. I do love you so much. Derek
please dont take anything I wrote yesterday the
wrong way. It doesnt mean that I am bringing up
the past or living in the past. I was just having
a conversation with you. Well I have opt to go opt
a live for a shower. I just wanted to tell you
that I love you very much. Please believe me when
say that my love is very deep and true for you
will always be in love with you. I love you Derek!

A TRUE COPY

5

127

JUN - 4 2013

Robert M. Kelly
CLERK OF COURT

Tuesday 11:27:01

Hello my love. I love you so much. I didn't get a letter from you today. I am pretty depressed. Not only did I not get a letter from you but the Thanksgiving card I sent you came back. I forgot to put your SCDC number on the envelope so they sent it back. Hilber sent it back. It made it all the way to you and got sent back here. I really wasn't expecting anything from you today because I know no mail could leave the institutions until Monday morning. So I am not expecting to get any until after tomorrow. I got another envelope from Rosa so that I can send this letter. I can't get anymore from her because I owe her too much so it is. I am hoping your mom will send that money back in before next week so that I can go to the center on Tuesday. I am just really depressed because you didn't get your card. I will send it to you as soon as I can. I had to choose whether to send the card to you or this letter. I am going to send this letter. I do love you so much. Well I was doing better today at work until it was time to leave. I sewed one leg one way and the other leg the other way. So I have

o take one side off and flip it around. Then
 cut it on the right way. I didn't get finished
 with all of them before I left today so I will
 have to finish them in the morning. I love you
 so much! I miss you. I want to be in your arms
 so bad. Derek my love grows each and every day
 for you. Words cannot explain my love for you. You
 mean so much to me. I will always love you. I want
 to tell you so bad. I want you to know how much
 I love you beyond a shadow of a doubt. I never
 want you to doubt my love for you. Well we
 just had some excitement. Gail started screami-
 ng so everyone went running into the bathroom.
 Lisa had grabbed Gail's leg. Gail was in the
 shower! Lisa reached under the shower curtain
 and grabbed at Gail's leg. Gail had her eyes closed
 and didn't know what it was. We have a bad
 problem with snakes and spiders! So it really
 was not funny at all. Gail is in her late 40's
 with a bad heart. Plus her dad is real sick, one
 of her cats died and the other cat had surgery
 so she has had a rough time lately. It was not
 a good prank to play. Everyone is pretty upset
 with Lisa right now. I am upset with myself be-
 cause I didn't put your SCDC number on your card.

mom

A TRUE COPY

JUN - 4 2013

Richard M. Kelly
CLERK OF COURT

6 129

I can't believe I forgot to put it on there. I do love you so much. Also at work today Shirley went into the office and told Mrs Jolly that she was going to have to move her out of Janet's section. Shirley is the assistant floor walker. Then to make matters worse Janice went into the office and told Mrs Jolly that she wanted out of the plant because of Janet. Mrs Jolly moved Janice out of Janet's section and she is going to move Shirley as well. I believe what is going to happen is Mrs Jolly is going to have to move Janet out of the plant! I believe Mrs Jolly is getting fed up with Janet. She is running everyone out. Mrs Jolly is going to run out of places to put people that want out of Janet's section. So the logical reason would be to get rid of Janet. If one person is the problem then remove that one person rather than pacify her. So it is going to be very interesting over the next few days to see what happens. Well my love I have got to go take my shower. I love you very much! Well I haven't made it to the shower yet. I was on my way and Celebrity Fear Factor is on. Chyna is on it so I am watching it. Her and Triple H was on the Weakest Link the other night. It is count time so I am going to have to wait until count down

before I can take my shower I am going to write
 you until it does clear and pray that I don't get
 caught. I love you so much. You are always in my
 heart and on my mind. I love you more than
 words could ever express. You are my heart and
 soul. Derek I cannot begin to put my love for you
 into words. You have made me so happy. You
 have brought so much joy to my life. I pray that
 I will be in your arms again. I hope you know just
 how much I do love you. I want to be able to tell
 you and show you how much I love you. I don't
 want you to ever doubt my love for you. I think of
 you each night. Before I go to sleep, you are in my
 dreams, you are in my thoughts as I wake up and
 all through out the day you are on my mind. I want
 to share my life with you. I don't ever want to be
 without you. I love you so much. My heart aches
 without you. Please remember that I never want to
 lose you. I love you. I will see you in dreamland. I
 will be waiting for you. Good night and sweet dreams
 my love. I will always love you! Love Always

NT

Do 4-EVER

wboy

Love

You 

Michele

P.S. During court Janet got cussed out by Delra! HaHa! I will
 tell you all about it in my next letter. I Love You! 4-Ever ^{More}

A TRUE COPY

JUN - 4 2013

Lufala X. Kelly
CLERK OF COURT

Wednesday 11-28-01

Derek,

Hello my love. I love you so much. I have had you on my mind all day. I miss you so much. I sent your Thankyouing card out again this morning. It is late but at least it is going to get to you. I made sure that your SDC number was on the envelope. ^{TT} So you should get it this time. Julie give me an envelope so that I could get it to you. I wish you could have gotten it on Thankyouing. I am going to start looking at the envelope before I put it in the mailbox to be sure everything is on it. That should keep it from happening so much. That is the third or fourth time that I have done that. You should have all your mail except what I sent this morning. I believe I mailed the letter on Tuesday of last week that they sent back because Xoro's letter was in it. So you should have a pretty good bit of mail this week to keep you busy. ^{TT} Well we finally got clean sheets and blankets! They have been trying to catch up on our clothes since they were closed. Thursday and Friday they washed our sheets yesterday. No I am wrong they washed our blankets today. Well I stopped and you didn't even know it. I had to go eat. Then I got back to see if I had mail. I didn't get anything from you but I did get a letter from your mom. She stated that Jared's name is going to be charged. I

more than sure that you already know that. She
 said David will leave her if she doesn't change his
 name. So that tells me what type of love David has
 for your mom. He said he is going to be financially
 ruining her so his name should be changed. So the
 way I take it David is going to threaten her that he
 is going to leave every time he wants something done
 his way when it comes to Jared. So I do not want Jared
 in that type of environment. I can see David's point to
 a extent but to threaten your mom that he is
 going to leave her is NO way to act especially with
 Jared. He is not going to use Jared as a weapon
 against anyone. I will not have Jared used in that
 way. I also just tried to call your mom but David
 picked up on me yet again. I am going to write your
 mom a letter tonight. I believe it is in Jared's best
 interest if he is not with your mom. Obviously it
 is a problem for David.

Thursday 11-29-01

Hello my love I didn't get back to your letter last
 night because I wrote your mom a long letter. I let
 her know exactly how I felt about David threatening
 her so that he was going to leave if Jared's name is
 not changed. I hope that you may agree with your
 mom due to the fact that it has been 9 days since

Mom

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A TRUE COPY

JUN - 4 2013

Richard M. Kelly
CLERK OF COURT

I have heard from you. I have to do what I have to do to ensure that Jared is not used as a pawn. I don't care what the courts or anyone else says. I am still his mom. Well I had to stop so that I could move and go eat. Rosa, Michelle, Nora and I went to CS after we got off work. We spoke to the lady that does room and building charges. So she told me I could move but she didn't say where. While I was writing you they announced court time. As I looked up at the office I saw Mrs. Staley (the lady that does room and building charges) in the office talking to the officer. So as the officer came around to do count she told me that I could move when court clears. So I had to stop writing and start packing. Then by the time I moved my stuff it was time to go eat. Then when I finished eating I had to clear my new room and ~~go~~ finish unpacking. I moved over to the side that Rosa, Nora and Michelle. As well as JANE T! It is so funny. When Janet found out that I was moving into this room she had a fit! So it has been funny all afternoon long. I figure she will ask for a room change now. It is really funny. It made my day to really be able to make her mad. Well enough about all of that. I did get two letters from you today. I am going to answer them over the weekend. I want to

this letter mailed out to you in the morning. I
another envelope from Rosa. I want to get this to
a ASAP. In one of your letters you said you had
liked to your mom. You never said anything about
changing Jared's name. So I don't know if she did it
if you or you don't want to tell me. Well I know. I
not agree at all! Like I said earlier I did write
her mom a long letter. I got alot off my chest. I did
tell her that no matter what she or anyone else be-
lieves or thinks I did not murder. I also
told her that I would be getting out. I also told her
that my appeal went through so all of this is far
gone over. I also told her that I was going to contact
my uncle and my cousin about getting Jared. I also
let her know that even if the adoption went through
that my uncle and my cousin would still fight for
Jared no matter how long it took. Your mom said
that changing Jared's name would stop people from
asking why his last name is Carter rather than
Regette. Well for one reason. She is his grandmother
so the names will be different. Why don't they change
their names to Carter? I am not going to stand by
and let it happen. I am getting Rosa to type up a
letter for the newspaper. We are going to send it to
all the papers and news stations here and in Anderson.

-3-

A TRUE COPY

JUN - 4 2013

Richard K. Kiley
CLERK OF COURT

If it takes slinging mud then I am going to sling! I am not going to stand by this time. I tried to call your mom and talk to her about it but David kept answering the phone and hanging up. So that gives me the idea that he is controlling her phone calls. So I guess she has to ask permission to use the phone!! So if he is keeping her from the phone of all things the phone then what type of person is he going to be with Jared? What is he going to threaten and control when it comes to Jared? God only knows how he is going to be towards Jared when Jared wants to talk to me, write me etc. I am not going to allow Jared to be controlled or threatened like that. If David is acting this way now then how is he going to act later on. The excuse of well look at the situation that you and I are in prison doesn't cut it with me. There is no reason that anyone can give me that is good enough to change Jared's name. The way I look at it is if Jared's name isn't changed then he won't be in a loving home because David is going to continue to be that way so Jared does not need to be in the care of your mom until we get out. I believe your mom fails to realize that there are appeals, PCRs, etc. to help people get out of prison. So my sent-

ace is NOT final! She hasn't started changing her
 mind about me she still assumes that I am 110%
 out of the picture and I am going to die in here. Well
 really hate to disappoint all of you but I am not
 guilty. Also it was the 25th of October that I received
 money from your mom. You said you sent \$10,10 and
 now \$15 well I haven't gotten it. I don't know how
 much the money order was for last week that got
 sent back to her. I am sure if David got it he threw
 it away. So I guess now that money is gone!! I know
 people are hunting because of death. Well
 am too! That is **NO EXCUSE** to punish my
 mom for it! I will do **EVERYTHING** in my power to
 make sure Jared is not with your mom. I am sick
 of the whole mess with David's attitude. You **CAN**
 tell your mom every word I have said in this
 letter!!! I don't care if you are behind me or not
 in this matter because I am still going to make
 sure David cannot harm Jared in any way. You
 can take whoever side you want it doesn't matter
 to me because I have finally woke up and seen
 the **TRUE** light. I don't know how many times I
 have to tell you stop working on a way to appeal
 that we need to work on the case I got my appeal
 now many more times do I have to tell you that?

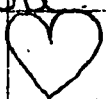
JUN - 4 2013

Richard H. Kliney
CLERK OF COURT

As far as me not doing my part or working on our case I am doing what I can but you don't fully understand how things work here. It is alot different here than where you are at. My free time starts when the lights go out I don't have a lamp to do any case work on. The things I am getting Rosa to do is against policy I can be SD for it. The women's prisons are completely different than the men's. Ever since this has happened with Janet they are watching me. Now that you sent a letter they will be watching me closer. I am trying to get into the law library but if they won't let me go there isn't alot I can do about it. Our library is not open like yours is. Our library is open from 9am - 11am then 1pm - 3pm I work from 7:15 am - 3 pm. The law library is closed on Saturday and Sunday. Ever when we aren't at our jobs on the weekend we have jobs on the building on Saturday and Sunday. We have to do cottage detail. I am doing what I can with what free time I do have before I lose the lights and what limited resources I have. The girl that was in the law library just got out of jail. So the law library hasn't been open. So now the appointments are behind. Plus the fact that she doesn't want to work in there to begin with because she wants in the plant with her girlfriend. Terri can

Plus I need her for Jared.

is alot because she has MS. She ~~does~~ does good to
 type out a paragraph right now. I am exhausting
 very effort that I can but I can't help it that I hit
 brick walls. If I had the \$35 dollars that you had sent
 her I wouldn't be hitting brick walls with trying to
 get information. I understand you are working hard.
 also understand that the \$65 dollars floating a-
 round somewhere in outer space isn't your fault.
 But the fact you aren't looking up cases that deal
 with the crime you are still stuck on appeals. I do
 not need anything on appeals. That is not the
 issue. The issue is Reizures, head injuries, con-
 vulsions etc. Either you are not reading my letters,
 you are not listening to me or my letters are getting
 lost in the mail. I want to know so bad right now
 don't have any money to send copies of transcripts
 it is going to take \$20 just to pay back what I
 have borrowed this last month. I haven't had
 my money in over a month. I am out of personals
 as well. So I do what I can or what little I do have
 am sorry it isn't up to your standard but I do
 the best that I can. It is time for lights out. I
 owe you sweet dreams. See you in dreamland.
 Good night sleep tight don't let the bed bug bite.
 Love You! TNT's Cowboy!



Love Always,
 Michele

more

A TRUE COPY

JUN - 4 2013

Lafayette County
CLERK OF COURT

Derek,

Saturday 12:15:01

Hello my love. I love you so much. You are the only man I want or need. You mean so much to me. My love grows each and every day for you. You are the love of my life. I love you more than words could ever say. You are the only man that I have ever been in love with. You are the only man I want to be in love with. I love you so much. I need you so bad. I will always love you. I have been very busy this morning. I really really cleaned my room. I washed the walls and scrubbed down everything. I pulled everything out of my lockers and scrubbed my lockers inside and out. It is hard to clean the lockers since they are under the bed. So I have been on my hands and knees just about all morning. I bet you would enjoy me being on my knees about now! Is I optcha there didn't I? I really did do some cleaning. Then I washed my clothes. We have an officer that doesn't leave the office. So I decided to go ahead and wash my clothes to get that out of the way. If by chance she were to come in here I can have them done before she gets to my room. She is an officer that really doesn't care what you do. Well it is lunch time so I will be back shortly. I love you Derek. Well it seems as if it is going to be awhile before they call us to go eat. So I decided to spend the time with you. This place always makes simple things into hard jobs. If something makes

see they won't do it. Well I stopped and you didn't know it. I went to lunch. So now they have fed the bears. I really want to take a little nap. So I am going to try. Remember I love you. I love back my love. I have been reading over my transcripts making notes. The sun is out today so I went out to the picnic tables and did some work. I got a pretty good bit done. I am going to send you my notes as well. That way you will be up to speed. I hope you can figure out what age I will be talking about since I wrote some of it and had the rest copied. Maybe you can see the numbers that I marked out. That will help some. It is almost 3:30 pm court. After court clears I have to go eat, get my shower so that I can go set up for Church. That is if they let us have Church. We won't know until we get there. I am also finished with copying Bee's testimony. I really wish your mom would send that money so that I could send this information to you. I owe medical \$2 because I had to go to sick call. So they will take their money out where I get some. I want to get the rest of this stuff to you. Hopefully she will send it soon. I know it isn't your fault. Before I forget could you please send me all the information you have on seizures, epilepsy etc. I am adding more questions to that letter Rosa typed up for me. Well I stopped and you didn't ever know it. I went to eat and then I had to go to the pill line. I didn't have time

-3-

A TRUE COPY

JUN - 4 2013

Richard A. Kitley
CLERK OF COURT

to take my shower because it was almost 5:30 by the time I got out of the pill line. We have to set up for Church at 5:30. So I just got finished setting up so now I'm sitting here waiting for the Church people. The choir is practicing right now. Well Janet is having more problems. At work there has been 4 or 5 people move out of her section since I left. Plus everyday there is an argument or two with her and someone in her section. The other day on the building a girl blew her out. So her true colors are really coming out and starting to show. So people are starting to figure her out. We don't know if they are going to let us have Church or not. The other shift is just now getting here so I guess we will find out pretty soon. My hand is very crampy right now. It was really nice outside today. It would have been nicer if the wind wasn't blowing. The wind is always blowing I just don't understand it blowing as much as it does here. You should have your Christmas card by now. They didn't give us any pretty cards for Christmas like you sent. I am not complaining because it's the thought that counts. But maybe next year we will have some pretty ones. I really love the ones you sent me. They are beautiful. I have showed them to everyone. I also got another card from Martha. So now I have a few cards on my desk. We aren't suppose to have but four

things on our desk. So I am hoping they don't say anything about it and make me put them up. I ever have the teddy bear card you made me on my desk. I don't remember if I told you or not but I also have to drink a ighty shake at each meal. They taste alright. I worked a little bit on my Bible study as well. I am getting behind doing them. There just isn't enough time in the day to get everything done. Well the Church people just came in so I am going to stop for now. I love you so much. Hello my love I am back. We are waiting for 9:30 pm next to clear. We are having a little bit of excitement. There is an ambulance here and we are trying to find out why. We had a pretty good service tonight, well what little Rosa and I was able to be involved in. We were messing with the out count sheets for the first part of the service. We left everything out up so we don't have to do alot in the morning. We have a few things that we have to do in the morning but most of it is already done. I love you so much. Well my love I am going to get in the bed. The lights will go out soon. I do love you very much. I will meet you in dreamland. Good night and sweet dreams. I love you very much.

Sunday 12:16:01

Hello my love. I went to a Church this morning. It was a good service. It is pretty chilly outside. We had to wait

JUN - 4 2013

Richard X. Kelly
CLERK OF COURT

outside the gym for someone to come and open the gym. I was glad when they finally got there so that I could get inside to get warm. My feet are finally starting to thaw out. After I got back from Church I washed some clothes. We have the same officer today that we had yesterday. Rosa is on visit so I got her fax so that I can get my clothes dried faster. I hope they dry before she gets back. That way I can hurry up and put them up. Then I can clean my room up. I am not going to clean it like I did yesterday. I am just going to wipe off my desk, sweep and mop my floor. It is real dusty in this building. When you sweep you can see the dust all around you. We have a dust mop but it is almost too big to get it in the room. Ha! Ha! I hope it warms up in a little while so that I can go outside and work on my transcripts. I really hope the wind dies down some as well. It is almost time for us to go eat lunch. My supper is starting to drop. So I need to eat soon. It is not too low right now. It is just starting to drop. I am getting a little shaky. It will come back up after I eat something. I love you so much. My song is No. 2 on the Nascar Countdown this week... Toby Keith - I want to talk about me, wanna talk about I, wanna talk about Number 2 oh my me my. What I think what I like, what I know, what I want, what I see. I wanna

all about me. ☺ I really do like that song. I just went and
it Rosas clock so I can see what time it is. We go eat in
bout 20 minutes. It looks as if it is going to be cloudy all
ay. I hope the sun decides to come out. I love you. You
mean so much to me. I wish we were next to each other
right now. I miss being in your arms. I miss everything
bout you. I pray that we will be together soon. I can't
stand being away from you and the kids. Not an hour
so by that I am thinking about you or the kids. I do
love you so much. You mean more to me than you will
ever know. My love grows stronger for you each and
every day. I will always love you. Tomorrow is the last
day that our Christmas packages can be mailed. It
ain't have a post mark after the 17th. So I guess she
has decided not to send me one. I am not mad at
you. When I say things like that I am not directing it
owards you. I am just talking in general. I really do
wish they would hurry up and call us to go eat. We
are more than likely going to have sandwiches. That is
what we normal have for lunch or Sunday. I have
to unplug the fan before I leave. We are not allowed to
have anything or when we leave our room. Even if it is
a go throw something in the trash can. If they find some-
thing plugged in and you are not in your room they
take it from you. Then you get wrote up for it. The

A TRUE COPY

JUN - 4 2013

Richard R. Kury
CLERK OF COURT

item doesn't have to be on, if it is plugged in but it is off you still get wrote up and they take it. They say it is a fire hazard. Well I stopped and you didn't even know it. They called us to go eat. We had Bologna sandwiches as they didn't change the menu. We aren't having Church tonight. I don't know why but we aren't having any services tonight. After I eat I always get sleepy. If I lay down I won't be able to take a nap. People will get louder or I just won't be able to go to sleep. Well my love I am going to stop for a little while. I am going to work a little while on my transcripts. I love you. I am back. Guess what? I am in love with you. I am taking a break from the transcripts. I am almost finished with Volume 1. I only have a few more pages to go. I will be finished by the time we go to supper. Hopefully I am getting ill because I know the way some of the injuries were caused and he is just making up this. I really am getting ill so I decided to stop. Rosa is going to try to get some more of it copied tomorrow (Monday) but I don't have any money to send it to you. She just came back from her visit. So I had to give her back her fax so she could take a nap. My clothes are about finished drying. They should be finished by bed time. I have got to stand in the pill line this afternoon either before or after I eat. It still hasn't warmed up much.

didn't go outside at the picnic tables to work on my transcripts. I waited until about 1 and it hadn't warmed up so I just decided to work on them in my room. I went out at 3 pm and it is still pretty chilly so I decided to come back in. I just hope I don't have to stand in the ill line long. Do you have to pay for your taro? We got a memo stating that we have to pay for state clothing now. Everyone is pretty ill about it. We have a price list of what each item costs. That is really ridiculous! Now they are going to stop giving out boots and the black tennis shoes. We now only get Bo Bos. We get one pair every 2 years. They don't last 2 months let alone 2 years. The shoes you buy from the canteen are \$31.50. Who can afford that? I can afford to buy an envelope let alone a \$31.50 pair of shoes! They can really come up with some off-the-wall things around here. Love you. I am going to start working on my transcripts again. I will be back shortly. I love you! Hello my love. I believe I have found something else. While we were in the hospital (Greenville) the doctor did those tests every day to see if she was brain dead. One of those tests was to see how she reacted to pain. At one point he said he pinched her pretty hard. Please tell me you remember. That could be where some of those finger nail marks came from. PG did determine at my trial

A TRUE COPY

JUN - 4 2013

Robert X. Kelly
CLERK OF COURT

that if it was a fingernail mark it wasn't the size of my fingernail. Those could have been done during one of his pain tests and also they talk about her hand and wrist, they had needles in them. Needles cause bruises! Please, Please tell me you remember. I am not putting you down by saying that, I am excited. Also on the inside thigh area that was caused from a pull up. Remember that day she rubbed her legs now. That car also rub her monkey now. I feel so stupid because I didn't recall any of this before. I have a bunch of notes that I am going to send as soon as I get the money to send it. I tried to call dad but he didn't accept the call. I also put in another request to go to the law library but I haven't gotten my OTR yet.

Monday 12/17/01

Hello my love I love you I never made it back to finish writing you last. Finding that in my transcripts made me feel so dumb because I am just now remembering that. Also do you remember the bad habit ~~~~~ had with her dipping her nails into her palms. Her hands would steady open, close, open, close. I know Terri remembers her doing it because she used to tell her to stop doing it. Please tell me you remember that, I am not saying that to hurt your feelings or put you down. I just know how your memory is. I just feel so stupid for

ignorance. Also I thought this might interest
Not one of the doctors from Greenville Hospital, And-
er Hospital, her doctor that Angie took her to, Dr. Haddon
Dr. Rappada NONE testified. It was the police invest-
ators, DSS and kids. It seems strange to me how on-
ly Duane did not call ANY doctors to testify except
Dr. Woodard! So BG was wrong. He told me that
killing her doctors would be a loaded gun. If it was a
loaded gun why didn't Duane call them! I stopped
and you didn't ever know it. I love you very much. I need
to get my shower. I love you! Hello my love I am back
love you so much. I got a letter from you today. The
drawing of Jared is beautiful. I thank you so much. I
really needed to hear from you today. One thing I
really want to clear up is I never thought nor said
you had anything to do with charging Jared's name.
Honey you need to read that letter again. You mis-
understood me. I love you very much.

Tuesday 12-18-01

Hello my love. It is time for 5:30am count. So it is pretty
early. I love you so much. I had to stop last night
because I wasn't feeling good. I am going to finish an-
swering your letter. Yes it was only her DNA and no-
body else. I am glad you sent me that case infor-
mation. Does your mom give a reason as to why she

A TRUE COPY

JUN - 4 2013

Richard M. Hines
CLERK OF COURT

isn't sending the money? Well honey I have to go court
is almost clear and I want to get this in the mail this
morning. I LOVE YOU!

Love Always
Nichele

mc

-N-

DC



A TRUE COPY

JUN - 4 2013

Lafayette, La.

Wednesday 1:16:02

Derek,

Hello my love. I miss you and I love you. I really hope you are alright. I have been praying that you at least let me know you are alright. I am so worried about you and I just pray that you are alright. I do love you very much. It has turned colder here since this morning. It was warmer this morning than it is now. We had an announcement today at 12 o'clock to report to our building for a role call count. You know our court isn't until 12:30 so we are trying to figure out what it was all about. They did a role call count at 12:15. They didn't do a court at 12:30. Then at 12:41 they announced that the court was clear. So everyone went back to work. We still don't know why they did that. They do a lot of things that don't make sense around here but I know you know that all too well. We just had our 3:30 court and we are still waiting for it to clear its already after 4. This shift always screws up court. This is the bad shift so I think they do it on purpose. We were first place this week so they call us as soon as court clears. Someone just looked out the window and saw them taking a lock-up down to jail yet they tell us there is no movement during court. This shift makes up their own rules. They aren't going to clear court until after 4:30 so that they don't have to open the yard. That

earo we wait get to smoke until tomorrow morning.
his shift always does that. Well I am going to stop so
at I can finish getting this stuff ready to send to Ann.
have already sent it to Terri. So I want to get it ready
to be mailed tomorrow morning. I love you!

Thursday 1/17/02.

tells my love. Good morning. I just got to work and I didn't
out for smoke break so I decided to write a little bit.
love you. I didn't get back to your letter last night. I
so getting the information ready to send to Ann. I mailed
out this morning. I have already mailed out the infor-
mation to Terri. I also mailed out some letters to some
doctors. I got a letter from the attorney but I can't go into
my details because I am not sure where you stand at
the moment since you haven't written in over a month
and 3 days. I don't know what I can say to you any more
without it hurting both my cases. Yes it does have to do
with trust because you haven't written. I haven't sent
the rest of the transcripts to you because I don't know
where you stand right now. I had to stop because they
called break over. Now I am on break again. I found out that
you are receiving my letters and you are able to write so
don't know why you have not responded to my letters. I
am just confused or why you won't write me back. I am
not mad or fussing because I am sick of being mad

A TRUE COPY

JUN - 4 2013

Richard K. Kelly
CLERK OF COURT

over petty stuff. I am not going to waste my time over fussing or getting mad when my main focus is to get out of this place. Yes I do love you very much that will never change. It is like everyone else is allowed to voice their opinion but if I voice my opinion then I am automatically in the wrong. Everyone else can do it and expect that no one should get mad because they are entitled to their opinion. Yet everyone gets mad if I voice my opinion. I am not directing this at you so don't take it that way. If you are mad because I am trying to get Jared in a better environment well you are going to have to be mad. I am not going to let Jared be a pawn in anyone's games. I am not going to let Jared be in a threatening environment. If your mom was lying about Jared being in a threatening environment then that proves she is using Jared as a pawn for sick games. If you want to be mad at me because Jared deserves a good, loving place to stay without being used as a pawn then you can just be mad. If you are mad over what I said about your mom or your family then you can continue to be mad because I have a right to voice my opinions especially since they are allowed to voice their opinions about me. If you are mad over what I wrote to your mom then you can continue to be mad. If she can write to

e and tell her that I can write to her and tell her the
truth. If you are mad because I said I was going to send
her more a copy of your letter stating that you knew
all about the plans for Jared ~~and~~ as well as other things.
You can just stay mad because that proves you have
been playing games as well. I am not taking back any-
thing I said because I have a right to say what is on
my mind just like anyone else does. I am tired of
being played mind games with. I am not changing
my mind as far as Jared goes because I have no
reason to change my mind when I am told Jared is in
a threatening household. You tell me in letters that
you love me and you want our marriage to work yet
haven't heard from you in 35 days. So that leads
me to believe you have been using me. If that is the
way you felt like you needed to handle things in order
to get information then that is on you. That is why
I never told you everything because you I felt like you
were using me. So that is why I never told you every-
thing. This right here is the reason why because in
the back of my mind I felt like you were using me. I
had to stop but I am back now. I do love you so don't
take any of this the wrong way. Since you won't tell me
what the problem is I have to rely on the past. I am just
sick of people causing problems for me and then get

JUN - 4 2013

Lafayette Kelly
CLERK OF COURT

mad because I have to defend myself. It is not right for people to say and do whatever they want to and I am just suppose to sit back and take it. Again I am not fussing. I am especially not going to sit back when it comes to my children. Your mom wants to talk about lies well at this point she has no room to talk. Just like the letter she wrote at ACDC. You asked what would be the harm in sending it to you well that comes down to I am not going to send you something that can be destroyed or gotten rid of or altered. I do not see why a copy of it wouldn't do. See a red flag was throw up when you wanted the original letter. So I had a feeling something was up there. Like I said I am not fussing I am just stating things the way I see them and since I don't get a response from you that leads me to believe that it is true. It is like it got told to me in ACDC that you were using me and it was true. Then once I got here I got told you are using me for information and to see what you could find out about Jared's placement. Now you have stopped writing so the only thing I have to go on is what I think because you won't tell me what is going on. Well I had to stop again to go eat and go to the pill line. I also washed a pair of my pants. I still need to wash a few more things so I will be back shortly. I love you. Well I am back. I got a letter from

leg today. I was very glad to hear from her. She wants me
to send her some things as well. I haven't sent it to her
yet. Well I am going to close this letter so that I can get
it in the mail. Whether you believe me or not I do love
you very much Derek. I will meet you in dreamland.
do love you.

Love Always,
Nichele

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON	)	TENTH JUDICIAL CIRCUIT
DEREK S. CARTER #275938	)	DOCKET NO.: 2009-CP-04-2033
	)	
Applicant,	)	
	)	APPLICANT'S MEMORANDUM
v.	)	IN SUPPORT OF APPLICATION
	)	FOR POST-CONVICTION RELIEF
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	
	)	

Analysis

The Applicant submits the following Memorandum in Support of his Application for Post Conviction Relief. The Applicant contends that Section 16-3-85 Homicide by Child Abuse is unconstitutional vague and as such violates due process guarantees.

Section 16-3-85 sets forth the definition and penalty for Homicide by Child Abuse. An individual can either be guilty of Subsection (A) (1) or Subsection (A) (2).

Section (A) (1) governs where the cause of death of a child is the result of child abuse or neglect and Section (A) (2) governs where an individual knowingly aides and abets another person to commit child abuse or neglect. In both (A)(1) and (A)(2) there is a death of a child under the age of eleven (11).

The Applicant would contend that the problem with this Statute centers around the use of the word "neglect" in Subsection (A) (1) and the use of the words "knowingly aides and abets" under Subsection (A) (2). For this vagueness to become apparent, it becomes necessary to look at the definitions as set forth in Section 16-3-85 (B). The term child abuse or neglect as set forth in Section (A) (1) is defined in this statute, as an act or admission by any person which causes harm to the child's physical health or welfare.

The Statute goes further in Section (B) (2) to define harm to a child's health or welfare;

- i.* when a person inflicts or allows to be inflicted upon a child physical injury Section 16-3-85 (B)(2)(a); or
- ii.* fails to supply the child with adequate food, clothing, shelter or health care Section 16-3-85 (B)(2)(b); or
- iii.* one who abandons a child resulting in the child's death Section 16-3-85 (B)(2)(c).

The importance in distinguishing Sections (A)(1) and (A)(2) is as a result of the penalty or sentencing. Under Section (A)(1) imprisonment may be imposed for life, but not less than a term of twenty (20) years. Under Section (A)(2) an individual must be imprisoned for a term not exceeding twenty (20) years nor less than ten (10) years. There is a significant difference between the sentencing of (A)(1) and (A)(2).

The Applicant would contend that there is a circular analysis between (A)(1) and (A)(2) which would lead the Court and/or Jury to always find an individual guilty under (A)(1). Thus an individual would almost always be sentenced to the higher penalty unless a specific plea was established to 16-3-85 (A)(2). If someone knowingly aids and abets another person under (A)(2) to commit child abuse or neglect, that person's act or admission, which is part of the definition of child abuse or neglect creates a situation where they would always be guilty of (A)(1) causing the death of a child under the age of eleven (11) while committing abuse or neglect.

Subsection (A)(1) further states that death occurs under circumstances manifesting in extreme indifference to human life. The argument can be carried further to say that any individual who knowingly aids or abets another person to commit child abuse or neglect would

almost in any case exhibit a manifestation of extreme indifference to human life. Again, placing this individuals fault under (A)(1).

Factual Basis

The Applicant in this case contends that he is guilty under Section 16-3-85 (A)(2). It appears from the transcript and record, that the Applicant in this case was not the individual who created the situation causing the death of the minor child. The Co-Defendant and Mother of the minor child plead guilty to causing the blow which caused the death of the child and has plead guilty under Section 16-3-85 (A)(1). The Applicant contends that Defense Counsel was ineffective for not objecting to this defect in the Statute as well as allowing him to plea under Section 16-3-85 (A)(1). From the record, there appears to be significant confusion both on the Defense and that of the State. The State emphasizes the words neglect as part of the definition of Section (A)(1) and that the Applicant's neglect places him as being guilty under the definition of (A)(1). The colloquy in the transcript emphasized the circular thought pattern between the two different Subsections.

Defense Counsel's testimony at the Post Conviction Relief hearing, was that the Applicant was guilty of (A)(1) because he had taken the child to Greenville Memorial Hospital for treatment rather than the Anderson Medical Center. However, testimony was presented by the Applicant that he had intended to go to Greenville Memorial Hospital. It appears that the Applicant trusted Greenville Memorial Hospital more than the Anderson Medical Center. It appears that Applicant had problems with Anderson Medical Center and made an informed decision to transport the child to Greenville Memorial.

The Applicant filed an Affidavit of Support detailing the distinction between (A)(1) and (A)(2). He would like to incorporate that Affidavit, which has been filed with the court, into this

Memorandum. In this Affidavit, the Applicant has established the legislative history of this Statute especially in its original version under (A)(2) where it included the word "allowed". (Affidavit pages 2-12). This term was later changed to "knowingly aids and abets". The Applicant contends that the word "allowed" is much more significant in that it allows a clear distinction between Section (A)(1) and Section (A)(2).

The Applicant would contend that the way Section (A) (1) and Section (A) (2) are written, provide law enforcement agencies to have a great amount of discretion in charging an individual in Section 16-3-85 (A) (1) and due to this vagueness, allows an individual to be more easily prosecuted under Section (A) (1) rather than Section (A) (2).

CONCLUSION

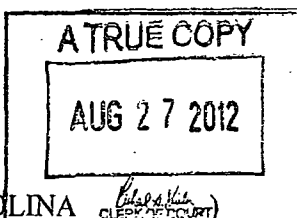
Based upon the foregoing reasons, the Applicant submits that his claim for Post Conviction Relief should be granted and that Section 16-3-85 Homicide by Child Abuse, South Carolina Code (as amended) is unconstitutionally vague.

Respectfully submitted,



Tommy A. Thomas
Attorney at Law
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

April 10, 2012



STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

Filed & Served
CLERK OF COURT

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

DEREK S. CARTER #275938

Applicant,

v.

STATE OF SOUTH CAROLINA;

Respondent.

DOCKET NO.: 2009-CP-04-2033

MOTION TO ALTER OR AMEND

This matter comes before the Court pursuant to an application for Post-Conviction Relief filed May 15, 2009. An evidentiary hearing was held on March 8, 2012 at the Anderson County Courthouse. The Application for Post-Conviction Relief was denied and dismissed with prejudice by Order of the Court dated August 7, 2012.

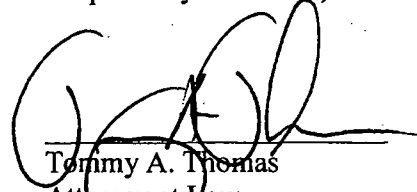
Counsel received a Final signed Order in the above referenced case on August 15, 2012. That upon review of this Order, counsel would make the following Motion to Alter or Amend.

The Applicant argued at the hearing that §16-3-85 of the South Carolina Code does not provide ascertainable standards of guilty to protect against arbitrary and discriminatory enforcement of the statute and that the statute is unconstitutionally vague.

The Court in its order addressed the constitutionality of the statute and found that "the Applicant has not established any constitutional violations or deprecation that would require this Court to grant his application for Post-Conviction Relief."

The Applicant is concerned that this issue is not adequately preserved for review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tommy A. Thomas', written over a horizontal line.

Tommy A. Thomas
Attorney at Law
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

August 24 2012

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2009-CP-04-2033

Derek S. Carter

FILED-CLERK'S OFFICE
ANDERSON, SC

State of South Carolina

PLAINTIFF(S)

2012 SEP 17 A 8:47 DEFENDANT(S)

Submitted by:

COMMON PLEAS AND
GENERAL SESSIONS

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court: Motion to Alter or Amend is denied without hearing.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

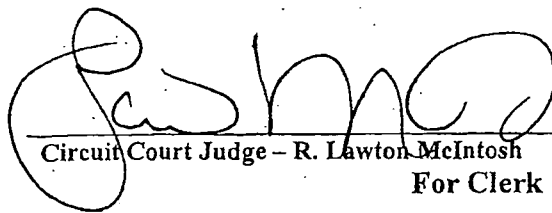
INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.



Circuit Court Judge - R. Lawton McIntosh

2155

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the 17th day of September, 2012 and a copy mailed first class or placed in the appropriate attorney's box on this 18th day of September, 2012, to attorneys of record or to parties (when appearing pro se) as follows:

Tommy A. Thomas

ATTORNEY(S) FOR THE PLAINTIFF(S)

Kaelon May

ATTORNEY(S) FOR THE DEFENDANT(S)

Richard A. Shirley
CLERK OF COURT - Richard A. Shirley

Court Reporter:

FILED-CLERK'S OFFICE
ANDERSON SC
2012 SEP 17 A 8:47
COMMON PLEAS AND
GENERAL SESSIONS

Tommy A. Thomas**ATTORNEY AND COUNSELOR AT LAW**

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(803) 732-5507
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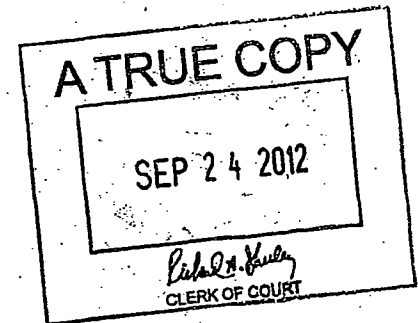
FACSIMILE:
(803) 781-4226

HARRINGTON BUILDING
7588 WOODROW STREET
IRMO, SOUTH CAROLINA 29063

PLEASE REPLY TO:
PO BOX 88
IRMO, SC 29063
INMATE LINE
(803) 732-5542

September 21, 2012

The Honorable R. Lawton McIntosh
 Anderson County Court of General Sessions
 P.O. Box 8002
 Anderson, SC 29622



RE: Derek S. Carter #275938 v. State
 Docket No.: 2009-CP-04-2033

Dear Judge McIntosh:

I hope this letter finds you well. I had the opportunity to speak with my client on Wednesday at Evans Correctional institution. Mr. Carter wants to make sure that I provide you with additional information regarding my Motion to Alter or Amend the Court's original Order of Dismissal.

Based on my conversation, I would make the following argument.

1. That the Statute §16-3-85 does not provide equal protection and due process of law.
 - a. That the Statute is overly broad, resulting in arbitrary enforcement at the law enforcement level and at the prosecution level.
2. The Plain and ordinary language of §16-3-85 shows that the legislature intended to make a distinction between the person who directly causes the death §16-3-85 (A)(1) and the person who indirectly causes the death by allowing another person to commit an act or omission that is the proximate cause of death §16-3-85 (A)(2).

The structure of the Statute however does not produce the distinction.

3. If you employ the concept of accomplice liability to elevate the charge for (A) (2) to (A) (1) then you circumvent the legislative intent to create two classes of individuals.
4. The original language of the Statute provided for two classes of individuals, where:
 - i. Caused the death of a child under the age of eleven (11) while committing child abuse or neglect and the death occurred under

circumstances manifesting an extreme indifference to human life; or

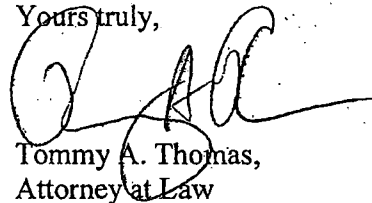
- ii. Knowingly allowed another to commit child abuse or neglect which resulted in the death of a child under the age of eleven (11).

The term allowed was replaced by "aids and abets", which changes the original clear evidence or standard established in the original statute.

5. That the Petitioner would draw the Court's attention to the memorandum of Law filed with the Court on September 25, 2009.

Thank you for your time and consideration in this matter. Should you have any questions, please feel free to contact me.

Yours truly,



Tommy A. Thomas,
Attorney at Law

TAT/jem

cc: Kaelon May, Esq.

Derek S. Carter #275938