

**STATE OF SOUTH CAROLINA**

**IN THE COURT OF APPEALS**

---

**Appeal from Georgetown County**

**Honorable Judge Benjamin Culbertson, Circuit Court Judge**

---

**The State,**

**Respondent,**

**v**

**Terron Gerhard Dizzley  
Gwendolyn B. Frasier  
Laquesha Felder**

**Appellants.**

---

**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

---

Appellant proposes the following to be included in the Record on Appeal:

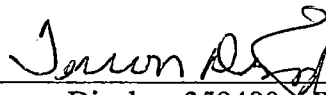
- (1) Order from Judge Culbertson, November 17, 2022, Hearing Denying Motion for Reconsideration
- (2) Transcript of November 17, 2022, Hearing
- (3) Ruling from The Honorable Judge Baxley, 2012 Trial
- (4) Arrest Warrant
- (5) True Bill Indictment
- (6) Investigative Report from Private Investigator, Benny L. Webb of The Palmetto Center for Law and Justice
- (7) Investigative Reports
- (8) Calendar of Terms of Circuit and Family Court of July 2009
- (9) Transcription of Audio Interviews of State's Witnesses, Douglas Morris, Jerlether Jones and Sonia Jones

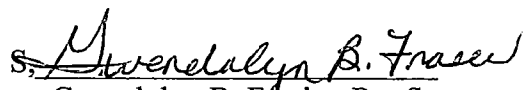
(10) Affidavit of Gwendolyn B. Frasier


(11) Affidavit of LaQuesha Felder

(12) Transcripts of Trials of 2012 and 2014

I certify that this designation contains no matter which is irrelevant to this appeal.

S,   
Terron Dizzley, 359480, PRO SE  
Allendale Correctional Facility  
1057 Revolutionary Trail  
Fairfax, SC 29827

S,   
Gwendolyn B. Frasier, Pro Se  
7996 Pennyroyal Road  
Georgetown, South Carolina 29440

S,   
LaQuesha Felder, Pro Se  
1440 Baxter Street  
Orangeburg, South Carolina 29115

STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN

ORDER IN A CRIMINAL CASE  
WARRANT(S): J525436

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2009GS2200778

State of South Carolina

**Terron Gerhard Dizzley**  
DEFENDANT(S)

This form order  
submitted for:

Attorney for :  State  Defendant  
or  
 Self-Represented Litigant

DISPOSITION TYPE

- DECISION BY THE COURT AFTER HEARING. This action came to a hearing before the court. The issues have been heard and a decision rendered.  See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE. This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered.  See below for additional information.

MOTION: Alter/Modify/Amend/Reconsider/Rescind/Order

GRANTED  DENIED  CONTINUED  WITHDRAWN

WITHDRAWN BY MOVING PARTY: \_\_\_\_\_  
Signature of Moving Party

OTHER: \_\_\_\_\_

FILED  
 GEORGETOWN COUNTY  
 2022 NOV 17 PM 12:44  
 ALMA J. WHITE  
 CLERK OF COURT

IT IS ORDERED AND ADJUDGED:  See Order of the Court below  See attached order  
 Formal Order to follow; to be prepared by:  State  Defendant  Other: \_\_\_\_\_

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

*The defendant's first trial ended in a mistrial.  
Therefore, double jeopardy did not attached.  
Further, the defendant's current motion was  
signed and filed by individuals not licensed to  
practice law.*

*Miriam T. Culbertson*

2148

NOV. 17. 2022

For Clerk of Court Office Use Only

This judgment was entered on the 17<sup>th</sup> day of November, 2022 and a copy mailed <sup>emailed</sup> first class or placed in the appropriate attorney's box on this 17<sup>th</sup> day of November, 2022 to attorneys of record or to parties (when appearing pro se) as follows:

Alicia A. Richardson

richa@horrycountysc.gov

ATTORNEY(S) FOR THE STATE

William G. Yarborough, III

bill@wgylaw.com

ATTORNEY(S) FOR THE DEFENDANT(S)

Kevin Fulmer, Deputy  
CLERK OF COURT

Court Reporter: Natalie Dahl

1 STATE OF SOUTH CAROLINA) **TRANSCRIPT OF RECORD**  
 2 COUNTY OF GEORGETOWN ) CASE NO.:2009-GS-22-0078  
 3 **MOTION**

4 -----

5 November 17, 2022

6 **BEFORE:** The Honorable Benjamin Culbertson

7 -----

8 STATE OF SOUTH CAROLINA,

9 Plaintiff,

10 vs.

11 TERRON DIZZLEY,

12 Defendant.

13 -----

14  
 15 **APPEARANCES:**

16  
 17 Alicia Richardson, Esq.  
 18 Appearing for the Plaintiff/State.

19 William G. Yarborough, Esq.  
 20 Appearing for the Defendant.

21 Official Court Reporter  
 22 Natalie Dahl, RPR

23

24

25

26

1 NOTE: Pursuant to Rule 607 (h)(1)(B), SCACR "A COURT  
2 REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR  
3 FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT."

4 All requests for a copy of the enclosed transcript  
5 shall be sent to: Natalie Dahl, RPR

6 P.O. Box 762

7 Conway, SC 29526

8 P-R-O-C-E-E-D-I-N-G-S

9 THE COURT: This is State versus Terron Dizzley  
10 before the Court regarding Case No. 2009-GS-22-0078.

11 The Court received a pro se emergency motion for  
12 alterations, modification, amend, reconsideration and  
13 rescission of order in support of proposed of ex parte  
14 motions for emergency petition for immediate release  
15 of Terron Dizzley persuant to double jeopardy, lack of  
16 trial court's jurisdiction to impose sentence.

17 You are Mr. Barr?

18 MR. YARBOROUGH: Mr. Yarborough.

19 THE COURT: I apologize. You represent  
20 Mr. Dizzley?

21 MR. YARBOROUGH: I do, Your Honor.

22 THE COURT: I apologize; your first name?

23 MR. YARBOROUGH: William, Bill, either way,  
24 Yarborough.

25 THE COURT: We are here today -- what is this?

MR. YARBOROUGH: Your Honor, the South Carolina  
Court of Appeals sent this back down to develop a  
record and discuss -- the petition would say a

1 judgment, a judgment of acquittal. I think it is an  
2 argument under a double jeopardy standard, and so that  
3 motion was raised post-trial, but before the appeal  
4 was perfected. Then, when the appeal was sent to the  
5 supreme court for the first time, the supreme court --  
6 Mr. Dizzley filed a motion saying, whoa, wait a  
7 second, I filed a motion for an acquittal, and they  
8 sent it back for a record.

9 Judge, I think you signed an order, which goes  
10 into that, saying this was already ruled on and the  
11 Court has to have the record more developed.

12 THE COURT: Oh, all right. So what is before me  
13 now? What are you asking me to do?

14 MR. YARBOROUGH: What we're asking you to do is  
15 to -- Mr. Dizzley would explain it as an emergency  
16 petition to have him released from prison because he's  
17 being held under a double jeopardy standard.

18 THE COURT: All right. What is the crime that he  
19 says he's already been sentenced and served his time  
20 under or has already been acquitted for?

21 MR. YARBOROUGH: He believes he was already  
22 acquitted of a 2009 murder.

23 THE COURT: Okay. As I understand the transcript  
24 from that trial -- is this the one where there was a  
25 mistrial?

1 MR. YARBOROUGH: That is correct, Your Honor.

2 THE COURT: So it is not an acquittal; it was a  
3 mistrial.

4 MR. YARBOROUGH: Well, that is where -- when  
5 Mr. Dizzley filed his motion, he cited to the record  
6 where -- during the hearing, before there was a  
7 mistrial that was granted, Judge Baxley goes into a  
8 relatively long statement that at that point -- and it  
9 is on Page 314 of the transcript -- but at that point  
10 Judge Baxley says that State's -- there is a strong  
11 message that the State has not met their burden of  
12 proof.

13 THE COURT: Exactly.

14 MR. YARBOROUGH: After I first looked at this,  
15 Your Honor, I thought that probably is not correct;  
16 but as I reviewed the transcript, that was a pretty  
17 direct statement on the strength of the State's case.

18 THE COURT: Yeah, but he goes on to say the way  
19 this process actually works is up to the Solicitor as  
20 to whether they will dismiss the charge, or whether  
21 they will retry this case, or perhaps redevelop the  
22 charge in some way.

23 MR. YARBOROUGH: Your Honor, I think once he says  
24 that the State has not met their burden, it's over.  
25 The case is over. Anything after that, double

1 jeopardy attaches. That is what Mr. Dizzley has been  
2 filing motions about for years, and I think at this  
3 point the supreme court has asked this Court to make a  
4 record to determine if that ruling was correct or not.  
5 So I think that there is a couple of standards here:  
6 One, did Judge Baxley make that ruling? Did he say  
7 that?

8 THE COURT: Let me ask you, and I apologize for  
9 interrupting and I'll let you fully argue your motion,  
10 but was this a jury trial?

11 MR. YARBOROUGH: It was.

12 THE COURT: And it resulted in a hung jury?

13 MR. YARBOROUGH: Mr. Dizzley, for years, since --  
14 since he was retried has filed motions over and over  
15 saying, look, you all did not have the authority to  
16 try me that second time.

17 THE COURT: I understand that argument, but I'm  
18 talking about the first trial. Because the law is  
19 clear: If you have a hung jury, the judge declares a  
20 mistrial, and then they can try him a second time if  
21 it is a hung jury where the jury could not reach a  
22 unanimous decision. Now, after a second hung trial,  
23 they can't try him a third time.

24 Now, if this was a bench trial and the judge said  
25 they have not carried their burden of proof, then I

1 agree with you, double jeopardy. So I'm trying to  
2 figure out what happened in that first trial to  
3 determine whether or not jeopardy attached. Was the  
4 mistrial granted from the finding by the Court, or  
5 because the jury could not reach a unanimous verdict  
6 of guilt or innocence?

7 MR. YARBOROUGH: Exactly, Your Honor. And that  
8 is where the second part of Mr. Dizzley's argument --  
9 it somewhat bounces around a little bit, but you came  
10 to the exact place that I came to: Was there a  
11 manifest necessity at that point to declare a  
12 mistrial? At that point, there is nothing in the  
13 record. I've gone through it and there is nothing on  
14 the record that shows that Judge Baxley polled the  
15 jury, talked to the jury, anything. What happened is  
16 they came in -- the jury was out a couple of hours.  
17 They give the Allen charge. He brings them back the  
18 next morning, they are here for a little while, and  
19 all the sudden, on the record, Judge Baxley declared a  
20 mistrial.

21 THE COURT: So the jury never came back out the  
22 second time as a hung jury after the Allen charge?

23 MR. YARBOROUGH: I don't want to mislead the  
24 Court --

25 THE COURT: That is an important issue.

1 MR. YARBOROUGH: Yes. Okay. I think what your  
2 statement is, is correct. But I would have to go  
3 back. It is on Page 319. If you will give me a  
4 second, because I don't want to misstate something to  
5 the Court.

6 THE COURT: Typically, the jury comes out, they  
7 say we cannot reach a unanimous decision, the judge  
8 gives them an Allen charge, send them back out. If  
9 they come back out a second time saying they can't  
10 reach a unanimous decision, then the judge is  
11 compelled by law to issue a mistrial, and then the  
12 State can retry the case, if the State chooses to; is  
13 my understanding.

14 MR. YARBOROUGH: Your Honor, I think that your  
15 interpretation of what you just said is correct, but I  
16 think there is more -- and the supreme court has been  
17 looking at Allen charges over and over and the  
18 procedure, so I think that is partially what we have  
19 going on here. First, we're not arguing that the  
20 Allen charge was not a good Allen charge; so we're not  
21 there. What we're arguing is that when the Allen  
22 charge was made, and then the -- Judge Baxley  
23 dismissed the jury, was there a manifest necessity at  
24 that point to dismiss the jury? I think -- there is  
25 nothing in the record. I'm looking. It is a Page

1 313, 314 of the transcript. He brings them back out,  
2 but there is nothing -- if you look, there is nothing  
3 on the record at that point. He just -- he says they  
4 received a message.

5 (A brief pause in the proceedings.)

6 MR. YARBOROUGH: Yes, Your Honor, South Carolina  
7 Code Section 14-7-1330 gives a suggestion and an  
8 outline where Allen charges have been made and what  
9 they are, is to ask the jury whether they believe  
10 further deliberations would allow them to come to an  
11 unanimous verdict. I think the judge has to do more  
12 than what is in that section. I mean, I know you just  
13 read it, but I think there is more to it. I think the  
14 judge -- maybe the question is: Do they poll the  
15 jury? Whatever it is, I don't think there was enough,  
16 and I think the record is clear there wasn't enough.

17 I think it is interesting, and I want to go back  
18 to the original argument where I think Mr. Dizzley is  
19 correct when he says if the judge made a ruling on the  
20 record that the State had not met their burden --  
21 which I think that is what he said -- and there had  
22 been previous directed verdict motions made -- there  
23 had been -- I think at that point there is a strong  
24 indication that he's not guilty.

25 Second, we're still in this Allen charge argument

1 mode, and at that point he needs to do more than just  
2 come in and do an Allen charge and say, okay, I've  
3 given you an Allen charge, go back and deliberate.  
4 Bring them back in, because this is Mr. Dizzley's  
5 first chance at having a chance to have his case  
6 presented. First one is usually the best bite at the  
7 apple. That's the case. That's where everyone comes  
8 in. So, at that point, I think that the case was over  
9 and double jeopardy attached.

10 THE COURT: So what should Judge Baxley have done  
11 that he didn't do?

12 MR. YARBOROUGH: I believe he should have polled  
13 the jury.

14 THE COURT: About what? They said they didn't  
15 have an unanimous decision. You can't poll them and  
16 say who votes guilty and who votes not guilty.

17 MR. YARBOROUGH: No. You can say, look, is there  
18 anything else I can do? That is -- the first thing  
19 you would do on an Allen charge -- clearly, they come  
20 back in and say they are hopefully deadlock. You give  
21 them the Allen charge, then he comes in and says, Is  
22 there anything I can do for you today that would help  
23 you reach a verdict? That is the question. You make  
24 a record at that point. Then you send them back in  
25 one more time, and you give them another shot.

1 I just don't think -- and you also have to look  
2 at, Your Honor, really, in deliberation time, you are  
3 talking about two-and-a-half, three hours, maybe  
4 three-hours-and-15-minutes; it is hard to tell because  
5 there is breaks and stuff. You have the transcript  
6 from the afternoon saying it was three hours, but a  
7 lot of that is questions going back and forth. Then,  
8 the next morning, I don't think that they are long at  
9 all. I think that Mr. Dizzley's case needed more  
10 determination than that at that point.

11 THE COURT: All right.

12 State's position?

13 MR. YARBOROUGH: Can I say one more thing?  
14 Mr. Dizzley asked me to argue that the State does not  
15 have the right to address the Court in this matter, so  
16 I'm putting that on the record. He thinks that double  
17 jeopardy is attached, and that he's being held  
18 illegally; so I made my motion.

19 THE COURT: What supports that argument? Give me  
20 the law or the case law or what says that the State  
21 cannot participate in this motion.

22 MR. YARBOROUGH: I think that there is a number  
23 of cases out there -- can I have one moment with him,  
24 Your Honor?

25 THE COURT: All right.

1 (A brief pause in the proceedings.)

2 MR. YARBOROUGH: Mr. Dizzley had thought about  
3 that argument before and he has given me several cases  
4 that he wanted to argue: *Farm Food versus United*  
5 *States, 369 U.S. 141.*

6 THE COURT: What does that case say?

7 MR. YARBOROUGH: A verdict of acquittal was a  
8 final and could not be reviewed or error otherwise  
9 without putting the defendant twice in jeopardy. It's  
10 just a number of double jeopardy cases.

11 THE COURT: Do any of them say that the State  
12 cannot participate in a motion hearing?

13 MR. YARBOROUGH: Your Honor, I think  
14 Mr. Dizzley's position is that at that point jeopardy  
15 had attached.

16 THE COURT: I understand. Forgive me for  
17 interrupting. The problem is I think he thinks he  
18 knows the law and he's getting you to argue his  
19 position when it is contrary to what the law says. I  
20 think he thinks that he's been subjected to double  
21 jeopardy and, therefore, the State cannot participate  
22 in any post-trial motions, that they cannot offer any  
23 counter arguments, and that I'm just to release him  
24 from jail because he thinks he's been put in double  
25 jeopardy. I think he misunderstands what the law is

1 and he's getting you to put that misunderstanding in  
2 the record, which, quite frankly, as an attorney, you  
3 cannot mislead the Court and argue points of law that  
4 are legitimate arguments.

5 MR. YARBOROUGH: Your Honor, none of the  
6 arguments I made previously were not legitimate  
7 arguments. As I stated, my argument about her being  
8 able to argue this motion, I said that was  
9 Mr. Dizzley's position.

10 THE COURT: Exactly.

11 MR. YARBOROUGH: I don't mean to offend the  
12 Court. That is what I was trying to explain the Court  
13 and leading the Court to know why I was making that  
14 argument.

15 THE COURT: But you acknowledge that the State  
16 can participate in this motion here?

17 MR. YARBOROUGH: Your Honor, I have been  
18 practicing law for 35 years, I know the answer to that  
19 question, but Mr. Dizzley wants me to say no.

20 THE COURT: I know he wants you to say that,  
21 because he doesn't know the law. Someone needs to  
22 explain to your client that you are no different than  
23 a lawyer (sic) that performs surgery. You know how to  
24 perform the surgery, and you can't do something that  
25 you know is going to kill the patient even if the

1 patient is saying this is how you are supposed to do  
2 it. As a surgeon, you are to do it the proper way.  
3 As a lawyer, you follow the law and do what is proper,  
4 and if your client is mistaken, because he's not  
5 educated in the law and doesn't know the law, that  
6 doesn't mean that he still gets to argue contrary to  
7 the law.

8 MR. YARBOROUGH: Yes, sir, Your Honor.

9 THE COURT: All right.

10 Anything else?

11 MR. YARBOROUGH: He was asking me, Your Honor, if  
12 he could argue his case.

13 MS. RICHARDSON: We're talking about hybrid  
14 representation here. We do have a letter of  
15 representation.

16 THE COURT: Mr. Yarbrough, how did you get on the  
17 case? Appointed?

18 MR. YARBOROUGH: No, sir; it is family.

19 THE COURT: No; that is hybrid representation.

20 MR. DIZZLEY: Excuse me, Your Honor. The United  
21 States Supreme Court --

22 THE COURT: No, sir. No, sir.

23 MR. DIZZLEY: -- versus Johnson says that I'm  
24 allowed any time I make an allegation or a motion that  
25 I'm illegally incarcerated and I have a right to argue

1 my case; that is a United States Supreme Court case  
2 called --

3 THE COURT: And South Carolina Supreme Court says  
4 you are not entitled to hybrid representation. You  
5 can represent yourself or you can have an attorney.  
6 An attorney was hired to represent you. You can't do  
7 hybrid representation. So only Mr. Yarbrough can  
8 argue your case.

9 MR. YARBOROUGH: Thank you, Your Honor.

10 THE COURT: All right.

11 State's position?

12 MS. RICHARDSON: Your Honor, first of all, there  
13 is another issue of representation. We have what  
14 appears to be non-lawyers who are also signing as  
15 petitioners on this case: Gwendolyn Frazier  
16 (phonetic) and Laquetia Felder (phonetic) have signed  
17 some of the legal pleadings and motions in this case,  
18 and I would ask the Court to inquire whether --

19 THE COURT: Are any of them licensed to practice  
20 law in the State of South Carolina, Mr. Yarbrough?

21 MR. YARBOROUGH: When I became involved in the  
22 case no one filed anything, that I'm aware of, Your  
23 Honor. I don't know anything about any of the other  
24 stuff.

25 THE COURT: Is Gwendolyn Frazier here?

1 MS. FRAZIER: Yes, sir.

2 THE COURT: You are Ms. Frazier?

3 MS. FRAZIER: I am.

4 THE COURT: Are you licensed to practice law in  
5 the State of South Carolina?

6 MS. FRAZIER: No, but we --

7 THE COURT: That is all I need to know.

8 MS. FRAZIER: No, sir.

9 THE COURT: Is Laquetia Felder here?

10 Ms. Felder -- you are Laquetia Felder?

11 MS. FELDER: Yes, sir.

12 THE COURT: Are you licensed to practice law in  
13 the State of South Carolina?

14 MS. FELDER: No, sir.

15 THE COURT: Thank you very much.

16 Ms. Richardson, go ahead.

17 MS. RICHARDSON: We ask that the clerk not accept  
18 filings that are made. Now, Mr. Dizzley did sign some  
19 of these, but there are things that are filed with  
20 just their signatures.

21 THE COURT: All right. Anything further  
22 regarding this double jeopardy motion?

23 MS. RICHARDSON: Your Honor, I'm assuming this is  
24 probably why the State was not served on a lot of  
25 these pro se motions, that they feel that the State

1 didn't have a right to be involved, but, Your Honor --  
2 what happened, Your Honor is correct. The case was  
3 tried, there was a hung jury with an Allen charge, the  
4 jury came back and said they were deadlocked, and a  
5 mistrial was declared. What we have attached from the  
6 defendant in his pro se motion are portions of the  
7 record. It is not a complete record of what happened.  
8 They are actually -- you will have pages -- in that  
9 portion, there are a couple of pages that are missing.  
10 But, Your Honor, what it appears to me is they are  
11 taking what happened out of context and just using one  
12 statement by the Court in saying it is a ruling, when  
13 clearly that was not a ruling by Judge Baxley if you  
14 look at the record as a whole.

15       There were discussions. The jury was out on one  
16 day. They came back the next day and deliberated, it  
17 appears, until after lunch when they came back and  
18 said they were deadlocked. The judge denied the  
19 motion for directed verdict.

20       What it appears the judge did was sort of just a  
21 conciliatory statement to the jury; like, don't feel  
22 bad about what happened. He did make that statement  
23 saying, "That's a strong message to the prosecution  
24 that they are unable to meet their burden of proof to  
25 the extent that they can bring back a unanimous

1 verdict," which is not the same standard as a directed  
2 verdict or saying there is no evidence that the jury  
3 could find. This is more of a  
4 taken-out-of-context-conciliatory speech to the jury,  
5 pretty much like you did your job. It is not a  
6 finding that there was insufficient evidence for it to  
7 go to the jury. It was not a finding that a directed  
8 verdict should be reached or even if they come back  
9 with a guilty verdict that there should be some sort  
10 of post-trial verdict that there was not sufficient  
11 evidence. So it's just taking that statement out of  
12 context when the judge clearly ruled that it was not a  
13 situation of directed verdict, and that the State  
14 would have the ability to retry.

15 What we don't have is the second trial transcript  
16 to see if this issue was raised then. I'm learning  
17 today there were multiple post-trial motions. I don't  
18 know if this was raised in PCR or ruled on previously  
19 by the Court as well; but, clearly, this is just a  
20 statement, one statement, taken out of context.

21 The reason we're here today is he filed this ex  
22 parte motion. Your Honor ruled on it and issued an  
23 order. He filed a motion to reconsider your denial of  
24 his motion. Then he filed an appeal, which was not  
25 timely, but Your Honor denied -- basically said I

1 don't have jurisdiction to hear your motion to  
2 consider because you filed an appeal. The Court has  
3 sent it back saying you would have jurisdiction to  
4 hear his motion to reconsider your denial of his  
5 post-trial double jeopardy motion. So what we're here  
6 for today is a motion to reconsider your denial of his  
7 previous motion.

8 THE COURT: Mr. Yarbrough, anything in reply?

9 MR. YARBOROUGH: Your Honor, I get back and say  
10 that reading the record, if the acquittal appears to  
11 be -- and I would make an argument it is double  
12 jeopardy -- that at that point everything stops and it  
13 is insufficient to convict the defendant. So this is  
14 before the Court arguing that -- and we're asking for  
15 a factual finding that a necessity is established that  
16 there was no criminal culpability based on the record  
17 that we see.

18 Judge, there are a number of cases all through  
19 South Carolina and the United States Supreme Court  
20 that talk about double jeopardy; so that is the first  
21 part of the argument. We disagree with the State's  
22 position. The second part is that there was no  
23 manifest necessity to declare a mistrial at that  
24 point. Your Honor, I think those are pretty strong  
25 arguments, and I think what the -- I'm confident the

1 court of appeals is asking this Court to make a record  
2 and determine whether or not those issues were  
3 developed properly for trial.

4 THE COURT: I'm going to deny the motion. I find  
5 that the defendant's first trial ended in a mistrial;  
6 therefore, double jeopardy did not attach. Further,  
7 the current motion is filed by individuals not  
8 licensed to practice law in the State of South  
9 Carolina. On both of those grounds, I'm denying the  
10 motion.

11 MR. DIZZLEY: Your Honor, can I -- can I ask --

12 THE COURT: No, sir.

13 MR. DIZZLEY: I have a right to argue my case,  
14 Your Honor.

15 THE COURT: No, sir. We're done.

16 MR. DIZZLEY: So if I was to relieve my lawyer  
17 right now, can I argue my case?

18 THE COURT: Not right now. It was heard and  
19 ruled on; you can't go back. See, I think that is  
20 where you misunderstand, Mr. Dizzley. You think that  
21 because the outcome isn't what you want, then you can  
22 keep litigating like this, and you can't do that.  
23 Your argument --

24 MR. DIZZLEY: This is mischaracter (sic) of  
25 justice has gone on.

1 THE COURT: We are done for --

2 MR. DIZZLEY: United States versus Martin Supply  
3 that labels do not control the analysis of whether a  
4 judge's verdict is a judgment of acquittal or not.  
5 The record clearly shows you are looking at this label  
6 that you declared a mistrial. The law specifically  
7 states that -- here, we know the trial court acquitted  
8 evidence, not because it came with the word "acquit",  
9 but because it acted on the view that the prosecution  
10 failed to prove its case. The law specifically states  
11 that a judgment of acquittal encompasses any ruling  
12 when prosecution failed to prove its case. At that  
13 point, the jury terminates upon my case. U.S. versus  
14 Scott, which specifically states that a judgment of  
15 acquittal, whether based on a jury verdict of not  
16 guilty or on a ruling that the evidence is  
17 insufficient to convict, or that the State failed to  
18 meet the burden of proof, terminates the prosecution  
19 and the jurisdiction of my case. The landlock  
20 precedent case on double jeopardy is ex parte which  
21 explains that once the judge made a ruling that the  
22 State failed to meet their burden of proof, that the  
23 jurisdiction terminated upon my case and that any  
24 second trial was without jurisdiction, and any  
25 sentence imposed to me pursuant to the second trial.

1 was void for power and holds no legal authority to  
2 hold me in prison.

3       You are simply looking at the label. And Lee  
4 versus United States also states that whether the  
5 judge labels this ruling a mistrial, a declaration of  
6 a mistrial, a hung jury, a continuance, it does not  
7 matter. What matters is when you evaluate whether a  
8 judgment of acquittal is the substance of a ruling.  
9 It specifically says that labels do not control the  
10 analysis of whether the decision of dismissing a  
11 criminal case bars retrial under double jeopardy  
12 clause; rather, the surface of the decision does.  
13 United States Supreme Court, which is the highest  
14 court in this land, determined that -- held that a  
15 mistrial directed verdict based on a trial court's  
16 requirements an extra element of defense, most  
17 relevant here, an acquittal encompasses any ruling  
18 that the prosecution's proof is insufficient to  
19 establish criminal liability.

20       This is a South Carolina Supreme Court case:  
21 State versus Gregory. The judge ruled that on the  
22 merits of this issue it is civil. He said it's civil.  
23 The circuit court found the State failed at trial to  
24 meet its burden of proof and ordered a new trial.  
25 Petitioner contends correctly that under these

1 circumstances, a second trial in magistrate would  
2 violate a double jeopardy clause. This is the same  
3 issue I'm raising. In Gregory, he says it is simple:  
4 The review of Court determined that the State failed  
5 to meet their burden of proof; therefore, a second  
6 trial will violate my double jeopardy rights.

7 State versus Clifford, United States Supreme  
8 Court case, reversal conviction based on legal  
9 insufficiency of evidence. This matter is remanded to  
10 the Court for instruction to enter a verdict of  
11 acquittal, citing the United States Supreme Court case  
12 Burks versus United States.

13 In that case, the Court ruled that double  
14 jeopardy clause for a second trial for the purpose of  
15 affording the prosecution another opportunity to  
16 supply evidence, which it failed to in the first  
17 proceeding, overruling the prior decisions. The Court  
18 held that the double jeopardy clause precludes a  
19 second trial once the reviewing Court found evidence  
20 was legally insufficient, and the only just remedy  
21 available is for the Court to direct an order of  
22 acquittal -- the only just remedy.

23 When Judge Baxley made a ruling and stopped my  
24 trial and said that -- he did not stop my trial. He  
25 said it three times. He said I'm not stopping your

1 trial because it is your fault of the jury that you  
2 can't reach a unanimous verdict. He said he's  
3 stopping the trial because this is a strong message to  
4 the prosecution that they are unable to meet their  
5 burden of proof to the extent they can bring back an  
6 unanimous verdict of guilty. That is a judgment of  
7 acquittal.

8 MR. YARBOROUGH: We have it all on the record.  
9 We've argued it.

10 MR. DIZZLEY: Your Honor --

11 MS. RICHARDSON: Your Honor, at this point, I  
12 would object. You've already made your ruling and  
13 given him sufficient time.

14 THE COURT: I've made my ruling. I mean, he's  
15 just rambling on, but I'm --

16 MR. DIZZLEY: I'm just rambling on? The law  
17 specifically states that any time a judge makes a  
18 ruling that the State failed to meet their burden of  
19 proof, that the jury determines upon my case, that's a  
20 judgment of acquittal, sir. You are not giving me an  
21 opportunity to argue the rest of my issues.

22 The law states that I have a right -- United  
23 States Supreme Court, Private (phonetic) versus  
24 Johnson says I have a right to argue my case.

25 MR. YARBOROUGH: We've argued the motion that was

1 here today. We've argued that.

2 THE COURT: All right.

3 MS. RICHARDSON: Do we need to prepare an order?

4 THE COURT: I did a Form 4.

5 MR. DIZZLEY: This Court is holding me. The  
6 South Carolina Department of Corrections has no legal  
7 authority to hold me in prison, sir, which is  
8 kidnapping and false imprisonment -- kidnapping and  
9 false imprisonment. The law is clear that the  
10 jurisdiction terminated upon my case, United States  
11 versus Scott, U.S. versus Martin Linda Supply --

12 DEPUTY: Sir, get your things.

13 (Whereupon, the hearing concluded.)

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

State of South Carolina)  
County of Georgetown )

I, Natalie Dahl, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions for Georgetown County, South Carolina, on the 17th day of November, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 18, 2022

---

Natalie Dahl, RPR  
Court Reporter

**THE HONORABLE JUDGE BAXLEY'S RULING OF "ACQUITTAL" IN TRIAL OF 2012**

**STATE V. TERRON DIZZLEY**

**Case No. 2009-GS-2-00778**

**Pages 308 – 316**

**TRANSCRIBED BY**

**COURT REPORTER, GRACE HURLEY**

1 o'clock we'll be prepared to have a charge conference and if  
2 you'd step forward and get the charge we are in recess now,  
3 ladies and gentlemen, until 9:30 here in the courtroom  
4 tomorrow morning.

5 OFF THE RECORD

6 (On the record, August 30, 2012. Jury deliberations continue  
7 at 9:42 a.m.)

8 (Note from jury [Court's Exhibit Number Five] received at  
9 10:03 a.m. Reply from Court sent back to jury at 10:21 a.m.)

10 (Note from jury at 11:12 a.m. The following takes place  
11 outside the presence of the jury.)

12 THE COURT: Let's go back now on the record in the  
13 case of the State versus Dizzley. We have a message from the  
14 jury, ladies and gentlemen, or counsel, you want to step up  
15 and look at it? Have you already seen it?

16 MR. BARR: I've seen it, Judge.

17 THE COURT: All right, very good. It would be the  
18 State's intention at this time to bring the jury back,  
19 including our alternates, and give an Allen charge and I'll be  
20 glad to hear from either side as to whether you object or  
21 concur with that procedure. What says the State?

22 MR. HIXSON: I concur, Your Honor.

23 THE COURT: All right, and Mr. Barr, you want to be  
24 heard?

25 MR. BARR: Your Honor, I just need to consult with my

1 client for just a second.

2 THE COURT: Very good. We'll wait a moment.

3 MR. BARR: Nothing from the Defendant, Judge.

4 THE COURT: Very good.. Madam court reporter, let's

5 mark this as a Court's Exhibit, please, this note, and would

6 you please bring our two alternate jurors from the back and

7 then would you please bring our jury panel from the jury room.

8 MR. BARR: And Judge, I think we've just got one now.

9 THE COURT: Are we down to one now, all right.

10 (Whereupon, the following takes place in the presence of  
11 the jury at 11:25 a.m.)

12 THE COURT: Welcome. I don't think you're going to  
13 need your pad. That's what some of the jurors are asking. I  
14 can hear them in the back. So I think you're fine where you  
15 are. That's fine. We'll wait a moment. We're fine. We're also  
16 waiting on our alternate to join us. So we'll just be at ease  
17 for a moment. Ladies and gentlemen, just while we are waiting  
18 for our others to join us I want to thank you for coming back  
19 today. I know that probably some of you, if you were like me,  
20 were confronted by a flood on the way home yesterday and I  
21 couldn't help but go notice as I drove by your business, Mr.  
22 Thompson, I believe it flooded yesterday; did it not?

23 MR. THOMPSON: No, no.

24 THE COURT: It did not? All right, well, it had some  
25 heavy standing water near it.

1 MR. THOMPSON: It was close.

2 THE COURT: Very good. Well, I, I appreciate your  
3 willingness to be back today and when we had such adverse  
4 weather conditions yesterday. We're going to wait just one  
5 moment for our alternate and we have at least one of our

6 alternates is still remaining with us.

7 While we have our 12 though assembled in the courtroom  
8 let me ask, ladies and gentlemen, when we were apart from one  
9 another last night is there any member of the jury panel who  
10 had a discussion with any third person concerning or any other  
11 jury panel member for that matter during the evening break  
12 concerning the facts of this case? If you did please raise  
13 your hand.

14 (No response.)

15 THE COURT: And again, let's let the record reflect no  
16 one has raised their hands. Thank you for complying with the  
17 Court's request. Welcome back, and we still, we still have  
18 Ms. Morrison with us this morning as well, is that correct?  
19 All right, good. Here she comes. Good morning.

20 All right, and ladies and gentlemen, I'm going to ask you  
21 if you would just secure the back door so that we won't have  
22 people coming and going as we talk with the jury here.

23 Ladies and gentlemen, first of all, welcome back to the  
24 courtroom and I have received your message that you've been  
25 unable to reach a verdict in the case, and as I instructed you

1 earlier and as we're all aware the verdict in this case must  
2 be unanimous. Now just thinking about this though at any time  
3 there is a matter in dispute it isn't always easy for even two  
4 people to agree who may be discussing it, much less 12, and so  
5 when 12 are required to agree on something well it's even more  
6 difficult and in most cases I think we would all agree that  
7 absolute certainty can never be reached and that's not what is  
8 expected. However, you have a duty to make every reasonable  
9 effort to reach a unanimous verdict if you can. In doing this  
10 you should consult with one another just as you have been  
11 doing, express your own views, but listen openly to the  
12 opinions of your fellow jurors, tell each other how you feel  
13 and why you feel that way and discuss your differences with  
14 open minds as opposed to closed minds, and although the  
15 verdict of the jury must be unanimous every one of you has the  
16 right to your own opinion and the verdict that you agree to  
17 must be your own verdict, the result of your own convictions  
18 and you should not give up a firmly held belief merely to be  
19 in agreement with fellow jurors. The majority should consider  
20 the minority's opinion and the minority should consider the  
21 majority's opinion and each of you should consider the others  
22 opinion. You should carefully consider and respect the  
23 opinions of each other and reevaluate your position for its  
24 reasonableness, correctness and impartiality. You must lay  
25 aside all outside matters and reexamine the questions before

1 you based on the law as I gave you and the evidence as you  
2 found it in the case.

3 Now, let's talk about what happens if you do not agree or  
4 cannot agree on a verdict. If that happens and the Court

5 declares a mistrial and what that means is that nobody wins,

6 neither the State nor the Defendant. It just means that at  
7 some future time this case will be tried again with some other  
8 jury sitting where, where you sit today. The same  
9 participants will come in, same witnesses, most likely give  
10 the same testimony, the same lawyers will basically ask the  
11 same questions and we'll go through the entire process of the  
12 trial again.

13 Now, you were selected in the same manner and from the  
14 same jury pool really, the community, as any future jury will  
15 be and there's no reason for me to suppose or expect that the  
16 case would ever be submitted to 12 more intelligent and  
17 capable, that is capable, impartial and conscientious and  
18 competent jurors than you are and that some greater evidence  
19 or more or clear evidence will be adduced on one side or the  
20 other.

21 So, ladies and gentlemen, I'm going to ask you to return  
22 to your deliberations one more time. If you're unable to  
23 reach a verdict please advise me of that, but I ask you in  
24 compliance with the instructions that I've given you to go  
25 back and try again and out of respect for you and your efforts

1 we're going to remain where we are while you return to the  
2 jury room. Thank you, ladies and gentlemen.

3 (Whereupon, the following takes place outside the  
4 presence of the jury.)

5 THE COURT: That's fine. If they wish to take a smoke  
6 break please give them that opportunity. Now, any objection  
7 to the charge that's just been given by the Court from the  
8 State?

9 MR. HIXSON: No, Your Honor.

10 MR. BARR: No, Judge..

11 THE COURT: And from Defense. Then hearing none then  
12 we're ready to move into other business now, Mr. Hixson, and  
13 please call your next case.

14 OFF THE RECORD

15 (On the record. Note from jury at 12:20 p.m. The following  
16 takes place outside the presence of the jury.)

17 THE COURT: Let's go back in the record, on the record  
18 in the case of the State versus Dizzley and while everyone is  
19 coming back in let's go ahead and bring the jury in and let's  
20 bring our alternate jurors. Ms. Owens, if you'd bring the  
21 alternate jurors as well into the courtroom.

22 (Whereupon, the following takes place in the presence of  
23 the jury.)

24 THE COURT: All right, ladies and gentlemen, welcome  
25 back and Mr. Grate, Mr. Foreman, ladies and gentlemen of the

1 jury, I've received a message that tells me that the jury is  
2 still deadlocked and unable to reach a decision in this case  
3 and I wanted to, first of all, tell you one or two things that  
4 ~~I have on my mind and heart about this matter. First of all,~~

5 ~~I don't want you to think in any way that your exercise as~~  
6 jurors has been a failure on your part because you could not  
7 reach a verdict. That's not a failure on your part. That's  
8 really the strength of our system because we bring diverse  
9 citizens from different backgrounds all from the same  
10 community to hear a set of facts and make a decision as to  
11 whether or not in criminal court a person is guilty or  
12 innocent.

13 Now, what you've told us is that you can't reach a  
14 unanimous decision, and I would say to you to that that's not  
15 a failure on your part. That's actually a strong message to  
16 the Prosecution that they are unable to meet the burden of  
17 proof to the extent that they can bring back a unanimous  
18 verdict.

19 Now, the way this process actually works is it is up to  
20 the Solicitor as to whether they will dismiss the charge or  
21 whether they will retry this case or perhaps redevelop the  
22 charge in some way and bring a separate charge of some kind  
23 and try that. It's a - the decision rests with the Solicitor.  
24 It's not within the control of the Defendant, but what's going  
25 to happen here is the Court is going to declare a mistrial, .

1 but I don't want you to believe in any way, zero way that that  
2 somehow you are responsible for that because you are not.  
3 You're given a set of facts that were the best that the State  
4 ~~could adduce from what happened and what they were able to~~  
5 ~~determine, they put that up to you and you brought back a wise~~  
6 and common sense decision that you simply could not agree upon  
7 it. There's a message in that and so you've accomplished your  
8 purpose.

9 (Instructions for juror payment given and jury  
10 dismissed.)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

## C E R T I F I C A T E

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

~~I, the undersigned, Grace L. Hurley, Official Court~~

~~Reporter for the State of South Carolina, do hereby certify~~

that the foregoing is a true, accurate and complete Transcript  
of Record of the trial held in the case of The State versus  
Terron Gerh ard Dizzley, held in the Court of General Sessions  
for Georgetown County, Georgetown County Courthouse,  
Georgetown, South Carolina, on August 27, 28 and 30<sup>th</sup>, 2012.

I do hereby certify that I am neither of kin, counsel,  
nor interest to any party hereto.

*Grace L. Hurley*

Grace L. Hurley, CVR-CM-M

Official Reporter

September 14, 2013.

**JURY DELIBERATIONS IN TERRON GERHARD DIZZLEY'S FIRST TRIAL OF 2012**

**STATE V TERRON DIZZLEY**

**Case No. 2009-GS-22-00778**

**Pages 116 – 125**

**TRANSCRIBED BY**

**COURT REPORTER, KRYSTAL SMITH**

1 (Whereupon, the exhibits are checked by counsel.)  
2 THE COURT: All right and ---  
3 MR. HIXSON: It's okay, Your Honor.  
4 THE COURT: All right. The evidence is in order and,  
5 ladies and gentlemen, we're going to stand down now subject to  
6 the arrival of lunch for the jury and then the jury's  
7 deliberations. Counsel, if you leave this floor, please make  
8 sure that my clerk or our county clerk has your cell number  
9 and please don't go far because we may need you immediately in  
10 the event of a question. This Court is now in recess.  
11 MR. HIXSON: Thank you, Your Honor.  
12 MR. BARR: Judge, I do have a Family Court matter. We've  
13 got Family Court going on on the second floor.  
14 THE COURT: Yes, they do. They have a busy court day.  
15 Good luck to you, Mr. Barr. We'll be in recess now awaiting  
16 the call of the jury.  
17 (Whereupon, there is a break in the proceedings from  
18 12:14 p.m. until 1:07 p.m. for lunch.)  
19 (Whereupon, jury deliberations begin at 1:07 p.m. The  
20 two alternate jurors are separated from the jury and held  
21 in another room during deliberations.)  
22 THE COURT: All right. We have a message from the jury.  
23 We have a message from the jury that asks -- that requests --  
24 it is a note that essentially asks audio transtape -- I think  
25 is the word -- of all four. And so what I would intend to do

1 jury out and play that testimony through the court reporter.

2 So welcome back to the courtroom and please bring in the jury.

3 (Whereupon, the jury enters the courtroom at 3:57 p.m.)

4 THE COURT: All right, ladies and gentlemen, welcome back  
5 to the courtroom. While our court reporter is setting up, let  
6 me explain the process that we use. In each of the courtrooms  
7 in South Carolina where we have a court reporter, the court  
8 reporter is manually taking down the testimony, but we also  
9 run an actual tape in the event the jury wishes to hear some  
10 testimony so that -- as opposed to someone reading it back and  
11 using their own inflection or intonation or punctuation. We  
12 actually just play back exactly what the witnesses said. So  
13 the reason that we play the entire direct and cross of the  
14 witnesses is we're not certain when the jury asks what  
15 specifically you're looking for and it may be as we try to  
16 pinpoint, we would miss something that a particular juror may  
17 wish to have.

18 So we are set up now to play all four witnesses, one  
19 after the other, direct and cross. We're going to have to  
20 test the sound system to make sure that you're able to hear  
21 from the tape and let's give that a try, please.

22 (Whereupon, a sound test is performed.)

23 THE COURT: Are you able to hear that, ladies and  
24 gentlemen?

25 (Whereupon, the jurors indicate positively.)

1 THE COURT: Good.

2 (Whereupon, testimony is played from audiotape in open  
3 court before the jury of the following four witnesses:  
4 Laqesha Felder, Daniel Robinson, Stephon Jamison, and  
5 Leon Devaughn Dizzley, Jr.)

6 THE COURT: All right, ladies and gentlemen, that  
7 concludes the request of the four witnesses. We'll let you  
8 return to your jury room. Let me ask, ladies and gentlemen,  
9 is there anybody on the jury who needs to call someone because  
10 it's five o'clock and they may be expecting you? All right.  
11 Well, let's do this. We'll give you an opportunity to make a  
12 call before the jury begins their deliberations. All right?  
13 So if y'all will just make provisions for that. To our  
14 alternates, we appreciate your longsuffering and patience and  
15 please return to your area.

16 (Whereupon, the jury exits the courtroom at 4:52 p.m.)

17 THE COURT: Ladies and gentlemen, the rest of us will be  
18 in recess subject to the call of the jury.

19 (Whereupon, there is a break in the proceedings from 4:53  
20 p.m. until 5:23 p.m.)

21 THE COURT: Ladies and gentlemen, what we're going to do  
22 is we're just going to make a blind draw among the two  
23 alternates. It appears that our jury has not been able to  
24 reach a verdict this afternoon according to a message that  
25 they've sent us and thus we are going to send the jury home

1 and bring them back tomorrow morning to begin their  
2 deliberations. Our two alternates were sequestered. We're  
3 going to choose by random draw between the two and have one of  
4 them return tomorrow in the event we lose one of our jurors  
5 overnight to illness or emergency or whatever may happen. Is  
6 there objection to drawing the name of a juror between the two  
7 just at random from a cup in which we have those two names  
8 from the State?

9 MR. HIXSON: No, Your Honor.

10 THE COURT: And from the defense?

11 MR. BARR: No, sir.

12 THE COURT: All right, very good. Now, what I'm asking  
13 you to do, Madam Clerk, if you'll just draw without looking  
14 from the two names in that cup. And you have drawn the name  
15 of Ms. Morrison, who is Juror Number 95. And let's bring our  
16 two alternates, if you will, and we'll seat them in the -- in  
17 the box.

18 (Whereupon, the alternate jurors enter the courtroom at

19 5:26 p.m.)

20 THE COURT: And then while our alternates are coming in  
21 we will bring the rest of the jury as well. All right,  
22 ladies, please come join us, if you will, one more time to  
23 your seats. We're going to bring the rest of the jury in to  
24 sit with you as well.

25 (Whereupon, the jury enters the courtroom at 5:26 p.m.)

1 THE COURT: All right, Mr. Foreman, ladies and gentlemen  
2 of the jury, welcome back to the courtroom. We have received  
3 a message that you are unable to reach a verdict this  
4 afternoon and what we're going to do is we're going to end  
5 these proceedings for the day and we're just going to stop for  
6 the day and let you come back tomorrow morning and overnight  
7 have an opportunity to reflect upon your deliberations that  
8 you've had and come back tomorrow morning and see where you  
9 stand. What we will do is we will ask you to be back at nine  
10 thirty tomorrow morning in the jury room.

11 Now, you probably have noticed that they have been very  
12 gracious about it, that Ms. Port and Ms. Morrison, who are our  
13 alternate jurors, have remained with us and what they've done  
14 is they've been sequestered in a room up front in the event  
15 that one of you should have the inability to go forward, have  
16 an emergency, or something would happen, and we certainly hope  
17 it would not. We were prepared in the event that it did.

18 I will tell you that we have now placed your two names  
19 randomly in a cup and we have made a blind draw and, Ms.  
20 Morrison, your name has been drawn and we would ask you to  
21 return tomorrow morning as well and we're going to release Ms.  
22 Port so that we will not have to bring both of you back  
23 tomorrow morning. But, Ms. Morrison, if you would kindly  
24 return tomorrow morning and come to the courtroom, then we'll  
25 place you in the front room again. We'll try not to just

1 leave you there sitting there with nothing to do. If you wish  
2 to bring a book to read or whatever you wish, please do.

3 Now, ladies and gentlemen of the jury, let me talk a  
4 little bit more about tonight. Please, when you go home, do  
5 not undertake any type of investigation or analysis on legal  
6 points or factual points, whatever may have been occurring  
7 with the jury room. Just have a good evening. Free your  
8 mind. Take a break and come back tomorrow morning and begin  
9 again. We're going to take up your notes and we're not going  
10 to review them, but we're going to keep them secure and give  
11 them back to you in the morning without reviewing them.

12 So if you want to close your book, feel free to. Please  
13 write your name either on the first page or someplace that's  
14 appropriate. If you would, put your juror tag on it as an  
15 excellent way to do that so that tomorrow morning you will be  
16 able to pick the book back up. Now, let me say the reason we  
17 do that is to make sure we're all on the same wavelength.  
18 Again, this is not for us to review your notes, your personal  
19 comments or thoughts, whatever they may be, because we will  
20 not do -- no one will do that, but this is to preserve the  
21 confidentiality of jury proceedings and we will keep those  
22 notes secure and give them to you in the morning.

23 Okay, Ms. Knox has -- with her years of experience here  
24 has reminded me that it's best not to leave your badge on the  
25 book because it will have to be scanned in in the morning when

1 you walk in the door. So if you would, just put your name on  
2 the first page or somewhere on the front of the book if you  
3 can so no one has to look into it even to identify whose it is  
4 would be fine and we will look to see you tomorrow morning at  
5 nine thirty.

6 Now, again please don't discuss this with your loved ones  
7 at home what's happening because that would be inappropriate  
8 because clearly you're a jury under deliberation at this time.  
9 All right, any questions from our jury about scheduling?

10 Then, Ms. Port, as you leave, ma'am, I will come down and  
11 shake your hand for my expression of gratitude for your  
12 service and then we'll see the rest of our jurors tomorrow  
13 morning. We'll remain where we are as you depart the  
14 courtroom. Have a good day and someone will take up your  
15 books as you're leaving -- leaving the jury box.

16 And I hate to tell you this again. It was raining when I  
17 last looked outdoors. Hopefully, it stopped in the last  
18 couple minutes.

19 (Whereupon, the jury exits the courtroom at 5:31 p.m.)

20 THE COURT: All right, ladies and gentlemen, we will be  
21 in recess. The staff will be in -- please be in by nine and  
22 -- because there will be other defendants -- other individuals  
23 here who will have bonds, pleas and other matters. We'll pick  
24 up with the jury at nine thirty. This Court is in recess for  
25 the day.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Whereupon, the proceedings end at 5:32 p.m. for the day.)

(Whereupon, the jury notes are marked as Court's Exhibit Number 1.)

--- END REQUESTED TRANSCRIPT ---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF SOUTH CAROLINA )  
 ) CERTIFICATE  
COUNTY OF FLORENCE )

I, the undersigned, Krystal J. Smith, Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Georgetown County, South Carolina, on the 29th day of August 2012.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Krystal J. Smith  
Court Reporter

Florence, South Carolina  
October 26, 2013

## EXHIBITS, ARREST WARRANT, INDICTMENT

- Exhibit 1:** Arrest Warrant, Affidavit does not establish any probable cause.
- Exhibit 2:** Investigative Report from Benny L. Webb of "The Palmetto Center for Law and Justice", 710 Window Drive, Sumter, SC. 29150. See: Page 1, Paragraph 6 (Last Through Page 1, Paragraphs 1 and 2. Interview with Investigator Garrett, where Investigator Garrett admitted that he told the Magistrate that statements given by Mr. Evans, Sr., (Victims Father) and Naomi Alston indicated that the victim Allegedly told them that Terron Dizzley shot him. Investigator Garrett indicated that this information which is clearly false and not supported by any record of Evans, Sr. and Alston's statements is what he told the Magistrate to obtain my son's arrest warrant.
- Exhibit 3:** Testimony of Investigator Garrett in 2014 trial, transcript, Page, 550, L 6 – 12. Whereas Investigator Garrett admitted that Alston had not indicated to him that the victim identified Terron Dizzley as the person who shot him. Investigator Garrett testified that he heard the victim "allegedly" identified a person by the name of "Little D". However, according to Investigator Garrett, during his interview which was given to Private Investigator Webb, this is not what he told the Magistrate to obtain the arrest warrant on Terron Dizzley for the murder of Aundry Evans, Jr.
- Exhibit 4:** Incident Report, Investigator Nelson, 12-02-08-10100. 1. Underlined which indicates that investigators spoke to victim at the hospital and asked him if he knew who shot him, and was not provided with any information after asking several times. 2. Underlined, Investigators asked victim's father, Aundry Evans, Sr. had his son disclosed to him who shot him and Evans, Sr. stated he had not. 3. Underlined, Investigator indicates that Naomi Alston, victim's fiancé, stated that victim allegedly told her that "Little D" shot him, not Terron Dizzley, and never indicated who "Little D" was. Investigator Nelson's incident report indicates that "Alston" "believes" that "Little D" is Tyron Dibsly. My son's name is not "Tyron Dibsly and he has never gone by the nicknames "D" nor "Little D".
- Exhibit 5:** See also Ex. 5.
- Exhibit 6:** See Underlined Third (3) Paragraph. Mr. Evans, Sr., Incident report of Investigator Nelson. 12-02-08-0500, indicates that the next day after the

shooting, Evans, Sr. gives another statement contrary to his initial statement that, at the hospital, victim allegedly told him that "Little D" shot him. However, the incident report states: Mr. Evans, Sr. did not know who "Little D" was.

- Exhibit 7:** Testimony of Officer Jarred Bardon, trial of 2014, Transcript Pages, 463, L18 – 20. Officer Bardon testified that while attending victim at the scene, after victim was shot, victim never made any statements regarding who he thought shot him.
- Exhibit 8:** Testimony of State's Witness, Gary Gibson, trial of 2014, Transcript Pages 404, L10 – 25. Gibson, a witness of the shooting, testified that the individual that shot Evans, Jr. had on a mask and a hoody and that he could not identify the shooter or tell whether the person was white, black Puerto-Rican or Indian.
- Exhibit 9:** Gary Gibson's testimony, Page 406 L4 – Page 407, L1 – 25: Trial Counsel told told my son, Terron, to stand up. Trial Counsel than asked Gary Gibson was the shooter Terron's height. Gibson look at Terron and testified that the shooter was taller that Terron, the same statement that he gave Investigator Brown on August 20, 2012, which would have made it impossible to have been Terron.
- Exhibit 10:** Testimony of Jameson Wright, trial of 2014. Wright witnessed the individual get out of his car while standing outside of the club. According to Wright, the individual was a "tall fellow", and they went inside the club. See: Transcript, Page 418, L10 – 11. Jameson Wright's testimony also makes it impossible for the shooter to have been Terron.
- Exhibit 11:** Indictment. Notice that the indictment indicates that the witness who testified before the Grand Jury is Georgetown County Sheriff's Office, who is the same Sheriff's Office who made "False Declarations to the Magistrate to obtain Terron's arrest warrant. Notice also that the indictment indicates that Terron was "allegedly" indicted before a Grand Jury in General Sessions on July 8, 2009, in Georgetown County.
- Exhibit 12:** Calendar of Terms of Circuit and Family Court of July 2009 which clearly indicates that there was not General Sessions Term of Court held in Georgetown or Horry County on July 8, 2009; nor was there any Sessions of Common Pleas on July 8, 2009. This shows that Terron was never indicted before a Grand Jury.
- Exhibit 13:** A letter from South Carolina Court Administration, South Carolina Supreme Court in response to Terron's letter requesting to ascertain whether there were any Special terms held that was requested by the Solicitor in which Terron was indicted on July 8, 2009, which would explain why there was no indication of terms of court held on July 8, 2009. The response from the SC Court Administration and the South Carolina Supreme Court was that there was no

special terms of Court held, and under the current constitutional provisions, all terms of the circuit court are set by the Chief Justice and, there are no special terms.

Ex. 1

J-525436

GCSC

STATE OF SOUTH CAROLINA

County/  Municipality of

AFFIDAVIT

ORIGINAL

Fain Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 818

STATE OF SOUTH CAROLINA

County/  Municipality of

Georgetown

Personally appeared before me the affiant Melvin Garrett who

being duly sworn deposes and says that defendant Terron Gerhard Dizzley

did within this county and state on or about 12/01/2008

violate the criminal laws of the

THE STATE

against

Terron Gerhard Dizzley

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

the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

Address: 2715 Old Cameron Rd.  
Orangeburg, SC 29115-

Phone: SSN: 248-85-9726

Sex: M Race: B Height: 5 5 Weight: 165

DL State: DL #

DOB: 4/28/1978 Agency ORI #: SC0220000

Issuing Agency: Georgetown County Sheriff

Prosecuting Officer: Melvin Garrett - 0018

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

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

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to  
defendant Terron Gerhard Dizzley  
on 12-1-08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
P. O. Drawer 421270  
129 Screven Street, Room 221  
Georgetown, SC 29442

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Signature of Affiant

*Melvin Garrett*

STATE OF SOUTH CAROLINA

County/  Municipality of

Georgetown

Affiant's Address 430 N. Fraser Street  
Georgetown, SC 29440-

Affiant's Telephone (843)436-3600

ARREST WARRANT

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

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

on or about 12/1/2008 defendant Terron Gerhard Dizzley

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

County/  Municipality of Georgetown) as set forth below

DESCRIPTION OF OFFENSE: Murder / Murder

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

Sworn to and subscribed before me

on 12/11/2008

Elaine C. Elliott (L.S.)

Signature of Issuing Judge

Elaine C. Elliott

Judge Code: 7018

Judge's Address Magistrate's Office  
Hemingway, SC 29554-3841

Judge's Telephone (843)545-3637

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

*Ex. 2*

August 14, 2018

## Investigative Report

To: Attorney Ellen Cleary

From: Benny L. Webb, Private Investigator

RE: Post Conviction Relief (PCR)

Terron Gerhard Dizzley, Petitioner

Charles Barr, Esquire, Respondent

County: Georgetown County

### Introduction:

On April 4, 2014, Terron Gerrhard Dizzley was convicted of the murder of Nathaniel Evans, Jr., by a jury in general session court in Georgetown County. Mr. Dizzley was sentenced on the murder charge to thirty five (35) years confinement at the South Carolina Department of Corrections.

### Summary:

On April 2, 2018, I was retained by the family of TerronDizzley to investigate the above claims by Mr. Dizzley that his Attorney Charles Barr was ineffective in representation of him during his trial in April of 2014.

On April 2, 2018, I met with Ms. Gwendolyn Frasier, the mother of TerronDizzley, and she advised me of all relevant information that she had concerning the ineffectiveness of Attorney Barr during his son's trial. Ms. Frasier told me of her concerns of how distracted Attorney Barr appeared to be during the trial and that he also appeared to be disinterested in performing his duties as an attorney representing her son during the trial. Ms. Frasier told me that Attorney Barr fell asleep several times during the hearing.

Ms. Frasier also gave me all relevant documents that she had at the time in reference to the case against her son.

On April 2, 2018, I read and reviewed all relevant documents given to me by Ms. Frasier including a partial transcript, incident reports by the Georgetown County Sheriff's Office, an investigative report conducted by Focal Point Investigations, LLC of Charleston, South Carolina, witness statements, and a list of jurors on this trial.

On April 26, 2018, I spoke with Investigator Melvin Garrett of the Georgetown County Sheriff's Office. Investigator Garrett indicated to me that he was the case investigators assigned to the death of Nathaniel Evans, Jr. Investigator Garrett told me that he spoke with Nathaniel Evans, Sr. at the hospital

on the night of the incident and he asked Mr. Evans if his son, Nathaniel Evans, Jr. (Victim) told him who shot him. Investigator Garrett stated that initially, Mr. Evans, Sr. told him that his son did not tell him who shot him. Investigator Garrett told me that in a subsequent interview that Mr. Evans, Sr. told him that Terron Dizzley shot him. Investigator Garrett told me with the statement by Mr. Evans, Sr. and a subsequent state by Naomi Austin stating that Mr. Evans, Jr. told her that Terron Dizzley shot him, that he was able to obtain an arrest warrant for Terron Gerhard Dizzley for the murder of Nathaniel Evans, Jr.

On April 26, 2018, I was able to ascertain from Investigator Garrett and medical officials at Georgetown Memorial Hospital the fact that none of them recall observing Naomi Austin speak to Nathaniel Evans, Jr. during his ambulatory care at the hospital. There is no evidence, information, or proof that Naomi Austin spoke with Nathaniel Evans, Jr. at the hospital or that he gave her the name of Terron Dizzley as the person who shot him at the Paradise Club in the Oatland Community of Georgetown County on December 1, 2008.

On April 26, 2018, I spoke with juror number 189 from the trial of State vs. Dizzley, 2014. Juror 189 told me that in her opinion the attorney for Mr. Dizzley was inattentive, not focus, and did not do a good job representing Mr. Dizzley. Juror 189 told me that she thought that the attorney for Mr. Dizzley was a public defender, but she later found out that he was a paid attorney. Juror 189 told me that she then thought that he was just working for the money and not for his client.

Juror 189 also told me that Juror 332 told the bailiff and the rest of them on the jury that she saw Mr. Dizzley drove himself to court and that she was concern why he was not in jail on this charge.

On April 26, 2018, I spoke with Mr. Dizzley via telephone after he had contacted his mother, Gwendolyn Frasier, from the Department of Corrections. Mr. Dizzley indicated that Attorney Barr was sleep or sleepy during portions of the trial.

On April 26, 2018, I spoke with Ms. Gwendolyn Frasier about the information that juror 189 had given me. Ms. Frasier told me that during the trial, she and her family became aware of the bias of juror 332. Ms. Frasier told me that they pleaded with Attorney Barr to argue for her removal from the jury. Ms. Frasier told me that Attorney Barr refused to argue for juror 332 to be removed instead Attorney Barr told them that he would rather have her, even with her biasness toward Mr. Dizzley, then the white/male alternate juror. Ms. Frasier told me that she and Terron disagreed with Attorney Barr's decision to keep juror 332 on the jury.

He was then asked if he, Aundry Evans, Jr., says Little D or D, who did he think he was referring to? And the answer given by Douglas was Terron

2

This again is in direct contradiction to his statement given on December 1, 2008 to investigators when Morris was asked if he knew who D was, he replied "NO."

On May 7, 2018, spoke with Autarus Dizzley, who is the brother of, Terron Gerhard Dizzley. A. Dizzley indicated that his brother has never gone by the name "Little D" at home or in the community.

On May 7, 2018, spoke with Sherrie Frasier, who is the sister of Terron Gerhard Dizzley. Sherrie Frasier indicated that her brother has never gone by the name "Little D" at home or in the community. Ms. Frasier stated that he either went by the name "Dizz" or "Rhard."

On May 7, 2018, spoke with Deputy James Elmore who has known Mr. Dizzley over fifteen years. Deputy Elmore stated that his Mr. Terron Dizzley has never gone by the name "Little D" at home or in the community. Deputy Elmore stated that he has never anyone call Mr. Dizzley by the name "Little D."

On May 7, 2018, spoke with Juwee Collins who is the former girlfriend of Terron Gerhard Dizzley. Ms. Collins indicated Mr. Dizzley has never gone by the name "Little D" at home or in the community.

On May 7, 2018, spoke with Carlos Wineglass who is a friend of Terron Gerhard Dizzley. Mr. Wineglass indicated that Mr. Dizzley has never gone by the name "Little D" at home or in the community

On May 7, 2018, spoke with Grover Gasque who is a friend of Terron Gerhard Dizzley. Mr. Gasque indicated that Terron Dizzley has never gone by the name "Little D" at home or in the community

On August 9, 2018, I spoke with Marvin in Orangeburg, South Carolina. Mr. Riley stated that he first met Terron Dizzley around 2006 when both of them were living in Orangeburg. Mr. Riley stated that he and other that they associated with called Terron Dizzley "Shard."

Mr. Riley stated that he started doing Dee Jay work for Shard approximately two weeks before the incident happened at Club Paradise in the Oatland Community of Georgetown County on December 1, 2008.

Mr. Riley stated that Naomi Alston was the girlfriend of Audrey Evans, Jr., the victim in this incident. Riley stated that Audrey Evans, Jr., and Shard were partners in Club Paradise as far as he knew at the time. Riley stated that during the time that he was at the club, he never heard anyone referred to Terron Dizzley as anything other than Shard.

Riley stated that he did not hear anyone called Shard "Little D" until after the incident when the cook (chef) at the club had spoken to the investigator, he also referred to Shard as "Little D" during the investigation.

Mr. Riley stated that prior to speaking to the investigator, the cook, referred to Shard as "Your Boy" or "Old Boy."

Benny L. Webb

Private Investigator

SLED PI # 2724

A copy of this report will be retained by Private Investigator Benny L. Webb for his file.



THE PALMETTO CENTER FOR LAW AND JUSTICE



710 Windrow Drive  
Sumter, South Carolina 29150  
(803) 972-3613

May 7, 2018

Benny L. Webb  
CEO and Executive Advocate  
"A Not for Profit Organization"  
Private Investigator and Consultant

In accordance with South Carolina Code of Laws 1976 annotated, Section 30-4-30, The Palmetto Center for Law and Justice, under the Freedom of Information Act, request the following information:

- 1) To inspect and/ Or copy of any run sheets, or any other other investigative documents pertaining to the case of Terron Gerhard Dizzley, Georgetown County Case number 12080088, the decedent in this case being Aundry Nathaniel Evans. This incident occurred at the paradise club located at in the Oatland Community on December 1, 2008.

I understand that there will be a reasonable cost for research and copying this material and that this cost will be consistent with the Laws of the State of South Carolina.

Please make the requested items available within fifteen days (except Saturdays, Sundays, and Legal Holidays) in accordance with South Carolina Code of Law 1976 annotated Section 30-4-40 ©.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Benny L. Webb  
Private Investigator/Consultant  
Palmetto Center for Law and Justice.

C: Attorney Leah Moody

~~Ex. 7 4~~

Ex. 3

550

Melvyn Garrett - Cross by Defense

1 girlfriend. Yes.

2 Q All right. So you took, you took it to the two  
3 girlfriends, and, of course, you knew that he had a  
4 relationship with both of the women?

5 A Yes.

6 Q And in terms of why, you were, you were trying to find  
7 Terron Dizzley. You had, you had already heard, at least,  
8 that Naomi Alston claimed that Terron Dizzley, that he  
9 identified Terron Dizzley as the person that shot him? You  
10 knew that; right?

11 A No. What I heard was that he identified a person by the  
12 name of Little D that shot him.

13 Q Well, Little D, but then you said that Little D you  
14 wanted somebody to confirm that Little D was Terron Dizzley?

15 A That's correct.

16 Q All right. Now, you, you, you were aware of the  
17 statement that had been given by Gary Gibson?

18 A Yes.

19 Q And --

20 MS. BAILEY: Your Honor, just to clarify, Gary Gibson  
21 gave several statements. Which one are we referring to?

22 MR. BARR: I'm talking about the statement that he gave  
23 dated the 20<sup>th</sup> of August of 2012 that he gave Steven Brown.

24 A No. I'm not aware of that statement.

25 Q You were not aware of that statement? So as far as you

## ADDITIONAL NARRATIVE

Ex. 4<sup>4</sup>

Agency Name: Georgetown County Sheriff	ORI #: SC0220000	Report Date/Time: 12/1/2008 11:20:00 PM	OCA #: 12080088
SUPPLEMENT CASE # 12080088 NELSON			

2/1/08 / 2340 - RESPONDED TO 899 OATLAND RD (PARADISE CLUB) IN RESPONSE TO A SHOOTING. UPON ARRIVAL MET WITH SGT SMITH WHO STATED ON THIS DATE AT APPROXIMATELY 2330 HRS THE VICTIM (EVANS) WAS SHOT BY AN UNKNOWN ASSAILANT. SMITH STATED THE SUSPECT IS DESCRIBED AS A BLACK MALE, APPROXIMATELY 505 IN HEIGHT WEARING A BLACK COLOR HAT WITH HIS FACE OBSCURED BY SOME SORT OF MATERIAL. THE SUSPECT ENTERED THE ESTABLISHMENT HANDING A SEMIAUTOMATIC HANDGUN, MADE A LINE DIRECTLY TOWARDS THE VICTIM AND BEGAN TO FIRE THE WEAPON TOWARDS AND STRIKING THE VICTIM AN UNKNOWN NUMBER OF TIMES ABOUT THE LOWER TORSO AND UPPER EXTREMITY AREA. THE SUSPECT THEN LEFT THE SCENE BY AN UNKNOWN MEANS. ACCORDING TO SGT SMITH THERE WERE APPROXIMATELY FOUR INDIVIDUALS IN THE CLUB DURING THE SHOOTING. THE NAMES INCLUDED MAURICE GILES, JAMES TANLEY, LARRY COOPER AND THE VICTIM. ONLY GILES WOULD PROVIDE A WRITTEN STATEMENT. THE OTHERS INDICATED THEY HAD NOT OBSERVED THE EVENT.

UPON ENTERING THE ESTABLISHMENT, THE ROOM WAS DEVOID OF ANY PERSONS. INSIDE THE MAIN BAR AREA WERE TWO POOL TABLES. THE LEFT MOST POOL TABLE APPEARED TO BE THE CENTER OF THE INCIDENT. AS BLOOD WAS LOCATED TO THE LEFT OF THIS TABLE, AS WERE SOME SPENT 40 CALIBER BRASS.

THE FOLLOWING ITEMS WERE LOCATED AND COLLECTED:

- ITEM 1 - ONE (1) SHELL CASING MARKED 40 S&W CBC. THIS ITEM WAS LOCATED ON THE RIGHT SIDE OF THE POOL TABLE ON THE GROUND.
- ITEM 2 - ONE (1) SHELL CASING MARKED 40 S&W CBC. THIS ITEM WAS LOCATED ON THE LEFT SIDE OF THE POOL TABLE ON THE GROUND.
- ITEM 3 - ONE (1) SPENT BULLET. THIS ITEM WAS LOCATED ON THE LEFT SIDE OF THE POOL TABLE TOP BETWEEN THE CORNER AND CENTER POCKET.
- ITEM 4 - ONE (1) SHELL CASING MARKED 40 S&W RP. THIS ITEM WAS LOCATED ON THE LEFT SIDE OF THE POOL TABLE TOP NEAR REAR CORNER POCKET.
- ITEM 5 - TWO (2) SWABS OF VICTIM'S SUSPECTED BLOOD FROM LEFT SIDE OF POOL TABLE FLOOR.

NO OTHER ITEMS WERE LOCATED AT THE ESTABLISHMENT. PHOTOGRAPHS WERE OBTAINED.

2/2/08 / 0100 - ARRIVED AT THE GEORGETOWN EMERGENCY ROOM AND LOCATED THE VICTIM IN ROOM #5. VICTIM WAS BEING STABILIZED AND WAS LUCID AND ABLE TO SPEAK. WHEN ASKED WHO SHOT HIM, THE VICTIM RESPONDED HE WAS SPEAKING WITH HIS FATHER AND DID NOT WISH TO SPEAK WITH ME. WHEN ASKED AGAIN, VICTIM STATED SOMEONE JUST CAME IN AND SHOT HIM AND ASKED ME TO LEAVE. WHILE WAITING FOR THE VICTIM'S FATHER, EVANS SR, I WAS ADVISED BY MEDICAL STAFF HE VICTIM HAD SEVERAL WOUNDS ON HIS BODY. ONE WAS OBSERVED ON HIS LEFT SIDE LOWER TORSO, ONE WAS OBSERVED ON HIS LEFT SIDE UPPER THIGH, ONE WAS OBSERVED ON HIS LEFT SIDE REAR UPPER LEG AND AN ADDITIONAL WOUND WAS LOCATED ON HIS RIGHT SIDE LOWER TORSO. AT THIS TIME MEDICAL STAFF COULD NOT DETERMINE ENTRY VERSUS EXIT OR THE EXACT NUMBER OF WOUNDS. VICTIM'S CLOTHES HAD BEEN REMOVED BY MEDICAL STAFF AND UPON REMOVING THE PANTS AN ADDITIONAL SPENT BULLET FELL FROM THE PANTS. THIS BULLET WAS FLATTENED PARTIALLY AND DID NOT APPEAR TO HAVE BLOOD OR TISSUE ATTACHED. THIS ITEM TOO WAS COLLECTED AND PLACED INTO EVIDENCE, ALONG WITH THE VICTIM'S CLOTHING. VICTIM'S FATHER THEN EXITED THE ROOM. I INQUIRED IF HIS SON HAD DISCLOSED ANY INFORMATION TO HIM, TO WHICH MR EVANS SR STATED HE HAD NOT. I THEN ASKED IF HIS SON HAD DISCLOSED INFORMATION, WOULD HE TELL ME. MR EVANS SR THEN STATED HE WAS UNSURE IF HE WOULD TELL ME OR NOT AS HE WANTED TO UNDERSTAND WHAT HAD HAPPENED PRIOR TO ANY DISCLOSURE. I PROVIDED MR EVANS SR WITH MY BUSINESS CARD AND WAITED HELICOPTER TRANSPORT FOR THE VICTIM. AS THE VICTIM WAS BEING PREPARED FOR DEPARTURE, MS NAOMI JUSTIN, THE VICTIM'S FIANCE STATED THE INDIVIDUAL RESPONSIBLE FOR THE SHOOTING WAS SOMEONE SHE KNOWS AS "LITTLE D". MS AUSTIN ADVISED SHE BELIEVES "LITTLE D" IS A TYRON DIBSLY. VICTIM HAD INFORMED MS AUSTIN OF THIS INFORMATION PRIOR TO HIS DEPARTURE. VICTIM THE WAS LOADED ON THE MEDEVAC HELICOPTER AND TRANSPORTED TO MUSC. MILITARY UNITS CLEARED THE GEORGETOWN HOSPITAL.

ALL EVIDENCE WAS DROPPED AT THE SHERIFF'S OFFICE.

ATTEMPT TO LOCATE TYRON DIBSLY VIA VISIONS, DMV ONLINE, JAIL VISIONS WERE UNSUCCESSFUL. VARIOUS SPELLINGS WERE ATTEMPTED WITH THE SAME RESULTS.

2/2/08 / 0300 - WAS ADVISED BY SGT SMITH THE VICTIM HAS SUCCEEDED TO HIS INJURIES SHORTLY AFTER HIS ARRIVAL IN WRESTON.

ADDITIONAL NARRATIVE

~~Ex. 5~~  
2  
Ex. 5

Agency Name Georgetown County Sheriff	ORI #: SC0220000	Report Date/Time:	OCA #: 12080088
--	---------------------	-------------------	--------------------

STANDING APPROX. 5FT 5IN IN HEIGHT. THE UNKNOWN MALE THEN POINTED THE GUN AT THE VICTIM AND BEGAN SHOOTING AT HIM. THE VICTIM FELL TO THE FLOOR AND THE UNKNOWN MALE LEFT. THE WITNESS WAS UNABLE TO GIVE A VEHICLE DESCRIPTION OR A DIRECTION OF TRAVEL.

WE SPOKE TO SEVERAL WITNESSES THAT WERE OUTSIDE THE CLUB AND THEY WOULD NOT PROVIDE A VEHICLE DESCRIPTION. E.M.S RESPONDED ON SCENE AND TRANSPORTED THE VICTIM TO THE GEORGETOWN E.R. I THEN RESPONDED TO THE E.R. WHERE I ATTEMPTED TO SPEAK TO THE VICTIM AND HE WOULD NOT COOPERATE AND WOULD NOT PROVIDE ANY INFORMATION.

I THEN WENT TO THE WAITING ROOM WHERE THE VICTIMS FIANCE WAS LOCATED AND SPOKE TO HER. THE VICTIMS FIANCE NAOMI AUSTIN PROVIDED ME WITH THE VICTIMS INFORMATION AND ALSO STATED THAT THE VICTIM TOLD HER THAT THE MALE THAT SHOT HIM WAS CALLED LITTLE D. AUSTIN STATED THAT SHE BELIEVED THE SUSPECT NAME WAS TYRON DIBSLY BUT SHE KNEW HE WAS CALLED LITTLE D.

INV. NELSON THEN ARRIVED AT THE E.R AND SCENE WAS TURNED OVER TO HIM.

ADDITIONAL NARRATIVE

~~Ex-6~~ <sup>3</sup>  
Ex-6

Agency Name: Georgetown County Sheriff	ORI #: SC0220000	Report Date/Time: 12/1/2008 11:20:00 PM	OCA #: 1206006B
---	---------------------	--	--------------------

SUPPLEMENT CASE # 12080088 NELSON

2/2/08 / 0330 MADE CONTACT WITH MR GILES AND REQUESTED HE MEET WITH ME.

2/2/08 / 0400 - MET WITH MR GILES HE PROVIDED A REVISED STATEMENT WITH INFORMATION HE PREVIOUSLY FORGOT. MR GILES STATED THE INDIVIDUAL REponsible FOR THE SHOOTING WAS KNOWN TO HIM AS "LITTLE D". MR GILES WAS ADVISED TO THINK ABOUT ALL THE DETAILS AND TAKE HIS TIME. MR GILES COULD NOT RECALL ANY ADDITIONAL INFORMATION OR INDIVIDUALS PRESENT AT THE TIME OF THE EVENT.

2/2/08 / 0500 - SPOKE WITH MR EVANS SR. MR EVANS SR STATED HIS SON HAD INFORMED HIM IN THE GEORGETOWN HOSPITAL "LITTLE D" WAS THE INDIVIDUAL WHO SHOT HIM. MR EVANS SR DID NOT KNOW WHO "LITTLE D" WAS.

2/2/08 / 0645 - OBTAINED A SEARCH WARRANT FROM JUDGE DUNN FOR THE PROPERTY AND BUILDING LOCATED AT 899 OATLAND RD.

2/2/08 / 0800 RECIEVED INFORMATION REGARDING ADDITIONAL PARTY ON SCENE AT 899 OATLAND RD. A SONJA JONES STATED HER SON, DOUGLAS MORRIS WAS PRESENT DURING THE SHOOTING. CONTACT WAS MADE WITH MS JONES REQUESTING SHE AND HER SON MEET AT THE SCHERIFF'S OFFICE FOR AN INTERVIEW. MS JONES STATED SHE WOULD ARRIVE AT APPROXIMATELY 1000 HRS WITH HER SON.

2/8/08 / 0900 - MET WITH MR GILES AT THE SHERIFF'S OFFICE. MR GILES PROVIDED ADDITIONAL NAMES OF INDIVIDUALS WHO WERE PRESENT AT THE LOCATION SOMETIME DURING THE COURSE OF THE EVENING. THE LIST IS COMPRISED OF MOSTLY MONIKERS AND WILL BE DECIPHERED.

2/8/08 / 1000 - OBTAINED BLOOD SAMPLES FROM THE GEORGETOWN HOSPITAL COLLECTED FROM THE VICTIM. SAMPLES WILL BE SENT TO MUSC ALONG WITH CLOTHING FOR AUTOPSY

~~Ex. 9 to~~  
Ex. 7

Jarred Bardon - Cross by Defense

463

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. BARR:

4 Q The victim kept asking for Mo?

5 A Yes. Mo.

6 Q Did Mo show up during the time that you were attending  
7 the victim?

8 A I, I, I don't remember meeting a Mo. There was nobody in  
9 there by that name that I could recall.

10 Q Did you have on officer, did you have on, did you have on  
11 a police uniform or were you dressed in street clothes at that  
12 time?

13 A Police uniform.

14 Q You got a police uniform on?

15 A Yes.

16 Q Badge and gun and everything?

17 A Everything.

18 Q Yeah. Did the victim make any statements to you  
19 regarding who he thought shot him?

20 A He did not.

21 Q Just kept asking for Mo?

22 A Yes.

23 Q Now, did you assist in setting up the crime scene?

24 A As far as keeping everyone out of the crime scene, yes.

25 Q And you put up tape?

Ex. 8

Gary Gibson - Direct by State

404

1 the incident happened. She was there fast, but she wasn't  
2 there time the incident happened. Whatever he said to Mo, no,  
3 I did not hear it.

4 Q And but did Naomi get there before law enforcement? Do  
5 you remember?

6 A I believe she did. Yeah. Because I didn't even have her  
7 number. I don't even know who called her.

8 Q Do you know Mr. Dizzley?

9 A No. I do not.

10 Q Can you -- I know it happened fast, but the person who  
11 came into that club with a mask, can you give us any further  
12 description of that person?

13 A Not really. I mean, all I can -- I mean, somebody comes  
14 in a club shooting and they got a ski mask and a hoody on,  
15 what is, what is your reactions? To hide for cover, and  
16 that's what I did.

17 Q Could you tell if that person was white, black or  
18 Hispanic?

19 A You really couldn't tell because, I mean, you got a hoody  
20 on with a ski mask and the eye and the mouth, I mean, and  
21 they're shooting you ain't going to sit there, look to try to  
22 see, you know, if they're white, black, Puerto-Rican or what,  
23 Indian or what. You're going to try get out the way.

24 Q All right. Were you able to tell how tall that person  
25 was?

Ex. 9

Gary Gibson - Cross by Defense

406

1 THE COURT: Mr. Barr, your witness.

2 CROSS EXAMINATION

3 BY MR. BARR:

4 Q Stand up. Didn't you tell the police officers that the  
5 man you saw came into the club, the shooter, was taller than  
6 Terron Dizzley?

7 MS. BAILEY: Objection, Your Honor. He didn't -- there's  
8 no information. That's -- that would be a misstatement of the  
9 facts is my objection.

10 THE COURT: Well, again, if you could, you need to  
11 identify the time and the place of the statement. Let's  
12 follow the rule concerning out-of-court statements.

13 BY MR. BARR:

14 Q On August 20<sup>th</sup> of 2012, you spoke with -- you spoke with  
15 the investigators with the Georgetown County Sheriff  
16 Department. Do you have a recollection of that?

17 A Yes.

18 Q Did not you tell them at that time that you thought the  
19 man that you saw come in the club, the shooter, was too tall  
20 to be Terron Dizzley?

21 A I said five-six, five-seven. How tall is Mr. Dizzley?

22 Q Well, didn't you tell them that you looked at Mr. Dizzley  
23 or you thought about it and that you believed that he was too  
24 short to shoot over the bar?

25 A I just said he was five-six or five-seven. That's taller

Ex. 10

Jameson Wright - Direct by State

418

- 1 A It was long.
- 2 Q One was long?
- 3 A Yeah.
- 4 Q What about the other one?
- 5 A I ain't see the other one.
- 6 Q You didn't see the other one?
- 7 A Huh-uh, huh-uh.
- 8 Q Okay. What happened next? Anybody get out of the car?
- 9 A Yeah.
- 10 Q Who got out of the car?
- 11 A A tall fellow.
- 12 Q Okay. Was that out of the back seat or the front seat?
- 13 A The front seat.
- 14 Q Front driver or passenger?
- 15 A Passenger side.
- 16 Q And what did that person do who got out of the passenger
- 17 side?
- 18 A Go on inside the club.
- 19 Q He went inside the club?
- 20 A Yeah.
- 21 Q And did anybody get out of the back of the car?
- 22 A No, ma'am.
- 23 Q Did anybody point a gun at you?
- 24 A Yes, ma'am.
- 25 Q I'm sorry?

8:20-cv-00126-SAL Date Filed 01/13/20 Entry Number 1-6 Page 63 of 98

WITNESSES

Georgetown County Sheriff's Office

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REST WARRANT NUMBER

J525436  
CDR: 0116 §16-03-0010, 0020  
DOI: December 1, 2008

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury *[Signature]*  
Date: *7-8-09*

VERDICT

\_\_\_\_\_  
\_\_\_\_\_

*[Signature]*  
Foreperson of Petit Jury  
Date: *4/3/2014*

DOCKET NO. 2009GS2200778<sup>x</sup>

The State of South Carolina  
County of Georgetown

Scott R. Hixson 08G00972

COURT OF GENERAL SESSIONS  
JULY, 2009 TERM

THE STATE

vs.

TERRON GERHARD DIZZLEY  
2715 Old Cameron Road  
Orangeburg, SC 29115  
DOB: 4/28/1978  
SSN: 248-85-9726  
N/M

ATTORNEY: Barr, Charles D.

Indictment for

MURDER

J. Gregory Hembree, Solicitor

Ex. Hat 12

July 2009 Go To Date

**Terms of Circuit and Family Court  
July 2009**

**Holiday:  
Fri Jul 03, Independence Day (Observed) (Observed)**

Circuit Number	7/6/2009	7/13/2009	7/20/2009	7/27/2009
15	Common Pleas Horry Hyman, Larry  MCCALL 6, 7, 8 am NO CR NEEDED 8 pm, 9, 10  Administrative Week John, Steven  EUBANK	Common Pleas Non-Jury Culbertson, Benjamin  HURLEY  General Sessions Horry Hyman, Larry  BABB  General Sessions Horry John, Steven  EUBANK	General Sessions Horry Culbertson, Benjamin  BUCKNER  General Sessions Horry Hyman, Larry  BABB  Common Pleas Horry John, Steven  EUBANK	General Sessions Georgetown Culbertson, Benjamin  HURLEY  Common Pleas Non-Jury/PCR Hyman, Larry  MCCALL 27, 28, 29 NO CR NEEDED 30, 31  Common Pleas Horry John, Steven  EUBANK  Common Pleas Horry Russo, Thomas  BUCKNER 27, 28, 29 NO CR NEEDED 30, 31
	Family Court Horry Caldwell, Wylie H.  BABB 6, 7, 8 HURLEY 9 BABB 10  Family Court Horry Bromell Holmes, Jan B.  WRIGHT	Family Court Horry Kinon, Lisa A.  ALLEN 13, 14, 15, 16 NO CR NEEDED 17  Family Court Georgetown Bromell Holmes, Jan B.  WRIGHT  Family Court	Family Court Horry Spruill, James A.  MCCALL 20, 21, 22, 23 HURLEY 24  Family Court Horry Kinon, Lisa A.  ALLEN  Family Court	Family Court Horry Kinon, Lisa A.  ALLEN  Family Court Georgetown Bromell Holmes, Jan B.  WRIGHT  Family Court Horry



South Carolina Court Administration  
South Carolina Supreme Court  
Columbia, South Carolina

TONNYA K. KOHN  
INTERIM DIRECTOR

1220 SENATE STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1800  
FAX: (803) 734-1355

August 15, 2017

Mr. Terron Dizzley, #359480  
McCormick Corr. Inst.  
386 Redemption Way  
McCormick, South Carolina 29899

Re: Your correspondence received August 11, 2017

Dear Mr. Dizzley:

Your recent request for information has been received by this office and forwarded to this section for response. You requested information relating to special terms of court pursuant to S.C. Code of Laws, §14-5-910. Please be advised that with the adoption of the amendments to Article V of the South Carolina Constitution in 1973, the Chief Justice has the authority to set the terms of the Court of General Sessions. Article V, §4 of the South Carolina Constitution states in part that "[t]he Chief Justice shall set the terms of any court and shall have the power to assign any judge to sit in any court within the unified judicial system." Therefore, under the current constitutional provision, all terms of the circuit court are set by the Chief Justice and there are no special terms.

Please be further advised that this office is not the custodian of records relating to the county grand juries. You may contact the Georgetown County Clerk of Court or the Solicitor's Office to request information relating to the convening of the Georgetown County grand jury.

All terms of court, dating back to 2002, are available on the South Carolina Judicial Department Website at [www.sccourts.org/calendar/scmapimg.cfm](http://www.sccourts.org/calendar/scmapimg.cfm). If you do not have access to the internet, you may wish to have a friend or family member download and print this information for you.

Sincerely,

Staff Attorney Section/tr

INDEX OF TRANSCRIPTION OF CD'S

Morris

Tr. P. 4, L1 – 14 Morris states the shooter was "kind of dark skinned". ID  
exculpatory tr. P.4, L 24 – 25 through P.S. L1

Inv. 24. This guy that you saw come in, did he remind you  
Inv. L 25. of anybody that you may have seen before?

Morris p. 5  
Line 1 No, Sir. Not really. ID exculpatory  
Tr. P. 6, L25, P7., L1 – 2

Inv. L 25 Did he get in a fight with anybody that you know  
p. 7. L 1 of?

Morris L2 No, sir.  
Tr. P.:7, L13 – 14.

Inv. 13. Do you know who Dee is?  
M 14. No, Sir. ID exculpatory

Sonia Jones

Tr. P. 8, L 10 – 21 Sonia says that Aundry and D had words on Saturday (Nov.  
29, 2008) and Aundry had police to escort Dee of the property. Petitioner contends Dee is  
not his nickname or legal name, and Aundry was never present at the Club Paradise on  
November 29, 2008. Aundry and I never had any words. (Speak to officers).

Tr. p. 10, L 6 – 8. Sonia Jones stated that Naomi has got some serious issues.

Tr. p. 13, L 11 – 20. Sonia Jones states that Aundry told her Dee was on the run from the  
FBI. Sonia states she overheard Aundry on the phone talking to Dee about his kids.  
(Petitioner never had kids, never on the run from FBI ID exculpatory.

Sonia Jones Re: Transcription of CD

Interview taken by Investigator Garrett on December 2, 2008, Page 13, Lines 11—20

Lines: 11 Sonia Jones They actually had words on the cell  
12 phone and stuff, him trying to talk some sense into  
13 Dee and telling Dee , you don't need to be doing  
14 This, you don't need to be doing that, It was told to  
15 Us that Dee was supposedly wanted by the FBI  
16 I don't know that, but it was just him telling  
17 Dee you need to chill, you need to stop doing  
18 All this stupid stuff, Man, you've got babies out there and  
19 You need to stop acting stupid and it escalated  
20 A most men don't want to be told what to do.

Proof: This is proof that who ever Sonia Jones heard Aundry talking to on the cell phone, supposedly, was not Terron Dizzley because I never was wanted by the FBI, nor did I have any children at that time. All of this information could have been used to prove my innocence by my defense. This also proves that there was a very serious identity issue that needed to be cleared up.

Sonia Jones

Exculpatory

Tr. p.16, L 11 – 23 Sonia, picked Number 4, out of the line-up as who she knows as

D photo-line-up suggestive ( miss ID)

Gerletha Jones

Tr. p.19, L 6 – 13 Gerletha picks Number 5 out of the line-up as who she knew as “D”. ID exculpatory.

Willie Stanley

Tr, p, 7, L 6 – 16 Stanley “claims: that he heard the name Little D from Aundry, in reference that the “Little D” likes racing cars. (Petitioner contends that he has never owned a race car and was living in Orangeburg, SC for the past five years, it would have been impossible for that person whom Stanley “claims: Aundry made reference. to have been the Petitioner.) Tr. p. 2, L 17 – 20, Stanley stated Aundry was not the only person that the shooter shot at , that the shooter ran after Aundry’s uncle also shooting at him. Tr. p. 3, L 6 – 7 Stanley stated that there Was shooting outside also. Also See p. 5, L 7 – 11. L 14 – 16 Stanley says his friend got stuck up (robbed) p. 6, L 6 – p. 7, L 1 – 4 Stanley say there were at least 3 or 4 other all wearing masks. \* P. 9, L 2, P. 10, L 1 – 5 Stanley states that Aundry was speaking to him saying that he, Aundry, said he needed to change his lifestyle, and he couldn’t live like that any more. Stanley stated that he had heard Aundry was a “jackboy” that he robbed drug dealers.

Willie Stanley

Tr. P. 19, L 3 – 18 Stanley states his friend, T.I. told him there were three more individuals with guns outside. L, 19 – 24, Stanley says T. I. told him that the individuals outside stuck him up, told him to empty everything out of his pocket. (robbery which would change the whole motive of the Solicitor's theory). P. 32, L 4 – 7, Stanley states, again, that the shooter saw Aundry's uncle and ran after and shot at him.

Larry Cooper

Tr. 6, L 11 – 12. Cooper states as he ran outside there was another person with a gun. (Also, See P. 7, Tr. P. 8, L 21 – 25 Cooper says he heard Aundry had a argument with someone on Thursday also See P. 9 , P. 10, L. 1 – 6, Tr. P 11 – P. 12, L 1 -14 Cooper states the individuals shot the cars up outside, Honda Civic. (Note: Solicitor stated in closing arguments that didn't know how Mack's car got shot up, when, and that it could have happened before Aundry got shot or afterward, while Aundry was in the hospital. Misstatements of truth of truth not supported by the record.) Tr. p. 16, L 25 – P. 17, L 1. Cooper said that Aundry never said who he thought shot him. Tr. P. 28, L 17 – 19.. Cooper said he never heard the name "Little D" even mentioned that night. Tr. P 29, L 1 – 5, 25 throughout p. 30 Cooper continues to tell Investigators that he didn't hear the name "Little D" mentioned. Exculpatory

**ANDREA R. KELLY**  
**401 WITHERSPOON DRIVE**  
**KINGSTREE, S. C. 29556**  
**PHONE: 843-354-7169**

August 28, 2012

Mr. Charles David Barr  
Barr and Barr  
Kingstree, S. C. 29556

Re: Transcription of three CD's in Georgetown murder trial

Willie Stanley	\$120.00
Larry Cooper	\$ 90.00
Douglas Morris, Sonia	
Jones, Toni Jones	\$ 66.00
Total	\$276.00

Thank you

SS# 248-80-5058

Willie Stanley

Tr. P. 19, L 3 – 18 Stanley states his friend, T.I. told him there were three more individuals with guns outside. L, 19 – 24, Stanley says T. I. told him that the individuals outside stuck him up, told him to empty everything out of his pocket. (robbery which would change the whole motive of the Solicitor's theory). P. 32, L 4 – 7, Stanley states, again, that the shooter saw Aundry's uncle and ran after and shot at him.

Larry Cooper

Tr. 6, L 11 – 12. Cooper states as he ran outside there was another person with a gun. (Also, See P. 7, Tr. P. 8, L 21 – 25 Cooper says he heard Aundry had a argument with someone on Thursday also See P. 9, P. 10, L. 1 – 6, Tr. P 11 – P. 12, L 1 -14 Cooper states the individuals shot the cars up outside, Honda Civic. (Note: Solicitor stated in closing arguments that didn't know how Mack's car got shot up, when, and that it could have happened before Aundry got shot or afterward, while Aundry was in the hospital. Misstatements of truth of truth not supported by the record.) Tr. p. 16, L 25 – P. 17, L 1 Cooper said that Aundry never said who he thought shot him. Tr. P. 28, L 17 – 19., Cooper said he never heard the name "Little D" even mentioned that night. Tr. P 29, L 1 – 5, 25 throughout p. 30 Cooper continues to tell Investigators that he didn't hear the name "Little D" mentioned. Exculpatory

1 Inves. Garrett This Investigator Garrett and the date is  
2 December 2, 2008 at 5:03 p.m. I'm here at 23  
3 Esther Drive in Deerwood Estate speaking with?

4 Douglas Morris Douglas Morris.

5 Investigator Garrett And his mother?

6 Sonia Jones Sonia Jones.

7 (From this point forward questions will be posed  
8 by Investigator Garrett and questions will be answered by Douglas  
9 Morris and Sonia Jones, unless otherwise noted.)

10 Q Sonia Jones is present. The first thing I'm going  
11 to do is read your rights to you, okay. You have  
12 the right to remain silent. Anything you say can  
13 and will be used against you in a court of law.  
14 You have the right to talk to a lawyer and have  
15 him present with you while you are being  
16 questioned. If you cannot afford to hire a lawyer,  
17 one will be appointed to represent you before any  
18 questioning if you wish. If you desire to make a  
19 statement, or answer any questions you have the  
20 right to stop at anytime during the statement of  
21 questioning. Do you understand your rights?

22 A Yes, sir.

23 Q Ma'am, do you understand that?

24 Sonia Jones Yes.

25 Q Just sign here for me.

1 A Right here?

2 Q Yes, please. Ms. Jones, if you don't mind just  
3 witnessing that for me.

4 Sonia Jones Yes, sir.

5 Q Dustin, you know what I'm here to talk to you  
6 about, correct?

7 A Yes, sir.

8 Q Okay, what is it?

9 A About the shooting and killing that happened last  
10 night.

11 Q Speak up for me.

12 A The shooting and killing that happened last night.

13 Q At?

14 A At the club, but I can't remember, Sports Bar.

15 Q Sports Bar, Club Paradise is it?

16 A Yes, sir.

17 Q In Oakland?

18 A Yes, sir.

19 Q What can you tell me about what?

20 A Well, I originally went there to cook and after I  
21 got finished cooking, I went and I was sitting  
22 behind the bar watching the game. Then  
23 everybody left the bar, and they started playing  
24 pool. While they were playing pool you know  
25 they were out there having fun and two other

1                   dudes were sitting at the bar with me watching the  
2                   game.

3    Q               What other two dudes?

4    A               I don't know their names.

5    Q               Okay.

6    A               While we were watching the game I just happened  
7                   to hear the door fly open, and when I looked I  
8                   seen this man running and he had a black  
9                   bandanna across his face and his nose, and he had  
10                  something going across his head where you could  
11                  only see his eyes. He said something about didn't  
12                  I tell you this wasn't over, and then that's when  
13                  he started shooting at my brother.

14   Q              Your brother who?

15   A              Andre' Evans.

16   Q              So Andre' Evans is your brother?

17   A              My brother-in-law.

18   Q              Your brother-in-law. So he's married to your  
19                  sister?

20   A              Not quite married, but you know.

21   Q              What's your sister's name, which sister?

22   A              Jerletha Jones.

23   Q              Jerletha Jones?

24   A              Yes, sir.

25   Q              Does he stay here from time to time?

1 A No, sir.

2 Q No. What else can you tell me about this guy that  
3 ran in with the mask on. When he came in which  
4 door did he come in. There are two doors there.  
5 A He came in through the side door.  
6 Q Side door.  
7 A Like next to where the bar is.  
8 Q Where the bar is, and that's where you were  
9 sitting?  
10 A Yes, sir.  
11 Q Can you tell me anything about him or what he  
12 looked like other than he had the mask on. What  
13 was he wearing?  
14 A He was like kind of dark skinned, and I think he  
15 had on a gray hoodie, a black T-shirt and a pair of  
16 blue jeans. I didn't get to see the sneakers. He  
17 was about 5'4, and that's all I really got to see  
18 before he started shooting, and I ducked down  
19 behind the bar.  
20 Q So he was a pretty short guy?  
21 A Yes, sir.  
22 Q Okay, was this your first time at the bar?  
23 A Yes, sir.  
24 Q This guy that you saw come in, did he remind you  
25 of anybody that you may have seen before?

1 A No, sir, not really.

2 Q Do you remember what kind of gun he had, what  
3 it looks like?

4 A It was a 9 millimeter, black.

5 Q It was black?

6 A Yes.

7 Q And he came in and he shot at who?

8 A Andre' Evans.

9 Q And you were ducked down behind the bar when  
10 that happened?

11 A Yes, sir.

12 Q What happened after he shot?

13 A He ran out, and he got in a black Taurus and he  
14 flees the scene.

15 Q Okay, a black Taurus.

16 A Yes, sir.

17 Q Was there anybody else with him?

18 A From what other people said there were another  
19 dude standing at the door and three more outside.

20 Q Right, but what did you see?

21 A All I saw was him when he came storming in.

22 Q You just saw him, okay. When he jumped into  
23 this black Taurus did he get in the driver's side or  
24 the back seat?

25 A He got in the passenger side.

1 Q ~~Passenger side.~~ Where was the car parked, do  
2 you remember that he jumped in?  
3 A It was parked in the driveway so when he got  
4 through he could have just hopped in and ride off.  
5 Q When you say it was parked in the driveway, was  
6 the front of the car facing the building or was it  
7 backed in?  
8 A It was like sideways.  
9 Q It was sideways?  
10 A Yes, ir.  
11 Q Which door was facing the club?  
12 A The passenger door was facing the club.  
13 Q Passenger door. Now, Andre' how long have you  
14 know him?  
15 A I've known him for about two or three years.  
16 Q About two or three years.  
17 A Yes, sir.  
18 Q Did you hang with him a lot?  
19 A Yes, sir.  
20 Q You did. How often?  
21 A About three times a week.  
22 Q Three times a week. Did he have problems with  
23 anybody that you know of?  
24 A No, sir.  
25 Q Did he get in a fight with anybody that you know

1 of?

2 A No, sir.

3 Q Is there anything else about last night that you  
4 want to tell me that maybe you forgot or anything  
5 like that?

6 A No, sir.

7 Sonia Jones What did Andre' say to y'all in the club after he  
8 got shot?

9 A He told us that Dee was the one who shot him.

10 Q Dee?

11 A Yes, he said he recognized the voice and Dee was  
12 the one who shot him.

13 Q Do you know who Dee is?

14 A No, sir.

15 Sonia Jones I've seen him a couple of times.

16 Q You've seen Dee?

17 Sonia Jones I've seen him. I have actually picked him up from  
18 the airport in Charleston when they came back off  
19 of a trip.

20 Q When who came back?

21 Sonia Jones Him and Andre' they went out of town. This has  
22 about three months ago, and when they came back  
23 we had to go pick Andre' up from the airport my  
24 daughter and I. He was with Andre' then, and he

1 Georgetown but he lives in the Orangeburg area  
2 now.

3 Q Okay.

4 Sonia Jones He has a brother named Devon or something that  
5 also lives in the Orangeburg area. I saw him then  
6 and he's been here to my house numerous times.

7 His last time he actually was here at my house  
8 was one day this past week.

9 Q Okay.

10 Sonia Jones On this past Saturday, and the Sheriff's  
11 Department was actually called out to Club  
12 Paradise because this young man, Dee was on the  
13 property and Andre' wanted him off the property.  
14 I don't know exactly what all took place, but I  
15 know it was just basically words being exchanged  
16 between them two. That's why I don't understand  
17 why it would lead up to this shooting, but I know  
18 it was words but I didn't think it was anything this  
19 serious. Andre' had officers come out there  
20 Saturday afternoon or evening, and escort Dee off  
21 the property. As you can tell this is the result of  
22 it, the shooting last night. When we were at the  
23 hospital, Georgetown Memorial, last night, there  
24 were three gentleman that came in there, as  
25 myself, my daughter and one of his baby's

1 mother's Naomi, we all were inside the waiting  
2 room trying to hear what the doctors were doing  
3 as far as Andre' and they were saying that the  
4 club was locked up. They were like you know  
5 who did it, you know who did it. He said some  
6 dude named Dee, he said some dude named Dee  
7 did it like that. They were talking and they were  
8 stating just what Andre' said to them because they  
9 were inside the club when the shooting took  
10 place. Dee is about, actually he's not 5'4, he's  
11 about my height. He's about 5'5", or roughly 5'6".  
12 He's not like heavy but he's not real chunky,  
13 medium build. The ex-girlfriend Naomi actually  
14 knows his real name, because when I spoke with  
15 her earlier today she was on the phone with  
16 someone else, and I heard her when she was  
17 calling out his real name, what his biological  
18 name is. Then when I asked her she was like she  
19 couldn't remember it right off hand, she had it  
20 written at home on a piece of a paper. I'm not to  
21 be funny but I was saying to myself, and she was  
22 like well the police should have this stuff, because  
23 they just were called out to the club Saturday  
24 night, so they should have his name on file. A lot  
25 of cops don't take reports, they just come and

1 escort people off the property.

2 Q Un-huh.

3 A I don't know if there's a report on it or not, and  
4 she's like I've got it written down on a piece of  
5 paper and I've got to find the paper and get my  
6 papers together. I'm not going to call her what I  
7 want to call her, but this chick has got some  
8 serious issues. My thing is my son is sitting here,  
9 and he really don't get too deep involved but like  
10 I told him it's better for y'all to get this young  
11 man than the rest of the crew. There are some hurt  
12 feelings out here today, a lot of tempers are  
13 flaring and everything else, and all I want him to  
14 do is meet court. Because of the seriousness, and I  
15 don't exactly know how y'all do it, but to me he should  
16 be charged and stuff. Like everybody that was  
17 actually was inside that club to put the murder on  
18 all those people like a bullet doesn't have  
19 nobody's name on it.

20 Q I've got a question to ask you, you were telling  
21 me about this incident Saturday night who told  
22 you about that?

23 Sonia Jones Andre' did.

24 Q Oh, he came home and told you.

25 Sonia Jones Andre' did.

1 Q Was he here or did he call you.

2 Sonia Jones No, he was here. I didn't hear everything my son  
3 was talking about because Andre' actually stayed  
4 here a couple of nights out of the week. This was  
5 mainly like home for him.

6 Q Okay.

7 Sonia Jones It was like after the incident happened Saturday  
8 night, he came home and he was talking to me  
9 and my husband and he was like let me tell you  
10 about what Dee did. Then he told us about Dee  
11 showing up at the shop and basically wanting to  
12 create a scene so they had to call the police out  
13 there to escort him off the property. He was like I  
14 know Dee, and I know how he is, so I'm not  
15 going out to the shop tonight. I'm going to sit  
16 home and I'm going to chill. He stayed home.

17 Q That was last Saturday.

18 Sonia Jones That was just this Saturday.

19 Q This past Saturday.

20 Sonia Jones Thanksgiving weekend, the 29<sup>th</sup> or the 30<sup>th</sup>. That  
21 was this Saturday, and he was like I'm going to  
22 stay in and I'm going to chill. We all were in here  
23 on the computer and watching TV doing our own  
24 thing. We were picking at each other like we  
25 normally do all night, and Sunday he was home.

1 He was here all day Sunday, except when they left  
2 to go to the store. Then on Monday he was like  
3 we're going to watch the game and he said D. J.  
4 do you want to go and stuff. He was like his big  
5 brother

6 Q Is it D. J.?

7 Sonia Jones His name is Douglas but his nickname is D. J.

8 Q D. J.

9 Sonia Jones He was like Sonia, I'm going to D. J. with me,  
10 we're going to watch the game and I was like  
11 okay, cool not knowing something was going to  
12 happen. If I had even had any inkling of this, I  
13 would have made both of them stay. Me and  
14 Andre' would have cursed each other out, but I  
15 would have made him stay.

16 Q Right, you would have made him stay.

17 Sonia Jones Yes.

18 Q Do you have any idea what him and this guy  
19 name Dee, what the problem was between the  
20 two?

21 Sonia Jones I have no clue. I'm hearing different people say it  
22 was a money issue. Dee was supposed to have  
23 invested in the club, and after he ran into some  
24 problems and stuff, they decided to boot him out  
25 of there. We were hearing some say other things.

1 Like I tell people it's like you hear one story and  
2 then another, but until you actually know and  
3 unfortunately Andre's not here to tell you. The  
4 only other person who can tell you is Dee.

5 Q Okay, so Andre' never mentioned any problems  
6 that he was having, just that Saturday night he  
7 said I'm not going to go to the club.

8 Sonia Jones We knew about the words back and forth between  
9 him and Dee.

10 Q When did they have words?

11 Sonia Jones They actually had words on the cell phone and  
12 stuff, him trying to talk some sense into Dee and  
13 telling Dee you don't need to be doing this, you  
14 don't need to be doing that. It was told to us that  
15 Dee was supposedly wanted by the FBI. I don't  
16 know that, but it was just him telling Dee you  
17 need to chill, you need to stop doing all this  
18 stupid stuff. Man, you've got babies out here and  
19 you need to stop acting stupid and it escalated. As  
20 most men don't want to be told what to do.

21 Q That's right.

22 Sonia Jones The only thing that really hurts is that these two  
23 up until about two or three weeks ago they were  
24 real tight like brothers. This is real senseless.

25 Q D. J., let me get back to you for a minute. After

1 ~~the shooting took place, the guy with the mask ran~~  
2 out, and you went over to Andre'?

3 A After I looked out the door and I saw him jump in  
4 the passenger seat, I went over to Andre' and he  
5 was telling us to stand him up, stand up, and we  
6 were like no. They were getting ready to stand  
7 him up, and I said no, don't stand him up. We  
8 need to apply pressure on there like the people  
9 from the office said. So we started applying  
10 pressure on there, and that's when the sheriff and  
11 the investigator showed up, and they blocked  
12 everything off.

13 Q Your mom mentioned that somebody heard him  
14 say - - -

15 Sonia Jones What he wants to know Douglas, is after the  
16 shooting took place and y'all were on the floor  
17 with Andy - - -

18 A He did mentioned it was Dee.

19 Q Who mentioned that?

20 A Andre'.

21 Sonia Jones He wants to know exactly what Andre' said.

22 Q What exactly did he say?

23 Sonia Jones You can't be evasive about it, he wants to know  
24 as close to it as possible. Stop beating around the  
25 bush and tell this gentleman just what Andy said.

1 Q And Andy is Andre'

2 Sonia Jones Yes, that's his nickname.

3 Q His nickname is Andy.

4 A We were all around him, and we were like man,  
5 who could that be, who could that be, and he just  
6 said I know who it was, I recognized the voice. It  
7 was Dee. Then after that he wouldn't talk to us no  
8 more. We were trying to talk to him, and that's  
9 when he said just go ahead and stand me up, go  
10 ahead and stand me up. I wouldn't let them stand  
11 him up.

12 Q Right. If I asked you to write a statement on just  
13 what you told me from the time you got to the  
14 club to the time you left, could you do that?

15 A I can't remember all that.

16 Q What you just told me.

17 Sonia Jones You can't remember it.

18 Q Can you write down what happened just as you  
19 remember.

20 A Ah - - -

21 Q Or do you want to tell your mom, and have her  
22 write it down.

23 A Yeah.

24 Q You would rather do that.

25 A Yes.

1 Q Before we get to that, you said you picked Dee up  
2 from the airport with Andy, how long ago was  
3 that?  
4 Sonia Jones This was like about two or three months ago.  
5 Q Two or three months ago.  
6 Sonia Jones I'm trying to remember right now because I had  
7 the airplane ticket things at one time, and I'm  
8 trying to remember if I still have them. I know  
9 that would be a big help to actually know who  
10 was on the plane with him.  
11 Q Well, I guess what I'm trying to get to is, if you  
12 saw Dee, you would know who he was?  
13 Sonia Jones Un-huh.  
14 Q Okay, so if I let you look at a lineup, could you  
15 pick him out?  
16 Sonia Jones Un-huh.  
17 Q I want to let you know that Dee may or may not  
18 be in this lineup.  
19 Sonia Jones He looks just like this one. He favors this one  
20 right here. If you want, I'll get my daughter out  
21 the room so she can make a definite ID because  
22 she knows him even better. He favors this one.  
23 Q This guy here, number 4.  
24 Sonia Jones Un-huh. As a matter of fact I hate to bring her  
25 out, but I'm going to bring her out to make sure. I

1 want you to look pictures for me and tell me if  
2 one of them is - - -  
3 Q What's your name?  
4 Toni Toni.  
5 Q Toni?  
6 Toni Jones Toni Jones.  
7 Sonia Jones Toni Gerletha Jones.  
8 Q And do you know anything about this incident at  
9 all?  
10 Toni Jones Just a little bit.  
11 Q Just a little bit.  
12 Toni Jones Yes.  
13 Q Do you fell like talking to me right now about  
14 what happened?  
15 Toni Jones Not too much but I guess. I'll take a look at these.  
16 Q If you don't mind, your name is Gerletha Jones  
17 Toni Jones Un-huh.  
18 Q And you go by Toni?  
19 Toni Jones Yes.  
20 Q Okay, tell me what happened. Tell me what you  
21 know about it?  
22 Toni Jones All I know is him and the guy got into it.  
23 Q Who is him?  
24 Toni Jones Andy.  
25 Q Andy and?

1 Toni Jones And Dee got into their little disagreement as far as  
2 the club situation.  
3 Q Un-huh.  
4 Toni Jones Because Dee was supposed to be in business with  
5 him. I know they got into an argument that was  
6 Friday, and he was like he just think his and Dee's  
7 friendship was really over this time. I was like  
8 okay, and he was here mostly all weekend like  
9 normal. Yesterday he decided to go to the club  
10 like he does on Monday for Monday night  
11 football. I don't even know what to say after that.  
12 Q When you said that there friendship is really over  
13 this time, had they had arguments before?  
14 A They had like normal. Anybody who knows  
15 Andy you're going to have an argument or two  
16 with him, but he can't hold a grudge with him just  
17 like he can't hold a grudge with you.  
18 Q Okay, now this guy Little Dee, do you know what  
19 he looks like?  
20 A I have seen him.  
21 Q You've seen him.  
22 A Un-huh.  
23 Q How many times?  
24 A A couple of times.  
25 Q A couple of times. If I showed you a lineup do

1 you think that you would be able to pick him out?

2 A Un-huh.

3 Q All right.

4 Sonia Jones She's actually one of the ones who could actually

5 take the police to his home.

6 Q Okay. Now, he may or may not be in this lineup,

7 but take your time and look and let me know if

8 you see him.

9 A This is him right here.

10 Q What number is that?

11 A Five.

12 Q Number five is who you picked.

13 A Yes.

14 Q Let me sign this, and I need you to sign it too.

15 A (Witness complies)

16 Sonia Jones Officer Garrett could bring pictures of all them

17 other brothers.

18 Q They just don't happen to be in this lineup. I'm

19 sorry. If you would sign there, and write the

20 number beside it who you think.

21 A (Witness complies)

22 Q I really hate to trouble but can I just get you to

23 just me a brief statement of what you told me?

24 A Okay.

25 Q Ms. Jones, could I also get you to write me a

1 ~~statement of what you know?~~

2 Sonia Jones I don't know English. No comprenda.

3 Q You speak a little bit of Spanish, do you?

4 Sonia Jones Se.

5 Q Mucho peketo.

6 Sonia Jones We have some Mexicans that live next door to us

7 and they enjoy trying to teach us Spanish. The

8 baby girl actually picked up English really good.

9 If you say something to her, and say shut up Mia,

10 she'll say f - - k you.

11 Q Huh-un.

12 Sonia Jones She's only two, actually she turned three.

13 Q Douglas, you're fifteen, correct?

14 A Yes, sir.

15 Q What's your date of birth?

16 A 11/22/93.

17 Q And you just had a birthday not to long ago, huh.

18 A Yes, sir.

19 Q Happy belated birthday?

20 A Thank you.

21 Sonia Jones So you're Investigator Garrett, correct?

22 Q Yes, ma'am.

23 Sonia Jones I wanted to make sure because I've talked to you,

24 Nelson, Todd.

25 Q I'm going to leave my card with you, and if you

1 remember anything else, I'm actually the lead  
2 investigator on this. If you need anything else,  
3 you can just call me.

4 Sonia Jones Okay. Did Kevin Wates actually leave out of  
5 OCD and took over the City Department?

6 Q Yes, he's working with the city now.

7 Sonia Jones I've seen his car at his house.

8 Q Yes, and if I could get you to sign here and write  
9 that number beside it.

10 Sonia Jones (Witness complies) Suppose we don't want to put  
11 the number.

12 Q You have to put the number you identified.

13 Sonia Jones Let me make sure I've got the right one.

14 Q Four is the one you identified, correct?

15 Sonia Jones Yes, but I don't want to put the wrong one on  
16 there. I'm thinking he looked like this and they  
17 are all similar to the way he looks.

18 Toni Jones I could always tell his little eyes because he's got  
19 a little thing. He's got a disease or something.

20 Sonia Jones He's sick from what they say. He's got some sort  
21 of disease. It's like he ain't got long to be here  
22 anyway. This is a lot of writing and I don't do  
23 writing.

24 Q I understand.

25 Sonia Jones Douglas' or whose?

1 Q Yours. ~~Do you want me to move this table out so~~  
2 you could sit down.  
3 Sonia Jones No.  
4 Q You don't look comfortable.  
5 Sonia Jones Trust me if I sit right now, I'm liable to fall asleep  
6 on you.  
7 Toni Jones What time is it?  
8 Q It's 5:34. I will fill that part in for you.  
9 Toni Jones Yes, if you would.  
10 Q That's no problem. If I could get you to initial on  
11 this line, saying that this is the end of your  
12 statement?  
13 Toni Jones (Witness complies)  
14 Q And sign the top line here.  
15 Toni Jones (Witness complies)  
16 Q Okay, thank you.  
17 Sonia Jones - - - talk to him. Every time I get stressed out this  
18 knot come back and it gets bigger. I don't even  
19 know where to start with this. I'll sit down and  
20 help you write out yours tonight, and drop it off in  
21 Georgetown.  
22 A That ain't leave me no time to go outside.  
23 Sonia Jones It would be nice if you asked Investigator Garrett  
24 is finished with you.  
25 A Investigator Garrett, are you finished with me?

1 Q You don't feel like writing this statement for me  
2 today?  
3 A No, sir.  
4 Q Okay.  
5 Sonia Jones Like I said I'll have it tomorrow.  
6 Q Okay, Douglas I certainly appreciate it. I'm done  
7 with you.  
8 A Thank you sir.  
9 Q Yes, sir.  
10 Sonia Jones I don't even know where to start.  
11 Q Just whatever you know about the incident. If you  
12 personally know of any problems that Dee and  
13 Andre' have had or if you know of any problems  
14 that Andre' has had with anybody, just put it  
15 down.  
16 Sonia Jones Okay.  
17 (Statement was concluded.)

## AFFIDAVIT OF GWENDOLYN B. FRASIER

I, Gwendolyn B. Frasier, declare under penalties of perjury that I am an American citizen. I am the mother of Terron Gerhard Dizzley. I am not a licensed attorney. I didn't, nor was I attempting to practice law without a license pursuant to my October 28, 2021, Proposed and Exparte Emergency Petition for Immediate Release of Terron Dizzley Pursuant to Double Jeopardy, False Imprisonment, Lack of Trial Court Jurisdiction to Impose Sentence pursuant to my Son Terron Dizzley, nor am I attempting to practice law without a license pursuant to any appeals in this matter.

I am a college graduate and have worked as a teacher for the State of South Carolina for 39 years. I understand my rights and the rights of my Son, Terron Dizzley.

I believe and understand that according to the laws of the United States Constitution that according to the circumstances of my Son Terron's case as addressed in my Emergency Petition, that he is being held unlawfully, falsely imprisoned, kidnapped by the South Carolina Department of Corrections for over eight (8) and a half years and counting without any legal nor jurisdictional authority.

I also understand that I have a right under the First and Fourteenth Amendment of the United States Constitution to familial association with my Son, Terron Gerhard Dizzley, without any government interference, such as the illegal incarceration of my Son, Terron Dizzley, and that I have I right to file an injunction to protect my rights to familial association with my Son, Terron Dizzley. I also understand that I have a right to prosecute and defend my cause without being retaliated against by government officials and officers of the court, by defaming my

character and liable by being wrongfully accused of practicing law without a license by The Attorney General and The Honourable Judge Culbertson without any findings of fact nor conclusions of law to support these allegations and being deprived of my right to due process of an opportunity to be heard and fully, and fairly exhibit my case, and a judicial determination of my case on the merits at the November 17, 2022, hearing in Georgetown S.C. pursuant to my Petition For Immediate Release of my Son Terron Dizzley.

Sworn to Before Me, DeWayne Washington s. Gwendolyn B. Frasier  
this 22<sup>nd</sup> day of March in the year 2023

Gwendolyn B. Frasier  
7996 Pennyroyal Road  
Georgetown, SC 29440

**NOTARY PUBLIC of SOUTH CAROLINA**

DeWayne Washington

My Commission expires: 10-14-2025

MY COMMISSION EXPIRES 10-14-2025  
SOUTH CAROLINA  
NOTARY PUBLIC  
DE'WAYNE WASHINGTON

DE'WAYNE WASHINGTON  
NOTARY PUBLIC  
SOUTH CAROLINA  
MY COMMISSION EXPIRES 10-14-2025

### **Affidavit of LaQuesha Felder**

I, LaQuesha Felder, declare under penalties of perjury that I am an American citizen. I am the wife of Terron Gerhard Dizzley and we have a nine year old child together, a seventeen year old step-son, and a 26 year old step-daughter. We lived together as husband and wife from 2008 until the time of his illegal incarceration in 2014. I am not a licensed attorney. I didn't, nor am I attempting to practice law without a license pursuant to my October 28, 2021, Proposed and Exparte Emergency Petition for Immediate Release of Terron Dizzley Pursuant to Double Jeopardy, False Imprisonment, Lack of Trial Court Jurisdiction to Impose Sentence pursuant to my husband, Terron Dizzley, nor am I attempting to practice law without a license pursuant to any appeals in this matter.

I am 43 years of age and competent as to my rights and as to the rights of my husband, Terron Dizzley, and children. I believe and understand that according to the laws of the United States Constitution that according to the circumstances of my husband, Terron Dizzley's case as addressed in my Emergency Petition, that he is being held unlawfully, falsely imprisoned, kidnapped by the South Carolina Department of Corrections for over eight (8) and a half years and counting without any legal nor jurisdictional authority.

Not only do I believe and understand that according to the law, that Terron is being held unlawfully. I also know that Terron is innocent because he was with me on the night that the crime occurred of which he is being held unlawfully. I testified to as an alibi witness, in both of trials in 2012, 2014 and his 2018 PCR,

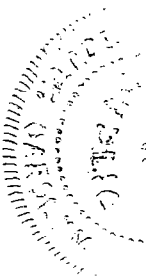
I also understand that I have a right under the First and Fourteenth Amendment of the United States Constitution to familial association with my husband, Terron Dizzley, without any government interference, such as the illegal

incarceration of my husband, Terron Dizzley, and that I have I right to file an injunction to protect my rights and my children's to familial association with Terron Dizzley. I also understand that I have a right to prosecute and defend my cause without being retaliated against by government officials and officers of the court, by defaming my character and liable by being wrongfully accused of practicing law without a license by The Attorney General and The Honourable Judge Culbertson without any findings of fact nor conclusions of law to support these allegations and being deprived of my right to due process of an opportunity to be heard and fully, and fairly exhibit my case, and a judicial determination of my case on the merits at the November 17, 2022 hearing in Georgetown S.C. pursuant to my Petition For Immediate Release of my husband, Terron Dizzley.

Sworn to Before Me, \_\_\_\_\_, S, \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_ in the year

LaQuesha Felder  
1440 Baxter Street  
Orangeburg, SC 29115

NOTARY REPUBLIC of SOUTH CARILINA

 Patricia S. Salley  
Patricia S. Salley  
My Commission expires: 05/25/2027

LaQuesha Felder

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Georgetown County

Honorable Judge Benjamin Culbertson, Circuit Court Judge

---

THE STATE,

RESPONDENT,

v

Terron Gerhard Dizzley  
Gwendolyn B. Frasier  
Laquesha Felder

Appellants.

APPELLATE CASE NO. 22-000671

---

CERTIFICATE OF SERVICE

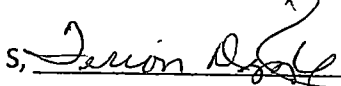
---

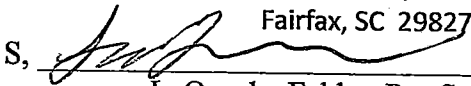
I, Terron Dizzley, Gwendolyn B. Frasier and LaQuesha Felder hereby certify on this 28 day of March, 2023, filed an Initial Appellant Brief in the above matter by placing in U. S. mail, postage prepaid, sent to the address below:

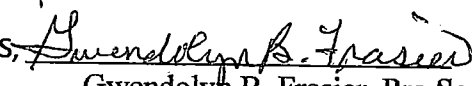
Clerk of Court of Appeals, Jenny A. Kitchings  
South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Attorney General Allen Wilson  
Attorney General Office,  
P. O. Box 11549,  
Columbia, SC 29211

Chief Judge, James Edward Lockemy  
P.O. Box 750  
Dillon, South Carolina 29536

S,   
Terron Dizzley, 359480, Pro Se,  
Allendale Correctional Facility  
1057 Revolutionary Trail  
Fairfax, SC 29827

S,   
LaQuesha Felder, Pro Se  
1440 Baxter Street  
Orangeburg, South Carolina 29115

S,   
Gwendolyn B. Frasier, Pro Se  
7996 Pennyroyal Road  
Georgetown, South Carolina 29440

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

MAR 30 2023

SC Court of Appeals

---

Appeal from Georgetown County

Honorable Judge Benjamin Culbertson, Circuit Court Judge

---

THE STATE,

RESPONDENT,

v

Terron Gerhard Dizzley  
Gwendolyn B. Frasier  
Laquesha Felder

Appellants.

APPELLATE CASE NO. 22-000671

---

NOTICE

---

Dear Honorable Clerk:

Enclosed, please find an original and two copies of Initial Brief of Appellants and Designation of Matter in Support of. Stamped filed. Please send copy back to me.

Date: March 28, 2023

With kind regards,

s, Terron Dizzley  
TERRON DIZZLEY, 359480, PRO SE  
Allendale Correctional Facility  
1057 Revolutionary Trail  
Fairfax, SC 29827