

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF BEAUFORT) 14th JUDICIAL CIRCUIT
 State of South Carolina) CASE NO.: 2020A0710200596, 2020A0710200597,
 2020A0710400353
 Plaintiff,) APPOINTMENT OF COUNSEL
 -vs-) (Select one.)
 Xavier Polite) ORDER
 Defendant Juvenile.) AMENDED ORDER

Offense(s): Murder / Murder, Assault/ Attempted Murder, Weapons/Poss. weapon during violent crime, if not also sentenced to life without parole or death.

It appears that the above named person is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- the public defender now represents another person involved herein and that a conflict would arise if that office represents the above-named individual.
- the public defender has indicated a possible conflict of interest or other good cause warranting the appointment of counsel based on:
- the public defender or court-appointed counsel has indicated that the named individual has now retained private counsel and is no longer entitled to appointed counsel.
- court-appointed counsel has claimed an exemption or has demonstrated good cause pursuant to Rule 608 warranting the appointment of new-counsel based on:
- court-appointed counsel has obtained substitute counsel named below pursuant to Rule 608(h)(2); only the member who originally received the appointment and who sought substitute counsel shall receive credit for the appointment.

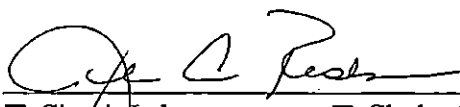
Therefore, it is ordered that Juan Tolley Esquire hereby is appointed as (Select only one.)

counsel lead counsel (if capital PCR case)
 for the above-named person. Counsel previously appointed is/are hereby relieved as counsel.

(If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED
 June 21, 2023


 Circuit Judge Clerk of Court

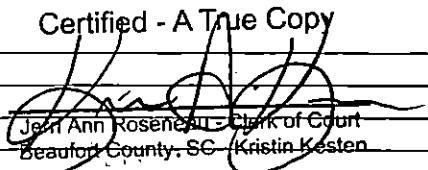
RECEIVED
 JUN 26 2023
 SC Court of Appeals

Plaintiff Attorney:

Mary Concannon Jones PO Box 1880 Bluffton, SC 29910	
---	--

Defendant Attorney:

Juan Tolley P.O. Box 525 Beaufort, SC 29901	
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Certified - A True Copy

 Jean Ann Roseblatt - Clerk of Court
 Beaufort County, SC - Kristin Kesten

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

INDICTMENTS:
2020GS0702185; 2020GS0702186;
2020GS0702312

STATE OF SOUTH CAROLINA,

V.

XAVIER MAOSHI POLITE,
DEFENDANT.

VERDICT FORM

RECEIVED

JUN 26 2023

SC Court of Appeals

1. We, the jury, in the above captioned case, on the charge of MURDER OF STEVEN GLOVER, find the Defendant **Xavier Polite** (foreperson shall check one):

Not Guilty _____

Guilty _____

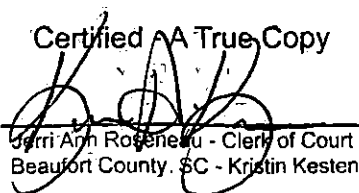
2. We, the jury in the above captioned case, on the charge of ATTEMPTED MURDER OF COREY SINGLETON, find the Defendant **Xavier Polite** (foreperson shall check one):

Not Guilty _____

Guilty _____

***In the event you answer "Not Guilty" to questions 1 AND 2, question 3 must be "Not Guilty"**


Certified A True Copy


Jerri Ann Roseheau - Clerk of Court
Beaufort County, SC - Kristin Kesten

3. We, the jury in the above captioned case, on the charge of the POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME, find the Defendant **Xavier Polite** (foreperson shall check one):

Not Guilty _____

Guilty _____ ✓



Foreperson

6/15/2023
Beaufort County, South Carolina
Judge Robert J. Bonds
Court Reporter: Kymberlee Williams

U-60415

STATE XAVIER MAOSHI POLITE

INDICTMENT/CASE#: 2020GS0702312

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

JUN 26 2023

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2020GS0702312

XAVIER MAOSHI POLITE

A/W#: 2020A0710400353

AKA: Pookie

Date of Offense: 11/18/2020

Race: Black Sex: Male Age: _____

S.C. Code §: 16-3-29

DOB: _____ SS#: _____

CDR Code #: 3410

Address: _____

City, State, Zip: _____

DL#* _____ SID# _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Attempted Murder

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Mey C Davis
Solicitor

100353
SC Bar #

Xavier Polite
Defendant

Juan Solley
Attorney for Defendant

2023 JUN 16 PM 20
JERRI ANN ROSENHEAD
BEAUFORT COUNTY, S.C.
CLERK OF COURT

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 30 days/months/0 years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.

939 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Jerri Ann Rosenhead
Jerri Ann Rosenhead - Clerk of Court
Beaufort County SC - Kristin Kesten

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$ _____
*Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ 375.00
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$ _____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____
TOTAL		\$ 1287.50

Clerk of Court/Deputy Clerk: Olivia Williams
 Court Reporter: Kymberlee Williams

Presiding Judge: Roy Bowls
 Judge Code: 2170
 Sentence Date: 6/11/22

30-114

STATE XAVIER MAOSHI POLITE

INDICTMENT/CASE#: 2020GS0702185

STATE OF SOUTH CAROLINA

RECEIVED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

JUN 26 2023

SC Court of Appeals

STATE

VS.

INDICTMENT/CASE#: 2020GS0702185

XAVIER MAOSHI POLITE

A/W#: 2020A0710200596

AKA: Pookie

Date of Offense: 11/18/2020

Race: Black Sex: Male Age: _____

S.C. Code §: 16-3-10

DOB: _____ SS#: _____

CDR Code #: 0116

Address: _____

City, State, Zip: _____

SENTENCE SHEET

DL#* _____ SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Murder

In violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

MyC 100353 K. Pitt Juan Tolley 15201
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 37 days/months/years/Time Served Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 939 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

STATE

XAVIER MAOSHI POLITE

INDICTMENT/CASE#: 2020GS0702185

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program
- Mental Health Counseling May serve W/E beginning: _____
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$	_____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.-
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.-
§14-1-213 (Drug Court Surcharge)	\$150	\$	_____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	375
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$	_____
<input type="checkbox"/> § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$	40.00
TOTAL		\$	168.75

Clerk of Court/Deputy Clerk:
Court Reporter:

Attest
Rymerlee Williams

Presiding Judge:
Judge Code:
Sentence Date:

[Signature]
2170
6/16/23

S U R S

STATE XAVIER MAOSHI POLITE

INDICTMENT/CASE#: 2020GS0702186

RECEIVED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT

JUN 26 2023

STATE

SC Court of Appeals

INDICTMENT/CASE#: 2020GS0702186

VS.

XAVIER MAOSHI POLITE

A/W#: 2020A0710200597

AKA: Pookie

Date of Offense: 11/18/2020

Race: Black Sex: Male Age: _____

S.C. Code §: 16-23-490

DOB: _____ SS#: _____

CDR Code #: 0549

Address: _____

City, State, Zip: _____

SENTENCE SHEET

DL#* _____ SID# _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS

TO: Possession of a Weapon During a Violent Crime

In violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

MyC Davis 100353 K. Pate Juan Jolley
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Correction County Detention Center,

for a determinate term of 5 days/months/years/None Served Youthful Offender Act Not exceeded _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC. 939 days/months

To include time spent on monitored house arrest prior to trial and sentencing.

The Defendant Shall be Released from County Detention Center.

Certified - A True Copy

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

PTUP after _____ months/years

And Other Terms Listed Below:

- Substance Abuse Counseling Completion of GED Random Drug/Alcohol Testing
- Attend Voc. Rehab. Or Job Corp No Contact with Victim Domestic Violence Intervention Program

Mental Health Counseling May serve W/E beginning: _____

Sex Offender Registry pursuant to S.C. Code § 23-3-430 Public Service Employment _____ days/hours

Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Other: _____

RESTITUTION: Deferred Def. Waives Hearing Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ Set by SCDPPPS

Recipient: _____

*Fine:		\$	_____
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	_____	Beginning _____
§14-1-206 (Assessments 107.5%)		\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	_____
§56-5-2995 (DUI Assessment)	\$12	\$	_____
§56-1-286 (DUI Breath Test)	\$25	\$	_____
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.
§14-1-213 (Drug Court Surcharge)	\$150	\$	_____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$	_____
§50-21-114 (BUI Breath Test Fee)	\$50	\$	_____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	_____
3% to County (if paid in installments)	TBD	\$	3.75

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees \$500 \$

§ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund TBD \$

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: A. Hart
Court Reporter: Rymberlee Williams

Presiding Judge: R. Brink
Judge Code: 21700
Sentence Date: 6/16/23

RECEIVED

JUN 26 2023

SC Court of Appeals

ARREST WARRANT

2020A0710200597

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

THE STATE against

205257665

Xavier Polite

Address:

Phone: SSN Sex: M Race: B Height: 5 8 Weight: 245 DL State: DL # DOB: Agency ORI #: SC0070000 Prosecuting Agency: Beaufort County Sheriffs Office Prosecuting Officer: Todd B Duncan - S00072 Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death Offense Code: 0549 Code/Ordinance Sec: 16-23-0490

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 Xavier Polite on 11-19-2020 [Signature] #7793

RETURN WARRANT TO:

Beaufort County General Sessions PO Box 1128 102 Ribaut Road, Rm. 208 Beaufort, SC 299011128

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

Personally appeared before me the affiant Todd B Duncan who being duly sworn deposes and says that defendant Xavier Polite did within this county and state on or about 11/18/2020 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Beaufort) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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

On 11/18/20 at 1300 hours, the accused, Xavier Maushi Polite, did knowingly and willfully possess a firearm during the commission of a violent crime. The accused possessed and fired gun at the now deceased victim. The incident is captured on video surveillance and incriminating statements have been disclosed. The act of murder is defined in South Carolina Code of Laws 16-03-10 as a violent crime. This incident occurred at 70 Stonewood Ln, St. Helena, South Carolina 29920, which is in the jurisdiction of Beaufort County. Affiant, evidence, and others are witness to prove the same.

Signature of Affiant:

STATE OF SOUTH CAROLINA

County/ Municipality of

Beaufort

Affiant's Address 2001 Duke St Beaufort, SC 29902-

Affiant's Telephone

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 11/18/2020 defendant Xavier Polite did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Beaufort) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

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 11/19/2020

[Signature] (L.S.) Frederick M. Corley Judge Code: 7385

Judge's Address Post Office Box 840 Bluffton, SC 29910-

Judge's Telephone (843)255-5610

Issuing Court: X Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

Certified - A True Copy

[Signature] Jerri Ann Rosenbath, Clerk of Court Beaufort County, SC - Kristin Kesten

BAIL set by

WITNESSES

Judge Corley
on 11-19-20
Type and Amount: Deferred
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

PRELIMINARY HEARING held by
Judge _____
on _____
Defendant Attorney: _____
Decision: _____

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

JURORS

CODEFENDANTS



2020 NOV 19 AM 11:08
JEON AM ROSEN A.J.
CLERK OF SUPERIOR COURT
S.C.
CLERK OF COURT

BAIL set by

Corley

Judge _____

on 11-19-20

Type and Amount: Deferred

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS



2020 NOV 19 AM 11:08
SHERIFF ANTHONY ROSENBAUM
BEAUFORT COUNTY S.C.
CLERK OF COURT

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT
2023 JUN 12 AM 9:10

) Charges: Murder; Attempted Murder; Possession of a Weapon
JERRI ANN ROSENEAD
BEAUFORT COUNTY, S.C. Commission of a Violent Crime
) Warrant Numbers: 2020A0710200596; 2020A0710400353;
2020A0710200597

STATE OF SOUTH CAROLINA,)
Plaintiff,)

) Indictment Numbers: 2020-GS-07-02185; 2020-GS-07-02312
2020-GS-07-02186

VS.)

) NOTICE OF MOTION AND MOTION TO
SEQUESTER WITNESSES

XAVIER POLITE,)
Defendant.)

TO THE PLAINTIFF ABOVE NAMED:

PLEASE TAKE NOTICE that the Defendant above named by and through the undersigned attorney, will move before the Presiding Judge of the court of General Sessions for the Fourteenth Judicial Circuit at the Beaufort County Courthouse, Beaufort, South Carolina, as soon as the matter may be heard for an Order sequestering the State's witnesses. This motion is made on the grounds that the separation (or sequestration) of witnesses will afford a means of discovering discrepancies (if any) in the different accounts which the witnesses will give of the same transaction.

I SO MOVE:

Juan Tolley
JUAN TOLLEY

Attorney for the Defendant
Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
P.O. Box 525
Beaufort, SC 29902
Telephone (843) 255-5000

Beaufort, South Carolina
Dated: *June 12*, 2023

Certified - A True Copy
Jerrin Ann Rosehead
Jerrin Ann Rosehead - Clerk of Court
Beaufort County, SC - Kristin Kasten

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT

) Charges: Murder; Attempted Murder; Possession of a Weapon
During the Commission of a Violent Crime

STATE OF SOUTH CAROLINA,) Warrant Numbers: 2020A0710200596; 2020A0710400353;
2020A0710200597

JERRI ANN ROSENEAU
Plaintiff, BEAUFORT COUNTY) Indictment Numbers: 2020-GS-07-02185; 2020-GS-07-02312
CLERK OF COURT) 2020-GS-07-02186

VS.)

XAVIER POLITE,)

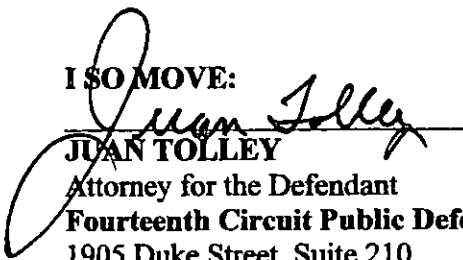
Defendant.)

) NOTICE OF MOTION AND MOTION TO
) DETERMINE THE ADMISSIBILITY OF
) PRIOR CONVICTIONS OF THE DEFENDANT

TO THE PLAINTIFF ABOVE NAMED:

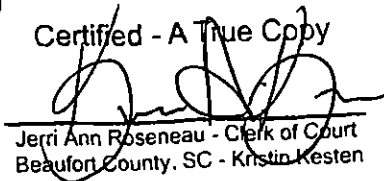
PLEASE TAKE NOTICE that the Defendant above named by and through the undersigned attorney, will move before the Presiding Judge of the court of General Sessions for the Fourteenth Judicial Circuit at the Beaufort County Courthouse, Beaufort, South Carolina, as soon as the matter may be heard for a determination prior to trial of the admissibility of prior convictions of the Defendant for impeachment or any other purposes. The within Motion is made on the grounds that the Defendant is desirous of taking the stand to testify and needs to know the nature of convictions which can be introduced in order to intelligently make a decision as to whether to testify; and further, that it would be unduly prejudicial to allow the State to cross-examine the Defendant in open Court concerning convictions which are subsequently held not to be admissible.

I SO MOVE:


JUAN TOLLEY
Attorney for the Defendant
Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
P.O. Box 525
Beaufort, SC 29902
Telephone (843) 255-5000

Beaufort, South Carolina
Dated: June 12, 2023

Certified - A True Copy


Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC - Kristin Kesten

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT

2023 JUN 12 AM 9:10

Charges: Murder; Attempted Murder; Possession of a Weapon
During the Commission of a Violent Crime

STATE OF SOUTH CAROLINA) Warrant Numbers: 2020A0710200596; 2020A0710400353;
JERRI ANN ROSENEAU) 2020A0710200597
CLERK OF COURT)

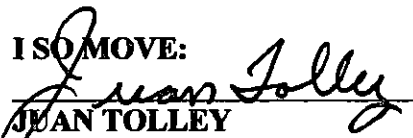
Plaintiff,) Indictment Numbers: 2020-GS-07-02185; 2020-GS-07-02312
VS.) 2020-GS-07-02186

DEFENDANT'S MOTION *IN LIMINE*
TO DETERMINE THE ADMISSIBILITY OF
SCRE 404(b) TESTIMONY

XAVIER POLITE,
Defendant.

TO THE PLAINTIFF ABOVE NAMED:

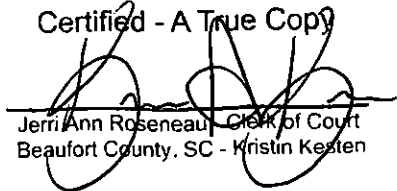
PLEASE TAKE NOTICE that the Defendant above named by and through the undersigned attorney, hereby moves that the Court instruct the Solicitor for the Fourteenth Judicial Circuit, his staff, and all of the State's witnesses in this cause, not to allude to, refer to, or in any way bring before the jury, whether as a panel or jury selected to try this cause, any evidence of other crimes, wrongs, or acts pursuant to Rule 404 (b) SCRE, until such time as this Court determines whether the alleged conduct falls within the classification of admissible evidence, is demonstrated by clear and convincing evidence, and whether its probative value is substantially outweighed by its prejudicial effect.

I SO MOVE:


JUAN TOLLEY
Attorney for the Defendant
Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
P.O. Box 525
Beaufort, SC 29902
Telephone (843) 255-5000

Beaufort, South Carolina
Dated: June 12, 2023

Certified - A True Copy


Jerri Ann Roseneau, Clerk of Court
Beaufort County, SC - Kristin Kesten

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT

) Charges: Murder; Attempted Murder; Possession of a Weapon
) During the Commission of a Violent Crime

STATE OF SOUTH CAROLINA,) Warrant Numbers: 2020A0710200596; 2020A0710400353;
2020A0710200597

Plaintiff,) Indictment Numbers: 2020-GS-07-02185; 2020-GS-07-02312
2020-GS-07-02186

VS.)

XAVIER POLITE,)

Defendant.)

) NOTICE OF MOTION AND MOTION TO
) DETERMINE THE ADMISSIBILIT OF
) PRIOR BAD ACTS OF THE DEFENDANT

TO THE PLAINTIFF ABOVE NAMED:

PLEASE TAKE NOTICE that the Defendant above named by and through the undersigned attorney, will move before the Presiding Judge of the court of General Sessions for the Fourteenth Judicial Circuit at the Beaufort County Courthouse, Beaufort, South Carolina, as soon as the matter may be heard for a determination prior to trial of the admissibility of prior bad acts of the Defendant for impeachment or any other purposes. The within Motion is made on the grounds that the Defendant is desirous of taking the stand to testify and needs to know the nature of convictions which can be introduced in order to intelligently make a decision as to whether to testify; and further, that it would be unduly prejudicial to allow the State to cross-examine the Defendant in open Court concerning convictions which are subsequently held not to be admissible.

I SO MOVE:

Juan Tolley
JUAN TOLLEY
Attorney for the Defendant

Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
P.O. Box 525
Beaufort, SC 29902
Telephone (843) 255-5000

Beaufort, South Carolina
Dated: *June 12*, 2023

Certified - A True Copy

Jeri Ann Roseneau
Jeri Ann Roseneau - Clerk of Court
Beaufort County, SC - Kristin Kesten

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT

) Charges: Murder; Attempted Murder; Possession of a Weapon
) During the Commission of a Violent Crime

STATE OF SOUTH CAROLINA) Warrant Numbers: 2020A0710200596; 2020A0710400353;
) 2020A0710200597

Plaintiff, JERRY ANN ROSENBERG) Indictment Numbers: 2020-GS-07-02185; 2020-GS-07-02312
BEAUFORT COUNTY, S.C.) 2020-GS-07-02186
CLERK OF COURT

VS.

DEFENDANT'S MOTION *IN LIMINE*
REGARDING LAY WITNESSES

XAVIER POLITE,

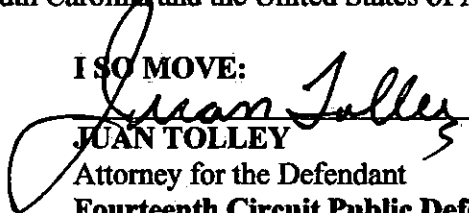
Defendant.

TO THE PLAINTIFF ABOVE NAMED:

PLEASE TAKE NOTICE that the Defendant above named by and through the undersigned attorney, hereby moves that the Court instruct the Solicitor for the Fourteenth Judicial Circuit, his staff, and all of the State's witnesses in this cause, not to allude to, refer to, or in any way bring before the jury, whether as a panel or jury selected to try this cause, their opinions in this case while testifying, unless their testimony meets the criteria of Rule 701 SCRE or they have been qualified as an expert and that testimony is not outside the witness' knowledge, skill, experience, training, or education.

Further, that such testimony shall not be permitted until such time as a hearing is held to determine the admissibility of such alleged statements. Further this Motion is based on the laws, rules and regulations of the State of South Carolina and the United States of America.

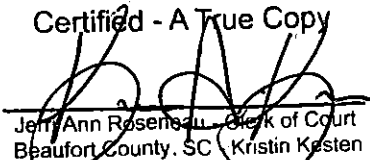
I SO MOVE:


JUAN TOLLEY

Attorney for the Defendant
Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
P.O. Box 525
Beaufort, SC 29902
Telephone (843) 255-5000

Beaufort, South Carolina
Dated: June 12, 2023

Certified - A True Copy


Jeff Ann Rosenberg, Clerk of Court
Beaufort County, SC Kristin Kesten

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
STATE OF SOUTH CAROLINA)
vs.)
XAVIER MAOSHI POLITE)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO.(s): 2020GS0702185, 2020GS0702186,
2020GS0702312

MOTION TO QUASH SUBPOENA

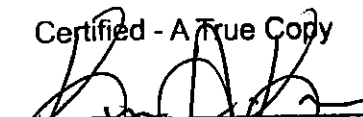
2023 JUN - 8 PM 4: 23
JERRI ANN ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, SC

**TO: THE HONORABLE ROBERT J. BONDS, PRESIDING JUDGE 14TH CIRCUIT;
JUAN TOLLY, ESQ, ATTORNEY FOR DEFENDANT; AND MARY CONCANNON
JONES, ASSISTANT SOLICITOR 14TH CIRCUIT SOLICITOR'S OFFICE**

COMES NOW, the undersigned attorney, on behalf of the Personnel Records Manager, Beaufort County Sheriff's Office and seeking an Order of this Honorable Court to Quash Defendant's Subpoena dated June 6, 2023, requesting personnel files of Forty-Eight (48) separate individual personnel files in relation to the above captioned matter. The grounds for this motion are that that the request is overly broad and unduly burdensome, irrelevant, and improper under our Rules of Criminal Procedure.

ARGUMENT

It appears that the above captioned matter(s) are scheduled for trial during the June 12, 2023, General Sessions Term of Court. On June 6, 2023, Defendant, by and through his attorney, Juan Tolly, Esq. served The Personnel Records Manager for the Beaufort County Sheriff's Office with the subject subpoena (Exhibit A). This subpoena is overly broad and unduly burdensome as it simply requests the personnel file of the listed Forty-Eight persons, with no direction as to what information is sought. It is impossible for the agency fulfilling the request to know what information is sought other than the general personnel file, which will include intimate personal identifiers and

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Jerri Ann Roseneau, Clerk of Court
Beaufort County, SC Kristin Kesten

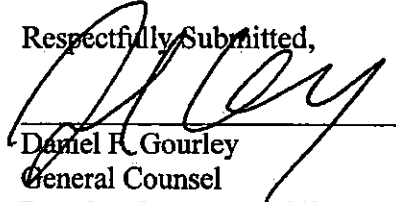
information highly irrelevant to any criminal matter. Moreover, this subpoena comes with only three working days prior to trial and fulfilling the request while protecting certain personal information not discoverable to the criminal defendant is impossible.

More importantly, many of the listed individuals for whom information is requested are not employees of the Beaufort County Sheriff's Office. Still, in an attempt to fulfill the subpoena, the Beaufort County Sheriff's Office, through the undersigned, has attempted to inquire from the Defendant as to what information is needed. No further guidance was given. Further attempts revealed that of these Forty-Eight individuals, only Fifteen are listed on the State's Proposed Witness List are, or were, employees of the Beaufort County Sheriff's Office. Thus, making the remaining Thirty-Three files even more irrelevant to the pending matter.

Assuming, arguendo, that the Defendant is seeking Specific Brady/Giglio material, the correct avenue for the desired files is a Specific Brady Motion to the prosecuting agency. See, Brady v. Maryland, 373 U.S. 83, 87, 83 S. Ct. 1194, 1196, 10 L. Ed. 2d 215 (1963); Giglio v. United States, 405 U.S. 150, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972); Kyles v. Whitley, 514 U.S. 419, 437 (1995). Furthermore, the use of subpoena power should not be used to circumvent our Rules of Criminal Procedure. See, Rule 5, SCRCrimP; State v. Robinson, 305 S.C. 469, 409 S.E.2d 404 (1991). "The requirements of Rule 5, as opposed to the constitutional dictates of Brady, are judicially created discovery mechanisms for use in criminal proceedings." State v. Kennerly, 331 S.C. 442, 453, 503 S.E.2d 214, 220 (Ct. App. 1998), aff'd, 337 S.C. 617, 524 S.E.2d 837 (1999).

Accordingly, and for these reasons, the undersigned, on behalf of the Personnel Records Manager, Beaufort County Sheriff's Office, respectfully moves this Court quash the Defendant's June 6, 2023, subpoena. Or, in the alternative, hold a hearing to determine what, if any information should be provided and in what timeframe.

Respectfully Submitted,



Daniel R. Gourley
General Counsel
Beaufort County Sheriff's Office

June 3, 2023
Beaufort, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
STATE OF SOUTH CAROLINA,

v.

XAVIER POLITE,
Defendant.

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT
Charge(s): Murder, Attempted Murder, and
Possession of Weapon during Violent Crime

Warrant Number: 2020A0710200596,
2020A0710200597, and 2020A0710400353

Indictment Number: 2020GS0702185,
2020GS0702186, and 2020GS0702312

**SUPPLEMENTAL DISCOVERY MOTION
PURSUANT TO RULES OF CRIMINAL
PROCEDURE, RULE 5, *Brady v. Maryland*, 373
U.S. 83 (1963) and *Giglio v. U.S.*, 405 U.S. 150
(1972)**

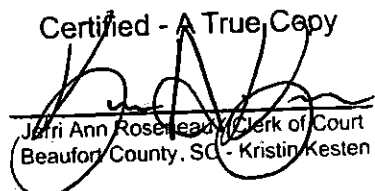
COME NOW the Defendant, by and through undersigned counsel, who requests pursuant to Rules of Criminal Procedure, Rule 5, *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. U.S.*, 405 U.S. 150 (1972) additional information supplemental to the Motion for Disclosure, Rule 5 Request previously filed in this matter. This request shall include:

A. The criminal records of all potential witnesses in the case including but not limited to:

1. Cynthia Stewart
2. Marvin Stewart
3. David Glover
4. Joshua Washington
5. Allyson Moreira
6. Colt Moss
7. Dr. Erin Presnell
8. Jennifer Nates
9. Megan Fletcher

2023 JUN -6 PM 1:23
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

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Jerri Ann Roseneau, Clerk of Court
Beaufort County, SC - Kristin Kesten

10. Chad Smith
11. Kenneth Labadie
12. Joseph Driscoll
13. Korey Ahrens
14. Chelsea Seronka
15. Brian Abell
16. Jeff Lauver
17. Mike Perkins
18. Daniel Ireland
19. Todd Duncan
20. Jen Snider
21. Adam Draisen
22. Zach Cushman
23. Jim Tunis
24. Tim French
25. Jeff Maxwell
26. Erin Lynn

B. The personnel files of all police officers involved in the case including but not limited to:

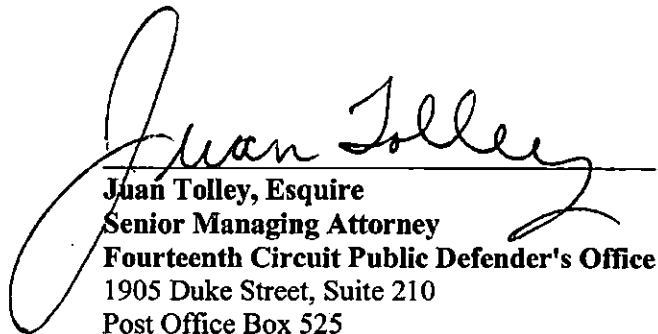
1. Allyson Moreira
2. Colt Moss
3. Kenneth Labadie
4. Joseph Driscoll
5. Korey Ahrens
6. Chelsea Seronka
7. Brian Abell

8. Jeff Lauver
9. Mike Perkins
10. Daniel Ireland
11. Todd Duncan
12. Jen Snider
13. Adam Draisen
14. Zach Cushman
15. Jeff Maxwell
16. Erin Lynn

The Defendant further moves that compliance with the foregoing request be made before June 12, 2023, and upon failure of the prosecution to so comply, the Defendant will move before the Presiding Judge of this Circuit, by Notice and Motion, for an Order permitting the discovery or inspection requested, or a continuance of the trial, or such Order as the Court in its discretion deems just under the circumstances.

For purposes of this Motion, the Defendant asserts that any item requested in paragraphs A, and B above is material to the preparation of defense in this case.

Respectfully submitted,



Juan Tolley, Esquire
Senior Managing Attorney
Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
Post Office Box 525
Beaufort, South Carolina 29901
Telephone: (843) 255-5807
ATTORNEY FOR DEFENDANT

Beaufort, South Carolina
June 6, 2023

2023 JUN -2 PM 1:24

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.) CLERK OF COURT

ORDER

RECEIVED

STATE OF SOUTH CAROLINA)

v.)

Indictment No. 2020-GS-07-2185

2020-GS-07-2186

2020-GS-07-2317

JUN 26 2023

Court of Appeals

Xavier Polite

Defendant.

The Beaufort County Clerk is Court is ordered to relinquish custody and control of any and all evidence previously admitted in the trial of Channon Preston (2020-GS-07-2183; 2184 and 2311) and now housed within the Clerk of Court's custody and control. Said evidence was used in the prosecution of Channon Preston and became the control of the Beaufort County Clerk of Court on October 12, 2022 upon return of the jury's guilty verdicts.

The above referenced Defendant, Xavier Polite, is Mr. Preston's co-defendant and still has companion indictments pending in the General Sessions Court of the 14th Judicial Circuit. Mr. Polite has his companion indictments scheduled for trial the week of June 12, 2023. All evidence previously admitted into evidence in the initial trial against Mr. Preston, will also be necessary for the trial against Mr. Polite.

BY THIS ORDER, The Beaufort County Clerk of Court is to relinquish custody and control of any and all evidence admitted in the trial against Channon Preston back to Inv. Todd Duncan with the Beaufort County Sheriff's Office for the purposes of the prosecution of Xavier Polite.

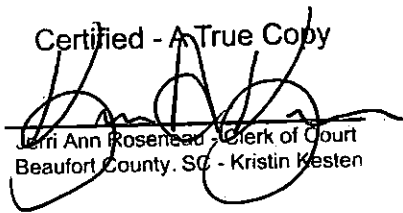
AND IT IS SO ORDERED



Presiding Judge
14th Judicial Circuit

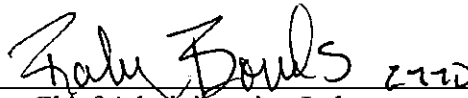
Beaufort County, South Carolina
6/2, 2023

Certified - A True Copy


Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC - Kristin Vesten

THEREFORE it is ORDERED that SLED produce final analysis reports on all pending items, specifically firearms evidence, to the 14th Circuit Solicitor's Office no later than May 10, 2023.

AND IT IS SO ORDERED



Chief Administrative Judge
14th Judicial Circuit

Beaufort County, South Carolina

4/26, 2023

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
STATE OF SOUTH CAROLINA,
v.
XAVIER POLITE,
Defendant.

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT
Charges: Murder, Attempted Murder, and Possession of
Weapon during Violent Crime

Warrant Number: 2020A0710200596, 2020A0710200597,
and 2020A0710400353

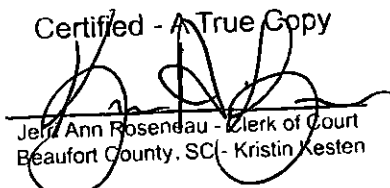
Indictment Number: 2020GS0702185, 2020GS0702186,
and 2020GS0702312

**SUPPLEMENTAL DISCOVERY MOTION
PURSUANT TO RULES OF CRIMINAL
PROCEDURE, RULE 5, *Brady v. Maryland*,
373 U.S. 83 (1963) and *Giglio v. U.S.*, 405 U.S.
150 (1972)**

COME NOW the Defendant, by and through undersigned counsel, who requests pursuant to Rules of Criminal Procedure, Rule 5, *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. U.S.*, 405 U.S. 150 (1972) additional information supplemental to the Motion for Disclosure, Rule 5 Request previously filed in this matter. This request shall include:

1. All books, papers, documents, photographs, tangible objects, building of places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the defense, or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant, (that have not already been provided);
2. All results or reports scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of

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Jehu Ann Rosenbau - Clerk of Court
Beaufort County, SC - Kristin Kesten

the defense or are intended for use by the prosecution as evidence in chief at

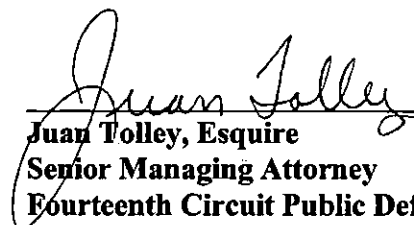
the trial. Specifically, Defendant requests:

- a. All DNA laboratory information including serology and DNA case files. All DNA laboratory NOTES from evidence intake to disposition including all chain of custody, all bench notes, laboratory documentation of testing conducted, data obtained, communications, statistical analysis or evaluations performed, etc., including any probabilistic genotyping files.
- b. If any photographs were taken, please provide digital files or color scans or prints of film images.
- c. Copy of all communications and communication logs between all analysts and any other parties, including attorneys, investigators, and other analysts.
- d. Database cold hit documentation, including input and output files.
- e. Any and all other items contained in the case file.
- f. STR data (including Y-STR data), if relevant
- g. Print-out of all electropherograms.
- h. Documentation of the injection volume(s) and injection time(s) for each sample, including reinjections.
- i. DNA quantitation data including any printouts of electronic quantitation data.
- j. Probabilistic genotyping documentation, if relevant. This shall include any and all input files, in .csv or .txt format, output files, version number of software and any software specific settings.
- k. Standard operating procedures/ technical manuals and all information regarding quality assurance issues in the laboratory for the years before and after the testing is conducted in without root cause analysis and the corresponding corrective action.
- l. Current forensic biology and DNA protocols, including *interpretation guidelines* and *database references*.
- m. List of any abbreviations and/or acronyms used in laboratory notes.
- n. Summary of proficiency test results from each analyst who worked on the case.
- o. Copy of any logs that document unexpected results. This would include contamination events, sample switches, and any other detected errors. Such logs might be variously termed "unexpected results," "corrective action," "contamination," "extraneous DNA" or other similar terms. If a central log is not maintained, please provide a statement to that effect.
- p. This request shall include:
 - i. Any and all laboratories that have performed any DNA analysis;
 - ii. Any and all laboratories that have performed any presumptive or preliminary testing, including serology.
 - iii. All laboratories that have performed any database searches.
 - iv. All entities that have performed any data interpretation or statistics.
 - v. Laboratory notes or laboratory protocols.
- q. All weapon worksheets, cartridge case worksheets, bullet worksheets, SEM worksheets, GSR worksheets and the comparison photos of any of the matches.

The Defendant further moves that compliance with the foregoing request be made within thirty (30) days from the service of this motion, and upon failure of the prosecution to so comply, the Defendant will move before the Presiding Judge of this Circuit, by Notice and Motion, for an Order permitting the discovery or inspection requested, or a continuance of the trial, or such Order as the Court in its discretion deems just under the circumstances.

For purposes of this Motion, the Defendant asserts that any item requested in paragraphs 1, and 2 above is material to the preparation of defense in this case.

Respectfully submitted,



Juan Tolley, Esquire
Senior Managing Attorney
Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
Post Office Box 525
Beaufort, South Carolina 29901
Telephone: (843) 255-5807
ATTORNEY FOR DEFENDANT

Beaufort, South Carolina
April 25, 2023

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

STATE OF SOUTH CAROLINA,

v.

XAVIER POLITE,

Defendant.

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Charges: Murder, Attempted Murder, and Possession of
Weapon during Violent Crime

Warrant Number: 2020A0710200596, 2020A0710200597,
and 2020A0710400353

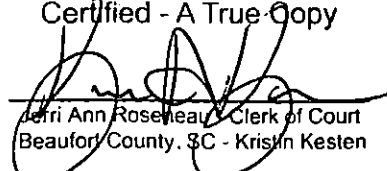
Indictment Number: 2020GS0702185, 2020GS0702186,
and 2020GS0702312

**SUPPLEMENTAL DISCOVERY MOTION
PURSUANT TO RULES OF CRIMINAL
PROCEDURE, RULE 5, *Brady v. Maryland*,
373 U.S. 83 (1963) and *Giglio v. U.S.*, 405 U.S.
150 (1972)**

COME NOW the Defendant, by and through undersigned counsel, who requests pursuant to Rules of Criminal Procedure, Rule 5, *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. U.S.*, 405 U.S. 150 (1972) additional information supplemental to the Motion for Disclosure, Rule 5 Request previously filed in this matter. This request shall include:

1. All books, papers, documents, photographs, tangible objects, building of places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the defense, or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant, (that have not already been provided);
2. All results or reports scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of

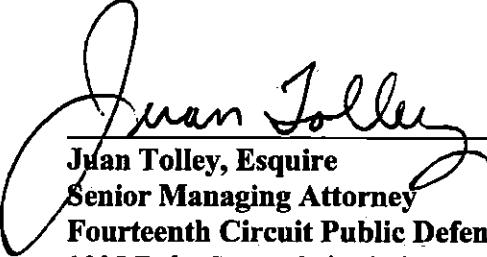
Certified - A True Copy


Jerri Ann Rose, Clerk of Court
Beaufort County, SC - Kristin Kesten

The Defendant further moves that compliance with the foregoing request be made within thirty (30) days from the service of this motion, and upon failure of the prosecution to so comply, the Defendant will move before the Presiding Judge of this Circuit, by Notice and Motion, for an Order permitting the discovery or inspection requested, or a continuance of the trial, or such Order as the Court in its discretion deems just under the circumstances.

For purposes of this Motion, the Defendant asserts that any item requested in paragraphs 1, and 2 above is material to the preparation of defense in this case.

Respectfully submitted,


Juan Tolley, Esquire
Senior Managing Attorney
Fourteenth Circuit Public Defender's Office
1905 Duke Street, Suite 210
Post Office Box 525
Beaufort, South Carolina 29901
Telephone: (843) 255-5807
ATTORNEY FOR DEFENDANT

Beaufort, South Carolina
March 23, 2023

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT)

2022 OCT 31 AM 10:11

ORDER

STATE OF SOUTH CAROLINA)

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

v.)

Indictment No. 2020-GS-07-2185

2020-GS-07-2186

2020-GS-07-2312

Xavier Polite)

Defendant.)

RECEIVED
JUN 26 2023
SC Court of Appeals

The Beaufort County Clerk is Court is ordered to relinquish custody and control of any and all evidence previously admitted in the trial of Channon Preston (2020-GS-07-2183; 2184 and 2311) and now housed within the Clerk of Court's custody and control. Said evidence was used in the prosecution of Channon Preston and became the control of the Beaufort County Clerk of Court on October 12, 2022 upon return of the jury's guilty verdicts.

The above referenced Defendant, Xavier Polite, is Mr. Preston's co-defendant and still has companion indictments pending in the General Sessions Court of the 14th Judicial Circuit. The State is seeking further forensic analysis on some of this evidence, namely Firearms Evidence. The Clerk of Court is to sign over custody to Investigator Todd Duncan with the Beaufort County Sheriff's Office. The evidence will be transported to SLED under a secure chain of custody and returned to the Clerk of Court upon the completion of analysis.

BY THIS ORDER, The Beaufort County Clerk of Court is to relinquish custody and control of any and all evidence requested by Investigator Todd Duncan with the Beaufort County Sheriff's Office pertaining to the above referenced indictments.

AND IT IS SO ORDERED

Presiding Judge - *CAS* 14th Circuit
14th Judicial Circuit

Certified - A True Copy

Jerri Ann Roseneau, Clerk of Court
Beaufort County SC - Kristin Kesten

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
THE STATE OF SOUTH CAROLINA
vs.
XAVIER POLITE,
Defendant

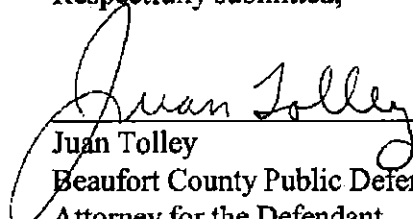
) IN THE COURT OF GENERAL SESSIONS
) FOURTEENTH CIRCUIT
)
) WARRANT NO(S): 2020A0710200596,
) 2020A0710200597; 2020A0710400353
) CHARGE(S): Murder; Poss Weapon During
) Violent Crime; Attempted Murder
)
) NOTICE OF MOTION AND
) MOTION TO REDUCE BOND
)

TO: ISSAC M. STONE III, SOLICITOR, 14TH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that the Defendant and his undersigned attorney will appear before the Honorable Judge of the Court of General Session of the 14th Judicial Circuit, on October 31, 2022 at 9:00 a.m., or as soon as counsel can be heard, at the Court of General Sessions in Beaufort County, and will move the Court to reduce the bond on the above named Defendant to an amount deemed reasonable by the Court.

2022 OCT 24 PM 1:19
JERRI ANN ROSENDAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

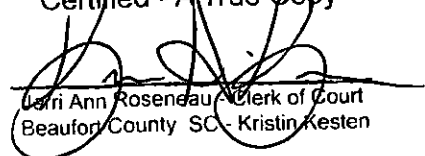
Respectfully submitted,


Juan Tolley
Beaufort County Public Defender's Office
Attorney for the Defendant
1905 Duke Street, Suite 210
Beaufort, SC 29902
(843) 255-5807

Beaufort, South Carolina

October 31, 2022

Certified - A True Copy


Jerri Ann Rosendau, Clerk of Court
Beaufort County SC - Kristin Kesten

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT)

2022 APR -8 AM 11:33

THE STATE OF SOUTH CAROLINA) JERRI ANN ROSENBAUM) WARRANT NO(S): 2020A0710200596,
BEAUFORT COUNTY, SC) 2020A0710200597; 2020A0710400353
CLERK OF COURT)

vs.) CHARGE(S): Murder; Poss Weapon During
Violent Crime; Attempted Murder
AMENDED
BOND ORDER

XAVIER POLITE,
Defendant

RECEIVED

JUN 26 2023
SC Court of Appeals

This matter came on for hearing on Thursday, April 7, 2022, on motion of the attorney Juan Tolley on behalf of the Defendant. All parties appeared. Solicitor Mary Jones appeared on behalf of the State. Attorney Juan Tolley appeared on behalf of the Defendant. The Defendant also appeared.

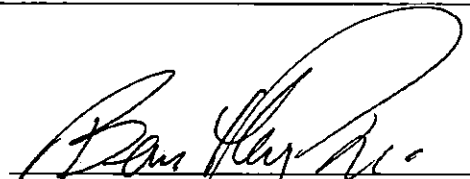
Upon hearing from all parties:

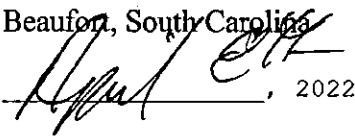
Bond was set in the amount of \$175,000.00 Surety.

Conditions of Bond are as follows:


- Electronic Monitoring (GPS) first 6 months
- Curfew 6:00 ^{p.m.} a.m. to 6:00 ^{a.m.} p.m. with permission from Judge Price. - COC KX
- No contact with victim
- House Arrest but may go to work, doctor, and lawyer

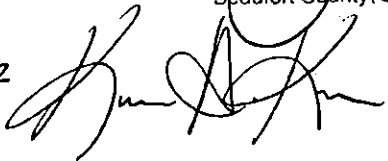
AND IT IS SO ORDERED.


The Honorable Bentley Price
Circuit Court Judge

Beaufort, South Carolina

2022

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Jerri Ann Rosenbaum, Clerk of Court
Beaufort County, SC - Kristin Kesten

Amended on 4.8.22 

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
THE STATE OF SOUTH CAROLINA
vs.
XAVIER POLITE,

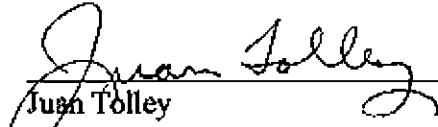
Defendant

) IN THE COURT OF GENERAL SESSIONS
)
) 2022 MAR 21 PM 4:36
)
) JERRI ANN ROSENBAU
) BEAUFORT COUNTY, SC
) CLERK OF COURT
) WARRANT NO(S): 2020A0710200596,
) 2020A0710400353
) CHARGE(S): Murder; Poss Weapon During
) Violent Crime; Attempted Murder
)
) NOTICE OF MOTION AND
) MOTION TO SET BOND

TO: ISSAC M. STONE III, SOLICITOR, 14TH JUDICIAL CIRCUIT

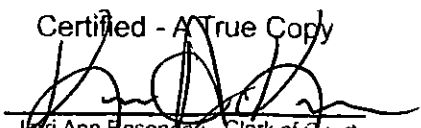
YOU WILL PLEASE TAKE NOTICE that the Defendant and his undersigned attorney will appear before the Honorable Judge of the Court of General Session of the 14th Judicial Circuit, on April 4, 2022 at 9:00 a.m., or as soon as counsel can be heard, at the Court of General Sessions in Beaufort County, and will move the Court to set bond on the above named Defendant to an amount deemed reasonable by the Court.

Respectfully submitted,


Juan Tolley
Beaufort County Public Defender's Office
Attorney for the Defendant
1905 Duke Street, Suite 210
Beaufort, SC 29902
(843) 255-5807

Beaufort, South Carolina

March 21, 2022

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Jerri Ann Rosenbau - Clerk of Court
Beaufort County SC - Kristin Kesten

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT)

Indictment No(s): 2020GS0702185-02186,
02312

STATE OF SOUTH CAROLINA)

AM 10: 36

vs.

JERRI ANN ROSEHEAD
CLERK OF COURT
BEAUFORT COUNTY, S.C.

Warrant No(s): 2020A0710200596,
2020A0710200597,
2020A0710400353

XAVIER MAOSHI POLITE)

RULE 5 REQUEST FOR DISCLOSURE

Defendant)

TO: DEFENDANT AND HIS ATTORNEY, Juan Tolley.

PURSUANT to the South Carolina Rules of Criminal Procedure, the State in the above-captioned matter requests the disclosure of all evidence by the Defendant to the State that is required by Rule Five (5) of the Rules of Criminal Procedure, including but not limited to the following items:

- 1) That the Defendant permit the prosecution to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant and which the Defendant intends to introduce as evidence in chief at the trial.
- 2) That the Defendant permit the prosecution to inspect and copy any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports relate to his testimony.
- 3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an Alibi defense, stating the specific place or places at which the Defendant claims to have been on and during 11/18/2020 and the names, addresses, birthdays, and social security numbers of the witnesses upon whom he intends to rely to establish such Alibi.
- 4) The State requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of Insanity or to enter a plea of guilty but mentally ill at the time of the crime.
- 5) The State further requests the Defendant notify the State of Defendant's intentions to rely upon the defense of Necessity.

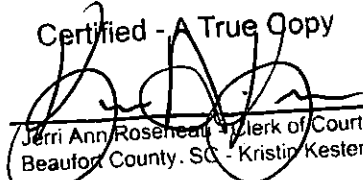
These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.

Mary Jones
Assistant Solicitor

Beaufort, South Carolina

January 21, 2022

Certified - A True Copy


Jerri Ann Rosehead, Clerk of Court
Beaufort County, SC - Kristin Kesten

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) IN THE MAGISTRATE COURT 022 JAN 11 AM 9:21
 COUNTY OF BEAUFORT) WARRANT/TICKET NO(s): 2020a0710200596; 2020a0710200597
) JERRI ANN ROSENEAU
) BEAUFORT COUNTY, S.C.
 STATE OF SOUTH CAROLINA,) REQUEST AND MOTION FOR DISCLOSURE PURSUANT TO RULE 5,
) RULES OF CRIMINAL PROCEDURE AND MOTION TO REQUIRE THE
 versus) PROSECUTOR TO DISCLOSE EVIDENCE FAVORABLE TO
) DEFENDANT UNDER BRADY AND GIGLO AND MEMORANDUM IN
 Xavier Polite,) SUPPORT THEREOF AND NOTICE OF MOTION AND MOTION AS TO
 Defendant.) CHAIN OF CUSTODY.

TO: FOURTEENTH CIRCUIT SOLICITOR'S OFFICE

By: JUAN TOLLEY, FOURTEENTH CIRCUIT PUBLIC DEFENDER

REQUEST AND MOTION FOR DISCLOSURE PURSUANT TO RULE 5, RULES OF CRIMINAL PROCEDURE

COMES NOW the Defendant, who requests pursuant to Rules of Criminal Procedure, Rule 5, the following:

A. Produce and permit the inspection and copying of any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person then known to the Defendant to be a prosecution agent. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in particular, any and all documents and media that are in a foreign language (i.e. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.

B. Furnish to the Defendant such copy of his prior criminal record, if any, as is within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

C. Produce and permit the inspection and copying of books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant.

D. Produce and permit the Defendant to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

This request is deemed to be continuing pursuant to the provision of Section (e) of Rule 5.

If the above requested disclosure is denied, restricted or deferred, or in other ways not complied with, the Defendant hereby moves for relief according to the provisions of Sections (d) (1) and/or (d) (2) of Rule 5.

E. Produce and permit the Defendant to inspect and copy any and all law enforcement in-car videos, radio transmissions, CAD reports, and 911 calls relating to the matter captioned above.

MOTION TO REQUIRE THE STATE TO DISCLOSE EVIDENCE FAVORABLE TO DEFENDANT UNDER BRADY AND GIGLIO

NOW COMES the Defendant, by and through his attorney, who moves for an Order directing that he be furnished the following:

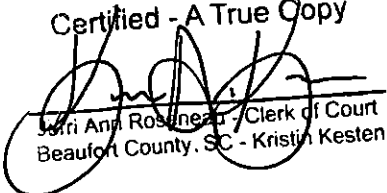
A. Copies of any and all statements allegedly made by the Defendant, whether oral, written, taped, recorded or in whatever form that the prosecution intends to introduce into evidence or to rely upon in the trial. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in particular, any and all documents and media that are in a foreign language (i.e. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.

B. The names and addresses of all persons interviewed, and a copy of the statement allegedly made by such person and whether such statement is oral, written, taped, recorded or otherwise reduced to writing by summary or otherwise. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in particular, any and all documents and media that are in a foreign language (i.e. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.

C. The total and complete list of all persons interviewed in the entire investigation and the name of the person or persons conducting such interview, together with a copy and correct account of the interview. If more than one interview has been made as to any person, then a copy and result of each interview should be produced.

D. Any and all tape or electronic recordings, written statements or summaries made thereof by any officer or employee of the State, County, Sheriff or Solicitor's office with reference to all persons interviewed, whether they are to be called as witnesses for the state or not. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in

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 Jerri Ann Roseneau, Clerk of Court
 Beaufort County, SC - Kristin Kesten

particular, any and all documents and media that are in a foreign language (i.e. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.

E. A complete and detailed list of the criminal record of all state's witnesses, including any and all charges which may now be pending against them and which have not yet been officially disposed of by plea, trial or otherwise.

F. Any and all written reports, documents or any physical evidence that is in the possession of the state or the prosecution relative to this case or the investigation thereof, including but not limited to: 1. reports of finger and palm print analysis by SLED and/or the FBI and transmittal requests thereof; 2. photographic arrays displayed to any witness in the course of the investigation; 3. composite sketches of the subjects; 4. statements of the victim, whether recorded or in the form of reports or notes of the investigating officer(s).

G. The total and complete investigation files of SLED, the Sheriff's office, the Police Department, the Solicitor's Office, the South Carolina Highway Patrol, or of any other agency or bureau which may have taken part in any phase of said investigation, together with all correspondence and communications concerning the same.

H. The names and addresses of all agents of SLED, the Sheriff's office, the Police Department, the Solicitor's Office, the South Carolina Highway Patrol, or of any other agency or bureau who may have participated in the investigation.

I. Whether or not any person interviewed in reference to the case or the investigation thereof has in any way or manner, directly or indirectly been subjected to any coercion, duress, threats, intimidation, punishment, unequal treatment or discrimination and whether any of such persons have been promised immunity from prosecution, leniency or any form of reward, inducement, or offer of help or assistance has been held out, offered or made to him.

J. All records of all prisoners at the County Detention Center who may be called as State's witnesses should be produced and the State should be required to disclose whether or not said prisoners or any of them have been subjected to any type of disciplinary action or segregation, whether prior to, or after being interrogated in connection with this case or the investigation thereof, and if so, the exact and precise reasons for such disciplinary action and/or segregation should be disclosed.

There may be other items and matters of evidence, information, and data in existence that are not enumerated above, and of which Defendant is unaware, due to the secrecy surrounding the investigation, but in any event, Defendant now requests and demands that he be afforded with any and all evidence and information, whether specifically delineated and listed herein or not, that may be materially favorable to the Defendant within the context of Brady v. Maryland, or Giglio.

Defendant requests that an evidentiary hearing be held on this Motion in order that a proper foundation may be laid as to what evidence, information, and data is in possession of the State and Prosecution, and that the State be directed to make such disclosures immediately. Defendant requests that all of the State's files, reports, statements, and all other items specified herein should be properly identified, examined in camera by the Court, and as to all items that are not disclosed to the defense pursuant to this Motion, that such undisclosed items be deposited in the registry of the Court where they will be available for appellate review and/or post conviction relief, if necessary.

MEMORANDUM IN SUPPORT OF MOTION TO REQUIRE THE PROSECUTOR TO DISCLOSE EVIDENCE FAVORABLE TO THE DEFENDANT UNDER BRADY AND GIGLIO

The Defendant has filed a Motion to require the Solicitor's Office to disclose evidence favorable to the Defendant under the doctrines of Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963); Giles v. Maryland, 386 U.S. 66, 87 S.Ct. 793, 19 L.Ed.2d 737 (1967); and Williams v. Dutton, 400 F.2d 797 (5th Cir., 1968).

The aforesaid documents are in the possession of the State or are available to the Solicitor and are favorable or arguably favorable to the Defendant as to the issue of innocence and punishment.

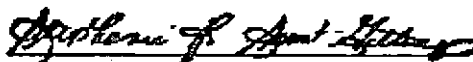
All of the documents, pictures and articles are relevant, significant and constitute substantial material evidence and will be useful to the Defendant as evidence upon his trial.

The Defendant cannot safely go to trial without the production of these documents and in their absence will be denied the due process of law as guaranteed by the Constitution of the State of South Carolina and the Fifth Amendment of the Constitution of the United States of America made applicable to the State through the Fourteenth Amendment to the Constitution of the United States.

Without the production of these documents, the Defendant's counsel will not be able to effectively represent him; and thus he will be denied the right to counsel which is guaranteed to him under the Constitution of South Carolina, and the Sixth Amendment of the United States Constitution made applicable to the States through the due process clause of the Fourteenth Amendment of the United States Constitution.

NOTICE OF MOTION AND MOTION AS TO CHAIN OF CUSTODY

Pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, the Defendant, through his/her counsel, hereby makes known his/her objection to the introduction of a chemist or analyst's report in the trial of this case. In addition, the Defendant hereby demands that such chemist or analyst be present at trial for the purpose of personally testifying and for the purpose of being subject to Defendant's cross-examination. And finally, Defendant further demands that all persons connected with the chain of custody in this case be present in Court for the trial of this case.


Stephanie Smart - Gittings
Fourteenth Circuit Public Defender

Beaufort, South Carolina

January 11, 2022

Beaufort County Sheriff's Office / Duncan

3. Pursuant to the investigation, Law Enforcement with Beaufort County Sheriff's Office processed, among other items, a Taurus 9mm pistol, a Draco firearm, numerous pieces of ammunition, and a Toyota minivan used during the commission of the crimes.
4. These items were processed and various swabs collected and submitted to the BCSO lab for testing.
5. Investigators obtained DNA evidence from these swabs.
6. An additional biological specimen from Defendant has been requested for further analysis.
7. This evidence was preserved and transferred within a secure chain of custody to the Beaufort County Sheriff's Office Evidence depository and then to the BCSO lab for examination.
8. The BCSO lab believes they will be able to include or exclude a contributor of the DNA if they had the Defendant's DNA.
9. The BCSO lab requires the Defendant's DNA sample in order to complete its comparison.
10. Such evidence is necessary to the successful investigation of this incident, and that such evidence collected will aid in further substantiating or eliminating the defendant as the perpetrator.
11. Such a procedure is minimally intrusive and can be conducted in complete safety to the Defendant.
12. Such an order is necessary and compelling in order to further the ends of justice.

THEREFORE it is ORDERED that within 10 days of today's date, the above-named Defendant must submit to the taking of saliva first; and if necessary, then the taking of blood or urine samples.

IT IS FURTHER ORDERED that if the Defendant fails to comply with the State and/or law enforcement and/or medical personnel in providing the above-mentioned samples, or if there is unreasonable delay in carrying out the terms of this order, this Court retains jurisdiction to ensure the Defendant's compliance with this Order; and should samples taken be unsatisfactory or incapable of being tested, Defendant shall resubmit herself for testing.

AND IT IS SO ORDERED



Presiding Judge
14th Judicial Circuit

Beaufort County, South Carolina

6 (25), 2021

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

STATE OF SOUTH CAROLINA

v.

Xavier Polite

Defendant.

2021 MAY -3 PM 4: 12
IN THE COURT OF GENERAL SESSIONS

NOTICE OF MOTION

Indictment No. 2020-GS-07-2185
2020-GS-07-2186
2020-GS-07-2312

TO: Defendant, Xavier Polite, by and through his counsel, Lauren Carroway;

The above-named Defendant shall take notice that the Solicitor of the Fourteenth Judicial Circuit will move before the Presiding Judge during the General Sessions Term of court beginning May 25, 2021 at the Beaufort County Courthouse to request that the Defendant submit to the taking of buccal swabs for testing purposes.

This motion is made on the following grounds:

1. On November 18, 2020, the Beaufort County Sheriff's Office responded to 70 Stonewood Lane, St. Helena Island, SC in reference to a shooting incident.
2. Upon arrival it was learned that Steven Glover was on scene deceased from apparent gunshot wounds.
3. A surviving victim, Cory Singleton provided a statement to law enforcement.
4. Mr. Singleton's identified "Glizzy" as one of the shooters. He was unable to identify the second shooter.
5. Channon Preston, a co-Defendant is known to have the street name, "Glizzy."

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Jean Ann FoserEAU, Clerk of Court
Beaufort County, SC - Kristin Kesten

6. Surveillance footage from the home where the incident occurred showed two black males arrive on scene in a Toyota minivan.
7. Preston, the same co-defendant known to go by the name "Glizzy," is known to drive a Toyota minivan registered to his mother, Anita Baker.
8. Investigators processed the scene at Stonewood Lane.
9. BCSO also responded to 152 Eddings Point where this co-defendant resides with his mother.
10. In the driveway at 152 Eddings Point was the Toyota minivan depicted in the surveillance footage from the shooting.
11. While at 152 Eddings Point, the second shooter was present identified, Xavier Polite.
12. Polite was interviewed and gave statements not only incriminating himself, but Preston as well.
13. Polite provided information which led to the execution of a search warrant for the home of Channon Preston.
14. Polite indicated where inside the home the murder weapons could be located.
15. During the search of 152 Eddings Point, three firearms were located—two of which are consistent with shell casings found on scene at 70 Stonewood Lane.
16. All three guns as well as multiple pieces of ammunition were processed for DNA.
17. Additionally, the Toyota minivan was forensically processed.
18. Items of evidence, to include swabs from the minivan and swabs from the guns and ammunition, were forensically processed by members of the Beaufort County Sheriff's Office.

19. These items of evidence were preserved and transferred within a secure chain of custody to the BCSO lab for examination.
20. The BCSO lab was able to identify contributors to the DNA samples submitted from the swabs of the minivan, guns and ammunition submitted for analysis.
21. The BCSO lab believes they will be able to include or exclude a contributor of the DNA if they had Defendant's DNA.
22. An additional biological specimen from Defendant has been requested for further analysis.
23. Such evidence is necessary to the successful investigation of this incident, and that such evidence collected will aid in further substantiating or eliminating Defendant as the perpetrator.
24. Such a procedure is minimally intrusive and can be conducted in complete safety to Defendant.
25. Such an order is necessary and compelling to further the ends of justice.

Therefore, the State prays for an Order from this Court to require Defendant to submit to such an examination for the taking of a buccal swab for a DNA sample.



Mary C. Jones
Assistant Solicitor
14th Judicial Circuit

Beaufort County, South Carolina

MAY 3, 2021

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF BEAUFORT)

Indictment No(s): 2020GS0702185-02186

STATE OF SOUTH CAROLINA)

UNREC -9 PH: 36

Warrant No(s): 2020A0710200596,
2020A0710200597

vs.

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

RULE 5 REQUEST FOR DISCLOSURE

XAVIER MAOSHI POLITE

Defendant

TO: DEFENDANT AND HIS ATTORNEY, Lauren Caroway.

PURSUANT to the South Carolina Rules of Criminal Procedure, the State in the above-captioned matter requests the disclosure of all evidence by the Defendant to the State that is required by Rule Five (5) of the Rules of Criminal Procedure, including but not limited to the following items:

- 1) That the Defendant permit the prosecution to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant and which the Defendant intends to introduce as evidence in chief at the trial.
- 2) That the Defendant permit the prosecution to inspect and copy any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports relate to his testimony.
- 3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an Alibi defense, stating the specific place or places at which the Defendant claims to have been on and during 11/18/2020 and the names, addresses, birthdays, and social security numbers of the witnesses upon whom he intends to rely to establish such Alibi.
- 4) The State requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of Insanity or to enter a plea of guilty but mentally ill at the time of the crime.
- 5) The State further requests the Defendant notify the State of Defendant's intentions to rely upon the defense of Necessity.

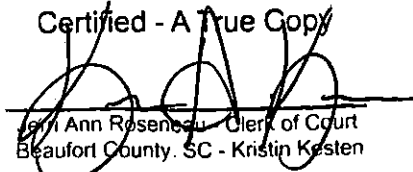
These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.

Mary Jones
Assistant Solicitor

Beaufort, South Carolina

December 04, 2020

Certified - A True Copy


Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC - Kristin Kesten

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) IN THE MAGISTRATE COURT
2020 DEC 4 AM 11:24 WARRANT/TICKET NO(s): 2020a0710200596; 2020a0710200597

JENN ANH ROSENEAU
CLERK OF COURT)
STATE OF SOUTH CAROLINA)
BEAUFORT COUNTY, S.C.)
CLERK OF COURT)
versus)
Xavier Polite,)
Defendant.)
REQUEST AND MOTION FOR DISCLOSURE PURSUANT TO RULE 5,
RULES OF CRIMINAL PROCEDURE AND MOTION TO REQUIRE THE
PROSECUTOR TO DISCLOSE EVIDENCE FAVORABLE TO
DEFENDANT UNDER BRADY AND GIGLO AND MEMORANDUM IN
SUPPORT THEREOF AND NOTICE OF MOTION AND MOTION AS TO
CHAIN OF CUSTODY.

TO: FOURTEENTH CIRCUIT SOLICITOR'S OFFICE
By: LAUREN CARROWAY, FOURTEENTH CIRCUIT PUBLIC DEFENDER

REQUEST AND MOTION FOR DISCLOSURE PURSUANT TO RULE 5, RULES OF CRIMINAL PROCEDURE

COMES NOW the Defendant, who requests pursuant to Rules of Criminal Procedure, Rule 5, the following:

- A. Produce and permit the inspection and copying of any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, to the attorney for the prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the Defendant whether before or after arrest in response to interrogation by any person then known to the Defendant to be a prosecution agent. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in particular, any and all documents and media that are in a foreign language (i.e. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.
- B. Furnish to the Defendant such copy of his prior criminal record, if any, as is within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.
- C. Produce and permit the inspection and copying of books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant.
- D. Produce and permit the Defendant to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

This request is deemed to be continuing pursuant to the provision of Section (c) of Rule 5.

If the above requested disclosure is denied, restricted or deferred, or in other ways not complied with, the Defendant hereby moves for relief according to the provisions of Sections (d) (1) and/or (d) (2) of Rule 5.

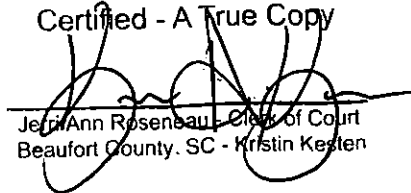
- E. Produce and permit the Defendant to inspect and copy any and all law enforcement in-car videos, radio transmissions, CAD reports, and 911 calls relating to the matter captioned above.

MOTION TO REQUIRE THE STATE TO DISCLOSE EVIDENCE FAVORABLE TO DEFENDANT UNDER BRADY AND GIGLO

NOW COMES the Defendant, by and through his attorney, who moves for an Order directing that he be furnished the following:

- A. Copies of any and all statements allegedly made by the Defendant, whether oral, written, taped, recorded or in whatever form that the prosecution intends to introduce into evidence or to rely upon in the trial. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in particular, any and all documents and media that are in a foreign language (i.e. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.
- B. The names and addresses of all persons interviewed, and a copy of the statement allegedly made by such person and whether such statement is oral, written, taped, recorded or otherwise reduced to writing by summary or otherwise. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in particular, any and all documents and media that are in a foreign language (i.e. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.
- C. The total and complete list of all persons interviewed in the entire investigation and the name of the person or persons conducting such interview, together with a copy and correct account of the interview. If more than one interview has been made as to any person, then a copy and result of each interview should be produced.
- D. Any and all tape or electronic recordings, written statements or summaries made thereof by any officer or employee of the State, County, Sheriff or Solicitor's office with reference to all persons interviewed, whether they are to be called as witnesses for the state or not. The Defendant further requests that any and all evidence covered by this Motion be produced in a usable format and form; in

Certified - A True Copy


Jenn Ann Rosenau, Clerk of Court
Beaufort County, SC - Kristin Kesten

particular, any and all documents and media that are in a foreign language (ie. other than English) must be transcribed by a certified Circuit Court interpreter and given to the Defendant in a usable format.

F. A complete and detailed list of the criminal record of all state's witnesses, including any and all charges which may now be pending against them and which have not yet been officially disposed of by plea, trial or otherwise.

F. Any and all written reports, documents or any physical evidence that is in the possession of the state or the prosecution relative to this case or the investigation thereof, including but not limited to: 1. reports of finger and palm print analysis by SLED and/or the FBI and transmittal requests thereof; 2. photographic arrays displayed to any witness in the course of the investigation; 3. composite sketches of the subjects; 4. statements of the victim, whether recorded or in the form of reports or notes of the investigating officer(s).

G. The total and complete investigation files of SLED, the Sheriff's office, the Police Department, the Solicitor's Office, the South Carolina Highway Patrol, or of any other agency or bureau which may have taken part in any phase of said investigation, together with all correspondence and communications concerning the same.

H. The names and addresses of all agents of SLED, the Sheriff's office, the Police Department, the Solicitor's Office, the South Carolina Highway Patrol, or of any other agency or bureau who may have participated in the investigation.

I. Whether or not any person interviewed in reference to the case or the investigation thereof has in any way or manner, directly or indirectly been subjected to any coercion, duress, threats, intimidation, punishment, unequal treatment or discrimination and whether any of such persons have been promised immunity from prosecution, leniency or any form of reward, inducement, or offer of help or assistance has been held out, offered or made to him.

J. All records of all prisoners at the County Detention Center who may be called as State's witnesses should be produced and the State should be required to disclose whether or not said prisoners or any of them have been subjected to any type of disciplinary action or segregation, whether prior to, or after being interrogated in connection with this case or the investigation thereof, and if so, the exact and precise reasons for such disciplinary action and/or segregation should be disclosed.

There may be other items and matters of evidence, information, and data in existence that are not enumerated above, and of which Defendant is unaware, due to the secrecy surrounding the investigation, but in any event, Defendant now requests and demands that he be afforded with any and all evidence and information, whether specifically delineated and listed herein or not, that may be materially favorable to the Defendant within the context of Brady v. Maryland, or Giglio.

Defendant requests that an evidentiary hearing be held on this Motion in order that a proper foundation may be laid as to what evidence, information, and data is in possession of the State and Prosecution, and that the State be directed to make such disclosures immediately.

Defendant requests that all of the State's files, reports, statements, and all other items specified herein should be properly identified, examined in camera by the Court, and as to all items that are not disclosed to the defense pursuant to this Motion, that such undisclosed items be deposited in the registry of the Court where they will be available for appellate review and/or post conviction relief, if necessary.

MEMORANDUM IN SUPPORT OF MOTION TO REQUIRE THE PROSECUTOR TO DISCLOSE EVIDENCE FAVORABLE TO THE DEFENDANT UNDER BRADY AND GIGLIO

The Defendant has filed a Motion to require the Solicitor's Office to disclose evidence favorable to the Defendant under the doctrines of Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963); Giles v. Maryland, 386 U.S. 66, 87 S.Ct. 793, 19 L.Ed.2d 737 (1967); and Williams v. Dutton, 400 F.2d 797 (5th Cir., 1968).

The aforesaid documents are in the possession of the State or are available to the Solicitor and are favorable or arguably favorable to the Defendant as to the issue of innocence and punishment.


All of the documents, pictures and articles are relevant, significant and constitute substantial material evidence and will be useful to the Defendant as evidence upon his trial.

The Defendant cannot safely go to trial without the production of these documents and in their absence will be denied the due process of law as guaranteed by the Constitution of the State of South Carolina and the Fifth Amendment of the Constitution of the United States of America made applicable to the State through the Fourteenth Amendment to the Constitution of the United States.

Without the production of these documents, the Defendant's counsel will not be able to effectively represent him; and thus he will be denied the right to counsel which is guaranteed to him under the Constitution of South Carolina, and the Sixth Amendment of the United States Constitution made applicable to the States through the due process clause of the Fourteenth Amendment of the United States Constitution.

NOTICE OF MOTION AND MOTION AS TO CHAIN OF CUSTODY

Pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, the Defendant, through his/her counsel, hereby makes known his/her objection to the introduction of a chemist or analyst's report in the trial of this case. In addition, the Defendant hereby demands that such chemist or analyst be present at trial for the purpose of personally testifying and for the purpose of being subject to Defendant's cross-examination. And finally, Defendant further demands that all persons connected with the chain of custody in this case be present in Court for the trial of this case.


Stephanie Smart - Gittings
Fourteenth Circuit Public Defender

Beaufort, South Carolina
November 19, 2020

Beaufort County Sheriff's Office / Duncan

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
THE STATE OF SOUTH CAROLINA
vs.
XAVIER POLITE,
Defendant

) IN THE COURT OF GENERAL SESSIONS
)
)
)

) WARRANT NO(S): 2020a0710200596,
) 2020a0710200597
)
)
)


) NOTICE OF MOTION AND
) MOTION TO SET BOND
)
)
)

2020 DEC -2 PM 2:51
JERRI ANN ROSENBAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

TO: ISSAC M. STONE III, SOLICITOR, 14TH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that the Defendant and his undersigned attorney will appear before the Honorable Judge of the Court of General Session of the 14th Judicial Circuit, on December 7, 2020 at 9:00 a.m., or as soon as counsel can be heard, at the Court of General Sessions in Beaufort County, and will move the Court to set bond on the above named Defendant to an amount deemed reasonable by the Court.

Respectfully submitted,

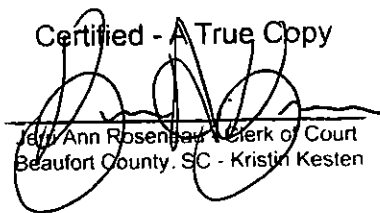


Lauren Carroway
Beaufort County Public Defender's Office
Attorney for the Defendant

Beaufort, South Carolina

December 02, 2020

Certified - A True Copy



Jerri Ann Rosenbau, Clerk of Court
Beaufort County, SC - Kristin Kesten

WITNESSES

Beaufort County Sheriff's Office

DUCKET NO. 2020GS0702186

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2021

I hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

XAVIER MAOSHI POLITE

ARREST WARRANT NUMBER

2020A0710200597

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

ACTION OF GRAND JURY

True Bill

Defendant

Foreperson of Grand Jury

Date: NOV 04 2021

Witness:

VERDICT

GUILTY

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date: 6/15/23
INDICT

RECEIVED

JUN 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF BEAUFORT)

2020GS0702186

At a Court of General Sessions, convened on November 4, 2021, the Grand Jurors of Beaufort County present upon their oath:

Possession of Weapon During Violent Crime

That in Beaufort County, South Carolina, on or about November 18, 2020, the Defendant, XAVIER MAOSHI POLITE, did possess a firearm, visibly displayed what appeared to be a firearm, during the commission of a violent crime, to wit: Murder and/or Attempted Murder and XAVIER MAOSHI POLITE was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

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



Solicitor

WITNESSES

Beaufort County Sheriff's Office

[Handwritten signature]

DUCKET NO. 2020GS0702312

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2021

I _____

hereby appear in my own proper person and plead guilty to the within indictment or to

THE STATE

vs.

XAVIER MAOSHI POLITE

ARREST WARRANT NUMBER

2020A0710400353

ACTION OF GRAND JURY

True Bill

Indictment For

Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

Defendant

Foreperson of Grand Jury

Date: NOV 04 2021

VERDICT

Guilty

Witness:

Foreperson of Petit Jury

Date: 6/15/23

INDICT

C.C.C. PLS. and G.S.

RECEIVED

JUN 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

INDICTMENT

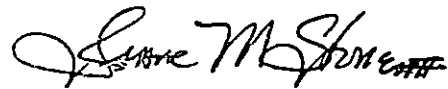
2020GS0702312

At a Court of General Sessions, convened on November 4, 2021, the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

That in Beaufort County, South Carolina, on or about November 18, 2020, the Defendant, XAVIER MAOSHI POLITE, did, with intent to kill and with malice aforethought, attempt to willfully kill Cory Singleton, to wit: by shooting at Cory Singleton, all in violation of Section 16-3-29, et al. of the Codes of Law of South Carolina.

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



Solicitor

WITNESSES

Beaufort County Sheriff's Office

[Handwritten signature]

DOCKET NO. 2020GS0702185

The State of South Carolina
County of Beaufort

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

November Term 2021

I
hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2020A0710200596

THE STATE

vs.

XAVIER MAOSHI POLITE

ACTION OF GRAND JURY

True Bill

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Defendant

[Handwritten signature]
Foreperson of Grand Jury
Date: NOV 04 2021

VERDICT

Guilty

Witness:

[Handwritten signature]
Foreperson of Petit Jury
Date: 6/15/23
INDICT

C.C.C. PLS. and G.S.

RECEIVED

JUN 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)
)
)

INDICTMENT

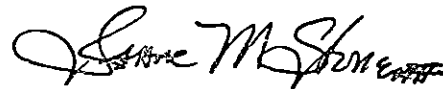
2020GS0702185

At a Court of General Sessions, convened on November 4, 2021, the Grand Jurors of Beaufort County present upon their oath:

Murder

That in Beaufort County, South Carolina, on or about November 18, 2020, the Defendant, XAVIER MAOSHI POLITE did, with malice aforethought, kill Steven Glover and Steven Glover did die as a proximate result of XAVIER MAOSHI POLITE's actions, to wit: The Defendant did fire a gun towards the Victim and the Victim did die as a result of gunshot wounds, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

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



Solicitor