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SEP 14 2023

S.C. SUPREME COURT

TO: JUSTICE, BEATY

RE: 99-GS-05-028, 029

(BAMBERG COUNTY)

SIR, WITH ALL DUE RESPECT TO YOU, I'M KINDLY REQUESTING FOR YOU TO REVIEW THE ENCLOSED DOCUMENTS, AND OBSERVE THERE WAS A PLEA OFFER TO ME, AND MY TRIAL COUNSEL NEVER COMMUNICATED THIS OFFER TO ME VERBALLY, BUT "NO PLEA" WAS EVEN CONVEYED TO ME. THE PCR TRANSCRIPT IS EVIDENCE OF TRIAL COUNSEL JOSIANA KOGER HAD A ETHICAL OBLIGATION TO TELL THE TRUTH UNDER OATH AND HE MISLEAD THE COURT.

Q) Pg. 615 line 5: WAS THERE A PLEA OFFER IN THIS CASE?

A) I WANT TO SAY MAYBE 30 YRS. AND THAT MATTER WAS COMMUNICATED TO MR. NIMMONS.

LINE 10: AND, I'M NOT SURE WHETHER 30 YRS. WAS COMMUNICATED.

A) Pg. 617 line 18-20: I CAN'T RECALL WHETHER ONE WAS EXTENDED OR WHETHER THAT WAS SOMETHING THAT IN THE NON- EVENT THAT MR. NIMMONS DIDN'T GO TO TRIAL.

RELIEF

I, JUAN NIMMONS MOVING THIS HONORABLE COURT TO SEND ABOVE CASE BACK TO CIRCUIT COURT FOR RE-SENTENCE. JUAN N. NIMMONS

OCTOBER 4, 2021

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SEP 14 2023

AFFIDAVIT OF TAWANDA NIMMONS

S.C. SUPREME COURT

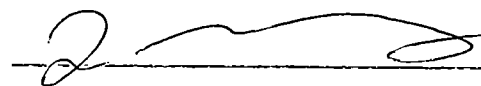
On Oct.4, 2021 I, Tawanda Nimmons, and Samuel Acevedo had a meeting with Second Judicial Solicitor Mr. David Miller concerning my father, Juan Nimmons. Mr. Miller conveyed to us that Juan Nimmons was offered a plea deal. The number of years wasn't specified. I spoke with my father and he vehemently denied ever being offered such a deal. By the Solicitor Degrant Gibbons in March 1999.

Patrick Smith

Notary Public 10-13-21

PATRICK SMITH
Notary Public, State of South Carolina
My Commission Expires 8/24/2031

Respectfully Submitted;



Tawanda Nimmons (Daughter)

3:33



Follow up



David Miller

To Tawanda Nimmons

Oct 6 at 8:52 AM



My understanding is that he was offered a plea to murder, but I don't know if there was a recommendation on a particular sentence. Any defendant can plead guilty to what they are charged with (called a straight-up plea) and leave sentencing in the discretion of the Judge. The only real advantage to that is that the Defendant is generally given credit for accepting responsibility for their actions. As you might imagine, it is VERY unusual for a judge to give a Defendant life, particularly life without parole, after a guilty plea. Unfortunately, it's not very unusual for a Defendant to get life without parole following a trial.

Your dad's defense attorney is still around. His name is Josh Koger and he's a great guy. He may be able to answer some questions about the case too. If you'd like, I can reach out to him and see if he would be willing to speak with you.

Patrick Smith
 Notary Public 10-13-21

PATRICK SMITH
 Notary Public, State of South
 My Commission Expires 8/

DWM

From: Tawanda Nimmons

(EXHIBIT B)

24

CROSS-EXAMINATION

1

2 BY MS. STONEY:

2

3

Q Mr. Koger, the Jackson/Denno hearing that
4 you spoke of?

4

5

A Yes.

6

Q -- was the jury present during that time?

7

A No. I mean, we had Judge -- Judge Cleary
8 was the presiding officer. It is no way that Judge
9 Cleary would have allowed a Jackson/Denno hearing in
10 front of a jury. And I have never conducted, have
11 been a part, of a Jackson/Denno hearing in front of
12 a jury.

→ 13 Q You stated that -- are you sure that there
14 was a plea offer, or are you just trying to go by
15 memory?

16 A I'm trying to go by memory. I'm trying.
17 There was not an actual written plea offer, okay.
18 Maybe in discussion with Solicitor Givens, I can't
19 recall whether one was extended or whether that was
20 something that in the non-event that Mr. Nimmons
21 didn't go to trial, what would the State be willing
22 to offer.

23 Q How many of Mr. Nimmons' witnesses were
24 also State witnesses?

25 A Mr. -- I think Darrell Williams was the

1 only State witness.

2 Q Any others?

3 A I think in discovery material, Sandra
4 Jordan was actually interviewed, and we had a
5 written statement from Elliott Adams.

6 Q What about Patrick Washington?

7 A Patrick Washington was not on the State
8 witness stand.

9 Q And were those witnesses in the courtroom?

10 A I don't think Michael Mintz was in the
11 courtroom. I'm trying to recall. I'm not sure. I
12 think maybe -- of course, Darrell Williams was here,
13 because of the State's list. I think Ms. Jordan and
14 Mr. Adams. I'm not sure about Patrick Washington.
15 I don't think we were able to contact Patrick
16 Washington. I'm not, though, because my
17 investigator -- I worked with my investigator on
18 that.

19 Q Sandra Jordan, did you speak with her?

20 A One of the investigators, Strickland,
21 spoke with her.

22 Q Anything from that?

23 A Nothing.

24 Q In the Solicitor's argument, the word
25 "you" was used several times. Did you not recognize

(EXHIBIT A)

22

1 gave a videotaped statement from the beginning.
2 And, therefore, he really had to testify at that
3 point. And he wanted to. I think from the very
4 first, he indicated that he wanted to testify.

5 Q Was there a plea offer in this case?

6 A I want to say -- and I'm not sure. ~~I want~~
7 ~~to say maybe 30 years, and that matter was~~
8 ~~communicated to Mr. Nimmons.~~ But Mr. Nimmons always
9 told me from the very beginning that he wanted a
10 trial. ~~And I'm not sure whether 30 years was~~
11 ~~communicated.~~ From day one, he wanted a trial.

12 MR. BOOZER: The Court's indulgence,
13 Your Honor.

14 Q Now, going to Mr. Nimmons' testimony today
15 regarding some of the Solicitor's comments, do you
16 see anything objectionable in the Solicitor's
17 closing remarks?

18 A Well, at that time, I didn't see any
19 objectionable. I mean, basically, we put Mr.
20 Nimmons on the stand. He told his version of what
21 happened on that particular day, and that was for
22 the jury to decide in opposition to the videotaped
23 statement that he gave.

24 Q Now, do you normally object during closing
25 argument?

JUAN M. NIMMONS #256828
1057 REVOLUTIONARY TRAIL
ALLENDALE COR. INST. / F3B-20
FAIRFAX, S.C. 29827

AUGUSTA GA 309

12 SEP 2023 P. 2 L



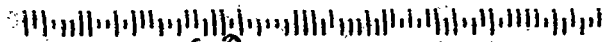
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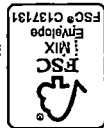
S.C. SUPREME COURT

To: JUSTICES OF SUPREME COURT
P. O. Box 11330
COLUMBIA, S.C. 29211

2921131330



ATTN: PATRICIA HOWARD, CLERK



"THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS. ALLENDALE CORRECTIONAL INSTITUTION S.C. DEPARTMENT OF CORRECTIONS."

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