

The South Carolina Court of Appeals

The State, Respondent,

v.

Robert F. Warwick, Jr., Appellant

RECEIVED

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SC Court of Appeals

NOTICE
OF MOTION AND
MOTION FOR
RECONSIDERATION

YOU WILL PLEASE TAKE NOTICE that the Appellant, Robert F. Warwick, Jr., in his pro se capacity moves this Honorable Court for an Order of Reconsideration and for an Order to vacate the prior order of the South Carolina Court of Appeals, filed November 01, 2023 and allowing him no more than fifteen (15) days from the date of this Notice and Motion to provide the Appellant sufficient time to prepare a proper response, with sufficient explanation

as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules (SCACR), due to the abject failure of his trial counsel to provide a vigorous defense to the charges faced by the Appellant only twenty-four (24) hours prior to going to trial on "assault" for the death of an individual, whose death was found to be by "natural causes" and the second autopsy stated "death was ^{of} un-determined origin."

① Appellant's counsel failed to rebut the ~~assault~~ charges properly, never bringing to the trial court's attention that the man who died in hospice at a Berkley County Hospital, while attended by a qualified medical staff, did, in fact, die, but more than four (4) months after he was initially admitted. Three (3) or four (4) days after his admission, he became less

responsive to medical treatment. Four (4) months later, Jeff Bazzle died. The initial post-mortem exam performed by hospital staff concluded the deceased's death was natural, possibly a non-infectious CVA. The Suspected Cause of Death was related to a Nervous System defect which lead to a fatal "stroke", which was very similar to a CVA, if not identical.

② Late Thursday afternoon, Appellant's trial counsel, informed him that unless he "entered a North Carolina v. Alford plea the very next day at court, Friday morning, to an open charge of assault and battery of a high and aggravated nature (ABHAN), the State would upgrade the charge to "murder." Trial Counsel offered no other option or advice, other than "take it, or go back to the county jail or detention center to await trial for murder in

an other year or more, Faced with these meager "facts", the Appellant asserts he was coerced by his ineffective defense counsel

③ His defense counsel also never explained to the Appellant about his appellate rights, to include submitting a written or making an oral motion for reconsideration of sentence or even a motion for a "new trial" or hearing, because trial counsel never made any objection to the actual sentence handed down by the trial court judge. Essentially, his trial counsel's ineffective assistance amounted to a complete abandonment by counsel in order to ditch his client, rather than prepare for a speedy trial a "Frank v. Delaware" (veracity hearing)

pursuant to State v. Sachs (SC 1975)⁻⁵⁻
or attack the validity of any search or
arrest warrant, pursuant to State v.
Baccus (SC 2007) and to challenge any
warrant for failing to comply with
§17-13-140 and §22-5-180, SC Code (1976),
as annotated.

④ Additionally, Appellant alleges that his
trial counsel's legal and ethical per-
formance was so deficient or so sub-
standard as compared to the general
level of performance expected of other
trial counsel that Appellant alleges
he was greatly prejudiced by his
counsel's performance that the
sentence imposed by the trial court was
clearly outrageous, given the paucity
of proof in possession of the State and
indicative of trial counsel's ineptitude

Finally, the Appellant alleges that his Counsel's prior admissions to this court, upon filing of his client's appeal speaks volumes of counsel's professional negligence with respect to case preparation his failure to properly investigate his client's defense claims, in violation of Strickland v. Washington and many other SCOTUS appellate opinions. Counsel's attitude with respect to his client's reasonable hopes were dashed by his counsel's abysmally poor, professional legal performance and Appellant has absolutely no confidence in his trial counsel doing an adequate appeal - formerly requesting his immediate relief and an appointment of a new appellate counsel to assist in the preparation and prosecution of his appeal!

I SO MOVE. (L.S.) Qui F. Murch
November 9, 2022

Decedent Identification

MDLog #	200703-347	Date of birth	09/29/1962
Case number	20-0848	Date of death	07/03/2020 On
Status	Identified	Time of death	13:18 Exact
Method a	Visual (Witness)	Pronounced	07/03/2020 14:00
Last name	Bazzle	Pronounced by	Mazzell, Kristin S. Deputy Coroner
First name	Jeff	Age	57 years 9 months 4 days
Country	United States		
Address	Summerville Community Hospice House 374 Myers Road Summerville, SC 29486		
Township/Village	Summerville		
County	Berkeley		
Sex	Male		
Race	White		
Ethnicity	Non-Hispanic		

White Male!

Circumstances

Jurisdiction	County / Parish	Medical treatments
Scene Investigated by Law Enforcement	Not Applicable	DNR
Scene Investigated by ME/C	Not Applicable	
Date Investigated	07/03/2020 13:58	
Reason for reporting Hospice	Hospice Death Yes	

Investigator Narrative

Hospice case at Summerville Community Hospice House.

Scott Holcomb, NP, will certify and sign the death certificate.

BRT# 461577 was issued.

Supplement Report

7-9-2020

On Monday July 8th 2020 this office was notified by Amanda Bazzle who is a niece of Mr. Bazzle.

Ms. Bazzle stated that her uncle was assaulted in Dorchester County and that a incident report was filed.

The investigation revealed that Mr. Bazzle on March 29, 2020 was assaulted at his residence on whipponwill drive and was left unconscious for several days before EMS was contacted.

On April 1st 2020 Dorchester County EMS was contacted and transported Mr. Bazzle to Trident Medical Center with the chief complaint being unconscious.

Mr. Bazzle was admitted on April 1st 2020 for head trauma and released to Pruitt Health in Moncks Corner on April 15th 2020 with the diagnosis of subdural hematoma, seizures, afib, aspiration, respiratory failure, copd, vascular dementia, hypertension and chl.

On June 7th 2020 Mr. Bazzle was transported back to TMC from Pruitt health for worsening mental status.

June 23rd 2020 Mr. Bazzle was admitted into Summerville Hospice House.

Due to the assault occurring in Dorchester County this case file was sent to Chief Deputy Linda Walsh with the Dorchester County Coroner's Office.

Postmortem Observations

1st Post-mortem Exam

@ Berkeley County Hospital

Suspected manner of death	Natural
Suspected cause of death	Natural - Noninfectious CVA
Suspected COD/Circumstance	Nervous System- Stroke

Secondary Party: Bazzle, Jeff

Last name	Bazzle	Relationship	Child
First name	Jeff	Type	
Mobile phone	706-339-9211	Next of kin	

Addresses

Address 1

Phone 1 706-339-9211

Next of Kin

Notified	Yes, by Agency	Claimed the body	Yes
Notifying agency	Agape Hospice		
Date/Time notified	07/03/2020 00:00		
Notified by	Agape Hospice RN		

Secondary Party: Bazzell, Amanda

Last name	Bazzell	Is a suspect?	No
First name	Amanda	Relationship	Niece
Mobile phone	843-925-8015		
Notes	Informant who called the office.		

Addresses**Address 1****Secondary Party: Anderson, Denise**

Last name	Anderson	Is a suspect?	No
First name	Denise		
Mobile phone	803-279-0533		
Notes	family member		

Addresses**Address 1****Location**

Address	130 West 1st North Street Summerville, SC 29483	Type	Final disposition
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Final Disposition Details

Date of removal 07/03/2020 00:00
Funeral/Crematorium Parks Funeral Home
Funeral/Crematorium 843-873-3440
phone

Location

Description	Hospice	Type
Address type	Business Address	Location of death
Address	Summerville Community Hospice House 374 Myers Road Summerville, SC 29486	
County	Berkeley	

Location of Death Details

Location of death Hospice
Description Summerville Community Hospice House

Medical History

Information Sources

Health provider

Diseases/Disorders

None indicated

Cancer

None indicated

Cardiac/Cardiovascular

None indicated

GI/GU

None indicated

Hepatic

None indicated

Neurological

Stroke,CVA

Psychiatric Illness

None indicated

Tobacco Use / Smoking

Use Unknown

Type None indicated

Describe (Include daily use):

Alcohol Use

Unknown

Drinks per day

Drug Use

Unknown

Drug description

Drug and Alcohol Treatment

None indicated

Health Care Providers

Name Holcomb, Scott
Address 374 Myers Road
Summerville, SC
Phone number 843-800-9840

Hospice

Hospice agency Agape Hospice
Reporting nurse's name Evelyn, RN, 843-800-9840
Date 07/03/2020

Does the Hospice Nurse think there is anything unusual or suspicious? No

Does the Nurse think either the patient or anyone else may have directly or indirectly caused this death? No

Does the Nurse think Law Enforcement should be involved in this death investigation? No

Last Pain Meds	Dose	Time	Admin by	Relationship
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Department of Pathology and Lab Medicine

 165 Ashley Avenue, Suite 309
 MSC 906
 Charleston, SC 29425-9080

 Req.: xAutopsy, For Coroner
 Add.:
 Loc: ADOR-Dorchester Co. Coroner
 Client: Medical University Hospital Authority

 Patient: BAZZLE, JEFFREY
 Med Rec: 2652387
 DOB: [REDACTED] (Age: 57)
 Sex: M Race: White

Page 1 of 5

Autopsy Final Report

Date and Time of Autopsy: 7/12/2020 09:00

Accession Number: FA20-633

 Hospital/County: Medical University Hospital Authority
 Submitting Physician: xAutopsy, For Coroner
 Attending Pathologist: Angelina I. Phillips, M.D. (1-4803)
 Date/Time of Death: 7/03/2020 13:18
 Autopsy Reason: Requested by Coroner
 Authorized By: Linda F. Walsh, Chief Deputy Coroner
 Autopsy Restrictions: None

Diagnosis

- Intracranial hemorrhage
 - Remote subdural hemorrhage over right hemisphere
 - Yellow discoloration of meninges
 - Status post craniotomy for evacuation of subdural hematoma
 - Right parietal scalp scar, 4 inches
 - Right temporoparietal healing scalp incision with hardware
 - History that decedent was found unresponsive on his couch
 - History that large right sided subdural hematoma with leftward midline shift was identified on presentation to hospital
- Hypertensive and atherosclerotic cardiovascular disease
 - Moderate cerebral artery atherosclerosis
 - Cardiomegaly (heart weight 650 grams) with biventricular dilation
 - Mild calcific coronary artery atherosclerosis
 - Severe aortic atherosclerosis
 - Renal cortical granularity
 - Renal cortical cysts, right to 1.5 cm and left to 5 cm
- Remote Ischemic strokes
 - Multiple 0.3 cm yellow brown cavitory lesions in bilateral basal ganglia
 - Markedly softened cerebral hemispheres
- Acute pneumonia and pulmonary edema
 - Pulmonary congestion and anthracosis, left = 900 grams and right = 1180 grams
- Small septic pulmonary thromboemboli
- Hepatic fibrosis
 - Finely nodular liver
- Gallbladder cholesterosis
- Mild decompositional changes
- History of ischemic stroke with component of vascular dementia, hypertension, heart failure, COPD and diabetes mellitus

Department of Pathology and Laboratory Medicine
 Chair: Steven L. Carroll, M.D., Ph.D.

 Anatomic Pathology
 Phone: 843-792-3821
 Fax: 843-792-8974

 Autopsy Pathology
 Phone: 843-792-3556
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 Client Services
 Phone: 843-792-0707
 Fax: 843-792-4896

 Clinical Pathology
 Phone: 843-792-0707
 Fax: 843-792-4896

Patient: BAZZLE, JEFFREY

Med Rec: 2652387

Location: ADOR-Dorchester Co. Coroner

 Autopsy @ MUSC (Charleston)
 BAZZLE, JEFFREY

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FA20-633

- Hospital record documents ecchymoses to the external ear on the left, lateral aspect of the left orbit and periorbital on the right

Cause of Death
 Intracranial hemorrhage

Significant conditions: hypertensive and atherosclerotic cardiovascular disease

Manner of Death
 Undetermined

Case History

According to the Dorchester County Chief Deputy Coroner, Ms. Linda Walsh, the decedent was a 57 year old man who was transported to the hospital from his residence on 4/1/2020 after being found lying on his couch unresponsive. At that time the decedent was diagnosed with a large right sided subdural hematoma with leftward midline shift, fever with acute respiratory failure likely aspiration pneumonia, and acute kidney injury. Medical record indicates the decedent had some bruising around the external ear on the left, and infraorbital ecchymosis on the right. Serum alcohol testing performed at the hospital lab on 4/1/2020 revealed a < 10 mg/dl (negative) result and a urine drug screen performed on the same day was positive for amphetamines and benzodiazepines. The decedent underwent a craniotomy to evacuate the subdural; he remained in a reduced state of consciousness until his eventual death on 7/3/2020. Of note, the decedent had an extensive medical history including ischemic stroke with component of vascular dementia, hypertension, heart failure, COPD and diabetes mellitus.

Gross Description
EXTERNAL EXAMINATION

The body is received in a bag sealed with a black zip tie.

 The body is that of a well-developed, gaunt appearing adult black male, who weighs approximately 177 pounds, is 72 inches in length, and appears compatible with the stated age of 57 years. The calculated body mass index (BMI) is 24 Kg/m².

The body is identified by the coroner; a hospital identification band is around the left wrist and a handwritten identification band is around the left ankle. The body is clad in hospital gown and an adult disposable diaper; a sheet is partially wrapping the body. All items are disposed of in the autopsy room.

The body is cold to the touch. Rigor is minimally fixed in all extremities and jaw. Diffuse, fixed red-purple livor extends over the posterior surfaces of the body, except in areas exposed to pressure. The scalp hair is gray, straight and up to 1 inch in length over the crown; there is balding pattern at the dome. The irides are light blue; the pupils are bilaterally equal. The cornea are clouded. The sclerae and conjunctivae are unremarkable. The nose and ears are not unusual. The lips and gums are intact. The maxillary jaw is edentulous and the mandibular jaw has multiple absent teeth including the incisors. The deceased has a beard and mustache. The neck is without masses, and the larynx is in the midline. The thorax is symmetrical. The abdomen is flat with diffuse green discoloration. The penis is unremarkable; the testes are bilaterally descended within the scrotum which is slightly edematous. The anus and back are unremarkable. The upper and lower extremities are well-developed and symmetrical, without absence of digits. A 1 ½ inch ecchymosis is on the back of the left forearm.

Identifying marks and scars consist of a 4 inch scar on the right parietal scalp, a 3 inch scar on the upper midline of the abdomen, a ½ inch scar on the left upper aspect of the abdomen, an irregular 5 x 3 inch scar on the lower abdomen, tattoo of a cross and "Francis" on the back of the left hand, tattoo of the letters "LOVE" over the left 2nd to 5th digits, a 1 inch scar on the left knee and non-specific scars on the legs.

Department of Pathology and Laboratory Medicine
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 Fax: 843-792-4896

 Clinical Pathology
 Phone: 843-792-0707
 Fax: 843-792-4896

Patient: BAZZLE, JEFFREY

Med Rec: 2652387

Location: ADOR-Dorchester Co. Coroner

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit



DAVID M. PASCOE
Solicitor

April 6, 2021

5200 East Jim Bilton Boulevard
Dorchester County Courthouse
St. George, SC 29477
(843) 832-0150
FAX (843) 832-0155

101 Ridge Street
2nd Floor
St. George, SC 29477
(843) 871-2640
FAX (843) 871-2643

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

102 Courthouse Drive
Suite 111
St. Matthews, SC 29135
(803) 874-1978
FAX (803) 874-1242

Thomas Squires, Esquire
107 West 6th North Street
Summerville, SC 29483

In re: STATE OF SOUTH CAROLINA v. ROBERT F. WARWICK, JR.

Dear Tom,

Enclosed please find supplemental discovery in this matter. Specifically, I have enclosed the following:

Final Autopsy Report: Jeffrey Bazzle

If you need any additional information, please do not hesitate to call me.

Sincerely,

David Osborne
First Circuit Solicitor's Office
Dorchester County

/rfdurr
Enclosures as stated.

09/29/2020 09:25 8437923537

MUSC:FORENSIC:PATH

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Medical and Forensic
Autopsy Section
Pathology and Laboratory Medicine
171 Ashley Ave
MSC 908
Charleston, SC 29425-9080
Tel 843 792 3556
Fax 843 792 3537
Forensic 843 792 3500
www.musc.edu/pathology

FORENSIC PATHOLOGY

FAX COVER SHEET

DATE: September 29, 2020

TO: Paul J. Brouthers
Dorchester County Coroner

FAX NUMBER: 843-832-0352

NUMBER OF PAGES (including cover sheet): 6

SUBJECT: Final Autopsy Report - FA20-633 (Jeffrey Bazzle)

FROM: Maxine T. Robinson
Forensic Operations Coordinator

COMMENTS:

If you have received this communication in error, please immediately notify the Forensic Pathology Office, Attn: Maxine Robinson at 843-792-3500. Thank you.

The documents accompanying this facsimile/ contain **CONFIDENTIAL** information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or an employee responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, or copying of this communication is strictly prohibited.

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER)	THE FIRST JUDICIAL CIRCUIT
)	
STATE OF SOUTH CAROLINA)	INDICTMENT #:
Plaintiff,)	2022DOR0050
)	Assault / Assault & 2022DOR0050
)	Battery Of A High & Aggravated
)	Nature; Bw(fta)
)	
v.)	RULE 203(B) EXPLANATION
)	
ROBERT FRANCIS WARWICK,)	
Defendant.)	
)	

Pursuant to Rule 203(B)(iv), the issues to be raised on Appeal may include whether the Trial Court abused its discretion when it imposed a sentence of 8 years upon the Appellant after he plead guilty.

M.B.

The undersigned does not have a good faith basis to believe that such an abuse occurred and the undersigned did not object to the sentence or file a Motion to Reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430F.3d 696, 706 (4th Cir. 2005) ("A Defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client, '" (quoting *Anders v. California*, 386 U.S. 738, 744 (1967))).

Respectfully submitted,

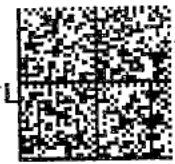
By: James R. Adams III
James R. Adams, III
Assistant Public Defender
107 West 6th North Street
Summerville, SC 29483
Attorney for Defendant
(843) 821-9800

Summerville, South Carolina
This 3rd day of October, 2023

Robert Warwick Jr 338198
Kirkland R&E F3B 163
4344 Broad River Rd.
Columbia, S.C. 29210

COLUMBIA SC 290

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SC Court of Appeals

South Carolina Court of Appeals
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Columbia, South Carolina

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