

THE SUPREME COURT OF S.C.
DANIEL E. SHEAROUSE, CLERK
P.O. BOX 11330
COLUMBIA, S.C. 29211

7-23-13

RECEIVED

RE: GREEN J. STATE, 2012-206206

JUL 31 2013


S.C. SUPREME COURT

DEAR MR. SHEAROUSE,
GREETINGS!

I'M WRITING THIS LETTER IN REGARDS TO
THE ABOVE-REFERENCE CASE. ENCLOSED PLEASE FIND THE
ORIGINAL "SUPPLEMENT TO MOTION FOR RECONSIDERATION".
PLEASE FILE IN YOUR ~~OFFICE~~ OFFICE AND SEND ME A COPY
FOR MY FILE. I NEED A CLOCK-STAMPED COPY FOR MY
FILE IN CASE I'M FORWARDED TO ~~HABEAS~~ HABEAS CORPUS.

ALSO, I SENT MY "MOTION FOR RECONSIDERATION"
MAYBE A WEEK AND A HALF AGO AND I'D ASKED FOR
A CLOCK-STAMPED COPY FOR MY FILE. DID YOU RECEIVE
SUCH? IF SO, PLEASE SEND SUCH COPY AS REQUESTED.

THANKS! FOR YOUR TIME.

(s) 
RANDALL GREEN

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

1074

KENDALL GREEN,
PETITIONER,

CASE No: 2012-206206

v.

STATE OF SOUTH CAROLINA,
RESPONDENT.

SUPPLEMENT TO MOTION
FOR RECONSIDERATION

RECEIVED

JUL 31 2013

COMES NOW, ~~the~~ PETITIONER MORE BEFORE THIS HONORABLE

S.C. SUPREME COURT

COURT AND HUMBLY REQUEST THAT IT EXCEPT HIS SUPPLEMENTAL ARGUMENT IN REGARDS TO HIS IMPEACHMENT ISSUE THAT WAS MENTIONED IN HIS MOTION FOR RECONSIDERATION PREVIOUSLY SUBMITTED.

DID THE PCR COURT ERR IN IT'S ~~THE~~ DECISION BY FINDING THAT COUNSEL RENDERED EFFECTIVE ASSISTANCE IN REGARDS TO PETITIONER'S IMPEACHMENT ISSUE?

PETITIONER CONTEND THAT PCR JUDGE ERRED IN FINDING THAT TRIAL COUNSEL RENDERED EFFECTIVE ASSISTANCE BY PROPERLY CROSS-EXAMINING THE STATE'S KEY WITNESS TYRONE KING (PETITIONER'S CO-DEFENDENT). SEE APP. 511

TRIAL COUNSEL WAS INEFFECTIVE BY FAILING TO PRODUCE TYRONE KING'S (STAR WITNESS) PRIOR INCONSISTANT STATEMENT AS PETITIONER HAD INSTRUCTED HIM TO DO. AND COUNSEL HAD ASSURED PETITIONER HE WOULD DO SO, BUT NEVER DID IT.

INSTEAD, TRIAL COUNSEL JUST KEPT ASKING THE STAR WITNESS THE SAME LAME QUESTIONS INSTEAD OF PRODUCING THE STAR WITNESS' PRIOR INCONSISTANT STATEMENT, AS REQUESTED. SEE APP. 193, LL. 16-20, APP. 201, LL. 6-9.

SEEING THAT TRIAL COUNSEL WASN'T MAKING ANY ATTEMPTS TO PRODUCE THE STATEMENT PETITIONER CALLED COUNSEL TO THE DEFENSE TABLE AND AGAIN INSTRUCTED HIM TO PRODUCE THE PRIOR INCONSISTANT STATEMENT. APP. 211, LL. 18-19. COUNSEL STILL NEGLECTED TO PRODUCE THE STATEMENT AS HE CONTINUED ASKING THE SAME LAME QUESTIONS. SEE APP. 211, LL. 20 - APP. 212, LL. 25.

PETITIONER CONTENDS THAT PCR JUDGE ERRED IN NOT FINDING THAT TRIAL COUNSEL WAS INEFFECTIVE BY CROSS-EXAMINING THE STATE'S KEY WITNESS AND FAILING TO IMPEACH HIS CREDIBILITY BY PRODUCING THE PRIOR INCONSISTANT STATEMENT.

BEING AS THOUGH THE STATE'S KEY WITNESS HAD PREVIOUSLY STATED IN HIS PRIOR INCONSISTANT STATEMENT THAT HE AND PETITIONER WAS GOING TO "CHARLOTTE" (SEE EXHIBIT No. 1, ATTACHED HEREWITH) AND THEN SAID "UNDER OATH" SALISBURY (SEE APP. 201, LL. 6-12) THEN IT SHOULD HAVE BEEN EASY FOR THE PCR JUDGE TO CONCLUDE THAT TRIAL COUNSEL WAS INEFFECTIVE.

MOREOVER, IN A SIMILAR CASE TO PETITIONER'S

"THE PCR JUDGE FOUND THAT IF THIS EVIDENCE HAD BEEN PRESENTED AT TRIAL, IT WOULD HAVE HAD A SIGNIFICANT IMPACT ON THE CREDIBILITY OF THE INFORMER, WHO WAS A 'KEY WITNESS' FOR THE STATE." ROBERTS V. STATE, 361 S.C. 1, 602 S.E.2d AT 771. THIS COURT UPHELD THE PCR JUDGE'S RULING, HOLDING THAT "EVIDENCE WAS SUFFICIENT TO SUPPORT FINDING THAT COUNSEL PROVIDED INEFFECTIVE ASSISTANCE BY FAILING TO 'REFUTE' TESTIMONY BY JAILHOUSE INFORMANT TO WHOM PRISONER ALLEGEDLY CONFESSED THAT CELLS ~~WERE~~ WERE ONLY 10 FEET APART." Id. 768.

THE SAME SHALL APPLY TO PETITIONER'S CASE, THOUGH SOME OF THE FACTORS ARE DIFFERENT IN EACH CASE.

IN REGARDS TO PREJUDICE, PETITIONER CONTEND THAT HE ~~MEET~~ MET HIS BURDEN IN PROVING THAT HE WERE PREJUDICED BY TRIAL COUNSEL'S DEFICIENT PER-
~~FORMANCE~~ FORMANCE. SEE APP. 466, LL. 6 - 467, LL. 25. SEE ALSO PETITIONER'S PRO-SE BRIEF. APP. 440 - 441.

HAD COUNSEL IMPEACHED THE STATE'S KEY WITNESS BY PRODUCING THE PRIOR INCONSISTANT STATEMENTS, THEN THERE IS A REASONABLE PROBABILITY THE OUTCOME OF TRIAL WOULD'VE BEEN DIFFERENT.

AND FINALLY, PETITIONER CONTEND THAT HIS ISSUES
HAVE MERIT AND ASK THE COURT TO PLEASE GRANT HIM
A REHEARING.

7.23.13
DATE

~~(S) Kendall Green~~
KENDALL GREEN

MYRANDA WARNING

- TK 1. YOU HAVE THE RIGHT TO REMAIN SILENT.
- TK 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- TK 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHEN YOU ARE BEING QUESTIONED.
- TK 4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH ONE.
- TK 5. IF YOU DESIRE TO MAKE A STATEMENT OR ANSWER QUESTIONS YOU HAVE THE RIGHT STOP AT ANY TIME.

THIS IS TO CERTIFY THAT THE ABOVE RIGHTS HAVE BEEN EXPLAINED TO ME AND THAT I UNDERSTAND THE RIGHTS AS THEY HAVE BEEN EXPLAINED TO ME.

[Signature]
WITNESS

X Tyrone King
DEFENDANT'S SIGNATURE

DATE 12-10-04 TIME 3:05 P

[Signature]
WITNESS

DATE 12-10-04 TIME 3:06 P

Name Tyrone KING

Address 414 Oriole Lane

Date of Birth 5/9/86

Height 5'9 Weight 170 Eyes Brown Hair Black

Social Security No. 124-701-5597 Operators License _____

Years of Schooling Completed Still Attending

Date 12/10/04 Time 3:05 Location Gaston County

VOLUNTARY STATEMENT

DATE 12/10/04 TIME 4:49 M. PLACE Gaston County N.C
I, Tyrone J King, am 18 years old and I live at 414 Oriole Lane
Bennettsville SC 29012

I am giving this statement to Marlboro Terry/ Rodney Thomason I.D. 304/156, who has identified himself as a Marlboro county Sheriff/ Sled and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever:

I Tyrone King have known Leo Leggett since 2000 of that year, I also knew Kendall Green for most of my life and on Monday Dec 6 I called Leo and ask for a ride to my sister (Kijafa King) Basketball Game round 6:00 he came pick me and Kendall Green up we stayed until our sister's game was over after the game I call Leo Leggett from the pay phone at corner Grocery he came and pick us up by Study Rest Park and drop us back off on the fair Ground. we walked around for a while, then I needed a ride to upcast apartments so I went to my friend house (Destin Moore) use his phone and call Leo Leggett to take me up there, first he said he's about to go to sleep then he hung up, so I call back and ask him could he please take me he said he's on his way I told him I'll be waiting at the usual spot (Health Dept) ~~at this time~~ while waiting on Leo to come Kendall Green said he's going to splash splash out nigger ~~TK~~ I think it means stabbing, cutting or killing in blood talk. next thing happens Leo shows up we get in the car he drops me off upcast Kendell gets in the front seat and they drive off. I knock on the door asking for Jason some female tells me he doesn't live there so now I'm waiting back on the fair Ground, I see Kendall he stops I get in, I ask him where Leo at he said just chill so we start riding and I keep asking Kendall where Leo at he said he's gonna splash splash out nigger, ~~TK~~ he then tells me Leo is in the Trunk because I ask him do he hear something, he then turn down the Radio and ask Leo who's he talking too at that point I tell him to drop me off but he stop by Jason's house and borrow a knife from Jason, then when he drops me back off on the fair Ground ~~TK~~

have read this statement consisting of 3 page(s), each page of which bears my signature, and I do affirm that all acts and statements contained herein are true and correct.

Tyrone King
Signature of person making voluntary statement

The above warnings were given by and this voluntary statement was taken by

[Signature]
(This must be one and the same person as named above)

Witness

[Signature]

STATEMENT OF: Tirone King

TK on Reese St Kendall tells me not to go anywhere he'll be back
 10 I waited he comes back I get in the car and ask him what happen to Leo
 2 starts laughing and say just chill so we just been riding around cheraw
 Westfield herkville ~~the house~~ ^{TK} we pick up Futura and went to Sierra
 cause and just chill there and smoke weed, she with me what im doing with that man ca
 ed. phone, and I told her to stop worrying, I told her do you know what he call me and she
 y murder I say yes, I then say that's what I thorn he did to my homestay, she then tell me
 2 stay with her and not to go back with Kendall, but I left and ~~TK~~ ^{TK} we fuck
 Futura home, we then just ride around he drops me off home I goes to school my frie
 with my Bingham takes me to Adult Ed. I just walk in and Ms. Harriette. told me Either go
 2 class or leave then I told her I had to go see me park officer, I walk to the courthouse
 on later on as seen was at the courthouse and I told him I think Kendall killed the duck
 no car we was in which is Leo I think talk to my po. Left the courthouse walked on
 2 fair ground went to my friend house Dasha Moore talk on his phone with Bera fell
 up on her stay asleep Dasha wake me back up and bid me Kendall was on da phone, I talk
 him he said meet him down the road, I goes down the road he comes in Leo car I get in
 e. talking, smoking weed then we just go riding around. stop in McCall to get. James
 man who was a license driver he then ask who car this is. Kendall tell him his
 making let him use it we then go to Lawrenceburg talking to girls, wash the car
 clean it out stayed in Lawrenceburg about a hour or two took James back home, ride
 and also went back to Bennettsville then ~~TK~~ ^{TK} was on our way to cheraw well
 riding around cheraw, we was headed back to Bennettsville when "he call somebody" and
 up said the police wanted to talk to us he turn around and say we going to "Charlotte"
 we riding around Gastonia then I told Kendall im want to call someone and see what's
 anyone I call her she said my mama said call her. so she call her on there way my
 her talk to me and told me Leo was dead and she ask me where was I told her and told
 her son on my way back, that's when Gastonia police turn they lights on and I

HE SAY SALESBURY IN TREAT

TK

Kendell kept going until he lost control of the wheel. I forget to include one part which is we went through firestone he pick up ~~us~~ one of his friend name paul. then paul said this low car. kendell then states shut the fuck up and you better not say nothing. paul then gets out the car. then kendell tells me to drive. Also when he come back he had some gloves on what he did with the gloves I dont know. we also had gloves ~~TK~~ hats ~~TK~~ Durags that we brought from Walmart on Lounsbury and some co's. These items were left in the car. Gloves hats, ~~TK~~ Durags that we brought from Wal mart. XXX. End of Statement. TK.

~~A ME~~
~~Redy H. Howard~~

Tyrone King

KENDALL GREEN #315971
PC#-SMU-DX-#3
430 OAKLAND RD.
PELZER, S.C. 29669

Agency
mail

THE SUPREME COURT OF S.C.
DAVID E. SIPHEROUSE, CLERK
P.O. Box 11830
COLUMBIA, S.C. 29211

LEGAL MAIL