

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court Of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2012-21322Z

The State Of South Carolina, ..... Respondent.

V.

Jody Lynn Ward, #300644, ..... Appellant.

RECORD ON APPEAL

Pages 1-100

Jody Lynn Ward, #300644  
Lieber Corr. Inst. E-B-29  
P.O. BOX 205  
Ridgeville, S.C. 29472  
Appellant Pro Se

Attorney General Of South Carolina  
Allan Wilson, A.G.  
P.O. BOX 11549  
Columbia, S.C. 29211-1549  
Attorney for Respondent

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STATE OF SOUTH CAROLINA )  
COUNTY OF GEORGETOWN )

THE COURT OF GENERAL SESSIONS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2003-GS-22-1030  
2003-GS-22-1031

State of South Carolina )  
vs. )  
Jody Lynn Ward, )  
Defendant. )  
\_\_\_\_\_ )

ORDER DENYING  
MOTION FOR NEW TRIAL,  
MOTION FOR APPOINTMENT OF COUNSEL  
AND MOTION FOR EXPENSES

Before the court are the defendant's Motion for New Trial based upon after discovered evidence, Motion for Appointment of Counsel and Motion for Investigative and Expert Expenses.<sup>1</sup>

Defendant argues that he is entitled to a new trial based upon a purported letter from another person claiming to have hired the victims in this case to kill the defendant. However, the letter referenced by the defendant in his motion and attached as an exhibit thereto makes no such admission and the defendant has not presented anything to corroborate such an admission.

To prevail on a motion for a new trial based on after discovered evidence, a defendant must show (1) the evidence is such as will probably change the result if a new trial is granted; (2) the evidence has been discovered since the trial; (3) the evidence could not have been discovered prior to trial by the exercise of due diligence; (4) the evidence is material; and (5) the evidence is not merely cumulative or impeaching. *State v. Needs* (S.C. 1998) 333 S.C. 134, 508 S.E.2d 857, rehearing denied. In the case at hand, the defendant has not only failed to establish that he has new evidence that will probably change the result of his convictions if a new trial is granted, he has failed to show even the existence of newly discovered evidence. Therefore, the defendant's motion for a new trial should be denied.

<sup>1</sup> These motions are based upon the contents of the defendant's motions without oral arguments.

1  
/HC

Since the defendant's motion for a new trial is denied, his motions for appointment of counsel and funds for investigative and expert services are moot.

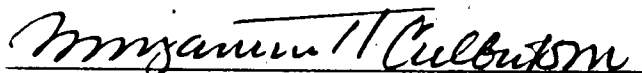
NOW, THEREFORE, based upon the above, it is hereby

ORDERED, that the defendant's Motion for a New Trial is DENIED; it is further

ORDERED, that the defendant's Motion for Appointment of Counsel is MOOT; it is further

ORDERED, that the defendant's Motion for Funds for Investigative and Expert Services is MOOT.

AND IT IS SO ORDERED.



Benjamin H. Culbertson

Administrative Judge

Court of General Sessions, 15<sup>th</sup> Judicial Circuit

July 31, 2012  
Georgetown, SC

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GEORGETOWN )

IN THE COURT OF GENERAL SESSIONS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2003-GS-22-1030  
2003-GS-22-1031

State of South Carolina )  
 )  
 vs. )  
 )  
Jody Lynn Ward, )  
 )  
 Defendant. )  
 )  
\_\_\_\_\_ )

ORDER DENYING  
MOTION FOR RECONSIDERATION

FILED  
2012 AUG 20 PM 2:15  
ALINA Y. WHITE  
CLERK OF COURT  
GEORGETOWN COUNTY, SC

The defendant's Motion for Reconsideration dated August 8, 2012 is DENIED.

This motion was decided without oral arguments.

AND IT IS SO ORDERED.

*Benjamin H. Culbertson*  
Benjamin H. Culbertson  
Administrative Judge  
Court of General Sessions, 15<sup>th</sup> Judicial Circuit

August 20, 2012  
Georgetown, SC

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GEORGETOWN )

THE COURT OF GENERAL SESSIONS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2003-GS-22-1030  
2003-GS-22-1031

State of South Carolina )  
 )  
vs. )  
 )  
Jody Lynn Ward, )  
 )  
 )  
Defendant. )  
 )  
\_\_\_\_\_ )

ORDER DENYING  
MOTION TO ARREST JUDGMENT

FILED  
GEORGETOWN COUNTY, S.C.  
2012 SEP 26 PM 3:10  
ALMA Y. WHITE  
CLERK OF COURT

The defendant's Motion to Arrest Judgment in this case is DENIED.<sup>1</sup>

*Benjamin H. Culbertson*

Benjamin H. Culbertson  
Administrative Judge  
Court of General Sessions, 15<sup>th</sup> Judicial Circuit

September 25, 2012  
Georgetown, SC

<sup>1</sup> This motion was decided on the contents of the defendant's motion and without oral arguments.

Petitioner Copy  
1

STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN

JODY LYNN WARD,  
Petitioner,

vs.

STATE OF SOUTH CAROLINA  
Respondent.

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTEENTH JUDICIAL CIRCUIT

INDICTMENT CASE No:  
03-GS-22-1030 & 1031

MOTION FOR NEW TRIAL BASED ON  
AFTER DISCOVERED EVIDENCE

Pursuant to: SCRCrimp Rule 29(b)

ALMA Y. WHITE  
CLERK OF COURT

2012 MAY 16 PM 2:42

FILED  
GEORGETOWN COUNTY, S.C.

The above named Petitioner, moves before this Court for a Motion for a New Trial Based on After-Discovered Evidence pursuant to South Carolina Rules Criminal Procedure Rule 29(b).

JURISDICTION

**AFTER DISCOVERED EVIDENCE:** In order to be entitled to a new trial on the ground of after discovered evidence, the movant is required to demonstrate that the evidence:

- (1). is such that it will probably change the result if a new trial is granted;
- (2). was discovered after trial;
- (3). could not have been discovered before trial by exercise of due diligence;
- (4). is material to the issue; and
- (5). is not impeaching or merely cumulative.

See also: SCRCrimp Rule 29(b) - POST TRIAL MOTIONS:  
(b) New Trials Based on After - Discovered Evidence.

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PROCEDURAL HISTORY OF THE CASE

Petitioner (Jody Lynn Ward) was indicted in July 2003 in Georgetown County for the alleged murders of Wilford Brown and Elton Rutledge, Jr.

Petitioner proceeded to trial by a jury and Judge on March 15-18, 2004. The jury ultimately convicted Petitioner as indicted and the Honorable Paula H. Thomas sentenced Petitioner to two-2 concurrent life sentences. A timely notice of appeal was filed and the appeal was reviewed pursuant to Anders vs. California in which the Court of Appeals affirmed the sentences and convictions January 26, 2007 (2007-UP-048). A timely rehearing was filed and rehearing was denied March 22, 2007. Subsequently thereafter Petitioner filed petition for Writ of Certiorari. The petition for certiorari was withdrawn by Petitioner June 29, 2007 and the remittitur was thereafter handed down the the circuit court. Petitioner filed his first application for Post Conviction Relief ("PCR") July 11, 2007. An evidentiary hearing was convened May 1, 2008. By way of written Order the Honorable Judge John denied the application.

On May 27, 2008, Petitioner submitted a timely Rule 59(e), SCRPC, motion to alter/amend judgement. August 6, 2008, Judge John denied the Rule 59(e) motion. A timely notice of appeal was filed and Petitioner for Writ of Certiorari August 20, 2009 and the remittitur was handed down September 8, 2009.

Petitioner filed his second PCR application July 13, 2009 based on "new rule" of law, while his first PCR was currently

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being reviewed on certiorari. Respondent made a Return and Motion to dismiss. A Conditional Order of Dismissal was issued and Petitioner made his timely opposition to the dispositive pleading. January 13, 2010 a final order was issued granting the Respondents motion to dismiss.

A timely notice of appeal was filed in this Court that was ultimately denied and dismissed. The remittitur was handed down about April 1, 2010.

Petitioner filed a third PCR application May 4, 2010 based on a "new rule" of law. The Respondent filed a Return and Motion to dismiss June 1, 2010. Petitioner lodged a timely opposition to the Respondent's dispositive pleading June 14, 2010. A Conditional order was issued and Petitioner lodged a timely opposition to the Conditional Order. A final Order was issued granting the Respondent's motion on July 20, 2010. A timely notice of appeal was filed, accompanied with a pro-se petition August 18, 2010. Petitioner filed a Reply brief. certiorari was ultimately denied August 18, 2011.

Petitioner filed a Notice of Petition for Original Jurisdiction; Petition for Original Jurisdiction; Petition for Writ of habeas Corpus in South Carolina Supreme Court on October 31, 2011.

It was ultimately denied on November 16, 2011; to fully exhaust all State remedies. Petitioner herein files his motion for New trial Based On After-Discovered Evidence herein.

FACTS AND ISSUE

Petitioner herein is informed and believes in good faith that Michael Andrew Abner payed "Murder For Hire" to his alleged victims that Petitioner was convicted for murdering by trial jury.

Petitioner directs the Court herein to what's been marked as Fortior Exhibit A - Letter written to Lynn Ward Petitioner's mother from Michael Andrew Abner. By reading the letter it is in fact evidence of After-Discovered Evidence that Petitioners trial jury never heard and it will probably change the results if a new trial is granted; was discovered on or about October 2011 therefore this is after Petitioner's 2004 trial, which could not have been discovered before trial by exercise of due diligence, see: Fortior Exhibit B- Michael Andrew Abner is a serial killer and never started admitting to any crimes he committed until whenever his killed his last victim on or about January 12, 2010 where he admitted to killing (2) two other victims more than (20) twenty years ago, in the State of Kentucky. see: Fortior Exhibit C- where Petitioner was treated at Georgetown Memorial Hospital for five (5) stab wounds (3) three stab wounds under left armpit on side; (1) stab wound to left elbow; (1) one stab wound between left index and middle finger that was treated with stitches and was inflicted by Michael Andrew Abner, see: Fortior Exhibit D- incident report.

Fortior Exhibit E- is proffer testimony of witnesses that will

6

testify at the hearing of this case herein. (2) witnesses being Rondie J. Ward and carol S. Ward who Michael Abner called on the telephone and admitted to paying Petitioner (2) alleged victims "Murder for Hire". Therefore is material to the issue herein and is not impeaching or merely cumulative.

Petitioner submits that he is entitled to a hearing as a matter of law.

See: Fortier Exhibit F- Affidavit Ashton J. Ward

The After-Discovered Evidence must reflect upon the defendant's innocence. Generally, A motion for a New Trial should be considered when New Evidence is Discovered; or when New Evidence is discovered after the completion of State PCR, see: Simpson v. Moore, 627 S.E.2d 701, 708 (S.C. 2006). In this case at hand Petitioner has exhausted a trial by Jury in 2004; and all State remedies; PCR was held May 1st, 2008. This New After-Discovered Evidence was not discovered until well after 2008.

The Petitioner bares the burden of proof and must satisfy each element for the Court to grant the motion, see: Hayden v. State, 299 S.E.2d 854, 855 (S.C. 1983). The motion must be filed before the trial court with jurisdiction over the conviction, see: S.C.R. Crim.P. 29.

The provisions of Rule 29(b) place no time limitations on a motion for a New trial based on After-Discovered Evidence. See: State v. Spann, 513 S.E.2d 98, 100 (S.C.1998), (Granting motion

7.

for New Trial where New Evidence was discovered eighteen years after the original trial)but does require that it be filed within a reasonable time after discovery of the Evidence. See: Town of Hilton Head Is. -vs- Godwin, 634 S.E.2d 59, 61-61 (S.C.Ct.of App.2006).

Petitioner submits that his motion herein is timely. The motion must be supported by affidavits and, if available other relevant evidence. The moving party must also submit a personal affidavit supporting the motion; that he could not have discovered it by the exercise of due diligence. See: State v. DeAngelis, 182 S.E.2d 732, 735 (S.C.1971), see also hereto attached Petitioners Affidavit. The trial Judge has broad discretion to either grant or deny the motion, and his decision will not be reversed on appeal unless the defendant can show that it meets the onerous "abuse of discretion" standard, see: State v. Euen, 250 S.E.2d 116, 118 (S.C.1978); State v. Pierce, 207 S.E.2d 414,417 (S.C.1974).

Therefore Petitioner respectfully ask this Court for counsel to be appointed due to his indigence and respectfully ask for a hearing in the Matter to resolve the issue here at hand.

DISCUSSION

AFTER DISCOVERED EVIDENCE: In order to be entitled to a new trial on the ground of after discovered evidence, the movant is required to demonstrate that the evidence:

- (1). is such that it will probably change the result if a new trial is granted.
- (2). was discovered after trial.
- (3). could not have been discovered before trial by exercise of due diligence.
- (4). is material to the issue; and
- (5). is not impeaching or merely cumulative.

see: state v. Allen, 276 S.C. 412, 279 S.E.2d 365 (1981);

State v. Caskey, 273 S.C. 325, 256 S.E.2d 737 (1979);

State v. Prince, 316 S.C. 57, 447 S.E.2d 177 (1993);

State v. Freeman, 319 S.C. 110, 459 S.E.2d 867  
(Ct.App.1995);

State v. Needs, 333 S.C. 134, 508 S.E.2d 857 (1998);

State v. Taylor, 333 S.C. 159, 508 S.E.2d 870 (1998);

State v. Hill, 360 S.C. 13, 598 S.E.2d 732 (Ct.App.2004).

A motion made on the ground of after-discovered evidence is addressed to the sound discretion of the trial court, and a denial of the motion will not be overturned on appeal unless an abuse of discretion amounting to an error of law is shown. Bettis v. Busbee, 283 S.C. 502, 323 S.E.2d 536 (Ct.App.1984).

9.

It is the better practice for a trial judge to specify the grounds upon which he denies a motion for new trial based on after discovered evidence. State v. Pierce, 263 S.C. 23, 207 S.E.2d 414 (1974).

Although "due diligence" for the purposes of this motion has not been fully defined in South Carolina, in one recent case the Court applied some limitation to the concept. In State v. Spann, Spann was convicted of the 1981 Sexual assault, robbery, and murder of Melvin Neill, as well as the burglary of her home, and received a death sentence. See: State v. Spann, 279 S.C. 399, 308 S.E.2d 518 (1983). Between July and November 1981, within a twelve mile radius in York County, Mrs. Neill and two other women were killed in a similar fashion. After Spann was convicted, another person, Johnny Hullett, was convicted of one of the other killings.

Spann filed a new trial motion based on after-discovered evidence. At the new trial hearing, Spann presented the testimony of three expert witnesses: a forensic pathologist (Dr. Spitz); a forensic psychiatrist (Dr. Taney); and an expert in crime scene analysis and criminal personality profiling (Mr. Ressler).

Dr. Spitz testified that all three women were strangled in a unique way, a method he had never before observed in forty three years of practice. He testified to other factual similarities between the crimes, and opined that one perpetrator was responsible for all three murders. Dr. Taney testified the three murders were committed by a single individual, a sexual sadistic murderer. He testified to the psychiatric characteristics of

these types of killers, and opind based upon his examination of the appellant that it was "impossible" that Spann had committed these offenses. Dr. Taney also testified that sexual sadistic killers are almost always psychiatrically disturbed white males. Spann was a black man with no history of psychiatric problems; Hullett was a white male with a long psychiatric history. Finally, Mr. Ressler profiled the killer of these three women as a white male in his mid-twenties to mid-thirties with a history of mental illness, who was either single or had a dysfunctional marriage, a person with bizarre fantasies, a history of childhood abuse, and knowledge of the area. Spann did not fit this profile.

The circuit Court Judge found the expert testimony "thought provoking" and "intriguing" and specifically found that Mr. Ressler's testimony "raise[d] a reasonable inference as to [Spann's] innocence." The Judge rejected the testimony of all three experts as grounds for the granting of a new trial, however, finding the evidence and science upon which their opinions were based were all in existence at the time of Spann's trial, and thus could have been discovered by his attorney's with the exercise of due diligence. The Supreme Court disagreed with the trial judge. The Court stated, "for the attorney's to have pursued these types of experts, they would first have needed to recognized the similarities between the crimes, similarities not apparent at the time even to the experts (i.e. law enforcement investigators and the pathologist) involved in all three cases. We hold that the due diligence standard imposed upon trial

11.

attorney's can not be said to be this high". The Supreme Court held "the circuit court judge committed an error of law, under the unusual facts of this case, in holding that the newly discovered expert's evidence could have been discovered by the exercise of due diligence". The Court reversed the trial Court's ruling and remanded for further proceedings.

NOTE: A motion to reopen a case for additional testimony will be denied where counsel does not proffer the testimony and does not show that it would make a difference in out come of the case. Wright v. Strickland, 306 S.C. 187, 410 S.E.2d 596 (Ct.App.1991).

Petitioner submits that under the unusual facts of his case that he is entitled to a new trial. He submits that he meets all five criteria to be entitled to a new trial on the grounds of after discovered evidence.

Petitioner herein submits Fortior Exhibits which will demonstrate that the new evidence meets the requested criteria that was explained in his facts and issues of this motion. Petitioner further submits that the hereto attached proffer of the testimony of the witnesses that he wishes to call at the new trial hearing of this motion herein.

CONCLUSION

WHEREFORE, based on the foregoing Motion for a New Trial should issue in the instant matter or in the alternative this Court should fashion any available equitable relief warranted.

Respectfully Submitted,

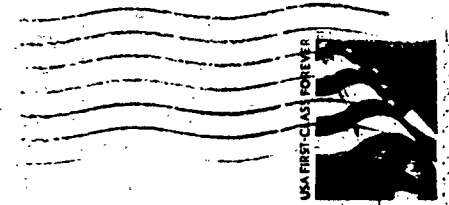
*Jody Lynn Ward, #300644*  
Jody Lynn Ward, 300644  
Lieber Correctional Inst.  
P.O. Box 205  
Ridgeville, S.C. 29472

FORTIOR

EXHIBIT

A

Michael Abner #207751  
K.S.P.-3 1/2 R 14  
266 WATER ST.  
Eddyville, Ky. 42038



Lynn Ward  
P.O. Box 923  
Georgetown, S.C.

2944230923



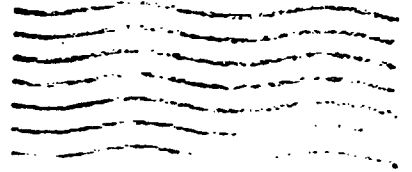
14

10-16-2011

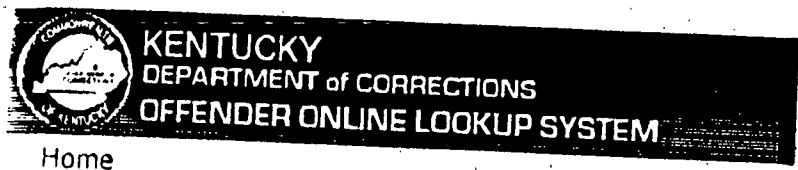
Dearest Lynn

I know you dont want to  
hear from me and I truly  
understand why but this time  
I had no choice since I  
am doing everything in my  
power to help Jody but not  
for him but for Ashton and  
the girls, they need not just  
any Daddy but there Daddy.  
The reason I am writing to  
you is because it seems  
everytime Ashton writes me  
the letter will be postmarked  
like on the 5<sup>th</sup> of October  
but I dont get it to like  
the 14 of October. I know this  
letter and all my letters coming  
is being read by INTERNAL AFFAIRS  
Thats the law in prison just like  
Cops on the streets. It seems  
the FBI thinks I have killed  
in more states than this so  
they go thru all going out mail  
and all coming in mail I get.  
So make sure everyone knows  
OVER

all letters I send and get are  
 read by these people. They  
 shook me down my cell just  
 as soon as I got that A Padavit  
 from Ashton spilled coffee on it  
 and took me to the Internal  
 Affairs office asking me what it's  
 about. I told them the truth  
 that I was trying to make  
 a wrong right. So please  
 send me another one and  
 the AFAADAVE I know I did  
 not spell it right but you all  
 know what I am talking about.  
 Send it to me and I will see  
 my caseworker get it notarize  
 and send it back fast as I  
 can! So tell all the family  
 my letters are being read coming  
 in and going out. Hell we  
 don't have anything to hide  
 so please send me a new one  
 fast as you can so I can get  
 it back to you all  
 Michael



FORTIOR  
EXHIBIT  
B



Home



Offender Detail Listing  
Information current as of 04/08/2011 03:00 PM

**NOTICE: Inmate data newer than 120 days might not have been finalized.**

**Offender Information**

Name: ABNER, MICHAEL A  
Inmate SPN/ID: 83679 / 207751  
Facility:  
Age: 48  
Race: White  
Gender: Male  
Eye Color: Green  
Hair Color: Gray or Partially Gray  
Height: 5' 07"  
Weight: 150lbs.  
Inst Start Date: 04/14/2010



207751

----- Offender Photo -----

**Aliases**

**No aliases found for this offender.**

**Conviction Information**

Offense Number 1	
Indictment #: 10-CR-0006	Indictment Count: 001
Crime Date: 03/08/2010	KRS Code: 439.3401
Conviction Date: 04/27/2010	Felony Class: X
Conviction County: Pulaski	Sentence Length: 0999 years 99 months 99 days

20

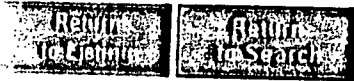
<b>Offense: MURDER - H8455</b>	
<b>Offense Number 2</b>	
Indictment #: 10-CR-0006 Crime Date: 01/12/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 001 KRS Code: 439.3401 Felony Class: X Sentence Length: 0999 years 99 months 99 days
<b>Offense: MURDER - H8455</b>	
<b>Offense Number 3</b>	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 001 KRS Code: 439.3401 Felony Class: X Sentence Length: 0999 years 99 months 99 days
<b>Offense: MURDER - H8455</b>	
<b>Offense Number 4</b>	
Indictment #: 10-CR-0006 Crime Date: 01/12/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 003 KRS Code: 511.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
<b>Offense: BURGLARY, 1ST DEGREE</b>	
<b>Offense Number 5</b>	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 003 KRS Code: 511.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
<b>Offense: BURGLARY, 1ST DEGREE</b>	
<b>Offense Number 6</b>	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 004 KRS Code: 513.020 Felony Class: A Sentence Length: 0020 years 00 months 00 days
<b>Offense: ARSON IN THE 1ST DEGREE</b>	
<b>Offense Number 7</b>	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 002 KRS Code: 515.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
<b>Offense: ROBBERY, 1ST DEGREE</b>	
<b>Offense Number 8</b>	
Indictment #: 10-CR-0006 Crime Date: 01/12/2010	Indictment Count: 002 KRS Code: 515.020

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Conviction Date: 04/27/2010 Conviction County: Pulaski	Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	
Offense Number 9	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 002 KRS Code: 515.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	

**Parole Information**

**No parole information found for this offender.**



Send comments and suggestions to [KOOL Resource Team](#)

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April 15, 2010



## **Abner gets life for triple homicides ([http://somerset-](http://somerset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)**



Michael Abner, 47, of Eubank, admitted in Pulaski Circuit Court Wednesday that he killed Jack Roerink, 79, and — more than 20 years ago — Mamie Mercer, 80, and Mae Stringer, 88. Pulaski Circuit Judge Jeffrey T. Burdette sentenced Abner to life in prison without the possibility of parole.

**[kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides](http://somerset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)**

local news

By HEATHER PYLES, CJ Staff Writer  
(<http://somerset-kentucky.com>)

Somerset — SOMERSET—A man accused of killing no fewer than three people pleaded guilty to murder and other charges in court yesterday.

Family and friends of Jack Roerink, Mamie Mercer and Mae Stringer crowded into the Pulaski County Circuit Courtroom Wednesday morning to hear Michael Andrew Abner, 47, plead guilty in the killings of the three victims.

"I'm just glad it's over," said Andy Mercer, grandson of Mamie Mercer, who Abner admitted to killing more than 20 years ago.

Abner appeared to be fighting tears Wednesday morning as he, several law enforcement officials, several attorneys and onlookers waited for a hearing that would last no more than 20 minutes.

Abner appeared with his attorney, Jim Cox, before Pulaski Circuit Judge Jeffrey T. Burdette Wednesday for the pleadings. He was originally scheduled to appear for an arraignment today, but those plans were moved up once a plea deal was met.

Abner was arrested on Tuesday, Jan. 12 after authorities discovered he'd broken into the home of Jack Roerink, who was 79 at the time of his death.

Authorities discovered Roerink's body in his home in Eubank and Abner, who reportedly knew Roerink, was found a short while later after officers traced Roerink's missing truck to Abner's ex-wife's home. Investigators said Abner stabbed Roerink multiple times with a kitchen knife during the incident before taking several items and fleeing with some of Roerink's property, including his truck.

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Once he was in custody, Abner told law enforcement officials that he'd killed twice before.

Mamie Mercer's body was discovered in her South Hart Road home in the Saline community on Wednesday, Oct. 12, 1983 in her bed, a victim of strangulation, and Abner was questioned during an investigation by Kentucky State Police. He was never arrested, and the case remained open and unsolved throughout the years until Abner's arrest this year.

"When something like this happens, and it goes so long, people start looking at other people in the community," Andy Mercer said about the murder that sent him and the rest of his family reeling.

Commonwealth's Attorney Eddy F. Montgomery, reading from evidence received from authorities outlining Abner's confessions, said Abner entered Mamie Mercer's home while another woman, who lived with Mercer, was in the shower and strangled Mercer, unbeknownst to the other female.

"You learn to live with this, but it's never forgotten," Andy Mercer said.

Mercer said his grandmother, who was a religious woman and could be seen walking everywhere for her health, bought fire wood from Abner.

"It rocked the neighborhood," Andy Mercer said about the murder.

Mamie Mercer was 80 years old at the time of her death, and Abner was 20 years old at the time of the incident.

"This brings closure to all of that," Andy Mercer added.

Abner strangled 83-year-old Mae Stringer in 1988, when he was 25 years old.

Stringer's family and investigators believed she had perished in a house fire on Dec. 2, 1988, but investigators said Abner stated he strangled the 83-year-old woman to death in her home on Ringgold Road before setting the house on fire.

Montgomery, reading from statements received from the authorities, said Abner poured perfume over Stringer's body and set fire to the home.

"There's been three victims that we've talked about here, and there's been more than 30 days in between the murders of each of these victims," Burdette stated to Abner during the hearing. "You've had an opportunity between the first and second victims to ... admit, to offer some peace of mind to the family of the first victim, but after 30 days and after that time period, you did kill again.

"Another 30 days or more passed, matter of fact, years," Burdette continued. "(You had) an opportunity ... to redeem, or to talk to the families or the authorities to admit your wrongdoings, but you did not."

During Wednesday's hearing, Montgomery and Cox stated that it was revealed during a competency hearing that Abner's IQ was over 70, which means he qualified for the death penalty if he'd been found guilty through trial of the charges he faced.

Abner had been indicted on one charge of murder, one charge of first-degree robbery and one charge of first-degree burglary in connection with Roerink's death. He was also indicted on one count of murder and one count of first-degree robbery in connection with Mercer's death, and he was indicted by a grand jury on one count of murder, one count of first-degree robbery, one count of first-degree burglary and one count of first-degree arson in connection with Stringer's death.

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Abner pleaded guilty Wednesday to those same charges. Montgomery recommended that he receive life in prison without the possibility of parole for each of the murder charges, 20 years in prison for each of the burglary charges, 20 years in prison for each of the robbery charges, and 20 years in prison for the arson charge.

Burdette accepted that recommendation after Montgomery stated that he'd spoken to the relatives of Roerink, Stringer and Mercer and received their approval of the plea and the sentences.

"I believe that you deserve to be incarcerated for the remainder of your life," Burdette told Abner.



Commonwealth Journal 110-112 E. Mt. Vernon St. Somerset, KY 42501

FORTIOR  
EXHIBIT  
C

GEORGETOWN MEMORIAL HOSPITAL  
PO Drawer 1718/606 Black River Road/Georgetown, SC 29442/(803) 527-7000  
EMERGENCY DEPARTMENT

SUMMARY

<u>PATIENT</u> WARDS, <del>JODIE</del> <i>Sody</i>	<u>MEDICAL RECORD #</u> 817968
<u>EMERGENCY DEPT. PHYSICIAN</u> S. O. Compagnone, M.D.	<u>ACCOUNT #</u>
<u>PRIMARY CARE PHYSICIAN</u>	<u>ADMISSION DATE</u> 12/13/2000

HISTORY OF PRESENT ILLNESS: This 26-year-old white male presents to the emergency room because of multiple stab wounds. He was involved in an altercation prior to coming to the ER. Slashing-type wounds evidently done with a carpenter's chisel. This was of the left upper posterior chest wall. The wounds are about 3 cm and two wounds of 2 and 1.5 cm of his left upper arm. He also has a wound over his left elbow; this is approximately 2 cm and 1-cm wound over the palm of his left hand. When he first came in, he had a chest x-ray done, which showed no pneumothorax. The remainder of his physical examination, other than his lacerations, were grossly normal.

IMMUNIZATIONS: He is getting his tetanus diphtheria shot.

PHYSICAL EXAMINATION:

VITAL SIGNS: Grossly normal. The patient does have panic attacks and his pulse was 132, blood pressure 184/78.

EMERGENCY ROOM COURSE: He was given Ancef 2 g. All wounds were cleansed and irrigated. They were then all sutured with interrupted #4-0 nylon sutures. He was given a prescription for some Keflex 500 mg q.6h.

DIAGNOSIS:

Multiple stable wounds.

DISCHARGE INSTRUCTIONS: He is to start on his medication, i.e. the Keflex in the morning. Take Tylenol or Advil for pain and to return in about 10 days for suture removal.

*S. O. Compagnone*  
S. O. Compagnone, M.D.

DD: 12/13/2000 TD:19:05  
DT: 12/14/2000 TT:16:19  
744/53270



GEORGETOWN MEMORIAL HOSPITAL  
P.O. BOX 1718  
GEORGETOWN, S.C. 29412-1718  
343 527-7000

AMBULATORY SURGERY RECORD  
EMERGENCY ROOM AND  
OUTPATIENT RECORD

PATIENT NAME AND ADDRESS WARD, JODY R 499 DEER SPRING LOOP GEORGETOWN SC 29440 (843)520-4442		DATE OF BIRTH 05/14/74	AGE 26Y	SEX M	RACE W	M/S M	P/T 3	MEDICAL RECORD NO. 817968
PHONE FAMILY COUNTY GEORGETO		502 SEC NO [REDACTED]	PC	DATE OF ADMISSION 12/13/00	TIME 1212	ACCOUNT NUMBER 960830		
COMPLAINT MULTIPLE STAB WOUNDS		TETANUS STATUS		WEIGHT		ALLERGIES A		
OPERATOR WILKINSON JR., GEORGE								

VITAL SIGNS: T 98.5 P 132 R 18 B.P. 104/56 PHYSICIAN'S REPORT

*I.D.  
Ancef 2 Gm*

*Shing 6 am*

ORDERS/TREATMENT

- LABS: \_\_\_\_\_
- CBC \_\_\_\_\_
- ABG \_\_\_\_\_
- SMA7 \_\_\_\_\_
- SMA12 \_\_\_\_\_
- AMYLASE \_\_\_\_\_
- PT/PIT \_\_\_\_\_
- UA/U-CRS \_\_\_\_\_
- GLUCOSE \_\_\_\_\_
- OTHER \_\_\_\_\_
- EKG/RS \_\_\_\_\_
- MONITOR \_\_\_\_\_
- CARDIAC \_\_\_\_\_
- B/P \_\_\_\_\_
- PULSE OX \_\_\_\_\_
- X-RAYS \_\_\_\_\_
- CXR *(circled)*
- CT *(circled)*
- C-SPINE \_\_\_\_\_
- P-C-SPINE \_\_\_\_\_
- KUB \_\_\_\_\_
- ABD \_\_\_\_\_
- PELVIS \_\_\_\_\_
- LYTES \_\_\_\_\_
- O. VIA \_\_\_\_\_
- IV \_\_\_\_\_
- ULTRASOUND \_\_\_\_\_
- NIPT/NIP STIM/CCT \_\_\_\_\_
- OBSERVE \_\_\_\_\_

*B2 kepler*

*4 lac's  
retained  
C red of chest  
C an x 2  
C elbow  
C h 2*

DIAGNOSIS

*M ultiple stab wounds*

DISPOSITION OF PATIENT DOA  AMA  TREATED AND DISCHARGED  ADMITTED  TRANSFERRED  TRANSFERRED OUT  DISMISSED  1355

TO PRIVATE PHYSICIAN  TO OTHER FACILITY  HOME  OTHER

CONDITION ON DISCHARGE OR TRANSFER IMPROVED  UNIMPROVED  NOT TREATED  EXPIRED  DECEASED  OTHER

FOLLOW-UP INSTRUCTIONS: GEORGETOWN MEMORIAL HOSPITAL, 843-527-7000 DATE

INSTRUCTIONS (MED)  TYPE \_\_\_\_\_

I UNDERSTAND THESE INSTRUCTIONS

*To start no diet  
To take all A.D. for pain  
To return within 10 days - [Signature]*





DATE: 12/13/00		NAME: Jodie Ward		AGE:	RACE: MALE	TRIAGE CATEGORY: EMERGENCY		
TIME OF ARRIVAL: 12/12		CHIEF COMPLAINT: Multiple stab wounds		LMP: NA	TIME: 12/12			
METHOD OF ARRIVAL: 1st Vehicle		PULSE: 98	RESP: 18	BP: 184/76	ALLERGIES: NKDA	TET/IMM STATUS: DLTD		
ASSESSMENT ON ARRIVAL		PRE-HOSPITAL CARE		Post Medical History: All attacks				
AIRWAY	<input checked="" type="checkbox"/> maintained <input checked="" type="checkbox"/> oral/nasal airway <input type="checkbox"/> obstructed <input type="checkbox"/> intubated <input type="checkbox"/> other:	<input type="checkbox"/> C-COLLAR <input type="checkbox"/> RESTRAINTS <input type="checkbox"/> SPLINTS/ARMS <input type="checkbox"/> SPLINTS/LEGS <input type="checkbox"/> OTHER (See Nurse Notes)		Current Medications:				
BREATHING	<input checked="" type="checkbox"/> Spontaneous <input type="checkbox"/> assist <input type="checkbox"/> comments:	Time: 12:19 Saline Lock #18 RH 12:22 1000cc NS		Gauge: "	Site: "	Rate: 10	Nurse Initial: [Signature]	
CIRCULATION	Pulse: <input checked="" type="checkbox"/> Present Monitor rhythm Skin: <input checked="" type="checkbox"/> Pink <input type="checkbox"/> Pale <input type="checkbox"/> Ashen <input type="checkbox"/> Cyanotic	Time: 12:55 12:55		Medication: [Signature]	Dose: 0.5	Route: IV	Initial: [Signature]	
HEAD	Pupils: RIGHT LEFT <input checked="" type="checkbox"/> Equal <input type="checkbox"/> Reactive <input type="checkbox"/> Sluggish Ears: RIGHT LEFT <input type="checkbox"/> Drainage <input type="checkbox"/> CSP <input type="checkbox"/> Blood	Time: 12:55 12:55		Medication: [Signature]	Dose: 2gm	Route: IVPB	Initial: [Signature]	
ABDOMEN	<input checked="" type="checkbox"/> Soft <input type="checkbox"/> Distended <input type="checkbox"/> Firm Bowel sounds: <input type="checkbox"/> WNL <input type="checkbox"/> Hypoactive <input type="checkbox"/> Hyperactive Appearance: 12 stab wounds under axilla + 3 stab flap posterior	GLASGOW COMA SCALE		LABS				
EXTREMITY	Upper R: L - stab wound (L2 elbow) SALAC bol. (L2 index + middle finger) Lower R: L	EYE OPEN TO Time: 12:12		ABG				
REVISED TRAUMA SCORE		VERBAL		EKG				
GLASGOW COMA SCORE	SYSTOLIC BP	RESPIRATORY RATE	CODE VALUE	RTS SCORE	TOTAL INTAKE		CONDITION	
13-15	> 89	10-29	4	12	IVF		<input type="checkbox"/> Unchanged	
9-12	76-89	> 29	3	15	NG		<input type="checkbox"/> Critical	
6-8	50-75	6-9	2		TOTAL OUTPUT		<input type="checkbox"/> Stable	
4-5	1-49	1-5	1		URINE		<input type="checkbox"/> Improved	
3	0	0	0		DRAINAGE		TRANSFERRED TO:	
		MOTOR		ASSESSMENT COMPLETED BY:				
		Obey commands		[Signature]				
		Localizes pain						
		Withdraws						
		Abnormal flexor						
		Extension						
		No response						

BORATOI REPORT  
GEORGETOWN COUNTY MEMORIAL HOSPITAL

7124

960830  
WARD. JODY R  
DOB 05/14/74 AGE 26Y  
WILKINSON JR., GEORGE  
1771110 SPRING LOOP  
GEORGETOWN SC 29440  
17711200  
NUR UNIT 4-17768 EMERGENCY RD  
PS-2

2nd REPORT

355 - EXCESS TIME: ONE PRESSURE LEVEL

BP 164/78  
HR 109  
SPR 115

BP 177/90  
HR 110  
SPR 188

BP 174/76  
HR 124  
SPR 117

BP 174/81  
HR 107  
SPR 129

BP 172/81  
HR 124  
SPR 107

BP 184/73  
HR 121  
SPR 119

BP 185/89  
HR 106  
SPR 128

BP 176/75  
HR 105  
SPR 129

BP 185/87  
HR 110  
SPR 127

2nd REPORT

1st REPO

Jody R. WARD  
Re 22

R. WARD Re 18  
Jody

31

SINGLE COPY



**Georgetown  
Memorial  
Hospital**

P.O. DRAWER 1718 • GEORGETOWN, SC 29442 • 803-527-7100

Exam Date: 12-13-2000  
ReqSeq: 486505

Typed Date: 12-13-2000 Time: 1333  
Transcriptionist: VJ

Adm Dr: WILKINSON, GEORGE A.  
Adm Dr: WILKINSON, GEORGE A.

Adm Diag: MULTIPLE STAB WOUNDS

Name: WARD, JODY R  
DOB: 05-14-1974 MR#: 817968

499 DEER SPRING LOOP  
GEORGETOWN SC 29440

Pt Type: 3 Room No:

MM

PORTABLE AP CHEST:

THE HEART AND MEDIASTINAL CONTOURS HAVE AN UNREMARKABLE APPEARANCE.  
THE LUNGS ARE CLEAR AND PULMONARY VASCULARITY IS WITHIN NORMAL LIMITS.  
THE VISUALIZED STRUCTURES ARE INTACT.

IMPRESSION: NO ABNORMALITIES DETECTED.

20  
DICTATED BY: RADIOLOGIST: G.T. DESCHAMPS JR, M.D.



FORTIOR  
EXHIBIT  
D

# INCIDENT REPORT

ONLY

12000000

34

INCL No ENCL Yes

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 13A ABHAN	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 1714 GAPWAY RD, GEORGETOWN, SC ZIP CODE 29440- WEAPON TYPE LETHAL CUTTING INSTRUMENT

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DISPATCH TIME	TIME ARRIVED	DEPART TIME	LOCATION NO.
12/13/2000	11:45		12/13/2000	12:05	12/13/2000	12:05		12:14	13:38	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
	#1 #2 #3				/			
ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.				

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
ABNER, MICHAEL, A	#1 #2 #3	J	W	M	37 /	N	843-520-0650	
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				
508	145	BROWN	BROWN					

ADDRESS 195 MEADOW LN CITY GEORGETOWN STATE SC ZIP CODE 29440- LOCATION NO.

VISIBLE INJURY (MCT.1)  YES  NO  EXPLAIN- Lacerations COMPLAINT OF ANY NON-VISIBLE INJURIES  YES  NO

VICTIM (NO. 1) USING: ALCOHOL  YES  NO  UNK.  DRUGS:  YES  NO  UNK.  TYPE:

TWO MAN VEH  ONE MAN VEH  DETECTIVE PLASMT  OTHER  ALONE  ASSISTED

\*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.

SUSPECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
<input type="checkbox"/>										
WARRANT	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							DAYTIME PHONE	EVENING PHONE	
<input type="checkbox"/>										
ARREST	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.					
<input type="checkbox"/>										
JAIL	SUBJECT (NO. 1) USING ALCOHOL	ARRESTED NEAR OFFENSE SCENE	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST						
<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK. <input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>								
SUMMONS	DRUGS	TOTAL # ARRESTED								
<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK. <input type="checkbox"/>									

ABHAN

UNITS FROM THE SHERIFF'S OFFICE WERE CALLED TO 195 MEADOW ST. IN REFERENCE TO A STABBING AT APPROXIMATELY 12:00 PM ON 3-13-200. MICHAEL ABNER WAS SEATED ON THE FLOOR OF THE RESIDENCE AND APPEARED TO HAVE SEVERAL INJURIES ON HIS FACE AND HEAD AREAS. ABNER STATED THAT HE WENT TO 1714 GAPWAY ROAD TO TALK TO JODY WARD. ABNER STATED THAT WARD RAN OUT OF THE RESIDENCE AND ATTACKED HIM WITH A KNIFE. ABNER SAID THAT FEARING FOR HIS LIFE, HE PULLED A WOOD CHISEL AND DEFENDED HIMSELF AGAINST WARD. ABNER WAS TRANSPORTED TO THE EMERGENCY ROOM BY EMS. APPROXIMATELY TWENTY MINUTES LATER CENTRAL DISPATCH ADVISED UNITS THAT WARD WAS AT THE EMERGENCY ROOM FOR TREATMENT ON THE INJURIES HE SUSTAINED. ACCORDING TO WARD ABNER CAME TO THE RESIDENCE ON GAPWAY RD. AND IMMEDIATELY ATTACKED HIM (WARD) WITH THE WOOD CHISEL STABBING HIM SEVERAL TIMES

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY				
TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED	TOTAL VALUE
						0
						0
						0
						0
						0

SUBJECT IDENTIFIED	SUBJECT LOCATED	S. F.	ACTIVE	ADM. CLOSED	ARRESTED UNDER 18	EX-CLEAR UNDER 18
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REASON FOR EXCEPTIONAL CLEARANCE 1 <input type="checkbox"/> OFFENDER DEATH 2 <input type="checkbox"/> NO PROSECUTION 3 <input type="checkbox"/> EXTRADITION DENIED 4 <input type="checkbox"/> VICTIM DECLINES COOPERATION 5 <input type="checkbox"/> JUVENILE NO CUSTODY						
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
Edwards, James	12/13/2000 12:05 00	1ED31			13M53	
Owens, Wayne	12/13/2000	10W78	FOLLOW UP INVESTIGATION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	OFFICER Jackson Randy	12/19/2000 9:47:28	

ADDITIONAL NARRATIVE

35

Agency Name: Georgetown County Sheriff	ORI #: SC0220000	Report Date/Time:	OCA #: 12000800
--	------------------	-------------------	-----------------

IN THE LEFT SIDE. BRUCE RICHARDSON (248-3954) WHO WAS AT THE RESIDENCE SAID THAT HE HEARD A COMMOTION AND WHEN HE WENT OUTSIDE HE SAW THE TWO MEN FIGHTING AND ABNER HAD A YELLOW HANDLED WOOD CHISEL AND WAS TABBING WARD IN THE SIDE WITH IT AS WARD WAS HITTING HIM (ABNER) IN THE FACE WITH HIS FIST. RICHARDSON TOOK THE CHISEL FROM ABNER AND BROKE THE TWO UP. ABNER THEN GOT IN HIS TRUCK AND LEFT THE AREA. BOTH MEN WERE BEING TREATED AT THE HOSPITAL AND INVESTIGATOR JACKSON WAS CALLED TO PROCESS THE SCENE. A YELLOW HANDLE WOOD CHISEL, A LEATHER JACKET WORN BY ABNER, AND A WHITE SHIRT WORN BY WARD WERE TAKEN FOR EVIDENCE. THERE IS NO FURTHER INFORMATION AT THIS TIME.

FORTIOR  
EXHIBIT  
E

(1). PROFFER TESTIMONY OF RONDIE J. WARD

Michael Andrew Abner called Rondie J. Ward and told him that he paid Jody Lynn Ward's alleged victims "Murder For Hire", to kill him/Petitioner.

DIFFERENCE IN THE OUTCOME OF THE CASE

Since the trial jury never heard this at the first trial it would make a difference in the outcome of the case if a new trial was granted; because the jury could infer reasonable doubt of Petitioner's guilt.

(2). PROFFER TESTIMONY OF CARL S. Ward

Carl S. Ward was on the joint spare phone line and also heard Michael Andrew Abner tell her husband Rondie J. Ward that he paid Jody L. Ward's alleged victims "Murder For Hire" to kill him.

DIFFERENCE IN THE OUTCOME OF THE CASE

Since the trial jury never heard this at the first trial it would make a difference in the outcome of the case if a new trial was granted; because the jury could infer reasonable doubt of Petitioner's guilt.

(3). Proffer Testimony of Michael Andrew Abner

The testimony of Michael will show from the letter that was written to Lynn Ward in October 2011 that he had something to do with the Jody Lynn Ward case and that Jody will go home when he tells it; The testimony from reasonable inference is that he did in fact pay Wilford Brown and Elton Rutledge Jr. to kill "Murder for Hire" Petitioner, Jody Lynn Ward.

Difference in the outcome of the case

Had the first trial jury heard this after-discovered evidence there's a reasonable probability that the result would have been different because it raises reasonable doubt of Petitioner's guilt.

(4). PROFFER TESTIMONY OF LYNN WARD

That on or about October 2011 she received a letter to her P.O. Box 923 addressed from Michael Abner to her.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(5). PROFFER TESTIMONY OF ASHTON J. WARD

That on or about October 2011 he went to his grandmothers and she told him that she had a letter from Michael Abner which

he took and opened and his testimony will be that the Fortier Exhibit envelope and the letter was in fact the letter that was inside the envelope whenever it was opened.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael A. Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(6). PROFFER TESTIMONY OF WESLEY LOCKLAIR

That on or about March 2004 he conducted an interview via/telephone with Michael A. Abner whether he had involvement with Jody Lynn Ward and at that he denied having any involvement with the case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

(7). PROFFER TESTIMONY OF MARGARET ANN KNEECE

That on or about March 2004 she conducted a interview via/telephone with Michael A. Abner whether he had anything to do with my (2) alleged murders and at that time he denied having any involvement with my case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

FORTIOR  
EXHIBIT  
F

SWORN AFFIDAVIT OF

ASHTON WARD

I, Ashton Jody Ward hereby swear this statement to be true to the best of my knowledge that I opened a letter that was addressed to my grandmother from Michael Abner and read it.

[Large scribbled-out area covering the main body of the document]

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 30 DAY OF April, 2012

Ellen T. Hansen

NOTARY PUBLIC

MY COMM. EXPIRES May 11, 2014

I AM, Ashton Ward

1s/ Ashton Jody Ward

Ashton Ward

dated 4/30, 2012

43

FILED  
GEORGETOWN COUNTY, S.C.

2012 MAY 16 PM 2:42

ALMA Y. WHITE  
CLERK OF COURT

SWORN AFFIDAVIT OF  
JODY LYNN WARD

I hereby, Jody Lynn Ward, 300644 acting as a pro se litigant swear that the affidavit I'm about to give herein is true and correct to the best of my ability.

On or about October 2011 I was contacted by my son, Ashton J. Ward and was informed that Michael A. Abner had written a letter that was addressed to my mother Lynn Ward, and that she called him and that he came over and at that time he opened the letter and forwarded a copy to me. I'm filing under the Due Diligence for After-Discovered Evidence. I herein state that this evidence involves whether I'm innocent of the charges of (2) alleged murders vs. my guilt.

Michael A. Abner stabbed me five times on or about December 14, 2000. Before my trial of 2004 my two trial attorney's Margaret Ann Kneece; and Wesley Locklair did a interview with michael A. Abner and at that time he denied having any involvement in the case.

It's just been recently that he went back and confessed to two murders dating back to 1983 and 1988 2when he was arrested for murdering a man in Kentucky on or about January 2010.

My uncle Rondie J. Ward informed me that Michael A. Abner called him and told him that he did in fact pay my (2) two alleged victims to kill me and my first Trial Jury never heard this information.

I meet all (5) criteria for After-Discovered Evidence; and I could not have discovered the evidence by exercise the exercise if Due-Diligence, see State v. DeAngelis, cited as; 182 S.E.2d. 732 (1971).

Respectfully Submitted,

Jody L. Ward, 300644

Jody L. Ward 300644  
Jody L. Ward, 300644  
Lieber C.I. E-B  
P.O. Box 207  
Ridgeville, S.C.  
29472

SWORN AND SUBSCRIBED Before me

On This 7th day of May 2012

Sylvia Jones  
Notary Public for South Carolina

My Commission Expires 1/24/2018

STATE OF SOUTH CAROLINA )  
COUNTY OF GEORGETOWN )

IN THE COURT OF GENERAL SESSIONS )  
FOR THE FIFTEENTH JUDICIAL CIRCUIT )

Jody Lynn Ward, 300644 )  
Petitioner, )

C/A No: 03-GS-22-1030-1031 )

v. )

MOTION FOR EXPENDITURE OF )  
FUNDS FOR INVESTIGATIVE AND EXPERT )  
SERVICES, PURSUANT TO: § 17-3-50 (b) )

State of South Carolina )  
Respondent. )

FILED  
ALMA Y. WHITE  
CLERK OF COURT  
2012 MAY 16 PM 2:42  
GEORGETOWN COUNTY, S.C.

Petitioner, Jody Lynn Ward, Pro se (awaiting appointed counsel) hereby moves, pursuant to S.C. Code § 17-3-50(b) for Expenditure of Funds for expert services. In support of this motion, Petitioner apprises the Court of the following facts and legal principles.

(1).Petitioner hereby seeks Investigator; forensic pathologist; Forensic Psychiatrist; and expert in crimes scene analysis and Criminal personality profiling; attorney.

See: §17-3-50 Determination of fees for appointed counsel and public defenders; maximum amounts; authorization to exceed maximums; payment for certain services.

§ 17-3-50(b) upon finding in exparte proceedings that investigative, expert, or other services are reasonably necessary for representation of the defendant the Court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, for funds available to the

Office of Indigent Defense of fees and expenses not to exceed five hundred dollars as the Court considers appropriate.

- (2). Petitioner believes in good faith that Independent Investigation services are needed due to the extreme circumstances of this case.
- (3). Michael A. Abner, is a serial killer and the above named expert witnesses is necessary in this case as a matter of law.
- (4). Michael Andrew Abner stabbed Petitioner five times with a wood chisel and was treated with stitches at Georgetown Memorial Hospital.
- (5). Petitioner is a mental health patient currently confined within the S.C. Department of Corrections Services, and resides within Edisto Unit and also request expert services.
- (6). Petitioner believes in good faith that he needs funds for indigent private investigator services due to the fact that Michael A. Abner has already given a confession to the Internal Affairs after he was questioned, See: Below pursuant to Fortier Exhibit A; which reads... as I got that affidavit from Ashton spilled coffee on it and tuck me to the Internal Affairs Office asking me what it's about. I told them the truth that I was trying to make a wrong right."

See: State v. Bailey, 424 S.E.2d at 506, also see: Ake v. Oklahoma, 470 U.S. 68 (1985), wherefore, for all the foregoing

reasons, Petitioner submit he has presented good cause for expenditure of funds for investigative services and other expert services associated with this matter, and therefore respectfully request pursuant to S.C. Code Ann. § 17-3-50(b), that the Court issue a order for the requested funds and thereby Order the payment, from funds available from the Office of Indigent Defense. Petitioner prays for any and all relief this Court deems just and proper.

Respectfully Submitted,

Jody Lynn Ward.  
Jody Lynn Ward

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GEORGETOWN ) FOR THE FIFTEENTH JUDICIAL CIRCUIT

JODY LYNN WARD, 300644 ) INDICTMENT CASE NUMBER  
Petitioner, ) 03-GS-22-1030 & 1031

-vs-

MOTION FOR APPOINTMENT  
OF COUNSEL / INDIGENT FUNDS

STATE OF SOUTH CAROLINA )  
Respondent. ) PUSUANT TO § 17-3-10

FILED  
GEORGETOWN COUNTY, S.C.  
ALMA Y. WHITE  
CLERK OF COURT  
2012 MAY 16 PM 2:42

The above-named Petitioner, moves before this Court for a Motion For Appointment of Counsel / Indigent Funds, see: Hereto attached of indigent status form from SCDC.

Petitioner herein filed a motion for a New trial based on After-Discovered Evidence pursuant to: SCRCrimP. Rule: 29(b) and a hearing into this matter is necessary and Petitioner is a indigent inmate therefore indigent funds are proper in this instant matter, see: §17-3-10. Person entitled to counsel shall be so advised; when counsel shall be provided.

Any person entitled to counsel under the Constitution of the United States shall be advised and if it is determined that the person is financially unable to retain counsel shall be provided upon of the appropriate Judge unless such person voluntarily and intelligently waives his right thereto...

Order of Counsel should order herein

Respectfully Submitted,

Jody Lynn Ward, 300644  
Jody Lynn Ward, 300644

State

RECEIVED

OCT 13 2011

MAIL ROOM  
LEBER

INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES

OCT 06 2011

MAIL ROOM

RECEIVED 4c

INSTRUCTIONS TO INMATE: Complete top portion then give to your mail room. If you are from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Jody Lynn Ward EA-15

SCDC# 300644 INMATE SIGNATURE: Jody Lynn Ward

I plan to file this action in the SC County of Georgetown

*This section below is for SCDC - Financial Accounting Branch's use ONLY.*

- (1) Total deposits to inmate's account for preceding six months' period\* ..... \$ 0
- (2) Twenty percent (20%) of line 1 ..... \$ 0
- (3) Account balance - current date ..... \$ 0
- (4) PAYMENT AMOUNT \*\*  
(lesser of line 2 or line 3)  
Enclosed check # \_\_\_\_\_ \$ 0

\*\*NOTE TO COURT: If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections  
Financial Accounting - Room 234  
PO Box 21737  
Columbia, SC 29221-1737

\*Admission date is noted here if inmate incarcerated less than six months \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
COUNTY OF GEORGETOWN )

IN THE COURT OF GENERAL SESSIONS )  
FOR THE FIFTEENTH JUDICIAL CIRCUIT )

JODY LYNN WARD, #300644 )  
Petitioner )

C/A No: 03-GS-22-1030 & 1031 )

VS. )

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA )  
Respondent. )

I hereby certify that I have served a true copy on below named parties by placing the same in U.S. Postal Mail; postage prepaid on this 7<sup>th</sup> day of May, 2012. (1).Cover letter; (2).Motion for new trial based on after-discovered evidence; (3).Motion for counsel; Fortior Exhibits as attachments; (4).Proffer of testimony of witnesses; (5).Certificate of Service. (6.) Motion for Expenditure of Funds for Investigative & Expert Services.

(1).Georgetown County Clerks Office  
Ms. Alma Y. White (Clerk)  
P.O. Box 479  
Georgetown, S.C. 29442

(2).Mr. Gregg Hembree  
Solicitor 15th. Judicial Circuit  
P.O. Box 1688  
Georgetown, S.C. 29442

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 7<sup>th</sup> DAY OF May 2012

/s/ Sybra Jones  
Notary Public For South Carolina

My Commission expires: 1/24/2018

Respectfully Submitted,

Jody Lynn Ward.  
Jody Lynn Ward, 300644

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GEORGETOWN ) FOR THE 15th JUDICIAL CIRCUIT

Jody Lynn Ward, #300644 )  
Petitioner, )  
vs. )

State of South Carolina )  
Respondents, )

C/A No. 03-GS-22-1030 & 1031  
MOTION FOR RECONSIDERATION <sup>and/or</sup>  
Motion To Reconsider Order/  
Judgment Denying Motion For  
New Trial; Motion For Appointment  
OF COUNSEL AND MOTION FOR  
INVESTIGATIVE & EXPERT  
EXPENSES

CLERK OF COURT  
A. J. WHITE  
2013 FEB 13 PM 3:18  
GEORGETOWN, SC

The above named Petitioner Pro se, moves before this Court for a Reconsideration based on the Following grounds

1 - Exhibit - A - Affidavit of Randie James Ward which was my Fortior Exhibit G - that the clerk of Court denied to file see: Exhibit B - Affidavit of Petitioner / Pro se litigator / and also a Mental Health Patient. This Affidavit clearly states that Petitioner Due Process Rights & Equal Protection and Access to the courts is being violated. see: Exhibit C - step 1 Grievance filed on Lieber Com. Inst. Mailroom Personnel Ms. Sylvia Jones.

see: Exhibit D - a letter to clerk of Court addressed to Mr. Keith Moore about Petitioner's uncle not being able to file the Fortior Exhibit G - Affidavit of Rondie James Ward. and it's notarized I served them.

Exhibit A - Affidavit of Rondie James Ward was also Notarized by the Georgetown Clerk of Court but they would not file it. It had a proper case No. 03-GS-22-1030 & 1031 and it was Evidence that clearly supported the motion for New Trial based on After Discovered Evidence that's Newly.

see: Exhibit E - A letter to clerk of Court Ms. White about Appointment of Counsel so Petitioner could file the Affidavit of Rondie James Ward. I further wrote the public Defenders office with no response at all as requested by the clerks office.

see: Exhibit F - Requested Witnesses Petitioner ask Court to Subpoena For Evidentiary Hearing.

see: Exhibit G - Order of Transportation so Petitioner could see a Judge to discuss his denial of Access to the Courts; Due Process & Equal Protection being violated.

Miller v. State, 377 S.C. 99 (2008) Clerks duties.  
Ake v. Oklahoma, 470 U.S. 68 (1985) Funds for mental health.

It's clear that Petitioner has diligently been trying to use Due Diligence in filing the Affidavit of Rondie James Ward that was Notarized by the Georgetown County Clerks Office but beyond his control he has been denied Due Process & Equal Protection & Access to the Courts; and Lieber Corr. Inst. mailroom worker failed to give the petitioner the Affidavit his uncle sent.

Petitioner respectfully ask that the court Grant this Motion & Order Counsel to represent Petitioner; and Investigator & Expert Funds for Services. And Grant an Evidentiary Hearing to hear Testimony & other Evidence.

See: Attached Exhibits B; C; D; E; F; G.

Exhibit A - will be Certified Greencard return receipt upon service on all parties, Due to they want allow it in the Prison. This Motion is timely see: attached Order dated July 31, 2012 it's within 10 days.

Respectfully Submitted  
Jody Lynn Ward  
 Jody Lynn Ward

August 8, 2012

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GEORGETOWN )

THE COURT OF GENERAL SESSIONS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2003-GS-22-1030  
2003-GS-22-1031

State of South Carolina )  
 )  
vs. )  
 )  
Jody Lynn Ward, )  
 )  
Defendant. )  
\_\_\_\_\_ )

ORDER DENYING  
MOTION FOR NEW TRIAL,  
MOTION FOR APPOINTMENT OF COUNSEL  
AND MOTION FOR EXPENSES

Before the court are the defendant's Motion for New Trial based upon after discovered evidence, Motion for Appointment of Counsel and Motion for Investigative and Expert Expenses.

Defendant argues that he is entitled to a new trial based upon a purported letter from another person claiming to have hired the victims in this case to kill the defendant. However, the letter referenced by the defendant in his motion and attached as an exhibit thereto makes no such admission and the defendant has not presented anything to corroborate such an admission.

To prevail on a motion for a new trial based on after discovered evidence, a defendant must show (1) the evidence is such as will probably change the result if a new trial is granted; (2) the evidence has been discovered since the trial; (3) the evidence could not have been discovered prior to trial by the exercise of due diligence; (4) the evidence is material; and (5) the evidence is not merely cumulative or impeaching. *State v. Needs* (S.C. 1998) 333 S.C. 134, 508 S.E.2d 857, rehearing denied. In the case at hand, the defendant has not only failed to establish that he has new evidence that will probably change the result of his convictions if a new trial is granted, he has failed to show even the existence of newly discovered evidence. Therefore, the defendant's motion for a new trial should be denied.

<sup>1</sup> These motions are based upon the contents of the defendant's motions without oral arguments.

1  
JHC

Since the defendant's motion for a new trial is denied, his motions for appointment of counsel and funds for investigative and expert services are moot.

NOW, THEREFORE, based upon the above, it is hereby

ORDERED, that the defendant's Motion for a New Trial is DENIED; it is further

ORDERED, that the defendant's Motion for Appointment of Counsel is MOOT; it is further

ORDERED, that the defendant's Motion for Funds for Investigative and Expert Services is MOOT.

AND IT IS SO ORDERED.

*Benjamin H. Culbertson*

Benjamin H. Culbertson  
Administrative Judge  
Court of General Sessions, 15<sup>th</sup> Judicial Circuit

July 31, 2012  
Georgetown, SC

## ATTACHMENT

TO

Motion to Reconsider the  
Motion For New Trial Based on

After Discovered Evidence denial

Order / Judgment in the case

of : C/A : No: 03-GS-22-1030 &

1031

Exhibits B; C; D; E; F; G

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Dear Alma White,

Please file under attachment to motion  
for reconsideration of denial of motion  
for new trial based on after discovered  
evidence.

File under

ca no. 03 GS 22  
1030 & 1031

Jody Ward # 300644  
Lieber Cor. Inst.  
P.O. Box 205 EB-2A  
Ridgeway SC 29472

FILED  
ALMA WHITE  
CLERK OF COURT  
2012 AUG 13 PM 3:21  
ALLSTOWN COUNTY SC

Exhibit A

70

Attachment to motion for reconsideration  
of denial of motion for new trial based  
on after discovered evidence.

FILED  
CLERK OF COURT  
2012 AUG 13 PM 3:21

FILED  
CLERK OF COURT  
2012 AUG 13 PM 3:21  
ALBANY COUNTY

Jodie Ward

Case # 03GS22

1030 & 1031 Pending motion for new trial based on after discovered evidence.

Forces Exhibit G

July 23, 2012

I Rondie J. Ward to the best of my knowledge did speak with Michael Cline at my home of 152 Bear Loop, Georgetown

Michael called late one night and told me that he and Jodie had gotten into a fight at the railroad tracks and me ~~was~~ there. And Michael told me that he paid them boys to beat Jodie.

And this is all I know about the whole case.

Rondie J. Ward  
7-23-12

Rondie J. Ward  
7-23-12

Sworn to before me this  
23<sup>rd</sup> day of July, 2012.

Jennifer M. Lawrence  
NOTARY PUBLIC FOR SOUTH CAROLINA

General Sessions

Clerk : Alma Y. White

P. O. Box 479

Georgetown, SC 29442

(843) 545-3037

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Received From: Rondie Ward

Date : 7/23/2012

Paying for: Rondie Ward,

RECEIPT # 38004

Clerk: c22dnewton

Payment Type: Cash \$0.50

Reference #

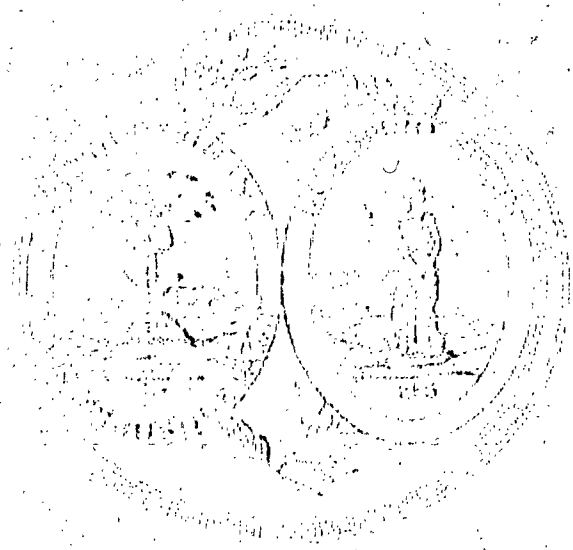
Total Paid 0.50

Comment: Notarized Signature

Total Received \$0.50

Change Due \$0.00

2012 AUG 13 PM 3:21  
ALMA Y. WHITE  
CLERK OF COURT



# Certificate of service

73

FILED  
CLERK OF COURT  
2012 AUG 13 PM 3:21  
ALMA WHITE

I, Jody L. Ward certify that I have served the below name parties, by way of certified green card certificate of service of this 10th day of August 2012

Jody L. Ward

Georgetown County Clerk of Court  
Alma White  
P.O. Box 479  
Georgetown SC 29440

Scott Hickson - The Solicitor's Office  
P.O. Box 1688  
Georgetown SC 29440

The Honorable Benjamin Culbertson  
P.O. Box 479  
Georgetown SC 29440

## Exhibit B

Affidavit of Jody Lynn Ward acting as Pro Se litigant is using this Exhibit to support his Motion For Reconsideration of the Motion For New Trial Based on After-Discovered Evidence Order Denying it.

SWORN AFFIDAVIT OF  
JODY LYNN WARD

I hereby, Jody Lynn Ward, 300644, acting as a prose litigant swear that the affidavit I'm about to give herein is true and correct to the best of my ability.

On or before June 29, 2012 my uncle Rondie James Ward went to the Georgetown County Clerk of Courts office to have his Affidavit notarized and filed in my behalf. And Mr. Keith Moore told him that he had to talk to a public defender. Well Clerk Keith Moore was well aware I did not have an Attorney and I was acting Pro se. Family members are/can file papers / Affidavits in my place.

I wrote to Mr. Moore dated June 29, 2012 and also had a meeting by phone with all 4 clerks who advised me to have my uncle come back down there. I wrote again dated July 9, 2012 see: attached Fortior Exhibit B and I was never contacted by the Public Defenders Office. Now on or about July 23, 2012 my uncle Rondie J. Ward went back to the clerk of courts office and the Clerk of Court for Georgetown is the ones that notarized his Affidavit and he paid .50¢ charge. And in that Affidavit he said that Michael A. Abner called him and told him by phone that he paid my 2 alleged victims "murder for hire" to kill me. Now the

Clerk of Court then told him that he could not file that affidavit in my place to support the motion. Then my uncle left with the Affidavit and mailed the Original to me on or about July 25<sup>th</sup>, 2012 Address to Lieber Corr. Inst. where I reside in the Mental Health Dorm as I'm a mental Health patient inmate. Now Lieber mailroom personnel has been holding the Affidavit of Rondie J. Ward due to the contents has to be reviewed before it can be given to me. I filed an Emergency step 1 Grievance so the warden will get her to release this Affidavit/envelope which is still pending and I receive an Order denying my Motion For New Trial. That Order is wrong/Erroneous I've been denied Access to the Courts in a violation of My Constitutional Rights to Due Process of Law, at no fault of my own. It's also in a violation of Ake v. Oklahoma, 470 U.S. 68 (1985) I'm a mental Health patient denied Legal Counsel; and Investigator at the letter that Michael Abner wrote clearly shows that they poured coffee on the Affidavit and he is not getting a Affidavit as his mail also is being damaged and withheld, tampered with.

SWORN TO AND SUBSCRIBED before me Affiant  
 On This 6<sup>th</sup> day of August 2012 1st Jody Lynn Ward, #300644  
 1st Sylvia Jones Jody Lynn Ward, #300644  
 Notary Public for South Carolina  
 MY COMMISSION EXPIRES 1/24/2018

# EXHIBIT C

Step 1 Grievance I filed on  
the Lieber Mail Personnel Ms.  
Sylvia Jones same one that  
notarized Exhibit B - Affidavit  
of Petitioner Jody Lynn Ward  
Pro Se litigator / Mental Health Patient

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
INMATE GRIEVANCE FORM

78

STEP 1

INMATE NAME: Jody Lynn Ward  
SCDC NUMBER: 300644  
INSTITUTION: Lieber Corr. Inst.  
HOUSING UNIT: Edisto B-29 / Mental Health  
WORK ASSIGNMENT: NONE

Office Use Only  
Grievance No. \_\_\_\_\_  
Code: General \_\_\_\_\_  
Policy \_\_\_\_\_  
Disc. Hear. \_\_\_\_\_  
Class. \_\_\_\_\_  
Date Received \_\_\_\_\_  
IGC Initials \_\_\_\_\_

STATE GRIEVANCE (Include documentation, and date of incident; if SCDC Policy, indicate which policy) My Uncle Rondie J. Ward mailed me an envelope which contained Affidavit to support my Motion For a New Trial S.C.R.Crim.P. Rule 29(b); and Ms. Jones at the Lieber mailroom has held my Affidavit a week now. It is legal mail and to hold my paperwork which supports that Motion has/and will deny my Access to the courts. I'm filing this as an Emergency Grievance as I need that Envelope for my case: 3003-GS-22-1030 & 1031 Affidavit that supports my motion for New Trial. I have a property interest and Rights Under Due Process of Law.

ACTION REQUESTED: I spoke with the mailroom personnel she said that she's the only 1 in the mailroom, and hasn't had time to look. That I be given my Affidavit and the Court to not hold me responsible for the delay. And to stop holding my mail denying me Access of Courts.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:  
I talked to my Unit Lt. King and she said she was going to talk to Ms. Jones at mailroom on Aug. 2<sup>nd</sup>, 2012; Talk to Ms. Jones at the mailroom on Aug. 3<sup>rd</sup> 2012 at 10:00 A.M. she said she's the only 1 in the mailroom and she would have to look for it later on.  
Jody Lynn Ward 8/3/12  
Grievant Signature Date

ACTION TAKEN BY IGC:

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

IGC Signature \_\_\_\_\_ Date \_\_\_\_\_

Grievant Signature \_\_\_\_\_ Date \_\_\_\_\_

# EXHIBIT D

Letter that I wrote to  
the Clerk of Court  
Mr. Keith Moore about Exhibit  
A - Rondie James Ward Affidavit  
And about legal Counsel.

Jody Lynn Ward, # 300644  
Lieber Corr. Inst. E-B-29  
P.O. Box 205  
Ridgeville, S.C. 29472

80

June 29, 2012

Georgetown County Clerk's Office  
Attn: Mr. Keith Moore, Clerk  
General Sessions Court Clerk  
P.O. Box 479  
Georgetown, S.C. 29442

RE: C/A No. 03-GS-22-1030 & 1031 / Jody Lynn Ward v. State of  
South Carolina status on Motion for Appointment of Counsel that's  
pending on Motion For New Trial Based on After Discovered Evidence  
Pursuant to S.C.R.Crim.P. Rule 29(b).

Dear Mr. Moore,

I'm writing to you in referenced to the above pending matter  
that was clocked-stamped filed on May 16, 2012. My uncle Rondie  
J. Ward said that he talked to you when he went down there to  
file his Affidavit where Michael Andrew Abner called him and told  
him that he payed my (2) alleged victims "Murder for Hire" and  
that you wouldn't file it but referred him to the public defenders  
office. Well as of this date I have heard nothing in referenced to

the above filing as to who my Attorney is that was Appointed by the Court. Well first thing my uncle's Affidavit is necessary because it supports my Motion. I need to know who my Attorney is at the public defenders office that he's suppose to take his Affidavit to. And also I have other Legal Documents to file in reference to the motion that supports it and I need a private investigator and the expert witnesses that I've requested in my Motion for expenditure of funds for investigative and expert services, Pursuant to §17-3-50(b) that's also pending before I go to a hearing on this matter. I thank you for all your time and help with this matter.

May God Bless You All Abundantly. [CERTIFICATE OF SERVICE]

I swear that on This 29<sup>th</sup> day of June, 2012 I have served the below named clerk of Court Mr. Keith Moore, General Sessions clerk with the above letter requesting Counsel Appointment and the disposition, by depositing it in the U.S. postal mail postage prepaid to the following below address. This letter is true to the best of my knowledge and belief sworn. (1) Georgetown County Clerk's Office

Attn: Mr. Keith Moore, Clerk  
P.O. Box 479

SWORN TO AND SUBSCRIBED before me  
On This 29 day of June, 2012 Georgetown, S.C. 29442

1st [Signature]  
Notary Public for South Carolina

MY COMMISSION EXPIRES 8/20/2016 Respectfully Submitted,

1st Jody Lynn Ward #300644  
Jody Lynn Ward, # 300644

# EXHIBIT E

Letter to Clerk of Court  
Ms. White about Appointment  
of Counsel to file Affidavit  
of Rondie James Ward since  
the clerk of Court refused  
to do it on 2 occasions.

Jody Lynn Ward, # 300644  
Lieber Corr. Inst. E-B-29  
P.O. Box 205  
Ridgeville, S.C. 29472

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July 9, 2012

Georgetown County Clerk's Office  
Attn: Ms. Alma Y. White, Clerk  
P.O. Box 479  
Georgetown S.C. 29442

RE: Jody Lynn Ward -vs- State of South Carolina  
c/A No. 03-GS-22-1030 & 1031 / Application for an  
Appointment of Public Defender

Dear Ms. White,

I am contacting you in referenced to the above matter. I filed on May 16, 2012; <sup>(1)</sup> Motion For a New Trial Based on after-discovered evidence; <sup>(2)</sup> Motion For Counsel; <sup>(3)</sup> And Motion For Investigator & expert services. Well I was told by Mr. Keith Moore that I had to contact the Public Defender's Office. Well to be honest I don't even know where that office would even be, I've been locked up 10 years now. If you will be so kind and forward this request to Public Defender's office or if you can send me an Application for Public Defender. I was under the impression that the clerk's office would Appoint Counsel pursuant to

my <sup>(1)</sup> Motion For Counsel Appointment / Indigent Funds Pursuant to § 17-3-10. I guess that under Special Appointment's as in my case the Court don't follow the South Carolina Code Ann. § 17-3-10. My uncle Rondie J. Ward has an Affidavit to file in My behalf, he was told that he couldn't file it and it supports my Motion For New Trial. I need Appointed Counsel and Investigator to collect all of the rest of my Evidence that I can not do from prison. Well I thank you for all your time and help with this matter. I look forward to hearing from you as soon as possible. May God Bless You All Abundantly.

Respectfully submitted,  
151 ~~Jody Lynn Ward, #300644~~  
Jody Lynn Ward, #300644  
Pro se Petitioner

Verbatim Copy / File



July 10, 2012

Jody Lynn Ward #300644  
Lieber CI E-B-29  
PO Box 205  
Ridgeville, SC 29472

In response to your request regarding:

- PCR Form Enclosed.
- Legal advice.* The Clerk of Court is prohibited from providing *legal advice*. Contact your attorney for assistance.
- Information from file(s).* Please contact a relative, friend or your attorney to research your case(s) and make copies at a minimum cost or you will have to supply this office with warrant numbers and/or indictment numbers and pay a \$15.00 charge, to be paid in advance, to research your files, and pay \$.25 per copy thereafter.
- Being relieved from your attorney. The Clerk of Court has no authority to relieve a Defendant of an attorney. A Circuit Court Judge must address this request.
- Correction(s) on *Sentencing Sheet*. The Clerk of Court has no authority to adjust or change information on a sentencing sheet. Please contact your attorney for legal advice.
- Forwarding information* to the Solicitor/attorneys/judges/etc. Your documents are being returned. The Clerk's office accepts no responsibility for forwarding information to a third party.
- Clocking and filing motions/documents etc.* Contact your attorney to properly file motions/documents/etc. [This is a Pro Se case. Your document(s) have been clocked and filed].
- A copy of a deposition(s).* Contact the attorney(s) involved in the case for copies.
- Expungement information/application* Contact the Solicitor's Office. **Solicitor's Office, PO Box 1688, Georgetown, SC 29442.**
- A detainer,* Contact the Solicitor's Office. **Solicitor's Office at PO Box 1688, Georgetown, SC 29442.**
- Information on the following *warrants(s)*: \_\_\_\_\_  
At this time, this office has no record of the warrant(s) in question. Contact the arresting agency.
- A copy of a transcript(s). You will need to contact the Court Reporter.
- Other/Comments: **Georgetown County Public Defender, PO Box 2898, Georgetown, SC 29442**

*Debbie Deuster*  
\_\_\_\_\_  
Georgetown County Court of General Sessions

# EXHIBIT F

Requested Witnesses to be  
present since I've been denied  
Due Process and Equal Protection.  
By the Clerk of Court for  
Georgetown County and the S.C.D.C.  
Lieber Mail Personnel Ms. Sylvia Jones

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GEORGETOWN ) FOR THE 15<sup>th</sup> JUDICIAL CIRCUIT

Jody Lynn Ward,  
Petitioner Pro se,

Indictment Case No.  
03-GS-22-1030 & 1031

vs.

State of South Carolina,  
Respondents,

REQUESTED WITNESS  
COURT TO SUBPOENA  
FOR EVIDENTIARY  
HEARING

On the Motion For New Trial Based on After Discovered Evidence Pursuant to: S.C.R.Crim. P. Rule 29(b) Petitioner herein Pro se request the following witnesses to be Subpoena for any Evidentiary hearing into this matter:

- 1.) Michael Andrew Abner [out-of-state witness]
- 2.) Rondie James Ward.
- 3.) Carol S. Ward
- 4.) Jessie Lynn Ward
- 5.) Ashton Jody Ward
- 6.) John Wesley Locklair, Esquire
- 7.) Margaret Ann Kneece, Esquire
- 8.) Investigator ; Expert witnesses

FILED  
CLERK OF COURT  
2012 JUL 19 PM 4:19

Jody Lynn Ward, # 300644  
Lieber Corr. Inst. E-B-29  
P.O. Box 205  
Ridgeville, S.C. 29472

88

July 16, 2012

Georgetown County Clerk of Courts Office  
Attn: Ms. Alma Y. White, Clerk  
P.O. Box 479  
Georgetown, S.C. 29442

FILED  
ALMA Y. WHITE  
CLERK OF COURT  
2012 JUL 19 PM 4: 19

RE: Notice to Clerk; court; and Solicitor of witnesses  
that need to be Summoned /suponias served before any  
hearings on Motion For New Trial SCRCrim.P Rule 29(b)  
C/A No. 03-GS-22-1030 & 1031

Dear Ms. White,

I am requesting that the following witnesses be Suponias  
served before any hearing on the above matter. Please File this.

- 1.) Michael Andrew Abner; Kentucky State Prison
- 2.) Rondie James Ward, 152 Bear Loop Gtown, S.C. 29440
- 3.) Carel S. Ward, 152 Bear Loop. Gtown, S.C. 29440
- 4.) Jessie Lynn Ward P.O. Box 933, Gtown, S.C. 29442
- 5.) Ashton Jody Ward, 335 Sir Fields st. Gtown S.C. 29440
- 6.) Wesley Locklair, Esquire Locklair & Locklair Attorneys at Law
- 7.) Margaret Ann Kneece, Esquire P.O. Box 3966 Pawleys Island  
S.C. 29585
- 8.) Investigator, & Expert witness (1.)

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GEORGETOWN ) FOR THE 15<sup>th</sup> JUDICIAL CIRCUIT

Jody Lynn Ward, ) Indictment Case No.  
Petitioner Pro, ) 03-GS-22-1030 & 1031

vs. )

State of South Carolina, )  
Respondent )

CERTIFICATE  
OF  
SERVICE

FILED  
CLERK OF COURT  
ALEXIA Y. WHITE

2012 JUL 19 PM 4:11

I hereby swear that the below named address was served on this 17<sup>th</sup> day of July, 2012. By placing the same in the U.S. Postal mail; Postage Prepaid.

(1) Requested witness Court to Subpona For Any Evidentiary Hearing; (2) Certificate of Service.

Georgetown County Solicitor's Office  
P.O. Box 1688  
Georgetown, S.C. 29442

Respectfully Submitted  
19 Jody Lynn Ward  
Jody Lynn Ward  
Petitioner Pro se

SWORN TO AND SUBSCRIBED before me

On This 17<sup>th</sup> day of July, 2012

151 Sylvia Jones  
Notary Public for South Carolina

MY COMMISSION EXPIRES: 1/24/2013




90

July 19, 2012

Jody Lynn Ward #300644  
Lieber CI E-B-29  
PO Box 205  
Ridgeville, SC 29472

In response to your request regarding:

- PCR Form Enclosed.
- Legal advice.* The Clerk of Court is prohibited from providing *legal advice*. Contact your attorney for assistance.
- Information from file(s).* Please contact a relative, friend or your attorney to research your case(s) and make copies at a minimum cost or you will have to supply this office with warrant numbers and/or indictment numbers and pay a \$15.00 charge, to be paid in advance, to research your files, and pay \$.25 per copy thereafter.
- Being relieved from your attorney. The Clerk of Court has no authority to relieve a Defendant of an attorney. A Circuit Court Judge must address this request.
- Correction(s) on *Sentencing Sheet*. The Clerk of Court has no authority to adjust or change information on a sentencing sheet. Please contact your attorney for legal advice.
- Forwarding information* to the Solicitor/attorneys/judges/etc. Your documents are being returned. The Clerk's office accepts no responsibility for forwarding information to a third party.
- Clocking and filing motions/documents etc.* Contact your attorney to properly file motions/documents/etc. [This is a Pro Se case. Your document(s) have been clocked and filed].
- A copy of a deposition(s).* Contact the attorney(s) involved in the case for copies.
- Expungement information/application* Contact the Solicitor's Office. Solicitor's Office, PO Box 1688, Georgetown, SC 29442.
- A detainer,* Contact the Solicitor's Office. Solicitor's Office at PO Box 1688, Georgetown, SC 29442.
- Information on the following *warrant(s)*; \_\_\_\_\_  
At this time, this office has no record of the warrant(s) in question. Contact the arresting agency.
- A copy of a transcript(s). You will need to contact the Court Reporter.
- Other/Comments:

  
\_\_\_\_\_  
Georgetown County Court of General Sessions

# EXHIBIT G

Order of Transportation I  
prepared so I would be taken  
in front of a Judge and tell  
about Equal Protection violation &  
Due Process Violated to hear me  
and Order Counsel and Investigator  
to collect Evidence I'm being denied  
to File. See: Exhibit A - Fortior Exhibit C  
To Motion For New Trial on After-Discovery  
Evidence

Jody Lynn Ward, # 300644  
Lieber Correctional Inst. E-B-29  
P.O. Box 205  
Ridgeville, S.C. 29472

92

July 11, 2012

FILED  
ALMA Y. WHITE  
CLERK OF COURT  
2012 JUL 16 AM 10:33  
GEOGETOWN COUNTY S.C.

Georgetown County Clerk's Office

Attn: Ms. Alma Y. White, clerk

P.O. Box 479

Georgetown, S.C. 29442

RE: Order of Transportation / Motion's hearing / C/A No. 03-GS-22-1030-1031

- (1) Motion for Appointment of Counsel / Indigent Funds Pursuant to § 17-3-10
- (2) Motion for Expenditure of Funds Pursuant to § 17-3-50(b) for investigative and expert services Pending since May 16, 2012.

Dear Ms. White,

Please find here an Original Court's copy to be file clock-stamped of the above referenced matter. Please be so kind, since we are on a lock-down and send me a clocked stamp copy back for my files in the envelope provided. I thank you for all your time and help with this matter. May God Bless You All Abundantly.

I AM,

Sincerely yours,

/s/ Jody Lynn Ward, # 300644

Jody Lynn Ward, # 300644  
Petitioner Pro se

verbatim copy / File



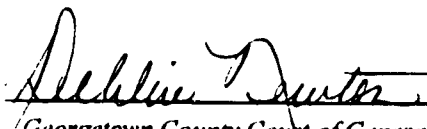
93

July 16, 2012

Jody Lynn Ward #300644  
Lieber CI E-B-29  
PO Box 205  
Ridgeville, SC 29472

In response to your request regarding:

- PCR Form Enclosed.
- Legal advice.* The Clerk of Court is prohibited from providing *legal advice*. Contact your attorney for assistance.
- Information from file(s).* Please contact a relative, friend or your attorney to research your case(s) and make copies at a minimum cost or you will have to supply this office with warrant numbers and/or indictment numbers and pay a \$15.00 charge, to be paid in advance, to research your files, and pay \$.25 per copy thereafter.
- Being relieved from your attorney. The Clerk of Court has no authority to relieve a Defendant of an attorney. A Circuit Court Judge must address this request.
- Correction(s) on *Sentencing Sheet*. The Clerk of Court has no authority to adjust or change information on a sentencing sheet. Please contact your attorney for legal advice.
- Forwarding information* to the Solicitor/attorneys/judges/etc. Your documents are being returned. The Clerk's office accepts no responsibility for forwarding information to a third party.
- Clocking and filing motions/documents etc.* Contact your attorney to properly file motions/documents/etc. [This is a Pro Se case. Your document(s) have been clocked and filed].
- A copy of a deposition(s).* Contact the attorney(s) involved in the case for copies.
- Expungement information/application.* Contact the Solicitor's Office. Solicitor's Office, PO Box 1688, Georgetown, SC 29442.
- A detainer,* Contact the Solicitor's Office. Solicitor's Office at PO Box 1688, Georgetown, SC 29442.
- Information on the following *warrant(s)*; \_\_\_\_\_  
At this time, this office has no record of the warrant(s) in question. Contact the arresting agency.
- A copy of a transcript(s). You will need to contact the Court Reporter.
- Other/Comments:



Georgetown County Court of General Sessions

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GEORGETOWN ) FOR THE FIFTEENTH JUDICIAL CIRCUIT

Jody Lynn Ward, # 300644 ) C/A No. 03-GS-22-1030 & 1031

Petitioner Pro se, )

v. ) ORDER OF TRANSPORTATION

State of South Carolina )

Respondent )

It appears that the Petitioner Pro se presence is needed for a Motion's Hearing to hear (1) Motion For Appointment of Counsel/Indigent Funds Pursuant to § 17-3-10; (2) Motion For Expenditure of Funds Pursuant to § 17-3-50(b) for investigative and expert services. At the Georgetown County Judicial Center on the \_\_\_\_\_ day of \_\_\_\_\_ 2012, and the Petitioner is incarcerated at Lieber Correctional Institution.

IT IS THEREFORE ORDERED, that the Department of Corrections make arrangements to transport the Petitioner to the Georgetown County Judicial Center; General Sessions Court no later than (time) \_\_\_\_\_ on (Date) \_\_\_\_\_ (Month) \_\_\_\_\_, 2012, and deliver him back to Lieber Correctional Institution after all hearings are over.

/s/ \_\_\_\_\_

Georgetown, South Carolina

General Sessions Judge

Date: \_\_\_\_\_, 2012



95

State of South Carolina  
The Circuit Court of the Fifteenth Judicial Circuit

Benjamin H. Culbertson  
Resident Circuit Judge

P. O. Box 479 (zip code 29442)  
401 Cleland St. (zip code 29440)  
Georgetown, South Carolina  
Telephone: (843) 545-3030  
Facsimile: (843) 545-3282  
Email: bculbertson@sccourts.org

July 31, 2012

Jody Lynn Ward, #300644  
Lieber Correctional Institute, E-B-29  
Post Office Box 205  
Ridgeville, SC 29472

RE: *State v. Ward*  
Case Nos.: 2003-GS-22-1030  
2003-GS-22-1031

Dear Mr. Ward:

I return to you, unsigned, the proposed Order Of Transportation submitted in the above referenced cases for the following reason(s):

- does not comply with S. C. Code Annotated section(s) \_\_\_\_\_;
- does not comply with Rule(s) \_\_\_\_\_, SCRCP;
- Form 4 required in addition to the proposed order;
- motion, motion coversheet and motion fee required;
- hearing required;
- consent signature of \_\_\_\_\_ is required;
- without consent signature(s), a formal hearing is required;
- a different order, attached hereto, was issued by the court;
- file the order signed by the judge;
- serve a copy of the signed order on the attorneys and *pro se* parties in this case;
- other: No hearings are scheduled in these cases.

With kindest regards, I remain

Very truly yours,

  
Benjamin H. Culbertson

BHC/bhc  
Enclosure (a/s)  
pc: Scott Hixson, Assistant Solicitor

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSION  
COUNTY OF GEORGETOWN ) FOR THE 15<sup>TH</sup> JUDICIAL CIRCUIT

Jody Lynn Ward, # 300644 ) C/A No. 03-GS-22-1030 & 1031

Petitioner,

vs.

State of South Carolina

CERTIFICATE  
OF  
SERVIC

FILED  
GEORGETOWN COUNTY, S.C.  
2012 AUG 13 PM 3:18  
ALICIA Y. WHITE  
CLERK OF COURT

I hereby certify that I have served a true copy on the below named parties by placing the same in the U.S. Postal Mail; postage prepaid on This 9<sup>th</sup> day of August, 2012, (1) cover letter; copy of the Order of Denial; along with Attachment & to Motion to Reconsideration Exhibit A; its also been filed today also by certified greencard return receipt. This is Attachment Exhibits A; C; D; E; F; G.

SWORN TO AND SUBSCRIBED before me

On This 9<sup>th</sup> day of August, 2012

1/1 Sybil Jones

Notary Public for South Carolina

MY COMMISSION EXPIRES

11/24/2013

1) Georgetown County Clerk & Honorable Benjamin Culberts P.O. Box 479 Georgetown S.C. 29442

2) Mr. Scott Hixson, Solicitor Georgetown County Solicitor P.O. Box 1688 Georgetown, S.C. 29442

Respectfully Submitted,

1/1 Jody L. Ward

Attachment to Motion For Reconsideration  
On denial of Motion For New Trial Based on After-  
Discovered Evidence

# FORTIOR EXHIBIT H

Clerk of Court Employee Ms. Jennifer Lawrence  
signed a Petition to have my 3<sup>rd</sup> Bond hearing  
denied see: signature on # 35 signed on or about  
Sept. 22, 2003.

\* Georgetown County Clerk Jennifer Lawrence

Note: She is the same one that would not file  
my uncle Rondie J. Ward Affidavit that supports my  
Motion For New Trial. see: Signature at the  
very same one that Notarized Rondie J. Ward Affidavit  
on July 23, 2012 8 days before the Honorable Court denied it.

To Whom It May Concern:

On the 22<sup>nd</sup> of September, Jody Ward, who is currently in jail and awaiting trial for the murders of Elton Rutledge Jr. and Wilfred Wescott Brown, is scheduled for a third bond hearing. The first and second hearings did not result in bond reduction! We, the undersigned, strongly believe that there should not be a third bond hearing, due to the serious and extreme nature of the charges!!!

Name (Please Print)	Signature
1. <u>Jimmy Young</u>	<u>Jimmy Young</u>
2. <u>Golden Bloom</u>	<u>Golden Bloom</u>
3. <u>Ollie B. Walker</u>	<u>OLLIE B. WALKER</u>
4. <u>Adessa J Davis</u>	<u>Adessa Davis</u>
5. <u>AL Meliswright</u>	<u>Alma Wright</u>
6. <u>Ethel King</u>	<u>ETHEL KING</u>
7. <u>Sadie Wallace</u>	<u>SADIE WALLACE</u>
8. <u>Julia Linn</u>	<u>Julie Linn</u>
9. <u>Margie Linn</u>	<u>MARGIE LINN</u>
10. <u>Evelyn Holmes</u>	<u>Evelyn Holmes</u>
11. <u>King Holmes</u>	<u>King Holmes</u>
12. <u>CHUCK GRATE</u>	<u>Chuck Grate</u>
13. <u>Ellie Bell Grate</u>	<u>Ellie Bell Grate</u>
14. <u>Ruth B Holmes</u>	<u>Ruth B Holmes</u>
15. <u>Hank Holmes</u>	<u>Hank Holmes</u>
16. <u>Rebecca Holmes</u>	<u>Rebecca Holmes</u>
17. <u>Barbara Lawson</u>	<u>Barbara Lawson</u>
18. <u>Karen Allen</u>	<u>Karen Allen</u>
19. <u>Reginald Priest</u>	<u>Reginald Priest</u>

- 20. Paul Drayton
- 21. Olivia Deas
- 22. Peggy M. Smith
- 23. Emily Woodberry
- 24. Ervin Woodberry
- 25. Alfred Gustafson
- 26. Barbara Brunson
- 27. Rosa Smith
- 28. Thomas Smith
- 29. Patricia Brown
- 30. Darren E. Brown
- 31. Lisa Wracc
- 32. Joseph Wracc
- 33. Demond Lawrence
- 34. ROBERT JOHN
- 35. Jennifer Lawrence
- 36. GUEN REID
- 37. ROBERT REID
- 38. Kenneth L Wright
- 39. Suzana Doreen
- 40. Nickole Young
- 41. Andrew J Brown
- 42. Julia R Brown
- 43. John R Grant
- 44. Levern Deas

- Paul Drayton
- Olivia Deas
- Peggy M. Smith
- Emily Woodberry
- Ervin Woodberry
- Alfred Gustafson
- Barbara Brunson
- Rosa Smith
- Thomas Smith
- Patricia Brown
- Darren E. Brown
- Lisa Wracc
- Joseph Wracc
- Demond Lawrence
- Robert John
- Jennifer Lawrence
- Guen Reid
- Robert Reid
- Kenneth L Wright
- Suzana Doreen
- Nickole Young
- Andrew J Brown
- Julia R Brown
- John R Grant
- Levern Deas

44. Richard A. Geathers

Richard A. Geathers

45. Mary L. Davis

Mary L. Davis

46. MARINE G. Geathers

Marine G. Geathers

47. PAMELA BLAKE

pamela Blake

48. Alicia Lawrence

Alicia Lawrence

49. Jill Dens

~~Jill Dens~~

50. Brenda Collins

Brenda Collins

Zona Holmes

~~Zona Holmes~~

Wanda Walker

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2012-213222

The State of South Carolina,.....Respondent.

v.

Jody Lynn Ward, #300644,.....Appellant.

RECORD ON APPEAL

PAGES 101 - 155

Jody Lynn Ward, #300644  
Lieber Corr. Inst. E-B-29  
P.O. BOX 205  
Ridgeville, S.C. 29472  
Appellant Pro Se,

Attorney General of S.C.  
Ms. Salley W. Elliott, A.G.  
P.O. BOX 11549  
Columbia, S.C. 29211-1549  
Attorney for Respondents,

General Sessions

Clerk : Alma Y. White  
P. O. Box 479  
Georgetown, SC 29442  
(843) 545-3037

101

Received From: Rondie Ward

Date : 7/23/2012

Paying for: Rondie Ward,

RECEIPT # 38004  
Clerk: c22dnewton

Payment Type: Cash \$0.50

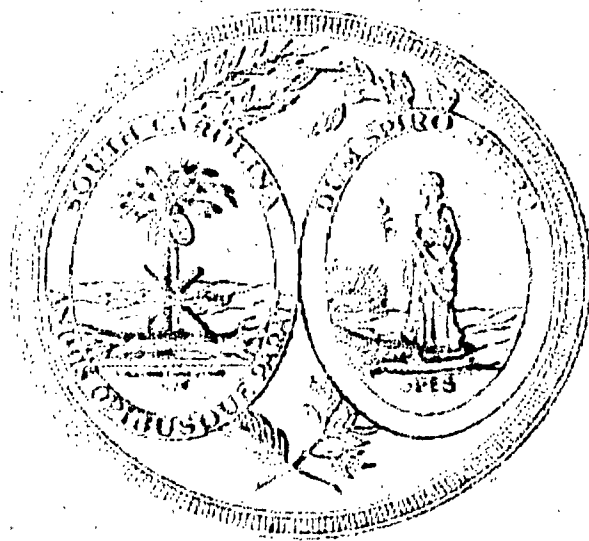
Reference #

Total Paid 0.50

Comment: Notarized Signature

Total Received \$0.50  
Change Due \$0.00

FILED  
CLERK OF COURT  
2012 AUG 13 PM 3:21



Jodie Ward

Case # 03GS22

1030 & 1031 Pending motion for new trial based on after discovered evidence.

Forces Exhibit G

FILED  
CLERK OF COURT  
2012 AUG 13 PM 3:21  
JENNIFER M. FORTUNE

July 23, 2012

I Rondie J. Ward to the best of my knowledge did speak with Michael Cabrera at my home of 152 Bear Loop, Georgetown

Michael called late one night and told me that he and Jodie had gotten into a fight at the railroad tracks and me ~~was~~ there. And Michael told me that he paid them boys to beat Jodie.

And this is all I know about the whole case.

Rondie J. Ward  
7-23-12

Rondie J. Ward  
7-23-12

Sworn to before me this  
23rd day of July, 2012.

Jennifer M. Fortune  
NOTARY PUBLIC FOR SOUTH CAROLINA

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF GEORGETOWN ) FOR THE 15<sup>th</sup> JUDICIAL CIRCUIT  
)

Jody Lynn Ward, # 300644 ) C/A No. 03-GS-22-10302 1031  
Pro Se Petitioner, )

vs. ) CERTIFICATE

State of South Carolina, ) OF  
Respondent ) SERVICE  
)

I hereby certify that I have served a true copy on the below named Parties by placing the same in the U.S. Postal mail; Postage Prepaid on This 30<sup>th</sup> day of August, 2012. (1) Portion Exhibit H- attachment to Motion for Reconsideration; (2) certificate of service

1.) Honorable Benjamin Culbertson  
P.O. Box 479  
Georgetown, S.C. 29442

3.) Georgetown County Solicitor  
Attn: Mr. Scott Hixson  
P.O. Box 1688  
Georgetown, S.C. 29442

2.) Georgetown County Clerk's Office  
Attn: Ms. Alma Y. White, Clerk  
P.O. Box 479  
Georgetown, S.C. 29442

SWORN TO AND SUBSCRIBED before me

On This \_\_\_ day of \_\_\_\_\_, 2012

/s/ Refuse to sign

Respectfully Submitted,

Notary Public For South Carolina

/s/ Jody Lynn Ward #300644  
Jody Lynn Ward, # 300644  
Pro Se Petitioner

MY COMM. EXPIRES: \_\_\_\_\_

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
 COUNTY OF GEORGETOWN ) FOR THE 15<sup>th</sup> JUDICIAL CIRCUIT

Jody Lynn Ward, #300644

Petitioner,

vs.

State of South Carolina

Respondent

---

Indictment Case No.:

03-GS-22-10308 1031

) MOTION TO ARREST OF  
 ) JUDGMENT / ORDER  
 ) DENYING MOTION FOR  
 ) NEW TRIAL, MOTION FOR  
 ) APPOINTMENT OF COUNSEL  
 ) AND MOTION FOR EXPENSES  
 ) FOR EXPERT WITNESS

Petitioner herein moves before the Court Motion to Arrest of Judgment / Order denying motion For New Trial based on after-discovered evidence SCRCrim.P Rule 29(b); Motion for appointment of Counsel; and Motion For Expenses for investigator / Expert witness, based on the following reasons and allegation. See hereto attached copy of order; and copy of Petition signed by clerk of Court Mrs. Jennifer Lawrence <sup>#</sup>[35.] to deny Petitioners third bond hearing; also see attached affidavit of Rondie Ward signed and notarized on July 23, 2017; 8 days before Order was denying Motion for New Trial, this was also signed Notarized by

Ms. Jennifer Lawrence which I have highlighted signature as proof of Conflict of Interest within the Clerk's Office as a duty. It's clear Due Process was violated by Clerk Ms. Jennifer Lawrence misconduct in office. See also a Complaint filed against Ms. Jennifer Lawrence with the South Carolina Supreme Court disciplinary Counsel / Public office. I'm a pro se litigant and was awaiting counsel and the Affidavit clearly states as follows: Michael told me that he paid them boys to Kill Jody

The affidavit had Name; Case No; Pending Motion for New Trial based on after-discovered evidence Fortior Exhibit G which clearly supported Motion For New Trial and it's a denial of access to the Courts; Conflict of Interest; Misconduct in office. It's clear that if Ms. Jennifer Lawrence wanted to keep me in jail then she's abusing her authority as a Public official clerk of Court to file my paperwork then she wanting to keep me in Prison. I'm asking the Court to take this in Consideration Grant this Motion And Grant Motion For Counsel; Motion For New Trial Motion For Expert Funds and/or call this case for an Evidentiary Hearing as a Matter of Right & Law.

Arrest of Judgment - The staying of a judgment after its entry; esp., a court's refusal to render or enforce a judgment because of a defect apparent from the record.

see: Blacks Law Dictionary.

Pursuant to Miller v. State, 377 S.C. 99 (2008) wherein our Supreme Court explicitly held that a clerk of Court has the ministerial duty to verify the petition/document contains a case caption, a proper county designation. The clerk of Court's duty is not discretionary, and Clerk should [not construe] a petition / Affidavit. It is not within the Clerks authority to refuse to perform the duty, no matter if she does not like the Petitioner; upon information & belief Ms. Lawrence is related to alleged victims.

see: Fortior Exhibit A - Order denying Motion For New Trial, Motion For Appointment of Counsel, and Motion For expenses.

see: Fortior Exhibit B - Affidavit of Rondie Ward dated July 23, 2012 Notarized by Jennifer M. Lawrence clerk

see: Fortior Exhibit C - Petition signed # 35 by Ms. Jennifer Lawrence clerk of Court to keep me in jail on my 3rd Bond hearing, dated<sup>3</sup>. sept. 22, 2003.

see: Fortior Exhibit D - Complaint filed against Ms. Jennifer M. Lawrence with the S.C. Supreme Court disciplinary Counsel and Public officials.

Wherefore, for all the reasons stated Petitioner herein request an Evidentiary Hearing; Appointment of Legal Counsel; Investigator Funds and Expert witnesses to better prepare this case. This Affidavit of Rondie Ward clearly corroborates admission that Michael A. Abner told him that he paid them boys to kill me.

Further Petitioner ask that Arrest of Judgment Order Denying Motion For New Trial based on After Discovered Evidence Pursuant to S.C.R.Crim. P. Rule 29(b). And Grant Motion For Reconsideration And call this case for Evidentiary Hearing for oral Arguments. Note: Respondents has abandoned / failed to even answer Motion For New Trial.

Respectfully Submitted,  
/s/ Jody Lynn Ward  
Jody Lynn Ward

FORTIOR  
EXHIBIT  
A

Order Denying Motion For New Trial,  
Motion For Appointment of Counsel and Motion  
For Expenses