

FORM 14 DESIGNATIO OF MATTER TO BE INCLUDED IN THE  
RECORD OF APPEALS

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
JUL 01 2024  
SC Court of Appeals

Robert Earl Dillard,  
Appellate,

APPELLATE HAS INCLUDE THE  
FOLLOWING ON REPLY OJECTION  
TO THE RESPONDENT INITIAL  
BRIEF AND DESIGNATION OF  
MATTER BRIEF ON RECORD ON  
APPEALS

v.

State of South Carolina  
Respondent,

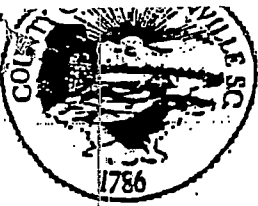
Petitioner Request this Court to Consture his Pleading Liberally  
and not beheld to lawyer's standards, citted in Haines v. Kerner  
404 U.S. 519, The Petitioner Filed the following in the Reply  
Motion Appeal to the Court;

- 1, Letter Dated January 12, 2006.
- 2, Calander fron Sumpreme Court for the term Court.
- 3, Greenville News Letter Dated January 15, 2002.
- 4, Letter Dated January 17, 2001. from Jinny Morgan G.D.C.
- 5 Arrest & Detention Released Records.
- 6, James Flecter Simpson Record.
- 7, Exhibits
- 8, Reasonable Doubt Standard.
- 9 Judges Order & date
- 10, Court of Appeals, Granted to proceed in forma Pauperiss.
- 11 Court of Appeals Order's
- 12, No Presentment of a Indictment on November 17, 1994 term of Court.

I Robert Earl Dillard #220045 Certify & Verify under Penalty of  
Perjury that the Following is True and Correct.

date 6-24 2024.

  
Robert Earl Dillard #220045



# County of Greenville

"...At Your Service"

712

DEPARTMENT OF COMMUNITY SERVICES  
James M. Dorriety, Assistant County Administrator

Detention, Emergency Medical Services,  
Forensics and Records Management Services  
Office (864) 467-5082

January 17, 2001

Robert Earl Dillard #220045  
Perry Correction Institute  
430 Oaklawn Road Q-3-B-121  
Pelzer, SC 29669

2013-CP-39-128

2013 FEB - 5 AM 11:11  
CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

RE: FOIA Request (Received 12/27/00)

Dear Mr. Dillard:

We have received your letter requesting arrest and detention records under the South Carolina Freedom of Information Act (FOIA) on James Fletcher Simpson. Described below are the records you requested and I address each individual item separately.

1. Arrest and detention release records.

These records can be released under FOIA.

2. Date of a Bond Hearing by a Judge.

We do not maintain this information, as it is not part of the booking and arrest records. The Clerk of Courts office or the Judge's office may have the information.

The South Carolina Freedom of Information Act, Section 30-4-30 (b) states in part, "the public body may establish and collect fees...and it also states that documents may be furnished when appropriate without charge or a reduced charge." Greenville County Council chose to and approved a county ordinance (Number 3011) establishing fees for the research and copying of arrest, booking, medical, and other law enforcement records. Our fees will not be waived or reduced. The fee for each record is \$6.00. You are requesting for one booking/arrest record and the fee is \$6.00. I have enclosed a copy of the computer screen that reflects the booking date and the release date. Please forward a money order (\$6.00) made payable to Greenville County and we will mail you the record.

Please be advised we are providing you with notification of your request within the fifteen-day (workdays, excluding holidays) requirement period. Upon receipt of payment, the records will be mailed to you.

Sincerely,

Jinny Moran  
Records Manager



Inmate 102853 SIMPSON, JAMES FLETCHER  
Sex M Race B DOB 10/25/1956 Booked 11/25/1992 Cell  
Addr [REDACTED] C GREENVILLE

NOT SENT INACTIVE  
NxtScr  
S SC Z 29611 713

HgtIn 507 WgtIn 168 Booked Date 11/25/1992 Time 05:45  
Out 507 Out 168 Released Date 04/19/1993 Time 20:42  
Estimated Date  
Release Judge EPPES/BARTLETT  
Release Off-> P AK C CPL J HUBI S  
Released Where? O

Release Reason: REL.AGENCY: STRT REL.REC.DT:  
REL.REC.TM: ADJ.REL.DT: OPID: D07  
TIME SERVED/DISMISED/PROBATION

Canteen Bal 0.00 Cash Amt Pd 0.00 Check Amt Pd 0.00  
96=RP 97=RC 98=RS

Command ==>  
F1=Help F2=Short Help F3=Exit F5=Refresh F7=Backwards F9=Find F12=Popup



- Home
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- USC
- Furman
- Auto racing
- High schools
- Outdoors
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- Weddings
- City People
- Nation/World
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Posted Tuesday, January 15, 2002 - 11:28 pm

[e-mail this story to a friend](#)

### Solicitor drops two murder cases after witness lies on stand

By John Boyanoski

STAFF WRITER

[jboyan@greenvilleanews.com](mailto:jboyan@greenvilleanews.com)

After the prosecution's only witness to a 1998 murder was found to have lied on the witness stand, the 13th Circuit Solicitor's Office dropped the case against two men Tuesday accused of the crime.

The murder trial of Calvin Rico Rosemond, formerly of 300 Furman Hall Road, was charged in the death of James J. Chattman, 25, of 113 Norwood St., who died from a gunshot blast to the head on the morning of Nov. 12, 1998.

A witness said Monday that he saw Rosemond at the murder scene, but under cross-examination, defense attorney Symmes Culbertson showed evidence that the witness was in jail at the time.

"I had been down to talk to him and off-hand said he had been in jail," Culbertson said. "We looked into it and we brought that out."

On Tuesday, Rosemond's charges were dropped as were the charges against Asim Clement, who was arrested along with Rosemond in April 2000. Both cases were based on the witnesses' statements.

Solicitor Bob Ariail said the man was the sole eyewitness in the case, and gave a very detailed description of the shooting. After working through the night to verify the man's jail records, the prosecution asked for a direct verdict Tuesday morning which ended the case.

"We felt that his credibility, our credibility and the credibility of the case before the jury was damaged and the right thing to do was dismiss the charges," Ariail said. "If we had known this ahead of time, this would not have gotten this far."

Ariail said it is not common practice for his office to verify an eyewitnesses' whereabouts, unless contested. He said investigators did know the man had a criminal record, but initial research did not show he was in jail at the time.

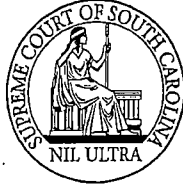
Ariail couldn't say why the witness lied to authorities, but added his office is investigating bringing charges against him for lying on the witness stand.

*John Boyanoski covers crime and courts. He can be reached at 298-4065.*

000001

(A) -3

15



**South Carolina Court Administration**  
South Carolina Supreme Court  
Columbia, South Carolina

ROSALYN FRIERSON  
DIRECTOR

MOTTE L. TALLEY  
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1015 SUMTER STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1800  
FAX: (803) 734-0269  
E-MAIL: mtalley@scjd.state.sc.us

January 12, 2006

Mr. Robert Earl Dillard #220045  
Perry Correctional Institution, Q-3-13-121  
430 Oaklawn Rd.  
Pelzer SC 29669

Dear Mr. Dillard:

I have received your letter asking for the terms of court for the months of November and December 1994 for Greenville and Pickens Counties.

Please find enclosed the information you requested.

Sincerely,

Stephanie O'Neal

SO  
Enclosure

EXHIBIT

B-4  
16

TERMS OF CIRCUIT COURT

NOVEMBER 1994

7

14

21

28

|  |   |   |  |   |  |
|--|---|---|--|---|--|
| <p>10TH CIRCUIT</p> <p><i>Ab-2<br/>CP-1,2<br/>CPNS-1,2<br/>4.6 ✓</i></p> | <p>Anderson CPV <sup>2.4</sup><br/>Anderson CPV ✓</p>   | <p>Oconee GS <sup>1.2</sup><br/><i>Anderson CPNS 17,18 ✓</i></p>  | <p><i>Oconee CPNS 22 ✓</i></p>                                       | <p>Anderson GS ✓</p>  |  |
| <p>11TH CIRCUIT</p> <p><i>Ab-3<br/>CP-1,2<br/>CPNS-1<br/>4 ✓</i></p>     | <p>Lexington CPV <sup>3</sup><br/>Lexington GS ✓</p>  | <p>11th Cir. CPNJ <sup>1</sup><br/><del>Lexington CP</del><br/>Edgefield GS ✓</p>                         |  | <p>Saluda CPV <sup>1</sup><br/>Lexington GS ✓</p>                         |  |
| <p>12TH CIRCUIT</p> <p><i>Ab-3<br/>CP-1,2<br/>CPNS-1,2<br/>5.8 ✓</i></p> | <p>Florence GS <sup>3.8</sup><br/>Florence GS ✓</p>   | <p>12th Cir. CPNJ <sup>1</sup><br/><del>Marion CP</del></p>   | <p><i>Florence CP 21 ✓</i><br/><i>Florence CPNS 21, 22, 23 ✓</i></p> | <p>Florence CPV<br/>Marion GS ✓ <sup>1</sup></p>                          |  |
| <p>13TH CIRCUIT</p> <p><i>Ab-5<br/>CP-1<br/>CPNS-1,2<br/>11.4 ✓</i></p>  | <p>Greenville CP <sup>11</sup><br/>Greenville GS ✓<br/>Greenville GS ✓<br/><del>Greenville GS</del><br/><i>Pickens CPNS-3 ✓</i></p> | <p>13th Cir. CPNJ<br/>Pickens CP ✓<br/>Greenville GS ✓<br/>Greenville GS ✓<br/><i>Greenville CP ✓</i></p> | <p><i>Greenville CPNS 29, 30 ✓</i></p>                               | <p>13th Cir. CPNJ <sup>1.4</sup><br/>Greenville CP ✓<br/>Pickens GS ✓</p> |  |
| <p>14TH CIRCUIT</p>  | <p><del>...</del></p>   | <p><del>...</del></p>   | <p><i>...</i></p>  | <p>Colleton CP ✓</p>  |  |

EXHIBIT

(B)-5

TERMS OF CIRCUIT COURT

DECEMBER 1994

5

12

19

26

|              |   |  |  |  |  |
|--------------|---|--|--|--|--|
| 10TH CIRCUIT | <input checked="" type="checkbox"/> Oconee CP 1<br><input checked="" type="checkbox"/> Anderson GS 2  | <input checked="" type="checkbox"/> 10th Cir. CPNJ-PC 1<br><input checked="" type="checkbox"/> Anderson CP   | <del>Anderson CPNJ (PC)</del>  |  |  |
| 11TH CIRCUIT | <input checked="" type="checkbox"/> Lexington CP<br><input checked="" type="checkbox"/> Lexington GS 3, 6   | <input checked="" type="checkbox"/> Lexington CP<br><input checked="" type="checkbox"/> Lexington GS   | <input checked="" type="checkbox"/> Lexington CPNJ 19, 20, 21<br><input checked="" type="checkbox"/> Edgefield CPNJ 28 |  |  |
| 12TH CIRCUIT | <input checked="" type="checkbox"/> Florence CP 1<br><input checked="" type="checkbox"/> Marion GS 1  | <input checked="" type="checkbox"/> 12th Cir. GPNJ 1   |  |  |  |
| 13TH CIRCUIT | <input checked="" type="checkbox"/> Greenville CPNJ 5, 6, 7<br><input checked="" type="checkbox"/> Greenville GS<br><input checked="" type="checkbox"/> Greenville GS<br><input checked="" type="checkbox"/> Greenville GS<br><input checked="" type="checkbox"/> 13th Cir. CPNJ-PC 2 | <input checked="" type="checkbox"/> 13th Cir. CPNJ<br><input checked="" type="checkbox"/> Pickens CP 1<br><input checked="" type="checkbox"/> Greenville GS<br><input checked="" type="checkbox"/> Greenville GS | <input checked="" type="checkbox"/> Greenville CPNJ 19<br><input checked="" type="checkbox"/> Greenville AW 19, 20     |  |  |
| 14TH CIRCUIT | <input checked="" type="checkbox"/> Beaufort GS 1, 6  | <input checked="" type="checkbox"/> Hampton CP 1   | <input checked="" type="checkbox"/> Ed. A. L. BENT 19, 21  |  |  |

EXHIBIT

B-6

FORM 14 DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEALS

IN THE STATE OF SOUTH CAROLINA  
THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY  
COURT OF COMMON PLEAS  
PERRY GRAVELY, CHIEF ADMINISTRATIVE  
JUDGE-GENERAL SESSIONS

Caseno.2022-000972/2022-CP-39-00680

**RECEIVED**  
JUL 01 2024  
SC Court of Appeals

Robert Earl Dillard,.....Appellate,

v.

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

DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL

Appellate Prppose the Following be included in the on appeal;

- 1,Order of June 7, 2022.
- 2)Order of October 17, 2022.
- 3Greenville News Letter Dated Jan, 15, 2002.
- 4Letterfrom Jinny Morgan, G.D.C. Jan. 17, 2001
- Arrest/Detention Release Records
- 6 James Fletcher Simpson Records.
- 7Exhibits.
- 8Reasonable Doubt Standard.
- 9Calendar November 17, 1994. Term of Court.
- Letter dated Jan 12, 2006
- 10 no indictment.

I hereby Certify that this Designation of matter contains  
nothing Which is irrelevant to the appeal.

date 6-24 2024.

  
Robert Earl Dillard#220045

**RECEIVED**  
JUL 01 2024  
SC Court of Appeals

COVER-SHEET

APPELLATE OBJECTION REPLY TO THE STATE INITIAL BRIEF  
AND DESIGNATION OF MATTER BRIEF.  
RULE 267 Appellate court RULE  
RECORD ON APPEAL

INDEX

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QUESTION PRESENTED

RECORD ON APPEALS

WHETHER Appellant was Granted to proceed in forma pauperis  
by the court of Appeals on his merits.

STANDARD OF REVIEW

THIS COURT OF APPEALS has found that an order denying a request for informa papuperis status to allow filing without payment of cost was Granted on september 2, 2022.

Appellant, Robert Earl Dillard#220045. file a 59 (e) motion to Appeals the order of the honorable Perry G, Gravely, dated June 7, 2022. appellate received written notice of order denying of an pleading order dated on June 14, 2022. see exhibit of court of Appeals order granted to proceed informa papuperis to the Appellant's dated on september 2, 2022. and court of Appeals order dated october 17, 2022. to file Appellant's initial brief and Designation of matter is Granted, and filed on January 18, 2023.

see exhibit order, and page (10) of the Respondent brief.

80. criminal proceeding vi due process of Law.

The court has also held that when an appeals is Granted, to an accused in a criminal proceeding a due process right to that appeals is created. See Order Granted in Form Pauperis Exhibit [1]

our standard of review in PCR cases depend on the specific issue before(US). [WE defer to a PCR courts findings of fact and will uphold them if there is evidence in the record to support them, small v. state, 422 S.C. 174 180, 810 S.E.2d 836, 839 (2018). Appeals court will reverse the lower court's decision if it is controlled by an error of law! milledge v. state, 422 S.C.366,374 811 S.E.2d 796,800 (2018). WE, review questions of trial court's small, 422 S.C. at 180-81 810 S.E.2d at 839 (footnote omitted.

ARGUMENT

[WE] an indigent files motion to proceed in forma pauperis pursuant to Rule 18.5. The court of appeals has found that an order for the request for to proceed in forma pauperis status to allow appellant to filing without payment of cost. in conjunction, the south carolina supreme court has held that anytime criminal procedures discriminate against a petitioner by reason of their indigent status, such procedures violate the guarantee of equal protection where the indigent petitioner is subjected to a process which is not required of a non-indigent petitioner, then the process become invidiously discriminatory and violative of equal protection expart Lexington county, v. state 442, S.E.2d 589, 594 (1994). 17-27-60 cod (1995).

IN support of his motion, U.S. Supreme court has held that fundamental fairness entitles petitioner to an adequate opportunity to present their claims fairly within the adversary system AKA V. OAKLOHMA, 470 U.S. 68 (1985).

Here, The State, is miss leading the court with false pretention apond the court.

Motion to Alter/amend judgment pursuant to rule 59(e) was file on june 20, 2022. in the perry C.I. mailroom and was return back to me july 6, 2022. stating of the previous order, the court received this motion on june 28, 2022. and send back unfile by the clerk of court.

The appellant, argued below that he is right in his motion to filed to proceed in forma paperis, action (case no. 2022-cp-39-006, and that pursuant to this court decision in Lake v. state, 333 S.C.382 inmate petitioning for writ of habeas corpus, moved for order to proceed in forma pauperis the circuit court orangeburg county, charles w, whetstone, jr, motion denie and inmate appeals, the COURT OF APPEALS Held that inmate was Entitled to proceed in form pauperis, reversed and remaned on appeal.

The petitioner request his pleading/REPLY MOTION be construed liberalby and held less stringent standard fact formal pleading drafted by attorney.

Finally, as the PCR COURT has rendered a decision in conflict with this court decision Lake v. state, the appellant. pray this honorable court reversed the PCR court decision, and remand the case for an evidence hearing on the merits of his claims to served the interest of justice. Contary to the State never put up any Evidence to Refuste value Argument, in the Appellate Argument set fore in Appellate Brief.

CONCLUSION

FOR the forgoing reason, this honorable court Dissial of the Respondent, response brief and designation matter, by fraud apond the court in it brief, and should alter/amend its prior judgment to reflect the forgoing and provide an hearing on the evidence and or vacate petitioner conviction and sentence on the pleadings// REPLY MOTION AND OBJECTION to the state, Respondent brief. filed,

6-24-2024

Robert Earl Dillard

EXHIBIT [ 2 ]

RECORD ON APPEAL

# The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

Appellate Case No. 2022-000972

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## ORDER

---

After careful consideration, Respondent's motion to dismiss this appeal and to strike Appellant's July 13, 2022 filing is denied.

Appellant's October 17, 2022, motion to allow late filing of his initial brief is granted. However, we do not accept the attached document, entitled, "Petition for Writ [of] Certiorari, Motion for a[n] Evidentiary Hearing . . ." as Appellant's initial brief. Accordingly, Respondent's motion to compel Appellant to file Appellant's initial brief and designation of matter is granted, in part. Within thirty days of the date of this order, Appellant shall serve and file an initial brief and designation of matter that complies with Rules 208 and 209 of the South Carolina Appellate Court Rules. Failure to comply will result in dismissal of this appeal.

  
\_\_\_\_\_  
FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jan 18 2023**

cc:

Robert Earl Dillard, 00220045  
Alan McCrory Wilson, Esquire  
Taylor Zane Smith, Esquire

EXHIBIT [1]  
RECORD ON APPEAL

# The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

Appellate Case No. 2022-000972

---

ORDER

---

Appellant's motion to proceed *in forma pauperis* is granted.



---

FOR THE COURT

Columbia, South Carolina

cc:  
Robert Earl Dillard, 00220045  
Alan McCrory Wilson, Esquire  
Taylor Zane Smith, Esquire

**FILED**  
**Sep 02 2022**

---

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

JUN 24 2024

PCI MAILROOM

Jenny A, Kitchings, Clerk  
South Carolina COURT OF Appeals  
Post Office Box 11629  
Columbia, SC 29211

AppellateNo.2022-000972

RECEIVED

JUL 01 2024

SC COURT OF APPEALS

Robert Earl Dillard,.....APPELLATE

v.

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

CERTIFICATE OF SERVICE

I Robert Earl DILLARD #220045 Objection Reply to the State Initial Brief and designation of matter Brief, do hereby certify that I Served True-Copy(s) of the filed and served my Objection Reply to the State Respondent Initial Response Brief(s) to;

CC:

Attorney  
Alan Wilson Esquire

Melody Jane Brown, Esquire  
Post office Box 11549  
Columbia, SC 29211

Court of Appeals  
Jenny A, Kitchings, Clerk  
Post office Box 11629  
Columbia, SC29211

date 6-24 2024.

  
Robert Earl Dillard #220045

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Jenny A, Kitchings  
Clerk of Court  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**  
JUL 01 2024  
SC Court of Appeals

RE: : TO Robert Earl Dillard v. State of South Carolina  
Pickens County 2022-000972 /2022-CP-39-00680

Dear;Clerk

Enclosed please find my original Objection Reply to the State initial Brief and Designation of matter Response Motion on a Appeals to the Court of Appeals, and my Proof of Service to be filed in your office. Record of Appeal.

CC:Alan Wilson, Esquire  
Medoley Jane Brown, Esquire

date 6-24- 2024.

  
Robert Earl Dillard

Robert Earl Dillard # 226046  
Perry Correctional Inst.  
430 Eastman Road #1B/209  
Peltier S.C. 29669



South Carolina Court of APPEALS  
Jenny ABBOTT Kitchins, Clerk  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED  
JUN 24 2024  
PCI MAILROOM

RECEIVED  
JUL 01 2024  
SC Court of Appeals

