

The State of South Carolina, Supreme Court  
Appeal from the Court of Common Pleas, Charleston  
Ninth Judicial Circuit

Tarone D. Johnson, 260921                      Petitioner,

VS.

State of South Carolina,                      Respondent,

Notice of Appeal

Tarone Johnson

**RECEIVED**

SEP 24 2024

S.C. SUPREME COURT

The State of S.C.

Appeal from the Court of Common Pleas  
Ninth Judicial Circuit

Tarone D. Johnson, 26092                      Petitioners,

vs.

State of South Carolina,                      Respondents,

Appeal      No. 2019-CP-10-2870

Petitioner now approaches this court in complete puzzlement, wondering to himself what is an individual to do when justice is ever eluding. Escaping off some-where into Never-land, Never to be found.

Respondent, assistant attorney General Ms. Dixon, officer of the Courts have adamantly argued that due to petitioner's late filing of newly discovered evidence.

That this court should dismiss petitioner's petition with prejudice, un-warranting of any-kind of hearing or relief by

this Judicial body, even though this is petitioner's last and final means left at possibly finding Justice.

She, and the appellate Court Circuit Judge Jennifer McCoy is still willing to deny it, it's much needed attention.

Where Petitioner have to ask, how the Hell so? While asking that you excuse his Vulgerness, but less be real.

SC Code 17-27-90, states that P.C.R. petitions filed under in-effective assistant of Counsel and Prosecutorial miss conduct are among those body of issues that are warrenting of a hearing.

Respondent wants Petitioner to Concede the point of the petition being filed almost (2) years after it's discovery. Which Petitioner will now explain in the most logical fashion possible. By out-lining a Historical course of ~~of~~ legal documentat-ions that explicitly depicts what actually happen, and how we got here.

When analyzing whether Newly discovered evidence requires a New Trial. The Courts

of appeals look to five factors:

Petitioner will now explain utilizing the Court's of Appeal very own grid to determine whether to grant a hearing in Petitioner's case or not.

The first of those factors being: (a) The evidence must be in fact, newly discovered.

Petitioner offer as evidence Gaurdine's sign & notarize affidavit.

See following page of this Appeal, where Gaurdine says that, "Petitioner is innocent of the Charge of Murder."

This is where Respondent, a suppose Champion up holding the law of the land, violate the very law that she so profess to be fighting for, by denying petitioner his Constitutional right to due process of law.

She has no earthly idea of what Co-defendent Gaurdine have to say, that could possibly over-turn petitioner's conviction. And she is un-willing to hear him out.

Petitioner state, "What if it was her, or, you all's life un-lawfully convicted in prison?"

**AFFIDAVIT OF JASON M. GOURDINE:**

I, Jason M. Gourdine, DOB 4/17/74, SSN 248-27-4622, give this statement freely and voluntarily. No threats, force or promises of any kind have been made to me by anyone to give this statement.

Tarone Johnson and I were charged with the murder of Charles Bennett in 1997. I pled not guilty and was found not guilty at trial.

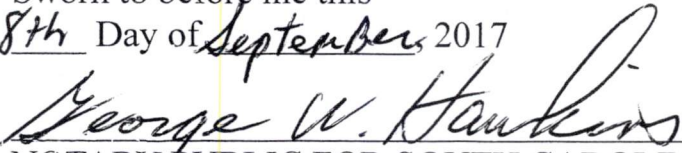
I still maintain my innocence today.

We departed the area of Easy Street, N Charleston, SC, after we were attacked. Tarone Johnson and I were not involved in any way in the murder of Charles Bennett.

I do not know who killed Charles Bennett and have not heard who did kill him.

  
\_\_\_\_\_  
Jason M. Gourdine

Sworn to before me this  
8th Day of September, 2017

  
\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 7/27/2019

Wouldn't you want and expect the dispensers of justice to at least listen to your side.

factor (b), the facts must be alleged from which may infer diligence on the part of the Movant.

Petitioner states that, he not only offer a sign & notarize affidavit from Gaurdine, but also a sign, notarize affidavit from private investigator George Hawkins's.

Facts, Gaurdine's affidavit is dated September 8, 2017.

and Hawkins is dated May 15, 2018.

Petitioner states that private investigator George Hawkins, upon visiting petitioner at Mc Cormick Corrections, presented him-self as a studious man with a particular way or method to his way of doing things.

This can be seen in his way of stating the nature of his employment by petitioner. and the long standing gaps between him accomplishing the various tasks paid for. in his affidavit.

Starting with Private investigator George Hawkins sign & notarize affidavit. We read there in, not only the ~~future~~ Notary republic stamp stating that it was May 15, 2017, that the affidavit was being notarize. But it also marks the date that Mr. Hawkins is summarizing the finality of petitioner and himself business arrangement.

Which I would like to think that we can all agree that it is highly unlikely that petitioner received the affidavit the same day.

See following page, Mr. Hawkins affidavit. This is evidence of petitioner's diligence to secure evidence which to utilize in court.

Then there is the April 2017 date he was retained by petitioner, and the April 7, 2017 that he contacted attorney Douglass Truslow's para-legal Ms. Woodward who informed him that they no-longer had the files do ~~the~~ to the age of the case.

On July 19, 2017, the files was obtained from Trial attorney Harry Shaw, 4 months after Mr. Hawkins hiring by petitioner.

On August 8, 2017, Mr. Hawkins obtained a sign, notarize affidavit from Co-defendant

6.



# PREMIER

INVESTIGATIVE ASSOCIATES

MAY 15, 2018

TO WHOM IT MAY CONCERN:

- 1- IN APRIL, 2017 PREMIER INVESTIGATIVE ASSOCIATES (PIA) WAS RETAINED BY TARONE JOHNSON TO OBTAIN THE CRIMINAL DEFENSE FILE FOR THE CHARGE OF MURDER FROM HIS ATTORNEY, HARRY SHAW.
- 2- PIA WAS ALSO TASKED WITH THE ASSIGNMENT TO OBTAIN TARONE JOHNSON'S FILE FROM HIS ATTORNEY, DOUGLAS TRUSLOW WHOM HE HAD RETAINED IN NOVEMBER, 2001 TO ASSIST IN JOHNSON'S PCR HEARING AND TO OBTAIN HARRY SHAW'S FILE.
- 3- I CONTACTED DOUGLA TRUSLOW'S OFFICE ON APRIL 7, 2017 AND WAS INFORMED BY PARALEGAL MACKENZIE WOODWARD THAT THEY NO LONGER HAD THE JOHNSON FILE DUE TO THE AGE OF THE CASE.
- 4- ON OR ABOUT JULY 19, 2017 THE FILE WAS OBTAINED FROM HARRY SHAW AND PROVIDED TO THE CLIENT.
- 5- ON AUGUST 8, 2017 I OBTAINED A SIGNED, NOTARIZED AFFIDAVIT FROM JASON M. GOURDINE STATING THAT TARONE JOHNSON WAS INNOCENT AS TO THE HOMICIDE OF CHARLES BENNETT IN CHARLESTON COUNTY, S.C. IN 1997.

*George W. Hawkins*  
 \_\_\_\_\_  
 GEORGE W. HAWKINS  
 INVESTIGATOR

SWORN TO BEFORE ME THIS  
 15<sup>TH</sup> DAY OF MAY, 2018

*Jody L. Hawkins*  
 \_\_\_\_\_  
 NOTARY PUBLIC FOR SOUTH CAROLINA  
 MY COMMISSION EXPIRES: 8-18-26

3.

Gourdine stating that "Petitioner was innocent of the Charge of Murder."

Petitioner can not explain Mr. Hawkins Method or reason for ~~the~~ the long gops in acquiring the various things. Other than, things take time.

However, this is ever more reason for why this court should grant a hearing. Being that there is none better to ask, other than private investigator George Hawkins himself.

With that explained, there is no other date that Respondent can muddy the waters with on Premier investigative associates affidavit.

The only other date of significance in regards of the newly discovered evidence would be the May 30, 2019 date, in which it was file.

Petitioner states that this tardiness can be explain in it's simpleness. Private investigator George Hawkins affidavit is dated May 15, 2018.

Petitioner invites Respondent and Judge McCall to go online to S.C.D.C. Look into Lee Correction's massacre. Which took place exactly one ~~day~~ month to the day after P.I. investigator George Hawkins's affidavit. This could very

well have prevented Mr. Hawkins from delivering petitioner the affidavit at an earlier date.

See Lee Correction's Massacre, dated April 15, 2018. Where a total of a 11 prisoner's were killed and throat slice. This incident completely shut down South Carolina department of Correction's for a year, nothing moved in or out, left or right. And it was this level of lockdown that prevented petitioner from filing newly discovered evidence at an earlier date.

Respondent and Judge McCoy both <sup>have</sup> the means and capabilities to check McCormick Correction's visitation records. Which would determine for this court and establish for the record exactly the date petitioner received the newly discovered evidence from Mr. Hawkins. And how far out of date, is the May 30, 2019 filing.

So, with that being said, petitioner will now continue on with point (C.) with in the Court of Appeals five factors. Which states that the evidence relied on must not be merely cumulative or impeaching.

But rather a clear and cut view into what is going on.

As Co-defendant Gardine's testimony is in no way, merely Cumulative or impeaching.

Gardine whom this entire case was based on and once surrounded, won an acquittal at trial, in January of 2000.

There's no way possible that Respondent or the State can say that it is Cumulative or impeaching!!!

It is the words of an actual friend who is willing to give testimony to aid and assist a friend. How can they not see that reasoning?

Respondent can not and will not contest that reasoning, because it is only logical.

Moving on to Factor (D.) which states that, "it must be material to the issues involved."

The issues involved are constitutional issues that render them-selves warranting their own need of attention.

Co-defendant Gardine's testimony will not exactly clear up the debacle between Petitioner and Appeal Attorney Douglass Truslaw. However, it tends to lend credence into why a hearing is needed.

Because as far as I know. Neither Respondent nor Judge McCoy is psychic. How then, can they simply dismiss petitioner's newly discovered evidence, testimony, given by co-defendant Gourdine, as nothing?

The Court of Appeals factor (e.) it must be such, and of such nature, as that, on a new trial, the newly discovered evidence would probably produce an acquittal.

Petitioner states that Gourdine's testimony, when laid down besides other factors in the case, guarantees an acquittal.

Respondent can not successfully argue and win against Attorney Douglass Trustlow's very own correspondence stating, "that he had been retained to perfect petitioner's appeal."

Where-as, his inability to acquire the files, when he states that, "he talked to trial attorney Harry Shaw but still haven't acquire the files in petitioner's case."

See as evidence, actual paperwork that solidify that point. A Contract, and several correspondences by Attorney Trustlow.

Following pages.

DOUGLAS N. TRUSLOW  
ATTORNEY AT LAW  
P.O. BOX 1465  
COLUMBIA, S.C. 29202  
PHONE: (803) 256-6276  
FAX: (803) 256-7659

CONTRACT OF EMPLOYMENT

The undersigned hereby employ(s) and retain(s) Attorney Douglas N. Truslow as it relates to:

Appeal of Johnson Adv. State

The terms of employment are;

- 1. RETAINER: \$5000 ✓ *pd. 11/14/01 MHA*
- 2. HOURLY RATE: See Letter dictated & to follow
- 3. CONTINGENCY: N/A

(Court Awarded Fees Are Deemed Part of Gross Recovery)

It is agreed and understood that if employment of Mr. Truslow is on a contingency basis, no fee will be due unless recovery is made, notwithstanding the client's obligation for costs. If employment is terminated prior to the conclusion of the case, the undersigned agrees to immediately reimburse Mr. Truslow for costs advanced and pay him for the reasonable value of services performed to date, or the appropriate percentage of the last settlement offer, at the agreed upon rate, whichever is greater. Contingency fees are based on the gross recovery achieved.

*N/A*

*N/A*

*Part of Retainer*

- 4. In addition to fees, the client is responsible for all costs associated with representation including but not limited to long distance telephone calls, depositions, photographs, copies, paralegals, travel, and expert witness fees. Mr. Truslow may advance costs from time to time and the undersigned agrees to reimburse him within fifteen days of request for reimbursement.
- 5. **Recovery:** The client expressly grants power to the attorney to endorse and deposit into his trust account any checks in the client's name, and authorizes the attorney, at his option, to deduct fees, costs, and expenses, and to pay all bills, including but not limited to medical expenses from client's share of the recovery. Any unpaid bills for medical care shall remain the obligation of the client.
- 6. Client agrees to pay interest at the rate of 1 1/2% per month on any outstanding balance over 30 days past due.

*N/A*

*N/A*

EMPLOYMENT ACCEPTED:  
*[Signature]*  
Douglas N. Truslow

CLIENT:  
*[Signature]*  
Craig Johnson

Date: 11/13/01

DOUGLAS N. TRUSLOW, P.A.  
ATTORNEY  
914 RICHLAND STREET, SUITE B-102  
POST OFFICE BOX 1465  
COLUMBIA, SOUTH CAROLINA 29202

(803) 256-6276

November 20, 2001

Harry O. Shaw, III, Esquire  
950 Houston Northcutt Blvd.  
Suite 202  
Mount Pleasant, SC 29464-5645

RE: Tarone Johnson adv. State

Dear Harry Shaw:

I have been retained to assist Tarone Johnson in an appeal and therefore I am requesting his file. If there are any costs involved, please advise.

Sincerely,



Douglas N. Truslow

DNT/mjh

cc: Tarone Johnson

11-20-01  
cant find file?

DOUGLAS N. TRUSLOW, P.A.  
ATTORNEY  
914 RICHLAND STREET, SUITE B-102  
POST OFFICE BOX 1465  
COLUMBIA, SOUTH CAROLINA 29202

(803) 256-6276  
FAX (803) 256-7659

May 27, 2003

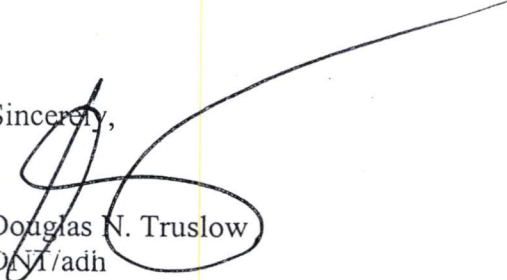
**RE: Tarone Johnson adv. State**

Tarone Johnson  
Lieber Correctional Institute  
P.O. Box 205  
Ashley A-55  
Ridgeville, SC 29472

Dear Mr. Johnson:

In order to review your case further, I need to obtain a copy of your file. I would appreciate it if you would sign the enclosed authorization and send it back to me in the envelope provided. I will then attempt to obtain your file from your trial attorney, Mr. Shaw. Please note that I have talked to him -- but I still do not have his file, despite the fact that I have made many requests for it.

Sincerely,

  
Douglas N. Truslow  
DNT/adh  
enclosure

cc: Essau Johnson

DOUGLAS N. TRUSLOW, P.A.  
ATTORNEY  
914 RICHLAND STREET, SUITE B-102  
POST OFFICE BOX 1465  
COLUMBIA, SOUTH CAROLINA 29202

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(803) 256-6276  
FAX (803) 256-7659

March 18, 2004

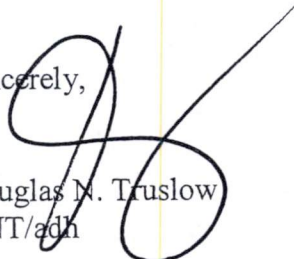
RE: **Tarone Johnson adv. State**

Tarone Johnson #260921  
Lieber Correctional Institute  
P.O. Box 205  
Ridgeville, SC 29472

Dear Mr. Johnson:

I am writing this letter to follow up on a phone call from your parents. I have been advised that you filed a PCR on your own. You have asked that I check on this to determine the status. While that goes beyond the scope of my employment, I am glad to do this. Enclosed, you will find a copy of my letter of inquiry.

Sincerely,



Douglas N. Truslow  
DNT/adh

**DOUGLAS N. TRUSLOW, P.A.**  
ATTORNEY  
914 RICHLAND STREET, SUITE B-102  
POST OFFICE BOX 1465  
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-6276  
October 5, 2004

E-MAIL: doug\_dnf@bellsouth.net

FAX (803) 256-7659

**RE: Tarone Johnson adv. State**

Tarone Johnson  
Lieber Correctional Institute  
P.O. Box 205  
Ashley A-55  
Ridgeville, SC 29472

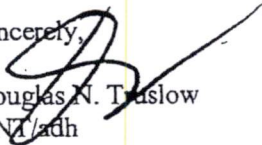
Dear Mr. Johnson:

To follow up on your current situation, I was ultimately employed relative to your Appeal. I read the transcript carefully, reviewed the Brief and discussed the matter in detail with Appellate Defense. I then provided a verbal (and written) report. I also discussed the matter in detail with Mr. Shaw, the attorney handling the companion case and the prosecutor. Most of this is set forth in my October 21, 2002 letter (a copy of which is enclosed). While I am very sympathetic and do not think you should have been convicted (especially when your co-defendant was acquitted), nonetheless, you were convicted and the Court ruled with finality on your Appeal. I was then advised that you filed a PCR on your own and I wrote to the Attorney General in March 18, 2004 to confirm same. Thereafter, I received a call from someone in the Attorney General's office to the effect that you had filed a PCR and in any event I was not retained to pursue that matter. On October 4, 2004 your father called and reported that you had not filed an application for Post Conviction Relief, which was a surprise to me. I then called the Attorney General's office and they first confirmed that you had filed a PCR but the indication was then that it was from Aiken, with a different spelling of the first name. I expressed surprise, especially since your mother had previously been adamant that you had filed a PCR. I was referred to Carolyn Murphy with the Attorney General's office who confirmed (a) Tyrone Johnson had filed a PCR, but Tarone Johnson had not and (b) the time to file had expired in any event.

That said, in talking with Mr. Shaw and the solicitor's representative, there was a clear indication that Mr. Shaw's representation was not, in retrospect, defective and that you had turned down a plea bargain that Mr. Shaw and the solicitor say they practically begged you to take, so it appears clear that a PCR would not have been successful in any event.

I am truly sorry to have to give you the facts - but it appears clear that you have virtually no chance of success based in large part on the transcript of the trial. The law unfortunately authorizes your conviction and I believe you have taken this as far as it can go.

Sincerely,

  
Douglas N. Truslow  
DNT/adh

cc: Essau Johnson

Petitioner ask, What part of the paperwork is Respondent un-able to comprehend? This clearly is a case of in-effective Counsel.

Petitioner also offer as evidence, F.C.R. Attorney Courtney Gruber's amendment to Petitioner's 2007-CP-10-2058 F.C.R. petition. Where-in, She states in point four (4.) "that the under-sign has yet to acquire the files in this case."

See following Pages. Again, this is evidence of in-effective assistance of Counsel for F.C.R.

How then, is Respondent willing to dismiss as if petitioner didn't just showed her and this Court, that Petitioner's Appeal and F.C.R. both were in-effective assistance of ~~Court's~~ Counsel's?

§ 17-27-80, requires that F.C.R. Court make specific findings of facts and conclusions of law. McCray vs. State (S.C. 1991)

Fruitt vs. State, state's, "we express concern with orders in F.C.R. proceedings that do not address the merits of the issues raised."

(S.C.R.P) Ruling on a rule 12(b)(6), Motion to dismiss must be based solely upon the allegations.



Exhibit



STATE OF SOUTH CAROLINA )

COUNTY OF CHARLESTON )

Tarone D. Johnson #260921,  
Plaintiff, )

v. )

State of South Carolina,  
Defendant. )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE NO. : 07-CP-10-2058

MOTION TO AMEND THE  
APPLICATION FOR  
POST-CONVICTION RELIEF  
FILED MAY 14, 2007

TO: **The Honorable Henry McMaster, S.C. Attorney General; and Douglas N. Truslow, Esquire.**

**PLEASE TAKE NOTICE** that the undersigned Attorney for the Plaintiff does hereby move that this Court leave to amend the Application for Post-Conviction Relief filed by the applicant on May 14, 2007. The basis for this Motion is as follows:

**ONE:** I am the Attorney appointed to represent Tarone D. Johnson, the Plaintiff, by Order of Appointment of Counsel filed September 27, 2007, and received October 1, 2007.

**TWO:** That a preliminary review of the pleadings reflected that the Plaintiff had prepared his own brief in support of this Post-Conviction Relief action.

**THREE:** That page 12 of the Plaintiff's Post-Conviction Relief Application indicated that at some point he had retained an attorney to perfect and file a Post-Conviction Relief Application for him, and that the attorney apparently failed to do so in a timely manner.

**FOUR:** That the undersigned has not yet been able to obtain a copy of the record, however, has obtained from the Plaintiff's father, what was represented to be the file maintained by the Plaintiff's attorney whom the Plaintiff believed was retained to represent him in the Post-Conviction Relief Application.

**FIVE:** That it appears that Douglas N. Truslow, Esquire, was retained to represent

**R. WALTER HUNDLEY**  
ATTORNEY AT LAW

R. WALTER HUNDLEY  
E. COURTNEY GRUBER

E-MAIL : FIRM@RWALTERHUNDLEY.COM

1517 SAM RITTENBERG BLVD.  
PO BOX 31189  
CHARLESTON, SC 29417-1189

TELEPHONE : (843) 723-1995  
FACSIMILE : (843) 723-1945

TOLL-FREE : (866) 723-1995

---

October 3, 2007

Tarone D. Johnson #260921  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

Re: PCR Appointment

Dear Mr. Johnson:

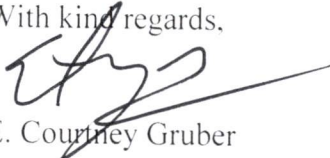
I have been appointed to represent you in the Application for Post-Conviction Relief you filed on May 14, 2007. As you probably know, you have one year from the filing of the final decision on appeal to file a PCR application. From the information you provided, it would appear that the statute of limitations expired February 6, 2004. The first step is to determine whether or not the Court will allow you to bring this PCR Application since the statute of limitations has run. If the Court will not entertain your Application because of the statute of limitations, then I am not going to be able to help you.

I understand you had an attorney whom you retained to pursue the PCR Application. I need to have that attorney's name and any paperwork you received from that attorney. I also need a copy of the record in your case, particularly the appellate records. Please let me know if you have this information, or if I need to get it from the Court of Appeals.

If we are successful in having the statute of limitations set aside, I will review your case to determine what, if any, legal grounds exist upon which to base your PCR application.

Please contact me in writing with the information I requested as soon as possible.

With kind regards,



E. Courtney Gruber

ECG/tm  
pc: Our File

**R. WALTER HUNDLEY**  
ATTORNEY AT LAW

R. WALTER HUNDLEY  
E. COURTNEY GRUBER

1517 SAM RITTENBERG BLVD.  
PO Box 31189  
CHARLESTON, SC 29417-1189

TELEPHONE : (843) 723-1995  
FACSIMILE : (843) 723-1945

E-MAIL : FIRM@RWALTERHUNDLEY.COM

TOLL-FREE : (866) 723-1995

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October 18, 2007

Tarone D. Johnson #260921  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29472

Re: PCR Appointment

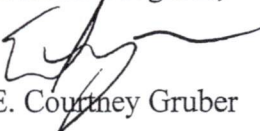
Dear Mr. Johnson:

I met with your father on October 11, and have a copy of Mr. Truslow's file. Your case is currently barred by the statute of limitations, as the PCR application should have been filed within one year from the date certiorari was denied by the S.C. Supreme Court. I am filing a motion with the court at this time alleging ineffective assistance of PCR counsel and requesting that the statute of limitations be set aside and your PCR be allowed to go forward. I do not know what is going to happen at this point in time. If the court does not lift the statute of limitations at this time, your case cannot go forward. It is unclear from the documents as to whether Mr. Truslow was actually retained to pursue the PCR on your behalf or not. Once again, I do not know how the court is going to view that, however, it does appear that the scope of his representation was not expressed as clearly to you and your father as it might have been.

Your father was going to bring the case file to my office. If you are able to get in touch with him, please remind him that I do need that information within the next couple of weeks, if possible.

At any rate, I will let you know as soon as I hear something from the court concerning my motion.

With kind regards,



E. Courtney Gruber

ECG/tm  
Enclosure

Respondent mere mentioning of issues enclosed in P.C.R. petition 2019-CP-10-2870,

does nothing in regards of adjudicating whether or not petitioner's Constitutional rights were violated on appeal and P.C.R.

All the way back to petitioner's Trial. Where Trial Attorney Harry Shaw and Solicitor Peter Beck both committed perjury in petitioner's Trial.

This violation is also proven by Petitioner.

See the following pages, evidence of foul play, violating petitioner's rights to equal protection of the law.

The first page is taken from petitioner's Trial transcript volume I... It is page (2.) Two... index and exhibits.

The second page is from Trial Transcript volume III, page (3.) three. Exhibits

Please notice that none of the 2 pages of exhibits enlist coins as evidence in this case.

I N D E X

1				
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3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
4	<u>MELVIN CUMBEE</u> .....			5
5	DIRECT EXAMINATION BY MR. BECK.....			5
6	CROSS-EXAMINATION BY MR. SHAW.....			18
7	<u>SCOTT DAVID PERRY</u> .....			25
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9	CROSS-EXAMINATION BY MR. SHAW.....			49
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~~17~~  
~~18~~

E X H I B I T S

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20	Johnson, marked for identification.....	4
21	ST. PRETRIAL EXH. 4, First statement of T.	
22	Johnson, marked for identification.....	4
23	ST. EXHS. 1 through 4, in evidence for purposes	
24	of Jackson V. Denno hearing.....	49

~~\*~~

E X H I B I T S

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2 Jasper Lloyd's car, in evidence..... 83  
3 ST. EXH. 6, photo of trailer, in evidence..... 83  
4 ST. EXH. 7, photo of trailer and Jasper Lloyd's  
5 car, in evidence..... 83  
6 ST. EXH. 9, photo of neighbor's car and  
7 trailer, in evidence..... 83  
8 ST. EXH. 23, photo of trailer, in evidence..... 85  
9 ST. EXH. 32, photo of Jason Gourdine's car, in  
10 evidence..... 86  
11 ST. EXH. 36, Photo of Jason Gourdine, in  
12 evidence..... 86  
13 ST. EXH. 43, diagram of trailer, in evidence..... 92  
14 ST. EXH. 37, photo of Charles Bennett taken at  
15 autopsy, in evidence..... 192  
16 ST. EXH. 38, photo of Charles Bennett taken at  
17 autopsy, in evidence..... 192  
18 ST. EXH. 39, photo of Charles Bennett taken at  
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21 autopsy in evidence..... 192  
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23 DFT. EXH. 1, Statement of Sabrina Russ, in  
24 evidence..... 110  
25 DFT. EXH. 2, Statement of Sabrina Russ, in  
evidence..... 110

15 All State's Exhibits were agreed upon by  
16 counsel without the need to formally move them  
17 into evidence except for State's 1 through 4  
18 pertaining to the statements..... 206

19 All Exhibits were agreed  
20 upon. (The coins not mentioned.)  
21  
22  
23

The following page is Trial Transcript  
Volume V, page 18, Lines 9-16.

Here you will see Solicitor Peter Beck ask the leading officer in this case detective Scott Perry, while on stand, about petitioner collecting some coins from North Charleston police property control room.

He is setting the stage for what is about to happen next, Mind you, the coins is not listed as evidence. Now, let's see where this leads.

See also provided, Trial Transcript Volume V, pages 115. Lines 6-25. and page 116, Lines 1-6.

Petitioner Tarone Johnson being cross examine by Solicitor Peter Beck in regards to some coins that was given to petitioner by North Charleston police property control room months after his release.

Pages 115 and 116 denotes Solicitor Peter Beck directing a line of questions towards petitioner, before petitioner's jury, about suppose (coins) evidence

~~By Mr. Beck~~ Beck  
first time pennies  
Mention

25.

18

S. PERRY - REDIRECT EX. BY MR. BECK

1 division where you are?

2 A. There is a door leading to it, but it  
3 wouldn't be where I was at.

4 Q. Did you ever see Sabrina Russ?

5 A. No, I did not.

6 Q. Did you ever discuss her statement with  
7 any police officers?

8 A. No, sir.

9 Q. At the time that you talked with this  
10 Defendant, did you know that there were 21 pennies in  
11 Mrs. Margie Miles' yard?

12 A. No, I had no idea.

13 Q. And could you know at that time that this  
14 Defendant would go to the North Charleston Police  
15 Department in February of 1998 to collect 158 pennies

16 from the evidence room?

17 A. No.

18 he mention it as if it is evidence. But it is not submit on

19 Q. Detective Perry, I would like to direct

20 your attention to the first statement that he gave  
21 and the second statement that he gave. Review the  
22 part where he was talking about the damage to Jason  
23 Gourdine's car, please. Have you reviewed that part?

24 A. Yes, in the first statement.

25 Q. In the first statement, what kind of  
damage did he say was caused to Jason Gourdine's car?

Pennies

21.

T. JOHNSON - CROSS-EX. BY MR. BECK

1 Q. Can you read your signature?

2 A. That's Tarone Johnson.

3 Q. And all of these other signatures are  
4 yours, and they are legible; isn't that correct?

5 A. Yes, sir.

6 Q. And when you went back to the North  
7 Charleston Police Department, that's your signature  
8 there when you went to the property room on February  
9 6th, 1998; isn't it?

10 A. Yes.

11 Q. And wouldn't you agree that signature  
12 looks pretty much like that signature?

13 A. Yeah, that's my signature.

14 Q. Okay. And you weren't in handcuffs when  
15 you went to the property room, where you?

16 A. No.

17 Q. And you are not denying that when you  
18 went to the property room you were given 153 pennies?

19 A. I was given a plastic bag, whatever  
20 amount of change that was in there, you know, that  
21 was given to me.

22 Q. You went to claim your property,  
23 Mr. Johnson. You put your signature there.

24 A. I went to claim my watch.

25 Q. This was your gold watch there that you

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T. JOHNSON - CROSS-EX. BY MR. BECK

1 also picked up.

2 A. And my necklace.

3 Q. Are you saying that you weren't entitled  
4 to that money?

5 A. It was some change in the car. You know,  
6 Jason keeps change in his car.

7 Q. This is your statement -- excuse me --  
8 this is your second statement, State's Exhibit Number  
9 2. That is your signature, right?

10 A. Yes.

11 Q. That is your signature again, right?  
12 Your third signature on this statement, right?

13 A. Yes.

14 Q. And your fourth signature on this  
15 statement, right?

16 A. Yes.

17 Q. And on every page, there is also  
18 Detective Perry's signature, right?

19 A. Yeah.

20 Q. And then you remember this other person  
21 Ms. Shelton who is a Notary Public, right?

22 A. Naw, I never seen her.

23 Q. Oh, you never saw her when she affixed  
24 this seal right here? Feel that.

25 A. I never seen a female none that day.

This suppose (coins) evidence, he is actually using as a link to possibly connect petitioner to the crime scene!

As you should have seen, Solicitor Beck is hoping that the jury makes the (Coins) connection for him, with Psychological Suggestion -s.

This point can be proven with the following (4.) pages. Two (2.) which are petitioner being cross examine by Solicitor Peter Beck.

Trial Transcript Volume V, pages 125.  
lines 16-25 and 126 lines 1-15.

Please Notice that Solicitor Peter Beck has return to the Coins question. As this line of questions is very suggesti~~ons~~ -ve before Ofetitioner's jury.

Now let's examine Solicitor Peter Beck's Closing Statement. Trial Transcript Volume V, pages 202, lines 11-25. And page 203, lines 1-5.

On page 202. Petitioner ask the Courts to recognize Solicitor Beck's Closing Statement, in particular lines 19-25.

T. JOHNSON - CROSS-EX. BY MR. BECK

1 A. No, sir. That was part of the reason.  
2 Being scared and in the handcuffs already, I was  
3 already -- I had already incriminate ourselves, you  
4 know.

5 Q. Now, Detective Perry took you to the  
6 hospital, didn't he?

7 A. About a week or two later.

8 Q. In order to have your blood drawn; isn't  
9 that correct?

10 A. Yes, sir.

11 Q. To have it tested against evidence that  
12 was collected at the scene, right?

13 A. Yes, sir.

14 Q. He didn't mistreat you then, did he?

15 A. No, sir.

16 Q. And when the police gave you your own  
17 property back, they didn't mistreat you, did they?

18 A. What are you talking about?

19 Q. I'm talking about when you picked up your  
20 gold watch from the property room.

21 A. I was free.

22 Q. And your 153 pennies, right? You were  
23 free on --

24 MR. SHAW: Objection, Your Honor. Let  
25 him answer the question.

25.

~~XXXXXXXXXX~~

want me to  
evidence  
+ 1.

T. JOHNSON - CROSS-EX. BY MR. BECK

1 THE COURT: Do you have something else  
2 you wanted to say, sir?

3 MR. SHAW: He started to answer, and he  
4 cut him off.

5 BY MR. BECK:

6 Q. Finish your answer.

7 A. The 153 pennies came in a plastic bag  
8 that they got out of the car.

9 Q. And you immediately said these aren't  
10 mine; take them back, right?

11 A. No. They gave it to me. My watch was in  
12 the bag with it, so I signed for all of it.

13 Q. And you probably didn't notice 153 loose  
14 pennies, did you, when you were picking up your  
15 watch, right?

16 A. (There was no response from the witness.)

17 Q. Mr. Johnson, do you remember your bond  
18 hearing?

19 A. Yes, sir.

20 Q. Do you remember that?

21 A. Yes.

22 Q. That picture rings a bell?

23 A. Yes.

24 Q. Your family was in there, right?

25 A. Yes.

1 Dr. Collins testified to you back on Wednesday about  
2 where Mr. Bennett was shot I submit to you that they  
3 hunted him down.

4 Ladies and gentlemen, this case is  
5 supported by the evidence and the testimony related  
6 to Sabrina Russ' neighbor Margie Miles who came in  
7 here and testified. She told you that she saw two  
8 black men in her backyard, not a single shooter, two  
9 men who jumped over the fence here to the back of  
10 Sabrina Russ' trailer.



11 Now, defense counsel said I don't know  
12 why, it doesn't make sense they would be over here:  
13 It doesn't have to make sense to him, ladies and  
14 gentlemen. The fact is she told you she saw them  
15 back there. Now, whether they were trying to hide  
16 back there to make sure that everything was all right  
17 as far as their plan of attack or if they were  
18 looking for the gun, I don't have that answer. But  
19 she saw two men there. When the police went to the  
20 spot where she directed them the next day, 21  
21 pennies, 21 pennies. She told you those weren't her  
22 pennies. Those pennies weren't in here yard before  
23 that night. And this Defendant just happened to pick  
24 up 153 pennies from North Charleston Police  
25 Department. Now, he can say they are Jason's or he

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can say they are his. They were both there, 21 pennies. I agree it is a lot of pennies to carry around. But when have you access to 153, you can afford to carry around a lot of pennies in your pockets.

Ladies and gentlemen, on the issue of credibility, this Defendant has essentially given you the choice to believe him and consider every one else in this trial untruthful or not believe him. That is essentially your decision when you go back and deliberate. He told you he wasn't there today. He said nope, and he said he was with Jason Gourdine the entire day, the entire night. They never left one another's company. That is what he said. He was there, but he wasn't. And no matter what his attorney gets up here and gives you a multitude of reasons saying, well, he wasn't there but if you think he was, he wasn't guilty.

Ladies and gentlemen, a verdict, the word verdict derives from Latin, and it means to speak the truth and that is what we are trying to get at here today. I tell you that because the police officers told you that they did not know about this cut through. Every one of them testified they had no knowledge of that cut through until that Defendant

Here, he is making the connection between the coins found in Ms. Miles yard, and some coins that has mysteriously found themselves in this case.

After reading the following pages, petitioner says mysterious because, if we can recall at the arrest, petitioner neither Gardine had any coins on their person in their booking report. Nor was any coins found in the report concerning the car. So the origin of the coins, is yet a mystery.

On page 203, lines 1-5.

Solicitor Beck is showing/sharing his theory of events with petitioner's jury. All the while stating how the coins found in Ms. Miles yard. And the coins collected by petitioner from North Charleston police property control room.

Proves petitioner was an acting participant in the shooting death of Charles Bennett.

Petitioner begs this court's indulgence a moment longer on the issue of the coins. And states that although what he is about to show the court is an in-effective claim.

It's significant and collaborations is best shown juxtapose that of Solicitor Beck's actions. Where-as, when shown together better high light the complicity of Defense Counsel Shaw and Solicitor Beck actually working together to acquire petitioner's conviction.

Trial Transcript volume V, pages 160. Lines 17-19 and page 172. Lines 7-18.

Page 160, Defense Counsel Shaw's wording is actually placing petitioner at the crime scene with the coins. And when we go further into his closing argument on page 172, lines 7-18.

Again, he himself is actually placing petitioner ~~petitioner~~ at the crime scene with psychological suggestions before petitioner's jury.

What other reason would he have to be talking about those coins. When the coins are not even evidence in this case. If not for psychological suggestion reasoning.

Petitioner states that Solicitor Beck's actions violated his 14th Amendment rights to due process of law, and his presumption of innocence.

1 that the police are talking having been used is  
 2 here. There is no fence there. It is just a little  
 3 pathway that goes right through. There is a little  
 4 hole in this fence. There is Mrs. Miles' house right  
 5 here. And apparently back in here, she looked around  
 6 and said she saw two black males right here.

Mrs. Miles  
 Saw 2  
 Males.  
 I ~~did~~ had  
 on all  
 white

7 But I don't understand why they would  
 8 come in here and jump the fence to here, wait a bit  
 9 and jump the fence back. That I don't understand. I  
 10 haven't been able to figure that out. It doesn't  
 11 make any sense. Of course, murder doesn't make any  
 12 sense.

13 But if they were going to go somewhere,  
 14 this is all out in the open. This is shrubbery. Why  
 15 would they come in through this opening and jump into  
 16 an open area and then jump back and then have to go  
 17 all the way over here.

He's placing  
 me there.

18 The reason we know they were  
 19 right in there, is I believe that Sergeant Dusty Poole  
 19 said that he had found 21 pennies in the dirt there.

Q. heard  
 story

20 That was all of the witnesses, the  
 21 citizen witnesses. Then we have a number of police  
 22 witnesses that came to testify. Officer Williams, he  
 23 was the first responding officer. He pretty much set  
 24 up the time scheme for us, 8:55 p.m. right before  
 25 9:00 is when the fight happened. That is his

1 were at 2128 Easy Street at least until 9:30, all of  
2 them. And Jason was there until about 20 minutes til  
3 10:00. That is when I believe the police officer got  
4 there, the phone call.

5 Next person is Patricia Nelson, and she  
6 was the record custodian over there at the North  
7 Charleston Police Department. They have a little  
8 sheet over here where -- and the solicitor is making  
9 a lot of noise about 21 pennies that got found over  
10 in Mrs. Miles' backyard and the fact that the  
11 evidence people returned to Tarone Johnson 153  
12 pennies. Well, yeah, it was 153 pennies and 37 dimes  
13 and four nickels and one quarter. I mean that's a  
14 lot of change. And I get accused and people laugh at  
15 me for always having a pocket full of change. But I  
16 swear I don't think I could even put 153 pennies, 37  
17 dimes, 4 nickels and 1 quarter in my pants pocket.  
18 It just ain't going to go.

19 What did Tarone say? Jason kept a bunch  
20 of change in his car. They searched the car. They  
21 took evidence from the car. They bagged it all  
22 together. When Tarone went over to get his stuff  
23 from the North Charleston Police Department, this was  
24 in February. He had been in jail since June. He  
25 went over to get his stuff out of the police

definition: prima-facie - legally sufficient to establish a fact or a case, unless disproved.

Petitioner states that with actual paperwork out-lining how his conviction came to be.

Respondent, and the state of South Carolina would be criminal in their continued acts to deny petitioner a hearing for three counts of in-effective assistance of Counsel claims.

When, in Turner vs. North Carolina, the 4th circuit Court of Appeals held that Trial Counsel was in-effective for failure to perfect the appeal. 412 F.2d 486 (4th Circuit 1969) The court held that petitioner was denied his right to assistance of Counsel due to the inaction ~~of~~ and neglect of his Attorney.

Petitioner state that had Attorney Truslow perfected petitioner's Appeal. There's a good chance that he would had won his Appeal, when adjudicating the issues enclosed with in the petition, such as.

1. Perjury
2. ineffectve assistance of Counsel
3. UnConstitutional Malice Charge
4. Coercive Allen Charge, and

Then there is P.C.R. Attorney Ms. Gruber's stating to the Court's that she have been unsuccessful in acquiring the files in this case. Rendering P.C.R. Counsel representation ineffective according to Strickland's (2.) prong test.

Petitioner have enclosed a copy of Writ of Mandamus for this Court to consider.

After all that petitioner have shown Respondent and the State of South Carolina through actual documentations.

It has now become Criminal for Respondent to continue with petitioner's conviction after all that petitioner have shown this Court and the state of South Carolina.

Co-defendant Gourdines testimony have the potential to over-turn petitioner's conviction.

By: Tarone Johnson