

**Exhibit A**

**RECEIVED**

**FEB 19 2025**

**S.C. SUPREME COURT**



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

Daniel D. Hall  
Judge

Moss Justice Center  
1675-1J York Highway  
York, SC 29745-7434  
Phone: (803) 628-3048  
Fax: (803) 628-3139  
dhallj@sccourts.org

January 28, 2025

The Honorable Amy W. Cox  
Spartanburg County Clerk of Court  
P. O. Box 3483  
Spartanburg, SC 29304

RE: Ricky Lee Blackwell, #6033 v. State, 2018-CP-42-00928

Dear Ms. Cox:

Please find enclosed for filing, the Court's Order Dismissing Post Conviction Relief Application in the above reference case.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Daniel D. Hall".

Daniel D. Hall  
Resident Judge  
of the Sixteenth Judicial Circuit

DDH:rgb

Enclosure

cc: Lindsey S. Vann  
Charles Grose  
Melody J. Brown  
Tommy Evans, Jr.

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No. 2018-CP-42-00928
	)	(Capital PCR)
	)	
RICKY LEE BLACKWELL,	)	
<i>Applicant,</i>	)	ORDER DISMISSING POST CONVICTION
	)	RELIEF APPLICATION
vs.	)	
	)	
STATE OF SOUTH CAROLINA,	)	
<i>Respondent.</i>	)	

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After careful consideration, Applicant is unable to maintain his burden under Strickland and his PCR application is DISMISSED in the entirety.

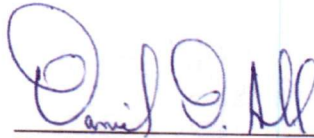
The Court instructs the State to prepare and submit a proposed order in accordance to the instructions from the Supreme Court in Fishburne v. State, 427 S.C. 505, 516, 832 S.E.2d 584, 589 (2019). “ The preparation and finalization of a PCR order is often a collaborative effort. We recognize the prevailing party often prepares a proposed order for the PCR court. *See Hall v. Catoe*, 360 S.C. 353, 365, 601 S.E.2d 335, 341 (2004) (“[I]t is common practice for judges to ask a party to draft a proposed order for the sake of efficiency.”). When counsel for either side prepares the proposed order, the order must include findings of fact and conclusions of law as to all issues raised by an applicant. A copy of the proposed order should be transmitted to opposing counsel. Opposing counsel should promptly review the proposed order and alert preparing counsel and the PCR court as to any deficiencies in the proposed order. Because the PCR judge will ultimately be signing the order, the PCR judge must carefully review the proposed order to ensure it includes appropriate findings of fact and conclusions of law as to all issues raised.

#100A

Once a proposed order is finalized, signed by the PCR judge, filed, and served upon the parties, the parties should thoroughly review the final order to make sure all issues raised were adequately addressed as required by section 17-27-80 and Rule 52(a).”

The Court will follow this procedure and will issue a formal order at the completion of this process.

**IT IS SO ORDERED.**



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Daniel D. Hall  
Resident Judge  
of the Sixteenth Judicial Circuit

January 28<sup>th</sup>, 2004

York, South Carolina

#2004

# **Exhibit B**

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	Case No. 2018-CP-42-00928
	)	
	)	
RICKY LEE BLACKWELL,	)	<b>APPLICANT’S MOTION TO ALTER OR</b>
	)	<b>AMEND JUDGMENT</b>
vs.	)	
	)	
STATE OF SOUTH CAROLINA,	)	
<i>Respondent.</i>	)	
_____	)	

Applicant, Ricky Lee Blackwell, by and through undersigned counsel, moves this Court pursuant to Rule 59(e), SCRPC, to alter or amend its Order Dismissing Post Conviction Relief Application (“Order Dismissing”), issued on January 28, 2025 and emailed to counsel on the same day.

The Court’s Order Dismissing ruled that Blackwell’s “PCR application is DISMISSED in the entirety.”<sup>1</sup> The Court went on to instruct the State to prepare and submit a proposed order, following which the Court “will issue a formal order at the completion of this process.” Though the Court appears to contemplate the issuance of an additional order on Blackwell’s PCR application, the Court also dismissed the PCR application. Undersigned counsel has not identified another case in which a Court dismissed a PCR application and then asked the State to draft an additional order related to that Application. In counsel’s experience, a PCR judge either drafts an order ruling on a PCR action that includes his or her findings of fact and conclusions of law or notifies the parties via email or letter of its intention to rule on PCR and directing a party to draft

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<sup>1</sup> The Public Index reflects Blackwell’s PCR application was dismissed on January 31, 2025 upon the filing of this Court’s Order Dismissing. See <https://publicindex.sccourts.org/Spartanburg/PublicIndex/PISearch.aspx> (last viewed Feb. 5, 2025).

a proposed order to include proposed findings of fact or conclusions of law with specific instructions as to the reasons PCR is being granted or denied. In the latter case, no order of dismissal is entered until the proposed order has been submitted and reviewed by the presiding judge. *See Hall v. Catoe*, 360 S.C. 353, 365, 601 S.E.2d 335, 341 (2004) (Supreme Court “strongly encourage PCR judges to draft their own findings of fact and conclusions of law in death penalty cases”).

In this case, the Court’s premature dismissal of Blackwell’s PCR application, set in motion deadlines for filing reconsideration and appeal, which would ultimately divest this Court of jurisdiction over Blackwell’s PCR application. *See* Rule 59, SCRCF; Rule 203, SCACR; Rule 205, SCACR. Accordingly, Blackwell requests this Court withdraw its Order Dismissing the PCR application until such time as the Attorney General submits a proposed order, counsel for applicant has had a chance to respond to the draft order and this Court has had an opportunity to review and meaningfully consider both parties’ submissions.

Counsel further request that this Court provide its reasons for denying Blackwell’s claims to direct the Attorney General’s drafting of the proposed order. “S.C. Code Ann. § 17-27-80 (1976), requires the PCR court to ‘make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented.’” *McCray v. State*, 305 S.C. 329, 330, 408 S.E.2d 241, 241 (1991); *see also Pruitt v. State*, 310 S.C. 254, 423 S.E.2d 127 (1992). In the Order Dismissing, this Court said only that “Applicant is unable to maintain his burden under *Strickland* and his PCR application is DISMISSED.” By not providing any factual or legal guidance, this Court is delegating its statutory obligation to the Attorney General’s Office. Such delegation of a judicial branch function to the executive branch violates the separation of powers required by S.C. Const. Art. I, § 8. *See State v. Langford*, 400 S.C. 421, 435, 735 S.E.2d 471, 478 (2012) (“Vesting

a member of the executive branch with the exclusive authority to perform an inherently judicial function unquestionably is a violation of separation of powers.”); *State ex rel. Condon v. Hodges*, 349 S.C. 232, 250, 562 S.E.2d 623, 633 (2002) (“the office of attorney general is part of the executive branch”); S.C. Code Ann. § 1-1-110.

Additionally, the Court’s statement relating to dismissal does not address all the grounds for relief raised in Blackwell’s PCR application because they were not all raised as ineffective assistance of counsel claims pursuant to *Strickland v. Washington*, 466 U.S. 668 (1984). Specifically, Ground 10(a) raised a claim under *Atkins v. Virginia*, 536 U.S. 304 (2002), alleging Blackwell is constitutionally ineligible for the death penalty as a person with intellectual disability. This was a freestanding claim, alleging a constitutional violation independent of ineffective assistance of counsel. Ground 10(a)(1) raises a claim of intellectual disability based on newly discovered evidence, which invokes the PCR court’s authority to grant relief based on newly discovered evidence. S.C. Code § 17-27-20(A)(4). Neither of these claims are encompassed by this Court’s order indicating the denial of relief was based on failure to satisfy *Strickland*.

Ultimately, the PCR application raises multiple claims that require this Court to determine whether Blackwell is a person with an intellectual disability, but this Court’s Order Dismissing is silent on this question. Pursuant to section 17-27-80, Blackwell respectfully requests this Court state whether it concluded Blackwell is or is not a person with an intellectual disability. If this Court concluded Blackwell is not a person with an intellectual disability, then Blackwell further requests this Court explain its reasoning given the fact that every expert who evaluated Blackwell ultimately concluded he is a person with an intellectual disability.

Finally, the Court did not indicate which prong of *Strickland* Blackwell failed to satisfy— i.e. deficient performance or prejudice. Because “preparation and finalization of a PCR order is

often a collaborative effort” and the order must address all issues raised by the Applicant, *Fishburne v. State*, 427 S.C. 505, 516, 832 S.E.2d 584, 589 (2019), Blackwell requests this Court provide further direction for the drafting of a proposed order to ensure the order accurately reflects this Court’s findings of fact and conclusions of law on all claims raised in the PCR application.

Blackwell, therefore, respectfully requests this Court withdraw the Order Dismissing and provide its reasons for denying Blackwell’s claims.

Respectfully submitted,

By s/ E. Charles Grose, Jr.  
E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
305 Main Street  
Greenwood, SC 29646  
(864) 538-4466  
(864) 538-4405 (fax)  
charles@groselawfirm.com

By s/ Lindsey S. Vann  
Lindsey S. Vann  
Rosalind S.D. Major  
Justice 360  
900 Elmwood Avenue, Suite 200  
Columbia, SC 29201  
(803) 765-1044  
lindsey@justice360sc.org  
rosalind@justice360sc.org

February 6, 2025

***Attorneys for Ricky Lee Blackwell***

# **Exhibit C**

Friday, February 14, 2025 at 14:02:55 Eastern Standard Time

**Subject:** RE: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell  
**Date:** Friday, February 7, 2025 at 10:36:24 AM Eastern Standard Time  
**From:** Hall, Daniel D.  
**To:** Melody Brown, Charles Grose, Lindsey S. Vann, Hall, Daniel D. Secretary (Renee Graham Barker)  
**CC:** Cox, Amy W., Tommy Evans, Jr., Anthony Mabry, Rosalind Major, Angela Brown  
**Attachments:** image001.png

To: All

No need for a webex conference today regarding the Motion to Reconsider. I will hear oral arguments on appropriate motions once the final order has been signed by me. I ask that a Proposed Order be sent to my judicial email by March 15.

Thanks,

Daniel D. Hall  
Circuit Judge, Sixteenth Judicial Circuit

---

**From:** Melody Brown <MBrown@scag.gov>  
**Sent:** Thursday, February 6, 2025 5:38 PM  
**To:** Charles Grose <charles@groselawfirm.com>; Hall, Daniel D. <dhallj@sccourts.org>; Lindsey S. Vann <lindsey@justice360sc.org>; Hall, Daniel D. Secretary (Renee Graham Barker) <dhallsc@sccourts.org>  
**Cc:** Cox, Amy W. <acox@spartanburgcounty.org>; Tommy Evans, Jr. <TommyEvansJr@scag.gov>; Anthony Mabry <amabry@scag.gov>; Rosalind Major <rosalind@justice360sc.org>; Angela Brown <abennett@scag.gov>  
**Subject:** RE: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

I am fine with 2:30, as well.

Sincerely,

**MELODY J. BROWN, Senior Assistant Deputy Attorney General**

Attorney General  
Section | Office 803-734-6305 | [mbrown@scag.gov](mailto:mbrown@scag.gov)  
29211



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**From:** Charles Grose <[charles@groselawfirm.com](mailto:charles@groselawfirm.com)>  
**Sent:** Thursday, February 6, 2025 5:04 PM  
**To:** Melody Brown <[MBrown@scag.gov](mailto:MBrown@scag.gov)>; Hall, Daniel D. <[dhallj@sccourts.org](mailto:dhallj@sccourts.org)>; Lindsey S. Vann <[lindsey@justice360sc.org](mailto:lindsey@justice360sc.org)>; Hall, Daniel D. Secretary (Renee Graham Barker) <[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)>  
**Cc:** Cox, Amy W. <[acox@spartanburgcounty.org](mailto:acox@spartanburgcounty.org)>; Tommy Evans, Jr. <[TommyEvansJr@scag.gov](mailto:TommyEvansJr@scag.gov)>; Anthony Mabry <[amabry@scag.gov](mailto:amabry@scag.gov)>; Rosalind Major <[rosalind@justice360sc.org](mailto:rosalind@justice360sc.org)>; Angela Brown <[abennett@scag.gov](mailto:abennett@scag.gov)>  
**Subject:** Re: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

Dear Judge Hall,

I have several appointments scheduled tomorrow afternoon, but I can be available at 2:30. I conferred with Ms. Vann, and she is available at 2:30 too.

Best,  
Charles

E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
305 Main Street  
Greenwood, SC 29646  
Phone: 864-538-4466  
Fax: 864-538-4405  
Web: GroseLawFirm.com  
Email: [charles@groselawfirm.com](mailto:charles@groselawfirm.com)

---

**From:** Melody Brown <[MBrown@scag.gov](mailto:MBrown@scag.gov)>  
**Date:** Thursday, February 6, 2025 at 3:56 PM  
**To:** Hall, Daniel D. <[dhallj@sccourts.org](mailto:dhallj@sccourts.org)>, Charles Grose <[charles@groselawfirm.com](mailto:charles@groselawfirm.com)>, Lindsey S. Vann <[lindsey@justice360sc.org](mailto:lindsey@justice360sc.org)>, Hall, Daniel D. Secretary (Renee Graham Barker) <[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)>  
**Cc:** Cox, Amy W. <[acox@spartanburgcounty.org](mailto:acox@spartanburgcounty.org)>, Tommy Evans, Jr. <[TommyEvansJr@scag.gov](mailto:TommyEvansJr@scag.gov)>, Anthony Mabry <[amabry@scag.gov](mailto:amabry@scag.gov)>, Rosalind Major <[rosalind@justice360sc.org](mailto:rosalind@justice360sc.org)>, Angela Brown <[abennett@scag.gov](mailto:abennett@scag.gov)>  
**Subject:** RE: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

Yes, sir. I will be available at 3:00 tomorrow.

**MELODY J. BROWN, Senior Assistant Deputy Attorney General**  
Office of the South Carolina Attorney General  
Capital and Collateral Litigation Section | Office 803-734-6305 | [mbrown@scag.gov](mailto:mbrown@scag.gov)  
P.O. Box 11549 | Columbia, SC 29211  
[scag.gov](http://scag.gov)



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---

**From:** Hall, Daniel D. <[dhallj@sccourts.org](mailto:dhallj@sccourts.org)>  
**Sent:** Thursday, February 6, 2025 3:51 PM  
**To:** Melody Brown <[MBrown@scag.gov](mailto:MBrown@scag.gov)>; Charles Grose <[charles@groselawfirm.com](mailto:charles@groselawfirm.com)>; Lindsey S. Vann <[lindsey@justice360sc.org](mailto:lindsey@justice360sc.org)>; Hall, Daniel D. Secretary (Renee Graham Barker) <[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)>  
**Cc:** Cox, Amy W. <[acox@spartanburgcounty.org](mailto:acox@spartanburgcounty.org)>; Tommy Evans, Jr. <[TommyEvansJr@scag.gov](mailto:TommyEvansJr@scag.gov)>; Anthony Mabry <[amabry@scag.gov](mailto:amabry@scag.gov)>; Rosalind Major <[rosalind@justice360sc.org](mailto:rosalind@justice360sc.org)>; Angela Brown <[abennett@scag.gov](mailto:abennett@scag.gov)>  
**Subject:** RE: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

How about 3:00 tomorrow afternoon? Judge Hall I have questions regarding procedure.

---

**From:** Melody Brown <[MBrown@scag.gov](mailto:MBrown@scag.gov)>  
**Sent:** Thursday, February 6, 2025 3:46 PM  
**To:** Charles Grose <[charles@groselawfirm.com](mailto:charles@groselawfirm.com)>; Hall, Daniel D. <[dhallj@sccourts.org](mailto:dhallj@sccourts.org)>; Lindsey S. Vann <[lindsey@justice360sc.org](mailto:lindsey@justice360sc.org)>; Hall, Daniel D. Secretary (Renee Graham Barker) <[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)>  
**Cc:** Cox, Amy W. <[acox@spartanburgcounty.org](mailto:acox@spartanburgcounty.org)>; Tommy Evans, Jr. <[TommyEvansJr@scag.gov](mailto:TommyEvansJr@scag.gov)>; Anthony Mabry <[amabry@scag.gov](mailto:amabry@scag.gov)>; Rosalind Major <[rosalind@justice360sc.org](mailto:rosalind@justice360sc.org)>; Angela Brown <[abennett@scag.gov](mailto:abennett@scag.gov)>  
**Subject:** RE: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Good afternoon:

Given the below response, I'm not entirely sure where we might be in regard to the request to discuss the matter tomorrow, but I am available a 10:00 and in the afternoon. Thank you.

Sincerely,



*This email, along with any attachments, is considered confidential and may be legally privileged. If you have received it in error please notify the sender immediately by reply email and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. This email, and attachments, are subject to FOIA requests. Thank you for your cooperation.*

---

**From:** Charles Grose <[charles@groselawfirm.com](mailto:charles@groselawfirm.com)>

**Sent:** Thursday, February 6, 2025 3:14 PM

**To:** Hall, Daniel D. <[dhallj@sccourts.org](mailto:dhallj@sccourts.org)>; Lindsey S. Vann <[lindsey@justice360sc.org](mailto:lindsey@justice360sc.org)>; Hall, Daniel D. Secretary (Renee Graham Barker) <[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)>

**Cc:** Cox, Amy W. <[acox@spartanburgcounty.org](mailto:acox@spartanburgcounty.org)>; Melody Brown <[MBrown@scag.gov](mailto:MBrown@scag.gov)>; Tommy Evans, Jr. <[TommyEvansJr@scag.gov](mailto:TommyEvansJr@scag.gov)>; Anthony Mabry <[amabry@scag.gov](mailto:amabry@scag.gov)>; Rosalind Major <[rosalind@justice360sc.org](mailto:rosalind@justice360sc.org)>

**Subject:** Re: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

Dear Judge Hall,

Beginning at 9:30 tomorrow, I will be involved in the docket call/status conference for cases on the Spartanburg GS jury trial docket for next week. I am not sure how long that will last.

Also, Ms. Vann and I request any status conference or hearing on the Rule 59(e) motion be on the record.

For planning purposes, I also have the first case for trial on the Greenwood GS jury trial docket for next week.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

Best,  
Charles

E. Charles Grose, Jr.  
The Grose Law Firm, LLC  
305 Main Street  
Greenwood, SC 29646  
Phone: 864-538-4466  
Fax: 864-538-4405  
Web: [GroseLawFirm.com](http://GroseLawFirm.com)  
Email: [charles@groselawfirm.com](mailto:charles@groselawfirm.com)

---

**From:** Hall, Daniel D. <[dhallj@sccourts.org](mailto:dhallj@sccourts.org)>

**Date:** Thursday, February 6, 2025 at 2:35 PM

**To:** Lindsey S. Vann <[lindsey@justice360sc.org](mailto:lindsey@justice360sc.org)>, Hall, Daniel D. Secretary (Renee Graham Barker)

<[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)>

**Cc:** Cox, Amy W. <[acox@spartanburgcounty.org](mailto:acox@spartanburgcounty.org)>, Charles Grose <[charles@groselawfirm.com](mailto:charles@groselawfirm.com)>, [mbrown@scag.gov](mailto:mbrown@scag.gov) <[mbrown@scag.gov](mailto:mbrown@scag.gov)>, [tommyevansjr@scag.gov](mailto:tommyevansjr@scag.gov) <[tommyevansjr@scag.gov](mailto:tommyevansjr@scag.gov)>, Anthony Mabry <[amabry@scag.gov](mailto:amabry@scag.gov)>, Rosalind Major <[rosalind@justice360sc.org](mailto:rosalind@justice360sc.org)>  
**Subject:** RE: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

Are y'all available to enter my virtual courtroom tomorrow morning at 10:00 am to discuss this issue?

Daniel D. Hall  
Circuit Judge, Sixteenth Judicial Circuit

---

**From:** Lindsey S. Vann <[lindsey@justice360sc.org](mailto:lindsey@justice360sc.org)>

**Sent:** Thursday, February 6, 2025 12:57 PM

**To:** Hall, Daniel D. Secretary (Renee Graham Barker) <[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)>; Hall, Daniel D. <[dhallj@sccourts.org](mailto:dhallj@sccourts.org)>

**Cc:** Cox, Amy W. <[acox@spartanburgcounty.org](mailto:acox@spartanburgcounty.org)>; Charles Grose <[charles@groselawfirm.com](mailto:charles@groselawfirm.com)>; [mbrown@scag.gov](mailto:mbrown@scag.gov); [tommyevansjr@scag.gov](mailto:tommyevansjr@scag.gov); Anthony Mabry <[amabry@scag.gov](mailto:amabry@scag.gov)>; Rosalind Major <[rosalind@justice360sc.org](mailto:rosalind@justice360sc.org)>

**Subject:** Re: Signed Court's Order Dismissing PCR Application - Ricky Lee Blackwell

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Dear Judge Hall,

Attached, please find Applicant's Motion to Alter or Amend Judgment in this case. Hard copies are being sent to Chambers and the Clerk for filing today.

Thank you for your attention to this matter.

Best,  
Lindsey S. Vann  
Executive Director, Justice 360  
900 Elmwood Avenue, Suite 200  
Columbia, SC 29201 | (803) 765-1044

On Tue, Jan 28, 2025 at 11:06 AM Hall, Daniel D. Secretary (Renee Graham Barker) <[dhallsc@sccourts.org](mailto:dhallsc@sccourts.org)> wrote:

Good Morning!

Attached is the signed Order Dismissing PCR Application for Ricky Lee Blackwell.  
Amy, we are mailing the original to you today, but sending everyone a copy for their records.

Thank you, and have a great day!!

***Renee G. Barker***

***Administrative Assistant***

***to Daniel D. Hall***

***Administrative Judge of the Sixteenth Judicial Circuit***

*1675-1J York Highway*

*York, SC 29745*

*803-628-3048*

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