

STATE OF SOUTH CAROLINA

COUNTY OF

COPY

) IN THE COURT OF (Select one)
) GENERAL SESSIONS
) FAMILY COURT
) JUDICIAL CIRCUIT

Name of applicant and Inmate number (if applicable)

Terrell McCoy, 256070

OR

) APPLICATION FOR
) FORENSIC DNA TESTING

IN THE INTEREST OF

) ORIGINAL INDICTMENT NO.

Juvenile

) 06-GS- -10-4987

v.

) ORIGINAL PETITION NO.

State of South Carolina

) -GS- -

FILED
 2011 DEC 14 PM 3:56
 CLERK OF COURT

INSTRUCTIONS – READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may continue an answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the end of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted or adjudicated.

I understand that DNA testing is only available if I have been convicted or adjudicated of an offense listed in S.C. Code Ann. § 17-28-30, that I am currently incarcerated for that offense, and that I am asserting that I am innocent of the offense. Further, if the conviction or adjudication was the result of a plea of guilty or nolo contendere, the application must be filed within seven years of the date of sentencing.

1. Identify the proceedings in which the applicant was convicted or adjudicated: General session

RECEIVED

MAR 31 2025

S.C. SUPREME COURT

2. Give the date of the entry of the judgment and sentence:

February 6, 2009

and current place of incarceration: Perry Correction Institution, 430 Oaklawn rd, Pelzer SC 29669

3. Identify all previous or ongoing proceedings, together with the grounds therein asserted, taken by the applicant to secure relief from his conviction or adjudication:

(a) ~~to~~ Direct Appeal

(b) Post Conviction Relief

(c) Habeas Corpus (pending)

4. Make a reasonable attempt to identify the physical evidence or biological material that should be tested: State's Exhibit 18 - blood smears on door jamb; State's Exhibit 19, and 20 - blood stains curtains; Icehouse beer bottles; Defendant's Exhibit 6; Defendant's Exhibit 4, Defendant's Exhibit 34; Defendant's Exhibit 44 & 45

Identify specific type of DNA testing being sought:

Blood result, Saliva results. DNA Found on raise window, door jamb, and blood smears on the wall. The DNA was never collected according to Crime Scene Investigator, but she testified the blood was not related to the victim. If the blood is not the victim blood, who left blood on the crime scene, who blood was it? Was someone stab or shot? It's not my blood.

5. Explain why the identity of the applicant was or should have been a significant issue during the original court proceedings, notwithstanding the fact that the applicant may have pled guilty or nolo contendere or made or is alleged to have made an incriminating statement or admission as to identity:

First, Angela Bunker testified that the blood on the door jamb, the blood smears on the wall, and curtain were not related to the crime scene. She testified she was unaware of the blood on the raise window discovered by Chief Coroner Rae Wooten. The evidence was never collected or tested. The evidence however was photographed. The victim's hand tested positive for gun powder particles and residue. The witness Cerenda Snowden gave three statements. In the first statement she stated she touch the victim, and then ran into her bedroom and raise the window but stop. She testified she lied in her first statement but the (DNA) science evidence match her first statement. She indicated she touch the victim, she could have removed a gun and other items. There was drugs found as well. Why would she state she touch the victim and then run into the bedroom and raise the window? There was blood on the door jamb but Angela Bunker, Crime Scene Investigator stated this blood was not related to this crime? How? And who blood is it? It was never collected or tested, so she committed perjury. The DNA needs to be tested to prove my innocence.

6. Explain why the physical evidence or biological material sought to be tested was not previously subjected to DNA testing, or if the physical evidence or biological material sought to be tested was previously subjected to DNA testing, provide the results of the testing and explain how the requested

My public Defender filed a SC Crimp 5 & 6 motion for testing on March 30, 2006. Crime Scene Investigator Angela Bunker testified at my 2009 trial that the blood on the curtains, blood smears on the wall, door jamb, and raise window in the bedroom were not collected and tested b/c police were not trained to collect and test DNA in SCCA DNA 101 (04/2009)

2 of 5

2006, and left the DNA at the crime scene, but I have exhibits of the DNA that was not collect which was presented and made evidence through Coroner Rae Wooten & Angela Bunker during my trial.

DNA test would provide a substantially more probative result: *It proves I'm innocent. It will prove I am innocent, and that I was framed as a scapegoat.*

FILED
2009 DEC 14 PM 3:5
CLERK OF COURT

7. Explain why if the DNA testing produces exculpatory results, the testing will constitute new evidence that will probably change the result of the applicant's conviction or adjudication if a new trial is granted and is not merely cumulative or impeaching:

The untested DNA found on the window sill, Door jamb, and blood smears were never collected according to Crime Scene Investigator Angela Bunker. She testified at my 2009 trial that the DNA was not related to the victim Antwan Bryant. If she never collected the DNA then she could not 100% say the DNA was not related to the victim. If the DNA was not related to the victim, then it means the DNA was another person's blood. This means it's a perpetrator that left blood at the crime scene and got away through the bedroom window. The victim's hand was tested positive for gun powder particles and residue. Sled testified that the gun powder particles and residue is evidence the victim shot a gun. The DNA would exonerate me. I didn't leave any blood or ever was shot. I wasn't there at the crime scene when this crime occurred. I'm innocent.

8. I assert that I am actually innocent of the listed offense, that this offense is listed in S.C. Code Ann. § 17-28-30 and that I am currently incarcerated for the listed offense. I attest that this application is made to demonstrate innocence and not solely to delay the execution of a sentence or the administration of justice.

9. If DNA testing is conducted and results are determined to be inculpatory by the Court, I understand that:
- (a) The Court may hold me in contempt of court if it determines that my assertion of actual innocence was intentionally false;
 - (b) The Court may assess the cost of any DNA testing against me;
 - (c) The South Carolina Department of Corrections may use this determination to deny good conduct credit; and,
 - (d) The Department of Probation, Parole, and Pardon Services can use this determination to deny parole.

Terrill McCoy
Print Applicant Name

Terrill McCoy
Signature of Applicant

STATE OF SOUTH CAROLINA)

County of Charleston)

VERIFICATION

I Terrell McCoy, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; and that the matters and allegations set forth are true.

Terrell McCoy
Signature of Applicant

SWORN to and subscribed before me this 01
day of December, 2023.

Connie Eady (L.S.)
Notary Public

My Commission Expires: 10-4-32



FILED
2023 DEC 14 PM 3:57
JULIE L. CLARK
CLERK OF COURT
BY

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I Terrell McCoy, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true.

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Terrell McCoy
Signature of Applicant

SWORN to and subscribed before me this 01
day of December, 2023.

Connie Eady (L.S.)
Notary Public

My Commission Expires: 10-04-2032



FILED
2023 DEC 14 PM 3:51
BY [illegible]