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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Robert L. Reibold, Administrative Law Judge

Case No. 24-ALJ-15-0028-AP

Appellate Case No. 2025-000565

Charles J. Madden, #00182326, Appellant,

v.

South Carolina Department of Probation, Parole, and Pardon Services, Respondent

APPELLANT'S REPLY BRIEF

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TABLE OF CONTENTS

Table of Authorities iii

Statement of Issues on Appeal 1

Introduction..... 1

Reply 1

Conclusion 9

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.</i> , 377 S.C. 489, 661 S.E.2d 106 (2008).....	2, 3
<i>Kelsey v. S.C. Dep't of Prob., Parole, & Pardon Servs.</i> , 441 S.C. 373, 893 S.E.2d 588 (Ct. App. 2023).....	1, 6, 7
<i>Steele v. Benjamin</i> , 362 S.C. 66, 606 S.E.2d 499 (Ct. App. 2004).....	2

**STATEMENT OF ISSUES ON
APPEAL**

- 1. Whether This Court’s Decision in *Kelsey* and South Carolina Department of Probation, Parole, and Pardon Services Form 1212 Require the Department to Provide an Inmate His or Her Parole File in Advance of His or Her Parole Hearing.**

INTRODUCTION

On August 30, 2023, this Court held that inmates are entitled to review their parole files so that they may notify the Parole Board of errors and inaccuracies in their file. *Kelsey v. S.C. Dep’t of Prob., Parole, & Pardon Servs.*, 441 S.C. 373, 378-79, 893 S.E.2d 588, 591 (Ct. App. 2023), *reh’g denied* (Nov. 17, 2023). The South Carolina Department of Probation, Parole, and Pardon Services thereafter established policies that continue to deprive Appellant and other inmates of a meaningful opportunity to identify and correct errors in their parole files. Respondent asks the Court to affirm the Administrative Law Court’s (“ALC”) holding below and, in effect, nullify the Court’s decision in *Kelsey*. The Court should not do so.

REPLY

Respondent argues the Court should affirm the ALC’s holding below because 1) the relief sought by Appellant is beyond the ALC’s power, 2) Appellant failed to show that the inaccuracies in his parole file were prejudicial, and 3) the Department’s policies meet the requirements of *Kelsey*. Respondent’s arguments are without merit and the Court should reject them, reverse the ALC’s holding below and remand with instructions to grant Appellant a new parole hearing.

I. Appellant's Claims are Within the Adjudicative Power of the Administrative Law Court and Court of Appeals.

Respondent asserts that only permanent denial of parole eligibility implicates a sufficient liberty interest to trigger due process and, therefore, Appellant's claims are beyond the power of the ALC, and this Court, to adjudicate. Respondent is wrong.

Since the *Furtick* decision cited by Respondent, South Carolina's Appellate Courts have clarified that:

The use of the word *permanent* in *Sullivan* and *Furtick* does not mean that there must be a permanent denial of parole eligibility before a sufficient liberty interest is involved. It is merely one of the ways that a sufficient liberty interest may be involved.

Steele v. Benjamin, 362 S.C. 66, 72, 606 S.E.2d 499, 502 (Ct. App. 2004). Whether the Parole Board's decision permanently denies an inmate parole is "not dispositive" of whether the ALC has jurisdiction to hear the inmate's claims. *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 498, 661 S.E.2d 106, 111 (2008). In fact, following *Furtick*, the Supreme Court of South Carolina has held that when the Parole Board fails to adhere to statutorily mandated procedures or its own policies, as Appellant claims here, it sufficiently infringes on an inmate's liberty interests to trigger due process requirements. *Id.* at 498-99, 661 S.E.2d at 111.

Appellant's arguments are premised on the Parole Board's failure to follow its own processes and procedures described in Form 1212 and the Court's implicit directives in *Kelsey*. The process employed by the Parole Board, and whether that process comports with Appellant's limited due process rights in the parole process, are within the ALC and this Court's power to review.

II. **Appellant Was Prejudiced by the Inclusion of Inaccurate Information in his Parole File.**

Respondent claims that Appellant has failed to show that inclusion of inaccurate or misleading information in his parole file was unduly prejudicial. Respondent's argument appears to suggest that the specific facts of an inmate's criminal history are irrelevant. The Parole Board's own stated criteria say otherwise.

As an initial matter, Respondent yet again attempts to mischaracterize the character of the offense Appellant is currently incarcerated for and attempts to introduce other, irrelevant offenses to distract from the issues before the Court. To be clear, Appellant was indicted for First Degree Burglary and First-Degree Assault with Intent to Commit Criminal Sexual Conduct for an offense that occurred on December 22, 1990.¹ McCormick County Public Records, 91-GS-35-0012; 91-GS-35-0013. Appellant pled guilty to lesser charges of Third-Degree Burglary and Assault of a High and Aggravated Nature on October 8, 1991. *Id.* Despite Respondent's characterization of these offenses in its brief (Respondent's Brief, p. 1), these offenses and the offense Appellant is currently incarcerated for involved separate victims and occurred months apart. Appellant does not dispute these offenses and does not argue that they are not proper for consideration by the Parole Board. *See* SCDPPS Form 1212 ("When deliberating that an inmate will not again violate the law, the Board or Panel weighs the factors listed below... 3. The inmate's prior criminal records and his/her adjustment under any previous programs or supervision."). These offenses are, however, irrelevant to the issues before the Court. What *is* before the Court is whether presenting a statement of probable cause that includes an aggravating offense in an inmate's parole file, when

¹ The arrest warrant, indictment, and plea/sentencing forms for these offenses are matters of public record which Appellant respectfully requests the Court take judicial notice of. Copies of each are provided herewith for the Court's convenience.

the inmate was never indicted for or convicted of the aggravating offense is prejudicial (it is), and whether the Parole Board's consideration of inaccurate and prejudicial materials during the parole process entitles Appellant to a new parole hearing (it does).

McCormick County public records establish that Appellant murdered his father on June 2, 1991. Appellant maintains that he murdered his father because his father was abusive and because Appellant sincerely believed that his father played a role in his mother's death that occurred when Appellant was 9 years old. *See* Betsy Dillbeck, *Madden Sentenced to Life Plus Four*, The McCormick Messenger, October 10, 1991.² While the arrest warrant issued alleged Appellant committed this offense during the commission of an armed robbery, Appellant was neither indicted for nor convicted of robbery in connection with the murder. McCormick County Public Records, 91-GS-35-240.³ Put plainly Appellant did not, as Respondent has previously represented to this Court and the ALC "kill[] his father during the commission of an armed robbery" and there is no factual evidence in the publicly available records to suggest that he did. *Madden v. S.C. Dept. of Probation, Parole, and Pardon Servs.*, Final Brief of Respondent, Appellate Case No.: 2023-000693; *Madden v. S.C. Dept. of Probation, Parole, and Pardon Servs.*, Administrative Law Court Final Order dated March 23, 2023.

Despite making the calculated decision to assert the statement of probable cause contained in the arrest warrant as an established fact to this Court and elsewhere in the past, *precisely for its prejudicial effect*, Respondent now argues that presenting the same statement of probable cause to

² A copy of the referenced article is included herewith for the Court's convenience.

³ Appellant maintains that the statement of probable cause made in the arrest warrant was based upon the fact that when the victim was discovered, law enforcement was unable to locate the victim's wallet. Appellant claims that thereafter, when family members were cleaning the victim's residence, the wallet was located under the couch and turned in to law enforcement and, as a result, Appellant was not indicted for armed robbery.

the Parole Board for consideration during the parole process is not prejudicial. However, Respondent has not and cannot offer any explanation for why the Department included the statement at issue other than for the express purpose of misleading the Parole Board members into presuming that Appellant had, in fact, committed murder during the commission of an armed robbery.

Moreover, while Respondent contends, and the ALC below found, that any prejudice is merely speculative, there is an unequivocal link between the inaccurate and misleading information presented to the Parole Board and the Parole Board's decision to deny parole. Respondent's policies and procedures mandate the Parole Board consider multiple factors, including "[t]he nature and seriousness of the inmate's offense, the circumstances surrounding the offense, and the inmate's attitude towards it." SCDPPS Form 1212. The Parole Board voted to deny Appellant parole based, *inter alia*, on the "Nature and Seriousness of Current Offense." (Notice of Rejection, R._).

Respondent cannot seriously argue that misrepresenting the facts surrounding Appellant's crime by suggesting to the Parole Board that a second, aggravating offense occurred is not prejudicial and that prejudice did not impact the Board's decision. This is particularly true where, as here, there are in fact mitigating circumstances that the Parole Board was not presented with in the parole file. Put plainly, murdering a family member during the commission of armed robbery is not of the same nature and seriousness as murdering a family member under the circumstances Appellant claims. Because presenting the statement of probable cause to the Parole Board as a statement of fact severely alters the nature and seriousness of Appellant's offense and misrepresents the circumstances surrounding the offense, both factors the Parole Board considered and based its decision to deny upon, its inclusion is unquestionably prejudicial.

III. *Kelsey* and Form 1212 Require Inmates Be Able to Correct Inaccuracies in their Parole File Before Their Parole Hearing.

Respondent asserts, and the ALC below agreed, that this Court's decision in *Kelsey* was based entirely on the language used by the Department in Form 1212 and that there are no due process concerns implicated by the *Kelsey* decision. Assuming for the sake of argument that Respondent and the ALC are correct and focusing solely on the language contained in Form 1212, Respondent's claim that the Department's post-*Kelsey* policies "meet[] every stated requirement of the Court of Appeals' remand" (Respondent's Brief, p. 7) is disingenuous, at best. In fact, the most cursory review of Respondent's post-*Kelsey* policies makes it readily apparent that Respondent's policies are designed, to the greatest extent possible, to continue depriving inmates of a meaningful opportunity to correct errors within their parole file.

The Department's Form 1212 states, in pertinent part,

In deciding whether or not to grant parole, the Parole Board considers, among other things, the inmate's record before incarceration as well as during incarceration. The record itself is prepared through investigations conducted for the Parole Board, and it becomes a part of the inmate's parole file. The files are maintained by the Department of Probation, Parole and Pardon Services and are, by the statute, privileged and confidential. The confidentiality of the parole file is far reaching; inmates themselves have no right to inspect the contents of their files. If the inmate thinks his/her file is somehow incomplete or contains some errors or other inaccuracy, he/she must notify the Board of the specific error or inaccuracy. The Board will investigate the inquiry and notify the inmate of the action taken.⁴

⁴ Unsurprisingly, in the more than one year since *Certiorari* was denied in the *Kelsey* decision, rendering this Court's decision final and binding law, the Department has not revised Form 1212 to reflect that inmates are entitled to review their parole file. See https://ppp.sc.gov/sites/dppps/files/Documents/Parole%20Pardon%20Release/Criteria_for_Parole_Consideration.pdf

SCDPPS Form 1212. This court unequivocally held that the language contained in Form 1212 requiring inmates notify the Parole Board of errors or inaccuracies necessarily entitles inmates to review their parole files. *Kelsey*, 441 S.C. at 378, 893 S.E.2d at 591.

Appellant's argument is simple: if the *Kelsey* decision is intended to facilitate ensuring the Parole Board's decisions are based on accurate information, as a matter of common sense, the parole file review and adjudication of claimed inaccuracies must occur before an inmate's parole hearing. Respondent's counter arguments are, in effect, that *Kelsey* does not provide any meaningful rights to inmates; that it does not matter when or how an inmate is permitted to view his parole file, when or how the inmate is permitted to notify the Parole Board of inaccuracies, or when or how the Parole Board investigates inaccuracies and notifies the inmate of the actions it has taken so long as it "checks the box." Respondent asserts, in effect, that the Parole Board may consider inaccurate information and render a parole decision based on inaccurate information, so long as the inmate had an opportunity to look at his file beforehand.

Stated simply, Appellant argues it is inconceivable that this Court intended the *Kelsey* decision to do no more than add a meaningless additional step to the pre-*Kelsey* process and permit the Department to perpetuate a system where inmates lack a meaningful opportunity to correct inaccurate information in their parole files. It is not believable that this Court would hold inmates are entitled to review their parole files, but only the morning of (sometimes mere minutes before) their parole hearing. Nor is it believable that the Court intended inmates' opportunity to report inaccuracies in their parole files would be limited to discussing those inaccuracies directly with the members of the parole board, at their parole hearing, without the ability to obtain evidence to support their claims. Nor is it believable that the Court expected the Parole Board's investigation into claimed inaccuracies in inmates' parole files, and the action taken on the claimed inaccuracies,

would occur weeks after the Parole Board voted to deny parole. Yet that is precisely what Respondent's policies are, and the protocol Respondent asks this Court to affirm. It should decline to do so.

In a further attempt to convince the Court that its current policies should be affirmed, Respondent argues that providing inmates their parole files and adjudicating claimed inaccuracies before the parole hearing would be a "massive undertaking" that the Department's "limited staff" would be unable to handle. (Respondent's Brief, p. 9). Not so for two reasons.

First, Respondent omits the fact that its employees already meet with and interview parole eligible inmates months before the inmate's parole hearing. Permitting inmates to review their parole file at this time (or at least the factual portions of the parole file, which are the sections most likely to be challenged as inaccurate) would create a minimal additional burden, if any. Second, Form 1212 mandates the Department investigate claimed inaccuracies and notify the inmate of what actions it has taken regardless of whether it does so before or after the parole hearing; the amount of effort expended to review claimed inaccuracies is likely to be the same whether the Department reviews claims before or after the inmate's parole hearing. Notably, however, permitting inmates to review their files before their scheduled parole hearing and correct inaccuracies will reduce the need for a second hearing in cases where an inaccuracy is identified and validated. Thus, the administrative burden on the Parole Board is as likely to decrease from allowing inmates to review their files and correct inaccuracies before their parole hearing as it is to increase it.

CONCLUSION

The Department's post-*Kelsey* policy of permitting inmates to review their parole files only on the morning of their parole hearing, permitting inmates to address inaccuracies only before the

board during their hearing, and investigating claimed inaccuracies after the parole board deprives Appellant of a meaningful opportunity to correct inaccuracies in his Parole File. As a result, the Parole Board incorrectly considered inaccurate and misleading information regarding the nature and seriousness of the crime Appellant was convicted of and based on consideration of that inaccurate and misleading information, voted to deny parole. For these reasons and those raised in Appellant's Brief, the Court should reverse the decision of the ALC and remand the case with instructions for the Parole Board to grant Appellant a new parole hearing after Appellant has had sufficient time to review his parole file, identify inaccuracies, and submit those inaccuracies with supporting evidence to the Department for adjudication.

Respectfully submitted,

May 27, 2025

s/Michael P. Stover
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Columbia, SC 29201
Email: michael.stover@nelsonmullins.com
(803) 799-2000
Attorney for Appellant

DOCKET NO. 91-GS 35 - W/2

The State of South Carolina,

County of MCCORMICK

WITNESSES

Waldrop, MPD

COURT OF GENERAL SESSIONS

March TERM 1991

THE STATE

vs.

CHARLES J. MADDEN

ARREST WARRANT NO. C 867119

ACTION OF GRAND JURY

Bruce Bell

Michael A. Myerson
Foreman of Grand Jury

CDR # 079

Indictment for

BURGLARY, 1st Degree
Section 16-11-311

VERDICT

Foreman of Petit Jury

Date:

Donald V. Myers, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF MCCORMICK)

INDICTMENT FOR
BURGLARY, 1st Degree

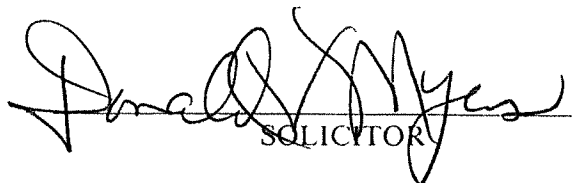
At a Court of General Sessions, convened on March 18, 1991,
the Grand Jurors of McCormick County present upon their oath:

That CHARLES J. MADDEN did in McCormick County on or about December 22,
1990, wilfully and unlawfully enter the dwelling of Dora Dorn Robinson,
110 North Maple Street, McCormick, without consent and with the intent to
commit a crime therein and the defendant:

(a) When, in effecting entry or while in the dwelling or in immediate
flight therefrom, he caused physical injury to Dora Dorn Robinson
a person who was not a participant in the crime; and/or

(b) The said Charles J. Madden has prior record of two or more con-
victions for burglary or housebreaking or a combination of both,
all in violation of Section 16-11-311 of the Code of Laws of South Carolina,
1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and
provided.


SOLICITOR

AFFIDAVIT

Personally appeared before me, judge of the Court, one BILLY T. WALDROP, who being duly sworn, deposes and says that CHARLES J. MADDEN (name of defendant) did within this County and State on DEC. 22 19 90, violate the criminal laws of the State of South Carolina ~~of the municipality of~~ XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX in the following particulars:

DESCRIPTION OF OFFENSE

VIOLATE SECTION 16-11-311 OF THE SOUTH CAROLINA CRIMINAL CODE OF LAWS, 1976, AS AMENDED, WHICH IS BURGLARY IN THE FIRST DEGREE, WHILE IN THE TOWN LIMITS OF MCCORMICK, SOUTH CAROLINA.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that such probable cause is based on the following facts:

ON DECEMBER 22, 1990, ONE CHARLES J. MADDEN DID VIOLATE SECTION 16-11-311 OF THE SOUTH CAROLINA CRIMINAL CODE OF LAWS, 1976, AS AMENDED, IN THAT HE DID UNLAWFULLY ENTER A DWELLING WITHOUT CONSENT, WITH THE INTENT TO COMMIT A CRIME THEREIN, NAMELY CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE. THIS INCIDENT OCCURRED AT THE RESIDENCE OF DORA DORN ROBINSON WHICH IS LOCATED AT 110 NORTH MAPLE STREET IN THE TOWN LIMITS OF MCCORMICK, SOUTH CAROLINA. SAID CHARLES J. MADDEN HAS TWO(2) PRIOR CONVICTIONS FOR BURGLARY AND/OR HOUSEBREAKING. SAID INCIDENT CONSTITUTES THE CRIME OF BURGLARY IN THE FIRST DEGREE.

001113

Sworn to and Subscribed before me,

This 27TH day of DECEMBER, 19 90.

Billy T. Waldrop
Signature of Affiant

Address P.O. BOX 306
MCCORMICK, SOUTH CAROLINA 29835
Phone: 465-2150

Thomas B. Minor (L.S.)
Signature of Issuing Judge

Address P.O. BOX 306
MCCORMICK, SOUTH CAROLINA 29835
Phone: 465-2225

STATE OF SOUTH CAROLINA ARREST WARRANT

COUNTY OF MCCORMICK

{for MUNICIPALITY OF MCCORMICK}

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE, COUNTY OR MUNICIPALITY, OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that CHARLES J. MADDEN (name of defendant) did on DEC. 22 19 90, violate the criminal laws of the State of South Carolina ~~of the municipality of~~ XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX as set forth below:

DESCRIPTION OF OFFENSE

VIOLATE SECTION 16-11-311 OF THE SOUTH CAROLINA CRIMINAL CODE OF LAWS, 1976, AS AMENDED, WHICH IS BURGLARY IN THE FIRST DEGREE, WHILE IN THE TOWN LIMITS OF MCCORMICK, SOUTH CAROLINA.

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Done at MCCORMICK, S.C.
on DECEMBER 27, 19 90.

Thomas B. Minor (L.S.)
Signature of Judge

FORM CONTINUES ON BACK THOMAS B. MINOR ORIGINAL

HE LUNN
A copy of this Arrest Warrant was delivered to the following defendant:

CHARLES JACKSON MADDEN

on the 28th day of DECEMBER, 1990

Ch M. Johnson

Signature of Constable or Law Enforcement Officer

This warrant is certified for service in

MCCORMICK County (Circle one)

The accused is to be arrested and brought before me be dealt with according to law.

Signature of Judge Jean Waldrop (L.S.)

PRELIMINARY HEARING held by

Judge _____, 19____

on _____, 19____

with _____ Attorney for Defendant

Decision: _____

BAIL

Date Set _____, 19____

Judge _____

Amount _____

Surety _____

RETURN WARRANT TO:

ARREST WARRANT
NO. _____
STATE OF SOUTH CAROLINA
MCCORMICK COUNTY (Circle one)

CHARLES JACKSON MADDEN

Address: MADDEN'S TRAILER PARK
CEDAR HILL ROAD
MCCORMICK, SOUTH CAROLINA

Offense BURGLARY IN THE FIRST DEGREE

Code (or Ordinance) 16-11-31

Issuing Judge THOMAS B. MITCHELL

Officer BILLY T. WALDRUP

Agency MCCORMICK CITY P.D.

Date of Offense DECEMBER 22, 1990

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:
Name BILLY T. WALDRUP

Address MCCORMICK CITY P.D.

Name MCCORMICK, S.C. Phone 465-2150

Name CONNIE MCABEE RIBINSON

Address 110 NORTH MAPLE STREET

Name MCCORMICK, S.C. Phone 465-2475

Name DORA DORN ROBINSON

Address 110 NORTH MAPLE STREET

Name MCCORMICK, S.C. Phone 465-2475

Name CHIEF COKE M. BROWN

Address MCCORMICK CITY P.D.

Name MCCORMICK, S.C. Phone 465-2150

Name _____

Address _____

Phone _____

JURORS

MCCORMICK CITY P.D. CASE NO.: 90-12-009

1-3-90 2:40 PM
KOLLIGNE P. BULLOCK (gd)
MCCORMICK COUNTY CLERK

Indictment No. 91-GS-35-0013

Warrant No. C 867118

Indicted for: Assault with Intent to Commit Criminal Sexual Conduct 1st Degree

STATE OF SOUTH CAROLINA

COUNTY OF McCORMICK

Plea To: Assault ~~with Intent to Commit Criminal Sexual Conduct~~ ^{2m} of a High and Aggravated Nature

The Prisoner Charles Jackson Madden ~~is~~ ~~and~~ ~~is~~ is put to the Bar of this Court and arraigned, and upon his arraignment pleads guilty of Assault ~~with Intent to Commit Criminal Sexual Conduct~~ ^{2m} of a High and Aggravated Nature

Attest: Wally Miller ^{CJM/KM} X Charles J. Madden

S E N T E N C E

The defendant CHARLES JACKSON MADDEN is committed to the State Department of Corrections for a term of 2 month/years and/or to pay a fine of \$ _____ provided upon the service of _____ months/years and/or payment of \$ _____ plus pay/waive costs and assessments as applicable*, the balance suspended with probation for _____ months/years.

Restitution For physical injury \$ _____
Yes/No Property damage \$ _____

to be paid _____

to clerk for _____ **

Other conditions _____

Date October 6 1991

William P. Keesley
Presiding Judge
William P. Keesley

*Costs and Assessments
Non-waivable \$ _____
Not waived \$ _____
Total \$ _____

Kathryn P. Butler
Clerk of Court

** Pay to Victim's Compensation Fund if subrogated.

DOCKET NO. 92-00-0112

The State of South Carolina,

County of MCCORMICK

COURT OF GENERAL SESSIONS

March TERM 1991

THE STATE

vs.

CHARLES JACKSON MADDEN

[Handwritten signature]

CDR # 253

Indictment for

ASSAULT WITH INTENT TO COMMIT CRIMINAL
SEXUAL CONDUCT, 1st Degree
§ 16-3-656

WITNESSES

MPD

ARREST WARRANT NO. C 867118

ACTION OF GRAND JURY

[Handwritten signature]

[Handwritten signature]
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

Donald V. Myers, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF MCCORMICK)

INDICTMENT FOR

ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL
CONDUCT, 1st Degree
§ 16-3-656

At a Court of General Sessions, convened on March 18, 1991,

the Grand Jurors of McCormick County present upon their oath:

That CHARLES JACKSON MADDEN did in McCormick County on or about
the 22nd day of December, 1990, assault Dora Dorn Robinson with intent
to commit a sexual battery with and upon the body of Dora Dorn Robinson
and either:

(a) The said Charles Jackson Madden did use aggravated force during
the assault; AND/OR

(b) The said Dora Dorn Robinson was also a victim of forcible
confiscation, kidnaping, robbery, burglary, and housebreaking
the time of the assault,

all in violation of Section 16-3-656 and Section 16-3-6562 of the Code of Laws
of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and
provided.


SOLICITOR

AFFIDAVIT

Personally appeared before me, judge of the Court, one BILLY T. WALDROP, who being duly sworn, deposes and says that CHARLES J. MADDEN (name of defendant) did within this County and State on DEC. 22 19 90, violate the criminal laws of the State of South Carolina [or ordinance of the municipality] ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ in the following particulars:

DESCRIPTION OF OFFENSE

VIOLATE SECTION 16-3-656 OF THE SOUTH CAROLINA CRIMINAL CODE OF LAWS, 1976, AS AMENDED, WHICH IS ASSAULT WITH THE INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, WHILE IN THE TOWN LIMITS OF MCCORMICK, SOUTH CAROLINA.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that such probable cause is based on the following facts:

ON DECEMBER 22, 1990 ONE CHARLES J. MADDEN DID VIOLATE SECTION 16-3-656, OF THE SOUTH CAROLINA CRIMINAL CODE OF LAWS, 1976, AS AMENDED, IN THAT HE COMMIT AN ASSAULT WITH THE INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT ON ONE DORA DORN ROBINSON BY USING AGGRAVATED FORCE WHILE SAID DORA DORN ROBINSON WAS A VICTIM OF A BURGLARY OF HER RESIDENCE, WHICH IS LOCATED AT 110 NORTH MAPLE STREET IN THE TOWN LIMITS OF MCCORMICK, SOUTH CAROLINA. THIS INCIDENT CONSTITUTES THE CRIME OF ASSAULT WITH THE INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE,

AKA DUBAR

C 867118

Sworn to and Subscribed before me,

This 27TH. day of DECEMBER, 19 90.

Billy T. Waldrop
Signature of Affiant

Address P.O. BOX 306
MCCORMICK, S.C. 29835
Phone: 465-2150

Thomas B. Minor (L.S.)
Signature of Issuing Judge

Address P.O. BOX 306
MCCORMICK, SOUTH CAROLINA 29835
Phone: 465-2225

STATE OF SOUTH CAROLINA ARREST WARRANT

COUNTY OF MCCORMICK

[or MUNICIPALITY OF MCCORMICK]

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE, COUNTY OR MUNICIPALITY, OR ANY CONSTABLE OF THIS COUNTY:

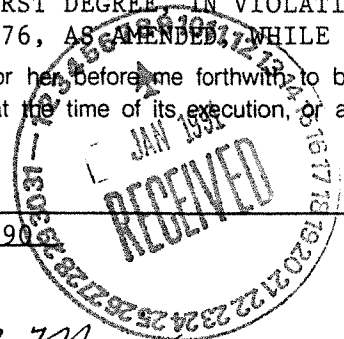
It appearing from the above affidavit that there are reasonable grounds to believe that CHARLES J. MADDEN (name of defendant) did on DECEMBER 22 19 90, violate the criminal laws of the State of South Carolina [or ordinance of the municipality] ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ as set forth below:

DESCRIPTION OF OFFENSE

ASSAULT WITH THE INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, IN VIOLATION OF SECTION 16-3-656 OF THE SOUTH CAROLINA CRIMINAL CODE OF LAWS, 1976, AS AMENDED, WHILE IN THE TOWN LIMITS OF MCCORMICK, SOUTH CAROLINA.

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Done at MCCORMICK, S.C.
on DECEMBER 27, 19 90



Thomas B. Minor (L.S.)
Signature of Judge

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

CHARLES JACKSON MADDEN
on the 28th day of DECEMBER, 1990
Che M. Brown
Signature of Constable or Law Enforcement Officer

This warrant is certified for service in _____ County _____ (Circle one)
MCCORMICK MCCORMICK

The accused is to be arrested and brought before me to be dealt with according to law.

June N. Blair (L.S.)
Signature of Judge

PRELIMINARY HEARING held by _____

Judge _____ on _____, 19____

with _____ Attorney for Defendant

Decision: _____

BAIL

Date Set _____, 19____

Judge _____

Amount _____

Surety _____

RETURN WARRANT TO: _____

ARREST WARRANT

No. C 00110

STATE OF SOUTH CAROLINA

MCCORMICK County (Circle one)
Municipality

THE STATE

against

CHARLES JACKSON MADDEN

Address: MADDEEN'S TRAILER PARK
CEDAR HILL ROAD
MCCORMICK, S.C. 29835



Offense ASSAULT WITH THE INTENT TO COMMIT
CRIMINAL SEXUAL ACT
IN THE FIRST DEGREE

Offense Code

Code (or Ordinance) § 16-3-51

Issuing Judge THOMAS B. MINDS

Judge Code

Officer BILLY T. WALDROP

Agency MCCORMICK CITY P.D.

ORI No.

Date of Offense DECEMBER 28 1990

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name BILLY T. WALDROP

Address MCCORMICK CITY P.D.

MCCORMICK, S.C. Phone 465-2150

Name CHIEF COKE M. BROWN

Address MCCORMICK CITY P.D.

MCCORMICK, S.C. Phone 465-2150

Name DORA DORN ROBINSON

Address 110 NORTH MAPLE STREET

MCCORMICK, S.C. Phone 465-2475

Name CONNIE MCABEE ROBINSON

Address 110 NORTH MAPLE STREET

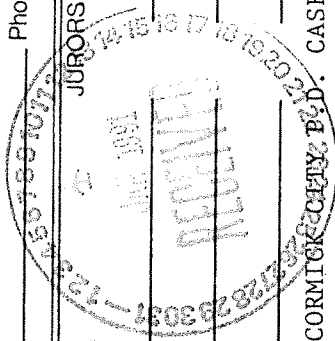
MCCORMICK, S.C. Phone 465-2475

Name _____

Address _____

Phone _____

JURORS



MCCORMICK COUNTY P.D. CASE NO.: 90-12-009

Filed 1-3-91 @ 2:40 pm

KATHYNE P. BUTLER (gd)

McCormick County Clerk of Court

Indictment No. 91-GS-35-240

Indicted for: Murder

Warrant No. C 978010

STATE OF SOUTH CAROLINA

Plea To: Murder

COUNTY OF McCORMICK

The Prisoner Charles J. Madden ~~having grand jury~~ is put to the Bar of this Court and arraigned, and upon his arraignment pleads guilty of As Charged

Attest: Walter Miller

X Charles Jackson Madden

S E N T E N C E

The defendant CHARLES J. MADDOEN is committed to the State Department of Corrections for a term of life imprisonment ~~month/years and/or to pay a fine of \$~~ provided upon the service of _____ months/years and/or payment of \$ _____ plus pay/waive costs and assessments as applicable*, the balance suspended with probation for _____ months/years.

Restitution Yes/No For physical injury \$ _____ Property damage \$ _____

to be paid _____

to clerk for _____ **

Other conditions _____

Date October 8 1991

William P. Keesley
Presiding Judge
William P. Keesley

*Costs and Assessments
Non-waivable \$ _____
Not waived \$ _____
Total \$ _____

Kathryn P. Butler
Clerk of Court

** Pay to Victim's Compensation Fund if subrogated.

WITNESSES

Willis, MPD

DOCKET NO. 91-95-03-047C

THE STATE OF SOUTH CAROLINA

COUNTY OF McCormick

COURT OF GENERAL SESSIONS

July TERM 1991

THE STATE

vs.

ARREST WARRANT NO. C-978010

CHARLES JACKSON MADDEN

a/k/a DOOGER MADDEN

CDR 116

ACTION OF GRAND JURY

James Bill

Pro Se

FOREMAN OF GRAND JURY

Marshall J. Myer

VERDICT

INDICTMENT FOR
MURDER

FOREMAN OF PETIT JURY

DATE:

Donald V. Myers, Solicitor

Handwritten notes and signatures at the bottom of the page.

STATE OF SOUTH CAROLINA)
COUNTY OF McCormick)

INDICTMENT FOR MURDER

At a Court of General Sessions, convened on July 8, 1991,
the Grand Jurors of McCormick County present upon their oath:

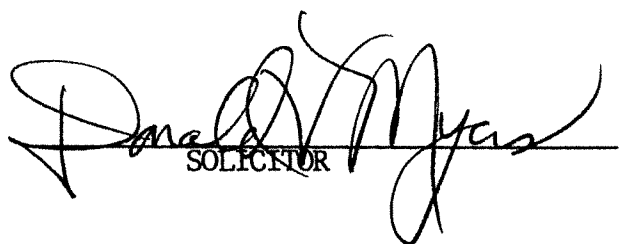
COUNT ONE - MURDER

That CHARLES JACKSON MADDEN a/k/a DOOGER MADDEN
did in McCormick County on or about June 2, 1991,
feloniously, wilfully and with malice aforethought, kill one _____
Dillard L. Madden

by means of shooting

and that the said victim died as a proximate result thereof.

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided.


SOLICITOR

ARREST WARRANT
C-978010

STATE OF SOUTH CAROLINA
County/ Municipality of
McCormick

THE STATE
against

Charles Jackson Madden/AKA Dooger Madden
Address: Cemetery Road
Greenwood, SC

Phone: _____ SSN: _____
Sex: Male Female Height: _____ Weight: _____
DL State: _____ DL #: _____

Agency ORI #: 3301
Prosecuting Agency: Town of McCormick Police Dept.

Prosecuting Officer: Any Lawful Officer
Offense: Murder

Code/Ordinance Sec: 16-3-10
Offense Code: _____

This warrant is CERTIFIED FOR SERVICE in the
 County/ Municipality of
Greenville. The accused
is to be arrested and brought before me to be
dealt with according to law.

Date: 6-4-91
Signature of Judge (U.S.)
RETURN

A copy of this arrest warrant was delivered to
defendant Charles Jackson Madden
on June 4, 1991
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Filed 6-10-91 @ 9:55 AM
McCormick County Clerk of Court

STATE OF SOUTH CAROLINA)
County/ Municipality of)
McCormick)

AFFIDAVIT

Personally appeared before me the affiant William D. Willis who
being duly sworn deposes and says that defendant Charles Jackson Madden
did within this county and state on June 2, 1991 violate the criminal laws of the
State of South Carolina (or ordinance of _____ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: Violation S.C. Criminal Code of Laws, 16-3-10, Murder

Further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
On or about June 2, 1991, one Charles Jackson Madden/AKA Dooger Madden did, with
Malice aforethought, kill one Dillard L. Madden while in the commission of
armed robbery. Said offense occurred at 403 Cedar Hill Road, in the Town of
McCormick

Sworn to and subscribed before me)
on June 4, 1991)
Signature of Issuing Judge
Thomas B. Morris (U.S.)

Signature of Affiant
Affiant's Address
Affiant's Telephone
William D. Willis
117 AUGUSTA ST. ROB 306
McCormick S.C. 29835
465-2150

STATE OF SOUTH CAROLINA)
County/ Municipality of)
McCormick)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that
on June 2, 1991 defendant Charles Jackson Madden/AKA Dooger Madden
did violate the criminal laws of the State of South Carolina (or ordinance of _____) as set forth below:
DESCRIPTION OF OFFENSE: Violation S.C. Criminal Code of Laws, 16-3-10, Murder

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her
before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be
delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge
Judge Code: _____
Signature of Affiant
Affiant's Address
Affiant's Telephone
Thomas B. Morris (U.S.)
McCormick, SC
465-2225
Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Judge: Alvin Small set on

on: 10-5-91

Type and Amount: Bond Benito

Name of Surety: PRELIMINARY SETTING held by

Judge: _____

on: _____

Release Attorney: _____

Decision: _____

Judge: _____

on: _____

by: _____
(indicate jury trial, bench trial, plea, not pros, etc.)

Disposition: _____

Sentencer: _____
ADJUDG

Case No. _____

Date of Birth _____

Sex _____

Race _____

Height _____

Weight _____

Build _____

Hair _____

Eyes _____

Complexion _____

Signature _____

Date _____

JAN 24 1992

3E1

FILED JAN 31 1992

Madden
1822-116

THE MCCORMICK MESSENGER 10-10-91

Pleads Guilty to Murder and Other Charges

Madden Sentenced to Life Plus Four

by Betsy Dillbeck

Charles Jackson "Dooger" Madden, 28, was sentenced Tuesday to life imprisonment for the June slaying of his father, Dillard Madden.

In a tense emotional plea before Circuit Court Judge William (Billy) Keesley, Madden stood handcuffed before the court and attempted to relate to the judge his emotional

state at the time of the shooting, and for many years prior to that.

His calm and deliberate voice grew stronger and angrier as he related a story of troubled years in dealing with the 1972 death of his mother, which he believes occurred at the hands of his father.

Jettie Mae Madden's death was ruled a suicide.

His broken voice shook the Court as he said, "He has actually admitted it to a woman that lived with him." He then pounded on the table in front of him with his fists and turned away from the court, tears streaming down his face.

Law officers jumped to their feet, but Madden's Lawyer, Rauch Wise, put his arms around Madden's shoulders and calmed him down. He muttered, "I'm sorry", and sat to the side of the courtroom to compose himself and continue his testimony.

Attorney's Remarks

Also testifying before the Judge, prior to Madden's comments, Attorney Wise told the Court that "he (Madden) was convinced that she (his mother) died at the hands of his father. It became a genuine obsession. He began to drink a lot. He wanted to get revenge for his mother's death..."

Attorney Wise also stated that there was no foresight by Madden to get help with his problem, to go to counseling, and a coroner's inquest was never held dealing with his mother death. "There were a lot of unanswered questions," said Attorney Wise.

He concluded, "It doesn't change the fact of what he did. It doesn't change what happened..."

When Madden began speaking to

the Judge, he said, "There was a mental block about my mother's death and what my father had done. Even before she died, there was a lot of abuse between my mother and father. When I learned he did what he did, there was a mental block. I tried to fight it, I couldn't, I couldn't fight it."

Between long pauses, he told how he tried moving away, tried going to church.

"It didn't work. I just focused too much. I loved him. I killed him. I couldn't take it," he said.

His voice rose as he continued, "There was a hell of a lot to it. There was so many things to it. Things that he said...He has actually admitted it to a woman that he lived with," he concluded angrily, "pounding the table with his fists."

At that point, a brief recess was called before Madden and his attorney returned and stood again at the bench.

Madden apologized to the Judge, and sentence was passed.

Guilty Pleas Entered

Madden was also appearing to answer charges against him filed from an incident that occurred in October of 1990, at the home of Dora Dorn Robinson on Maple Street.

He was indicted by the grand jury in March with burglary in the first degree and assault with intent to commit criminal sexual conduct.

He pled guilty to the lesser charges of burglary in the third degree and assault of a high and aggravated nature.

The acceptance by the state of these pleas, leaves them as not constituting those crimes as being "violent" crimes.

Under the Ominous Crime Bill, upon conviction of a second violent crime, there is no possibility of parole until the sentence is complete.

If a previous 1983 conviction of Madden for burglary is not designated as a violent crime, or not counted because the time was served before the Crime Bill was passed, Madden could be eligible for parole in twenty years from Tuesday's murder conviction.

Judge Keesley was persistent in explaining to Madden that the Court had no jurisdiction over that matter, and that a Post Conviction Petition must be filed for clarification.

If the 1983 conviction is designated as a violent crime, Madden will never be eligible for parole.

Madden was sentenced to two

years for each of the October 199 charges.

Plea Negotiations

Many times during the proceedings, Judge Keesley questioned Madden as to his understanding of his pleas, the plea process, and his satisfaction with his legal counsel.

Numerous times Madden an Attorney Wise conferred over Judge Keesley's questions to Madden regarding the proceedings of the plea process.

Judge Keesley invited any of his family members present to make comments, "if they so desired".

There were no comments from the many family members present.

Girlfriend's Indictment

Anne McCurray, arrested on charges of murder along with Madden, was indicted by the grand jury for accessory after the fact.

When arrested, she was nine months pregnant with Madden's child. She was released on \$50,000 recognizance bond the next week, while Madden was held without bond.

As of press time, McCurray's case had not come before the court.

According to Town of McCormick, Madden will be transported to Perry Corrections Institution within a few days.



Charles Jackson "Dooger" Madden is led from the Courthouse back to the County jail after his sentencing, to await transport to Perry Correctional Institution. Madden faces life imprisonment for the murder of his father, with the possibility of parole.

CI