

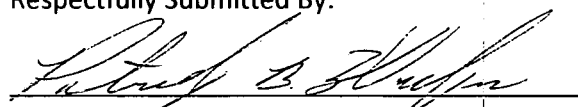
STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
)  
Patrick Bertram Walker , )  
S.C.D.C. No. 296176, )  
Appellant, )  
)  
v. )  
)  
State of South Carolina )  
)  
Respondent. )  
\_\_\_\_\_ )

IN THE SOUTH CAROLINA SUPREME COURT  
THE COURT OF COMMON PLEAS  
2012-CP-23-3623

APPELLATE COURT BRIEF

The Appellant herein challenges both the Order of Conditional Dismissal as well as the Final Order of Dismissal, issued by Judge G. Edward Welmaker filed September 24, 2012 and December 19, 2012 within the appeal to the Supreme Court.

Respectfully Submitted By:



Patrick B. Walker, S.C.D.C. No. 296176

B.R.C.I. Murry- 215

4460 Broad River Road

Columbia, South Carolina 29210

**RECEIVED**

MAR 05 2013

S.C. SUPREME COURT

**Issue A: The applicant will first set forth the facts that support a second or successive P.C.R.**

The applicant agrees with the State's and the Court's procedural history stated; with exception to the first issue stated on (page 3) of the Conditional Order of Dismissal. The applicant did not include the State's use of contaminated evidence in (issue 1), as stated on (page 3) of the Conditional Order of Dismissal. In (issue one, part B), the claim is "Brady Violation".

The applicant will show facts of why he should be granted a P.C.R. Applicant will then argue his three issues for relief by showing facts, legal principles, and case law.

\*The Newly After Discovered Evidence, isn't merely a recanting of a witness testimony. It is supported by a report from Dr. Robert M. Bennett, Forensic Scientist. Further, there is a clear "Free Standing Brady Violation", \*established from the Newly After Discovered Evidence.

The facts and legal principles; as well as case law; (1) are such that it would probably change the result if a new trial were granted; (2) has been discovered since trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching. State v. Harris; 391 S.C. 539, 706 S.E. 2<sup>nd</sup> 526, 529 (S.C. Ct. App. 2011). Furthermore, applicant has a Rule 60 Motion; and Rule 29 Motion which should be heard and ruled upon separately.

This matter comes before the Court on Appeal of the Lower Court's Final Order of Dismissal to an application for Post-Conviction Relief filed May 31, 2012, for filing outside the statute of limitation. S.C. Code Ann. 17-27-45(A) (Supp. 2003). However, in a document captioned "Reply to State's Return and Motion to Dismiss" mailed Sept. 28, 2012 and filed Oct. 5, 2012, the applicant "invariably established sufficient reasons", for permitting a second or successive P.C.R. Applicant asserts there are two exceptions to the general one year statute of limitation. "First, 17-27-45 (B) when the S.C. Supreme Court or a Court higher announces a new substantial standard or right that is intended to be applied retroactively", second 17-27-45 (C), when/if a P.C.R. applicant has Newly After Discovered Evidence...specifically S.C. Code Ann. 17-27-45 (C); "reads as follows: If the applicant has contended that there is evidence of material fact not previously presented and heard that requires vacation of the conviction or sentence; the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the evidence or facts by the exercise of reasonable diligence 17-27-45 (C) 2003. SEE: Hendricks v. State (2010-03-17-01); Aice v. State 409 S.E. 2d 392, 394 (S.C. 1991); U.S. v. Weaver; 282 F. 3d 302 (4<sup>th</sup> Cir. 2002). S.C. Code Ann. 17-27-90 (2003); Gonzalez v. Crosby; 545 U.S. 524 (2005). \*The Lower Court's finding is in error, as applicant has clearly established he is well within the guidelines of S.C. Code Ann 17-27-45 (C) (Supp. 2003).

This exception is commonly known as "The Discovery Rule". SEE: Coats v. State; 575 S.E. 2d 557 (S.C. 2003); Odom v. State ; 523 S.E. 2d. 753, 755 (S.C. 1999); C.F.; Franklin v. Maynard; 588 S.E. 2d. 604, 606 N. 7 (S.C. 2003) per curium. \*The applicants Newly After Discovered evidence further shows support for his argument by presenting genuine issues of material facts. SEE: Appendix (D) Exhibit (B). However, the State violated "Brady", by failing to disclose the alleged letter of confession

and failure to determine if it was based on truth or falsehood. SEE: Simpson v. Moore; 627 S.E. 2d 701 (S.C. 2006); Riddle v. Ozmint; 631 S.E. 2d 70 (S.C. 2006); Gibson v. State; 514 S.E. 2d 320 (S.C. 1999); and in addition, S.C. Code Ann 17-27-80 (2003); Beckett v. State; 294 S.E. 2d 46, 47 (S.C. 1982); Kyles v. Whitley, 514 U.S. at 438 (1995); Youngblood v. West Virginia, 547 U.S. 867 (S. Ct. 2006) (217 W.VA at 550-552; 618 S.E. 2d at 559-561).

The State's violation of Brady precluded applicant any opportunity of discovery prior to trial; also applicant could not raise issue at first P.C.R. due to the issue had not been fully adjudicated, as the co-defendants reversal was based on the alleged confession, whose case was not adjudicated fully until July, 2009. State v. King; (App. Ct. 2005).

The Lower Court failed to protect the applicant's Const. Right of due process protected through Amend. 4, 5, 6, and 14 of the U.S. and S.C. Const. and the 8<sup>th</sup> Amend. Of the U.S. Const. equal protection.

\*In the Lower Court's Final Order, the Court reference, applicant argues he was denied "one bite at the apple" in his first P.C.R. action. In Aice v. State, the Court explained every applicant is entitled to "one bite of the apple" which includes the right to perfect a full appeal to the denial of a P.C.R. Applicant asserts he was denied that right. Applicant challenged the accuracy of the transcript and requested the tape of the hearing, pursuant to S.C.A.C.R. 607; through letters by his wife to the Court Reporter, Mrs. April P. Heron, who was negligent for failure to preserve the tape of the hearing pursuant to S.C.A.C.R. 607 (I). Furthermore, applicant has a right to P.C.R. in the S.C. Supreme Court. Knight v. State; 284 S.C.

183, 325 S.E. 2d 535 (1985); U.S. v. Leon, Spura, (1984); SEE: China v. Parrot; 251 S.C. 329, 162 S.E. 2d 276 (1968); Whitehead v. State; 325 S.E. 215, 574 S.E. 2d 200 (2002) (No. 25567). Many other people can attest to the fact, and will testify at a hearing in regards to issues raised. SEE: Motion to Remand and Reconstruct the P.C.R. record; marked Appendix (G) SEE: Affidavit of P.C.R. counsel, Kurt Tavernier (S.C. Bar No. 12991) dated 25, March, 2010; filed 23, March, 2011

marked: Appendix (E); SEE: Also, letter by Court Reporter, April P. Heron and attachment marked Appendix (F), which further demonstrates genuine issues and material fact. SEE: S.C. Supreme Court Clerk, filings; Greenville County Clerk, filings.

Finally, a successive application may be permitted where the Court's refusal to hear the merits of the claim would constitute a gross miscarriage of justice, Aice v. State ; 409 S.E. 2d at 394 or where government interference, or the reasonable unavailability of the factual basis of the claim impeded counsel's ability to raise the claim, or where some other circumstance beyond the applicant's control occurred. SEE: McClesky v. Zant:499 U.S. 467, 468 (1991). Due to a number of procedural abnormalities, including applicant's appellate counsel's failure to perfect a full appeal from the first P.C.R., and Newly After Discovered Evidence which clearly established "a free standing Brady violation" by the State. SEE: News article marked Appendix (C). Applicant asserts he has not received protection of his Const. rights of due process through Amends. 4, 5, 6, and 14 of the U.S. Const. \*The Lower Court and the State's failure to address the merits of the application has constituted a "gross miscarriage of justice". Washington v. State ; 478 S.E. 2d 883 (S.C. 1996).

"Quote", from Dr. Martin Luther King Jr.

"Injustice anywhere is a threat to justice everywhere".

Further Dr. Robert M. Bennett's Forensic Analysis Report demonstrates the alleged letter of confession is exculpatory to applicant, "as he did not write it". The State's unethical conduct, coupled with a direct disregard for justice not only caused prejudice to applicant, but also allowed applicant's co-defendants case: State v. King, to be reversed by the S.C. App. Ct. based upon the exclusion of exculpatory evidence. The State elicited testimony before the jury about existence of a letter of confession, which created a spill over prejudice to applicant. SEE: Appendix (D) Exhibit (B), testimony of Inv. Paul Silvaggio; prior to the court excluding the evidence and the jury being excused from the courtroom, which led to the State's violation of "Brady" and State v. Fuller. SEE: Arizona v. Fulminante; 499 U.S. 279, 296, 111 S. Ct. 1246 (1991); Johnson v. Catoe; 345 S.C. 389, 401, 548 S.E. 2d 587, 593 (2001). The State's presentation of false evidence amounts to "Fraud Upon the Court". Hazel Atlas Glass Co. v. Hartford Empire Co.; 322 U.S. 238, 88 L.E.D. 1250, 64 S. Ct. 997 (1944); Workman v. Bell; 227, F3d 331 (6<sup>th</sup> 2000). The State failed to confess error before the trial court and the App. Ct. "The failure to correct false evidence is as reprehensible as its presentation, reversal is required". Riddle v. Ozmint; 631 S.E. 2d 70 (S.C. 2006). The truthfulness of two key witnesses; (Brittany King and Earnetta King's) testimonies cannot be relied upon; as both had bias towards the applicant and had many reasons to lie. Their testimonies were no more than Fraud on the Court and prejudice upon the applicant. SEE: Fallen v. U.S.; 378 U.S. 139, 84 S. Ct. 1689, LED 2d 760 (1964);

Mesaesh v. U.S.; 352 U.S. 1, 1 L.E.D. 2d 1 (1950). "Convictions based upon tainted testimony violate the applicant's DUE PROCESS. Napue v. Illinois; 360 U.S. 264.

The lower Court should have applied (3) Rules: The "Larrison Rule", Larrison v. U.S.; 24 F. 2d 82 (7<sup>th</sup> Cir.) (1928), the "Wharton Rule", and the "Berry Rule Doctrine" for a new trial based on newly discovered evidence.

Further, the indictment in this case failed to confer subject matter jurisdiction to the Court because "The only witness at the Grand Jury was the lead investigator on the case", as shown by a copy of the indictment dated 3/25/02. However, the applicant was indicted in the June term of 2002 as the indictment clearly shows; The "Pennoyer Rule" should be applied. Pennoyer v. Neff; Spura; Anderson v. State; 439 S.E. 2d 835 (S.C. 1993); U.S. v. Williams; 504 U.S. 361, 112 S. Ct. 1734, 118 L.E.D. 2d 352 (1992). SEE: Appendix (D) Exhibit (D).

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### **Issue B: Actual Innocence**

The applicant first wants to make the Court aware that the lower Court, as well as the State, failed to address the merits of this issue in the Final Order of Dismissal. As a matter of law, applicant asserts the lower Court's ruling is in error, as the State has defaulted on the claim. \*Pursuant to S.C. Appellate Court Rule 24(A), (B) and F.R. Civ. P. (55). The applicant has maintained his innocence from day one, and he still does. Applicant further states that he relies upon all of the facts shown from the

case record, the evidence already submitted to the Court, and the principles of law, case law precedents cited herein and that he is actually innocent of any wrong doing in this case.

Applicant further states "that this claim as well as Issue (A) is not procedurally barred by the Doctrine of Latches". The statute of limitations does not start until one knows of the injury. Citing: Doctrine of Contra Non Valentuna. Further , the statute of limitations will not bar a claim if applicant did not discover the injury until after the limitations period expired. Citing: The Equitable Tolling Doctrine. Also, SEE: U.S. v. Peoples; 489 U.S. 346, 109 S. Ct. 1056 (1989); and the Several Remedies Rule.

#### **Issue C: Fourth Amendment Violation**

The applicant first would like to make the Court aware that the lower Court, as did the State, failed to address the merits of this issue in the Final Order of Dismissal. As a matter of law, applicant asserts the lower Court's ruling is in error, as the State has defaulted on the claim. \*Pursuant to S.C. App. Ct. Rule 24(A), (B) and F.R. Civ. P. (55).

Applicant states that he was indeed prejudiced by the State's use of contaminated evidence at trial. The State further violated "Brady" by not disclosing the evidence items that had been contaminated prior to trial and also violated the 4<sup>th</sup> Amend. Poisonous Tree Doctrine, by the State's use of the contaminated evidence at trial. The case records clearly show that the lead investigator

admitted to that fact at trial; stating that he had compromised the evidence hours after it was collected. SEE: Appendix (D) Exhibit (A). The State's use of contaminated evidence was crucial to the State's case in chief. Firstly, this compromised evidence was placed before the jury at trial and allowed to go into the jury room during deliberation. There was no trace evidence or forensic evidence in this case to implicate the applicant or to support the State's presentation of evidence at trial. The conviction and sentence cannot be relied upon and should be reversed. He was clearly prejudiced by this Const. violation. SEE: Appendix (D) Exhibit (C). Such actions by police or prosecutors have long been held to violate the 4<sup>th</sup> Amendment rights of the person if such evidence is used against him at trial. Applicant relies upon that provision of the 4<sup>th</sup> Amendment and the case law progeny in that regard. That evidence should have been excluded and not ever presented in Court before the jury. The applicant does invoke any rights he has under the Exclusionary Rule of the 4<sup>th</sup> Amend. SEE: Michigan v. Tucker; 417 U.S. 433, 94 S. Ct. 2357 (1974).

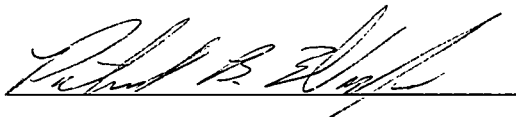
Under Brady, all evidence is exculpatory to the defendant in nature. Destruction of evidence violates the defendants' rights protected under the due process clause and Brady. SEE: Basden v. Lee; 290 F. 3d 602 (4<sup>th</sup> Cir. 2002).

**Conclusion:**

For the facts, reasons, principles of law and case law precedents cited in this Appellate Court Brief, the conviction and sentence in this case should be vacated, set aside, a new trial granted or any other relief the Court deems appropriate.

Wherefore, the appellant forever prays.

Respectfully Submitted By:

A handwritten signature in black ink, appearing to read "Patrick B. Walker", written over a horizontal line.

Patrick B. Walker, S.C.D.C. No. 296176  
B.R.C.I. Murry- 215  
4460 Broad River Road  
Columbia, SC 29210

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
Patrick Bertram Walker, )  
S.C.D.C. No. 296176, )  
Appellant, )  
v. )  
State of South Carolina, )  
Respondent. )  
\_\_\_\_\_ )

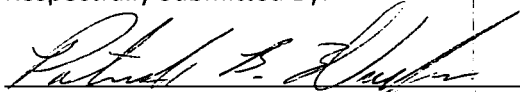
IN THE SOUTH CAROLINA SUPREME COURT  
THE COURT OF COMMON PLEAS  
2012-CP-23-3623  
CERTIFICATE OF SERVICE

I, the Appellant in the above referenced matter do hereby swear under penalty of perjury that I have upon this same exact date served copies of these documents upon the below listed parties.

- (1) Clerk of Court  
County of Greenville  
305 East North Street, Room 224  
Greenville, South Carolina 29601
- (3) Attorney General's Office  
P.O. Box 11549  
Columbia, South Carolina 29210

- (2) South Carolina Supreme Court  
Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, South Carolina 29211

Respectfully Submitted By:

  
Patrick B. Walker, S.C.D.C. No. 296176  
B.R.C.I. Murry- 215  
4460 Broad River Road  
Columbia, South Carolina 29210

Sworn To And Subscribed Before Me This 28 Day of Feb, 2013.  
Notary Public for South Carolina: Eugene Keefe  
My Commission Expires April 4, 2016

THE STATE OF SOUTH CAROLINA

In the supreme court

CASE NO:2012-CP-23-3623

INDEX OF APPENDIX'S: WITH EXHIBIT'S  
IN SUPPORT OF APPEAL TO THE LOWER COURT'S  
FINAL ORDER OF DISMISSIAL

- (1) Appendix A, Exhibits A PG.1-2
- (2) Appendix B, Exhibit A-B, PG.1-5
- (3) Appendix C, Exhibit A
- (4) Appendix D, Exhibit A-D, PG.1-7
- (5) Appendix E, Exhibit A
- (6) Appendix F, Exhibit A-B, PG.1-11
- (7) Appendix G, Exhibit A

Respectfully Submitted By:



PATRICK B. WALKER, # 296176

B.R.C.I. MURRAY ROOM-215

4460 BROAD RIVER ROAD.

COLUMBIA, SOUTH CAROLINA

29210.

Clemeticia Thomason  
227 Brookmere Rd  
Simpsonville, SC 29681

August 24, 2010

To Whom It May Concern:

My name is Clemeticia Thomason AKA Mesha and this is in regards to the letter of confession in the Patrick B. Walker trial in 2003. A letter was left in my mailbox claiming to be from Patrick Walker. There was no address and no postmark on the envelope. I called when I received the letter and was told to give the letter to Detective Paul Salvaggio. Detective Salvaggio then came out to my home and I was made to make a statement or face a jail sentence as I had warrants out for my arrest. I was also told by the investigator that he would help me out on the warrants in exchange for a false testimony. I had already explained to the investigator that Patrick could not have mailed the letter from jail.

Sincerely,

*Clemeticia Thomason*  
Clemeticia Thomason

On 8/24, 2010, <sup>→ Clemeticia Thomason</sup> personally came before me and being duly sworn, did state that he/she is the person described in the above document and that he/she signed the above document in my presence as a free and voluntary act for the purpose stated with state drivers license/ID card.

Signed before me on this day Tuesday, August 24th, 2010.

*Leslie Gill*  
My commission expires May 8th, 2011

Appendix (A)  
e.g.; EXHIBIT A

P. (1)





# MEDICAL-LEGAL SERVICES

INDEPENDENT LABORATORY SERVICE

DNA TESTING, DRUG TESTING, AND FORENSIC ANALYSIS

P.O. Box 32391, Charleston, SC 29417 Ph (843) 571-7488 Fax (843) 769-5336

March 25, 2010.

Patrick Walker 296176  
BRCI MUR/277  
4460 Broad River Rd.  
Columbia, SC 29210

RE: Forensic document examination (handwriting analysis) of a letter dated July, 25 2002 with salutation of "Dear Mesha".

Dear Mr. Walker.

Per your request I have examined a photocopy of the above referenced letter (work copy attached), herein referred to as "evidence letter", in order to provide a preliminary assessment as to whether this letter was penned by you, a.k.a. "Rocky". The assessment is performed by comparison of the evidence letter to letter(s) or documents(s) considered to be known to be written personally by you.

#### Evidence letter:

The evidence letter referenced above is an emotionally-charged letter with frustration, anger and containing strong language, firm instructions, and threats. Emotional states can affect handwriting styles. The writing reflects a strongly negative emotional state.

#### Reference documents:

The numerous documents provided by you consist mostly of items written to your wife, Sameera Walker, in a positive and personal relationship context (i.e. "love letters"). Emotional states can affect handwriting styles and these documents are written in a style of calmness, happiness, love, etc. The writing reflects a strongly positive emotional state. Document examination by comparison is most aptly performed with documents that minimize differences in variables. Emotional state is one of those variables. Therefore, the documents provided by you that reflect a positive emotional state are excluded, at this time, for comparison to the negative emotional state of the evidence letter. Within the reference documents provided, I located a document dated 4/17/05 entitled "SOUTH CAROLINA DEPARTMENT OF CORRECTIONS INMATE GRIEVANCE FORM". This document contains your handwriting describing an unpleasant incident and is thus closer to a negative emotional state when written. Also, within the reference documents provided, I located a letter dated 17 Sept 03 written with salutation of "Hey Baby" that discusses work on your case and

*Appendix (B)*

e.g.; EXHIBIT A, PP. 1-3

expresses the frustrations you feel in such. This letter is also closer to a negative emotional state when written. For this preliminary document comparison, it will be these two letters that will be herein referred to as "Reference documents".

Handwriting comparison:

The following consists of alphabet letter formation analytical comparison only. Alphabet letter formation is one of the most important characteristics of individual handwriting style. The focus of the comparison is on the differences observed. It is suggested to visually compare the following differences itemized below with the attached copy of the evidence and reference documents.

Difference Comparison #1:

In the evidence letter, the letter "s" is top loop large, whereas the letter "s" in the reference documents is bottom loop large. One example is the word "ass" in the evidence letter as compared to the same word multiple times in the reference document letter and with the double "ss" seen in the words "process" and "possession" in the reference document GRIEVANCE FORM

Difference Comparison #2:

The letter "f" in the evidence letter curves to the right in the top portion of the letter. The letter "f" in the reference documents curve to the left in the top portion of the letter. One example is the word "off" in the evidence letter as compared to every formation of the letter "f" in the reference documents.

Difference Comparison #3:

In the evidence letter, the letters "a" and "r" and "n" are almost never capitalized. The letters "a" and "r" and "n" in the reference documents are always capitalized. Most notably, the letters "a" and "r" and "n" in the reference documents are capitalized even in the middle of the words as well as at the beginning of the words, even though the word is in the middle of a sentence. This is a highly unique individual characteristic trait.

Difference Comparison #4:

The closing loop of the letter "e" in the evidence letter is directed horizontally. The letter "e" in the reference documents has a downward slant on the closing loop, many times almost vertical. This is a dramatic difference in letter "e" formation

Conclusion:

Initial assessment reveals notable and significant differences in multiple alphabet letter formations. The differences are individual trait characteristics and are highly consistent and uniform. The differences strongly indicate the evidence letter was not written by Patrick Walker.

This is an initial examination of the evidence and reference items analyzing the alphabet letter formation only. Not included in this examination are text

measurements of length, height, and spacing in letters, words, and sentences. Not included in this initial examination is pen stroke pressure, letter thickness, or full character style. A complete and formal analysis can be performed if the original document(s) were in my possession. The original evidence document(s) can be forwarded directly to me under chain-of-custody and control and then returned likewise when analysis is completed. Approximately three weeks minimum is needed for analysis. The evidence document will not be damaged. Please advise as how you wish to proceed.

Sincerely,

A handwritten signature in cursive script that reads "Dr. Robert Bennett". The signature is written in black ink and is positioned above the typed name.

Robert Bennett, Ph.D., R.Ph.  
Forensic Scientist

Attachments:

- copy of evidence letter
- copy of reference documents

via fax 864-236-4484

July 18, 2002

DD

Dear Rocky, Whats up Look  
 you need the child with the phone  
 cards and I know we hadnt  
 been on good terms But Rocky  
 just pray about it But you did  
 what you did you are less of a  
 man. Because you cant even  
 take care of your daughter Rocky  
 you are going on Child Support  
 you have left me no other choice  
 you dont done nothing for Nakula  
 all you had to do was take care  
 of her. I didnt care about your  
 girlfriends Nita at same. What  
 in the fuck is wrong with you Anyway  
 you need to be trying to get me  
 some damn money for your child  
 so the choice is yours Cause you  
 going on Child Support

Praylight  
 Mocha

COURT'S  
 EXHIBIT  
 3  
 9-11-03 TK

July 25, 2002

Dear Mese,

I'm a BITCH I know you are  
 having that hard time with your  
 girl in school and I hope to see  
 you soon that for me to pray I get off  
 + I should be with you baby I know it ain't  
 your fault but I hope you can  
 be please let me know if you need help  
 no shit about being there for you

Thank you

Circuit Judge John Hayes III ruled that the jury should disregard that statement.

Hayes also threw out a confession Walker allegedly made in a letter to an ex-girlfriend, ruling it was not disclosed to the defense in a timely manner.

Richard Warder, Walker's attorney, asked Hayes to throw it out because the prosecution made him aware of it at 1 p.m. Tuesday. Warder accused the prosecution of trying the case "by ambush."

"I can't imagine a case where the rules are disregarded more fundamentally," Warder said. "They wait just a little less than a year to hand this to us, and we're supposed to meet that? This is fundamentally unfair."

Assistant 13th Circuit Solicitor Kris Foster argued that the letter was exempt from the rules of discovery because it was not a statement made to law enforcement.

She said it's not unfair. "His client wrote the letter," she said. "He can interview his client. He can ask him what he's done. He has the ultimate source of information."

'Andy Paras covers courts and crime. He can be reached at 298-4220.

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Appendix (C) Exhibit (A)

"9.2"

The Greenville News

greenvilleonline.com

Wednesday

SEPTEMBER 10, 2003

# Metro

COURT'S EXHIBIT  
7-1003 DR

SECTION



OBITUARIES ..... 4B

WEATHER ..... 6B

## Mother says she kept hitting son

Greenville woman testifies she lost control with 13-year-old

By Andy Paras  
STAFF WRITER  
aparas@greenvillenews.com

A Greenville woman accused of beating her 13-year-old son to death last year told investigators she lost control and just kept hitting him, according to court testimony Tuesday.

Earnetta Marie King and her boyfriend, Patrick Bertran Walker, are charged with murder in the death of

her son, Rodrekus King.

Following the boy's death on March 22, 2002, King told Greenville County Sheriff's Office investigator Paul Silvaggio that she was upset with her son because he kept getting suspended from school for fighting, according to a statement read aloud in court by Deputy Tangle Saylor.

"I whipped him with a belt, a thick switch and a

metal-handled broom because he will not understand when I tell him to behave and stop fighting," Saylor read.

The statement said that she hit him in the back and shoulders and that the broomstick also struck him in the head because he kept moving.

"I was out of control and I just kept hitting him," the statement said. "I had been holding back so long I just could not handle it any more because I had been going back and forth to his school for discipline problems."

The statement said she

later served her son a dinner of rice and gravy with creamed corn. He went back to his room because he was not feeling well. That's when he fell face first and hit his head against a kitchen counter, she said.

She said he took a bath and fell again, hitting his head on a countertop and the tub.

A Greenville Memorial Hospital Emergency Room doctor testified Monday that there was no way the boy's injuries were consistent with striking a counter or suffering a seizure.

King also initially denied

that Walker had struck the child.

Silvaggio testified Tuesday that Walker was arrested after King's daughter, who was 9 years old at the time, told investigators she saw him beating the boy. The girl is expected to testify today.

King also gave investigators a later statement, Silvaggio said, that recanted her previous statement and implicated Walker in the boy's death.

Circuit Judge John Hayes III ruled that the jury should disregard that statement.

Hayes also threw out a

confession Walker allegedly made in a letter to an ex-girlfriend, ruling it was not disclosed to the defense in a timely manner.

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She said it's not unfair. "His client wrote the letter," she said. "He can interview his client. He can ask him what he's done. He has the ultimate source of information."

Andy Paras covers courts and crime. He can be reached at 298-4220.

Sanford panel suggests savings

Festival seeks shrimp and grits record



School board seeks wider access to

Appendix (C) Exhibit (A)

PAUL SILVAGGIO -- DIRECT BY MS. FOSTER

1 Q SO DO YOU KEEP IN CONTACT WITH THE FORENSIC OFFICERS  
2 AFTER THE CASE?

3 A WE DO BECAUSE THEY ARE ACTUALLY AN INTRICATE PART. THEY  
4 ARE THAT OTHER ARM OF DELEGATION THAT THE LEAD INVESTIGATOR  
5 GIVES OUT FOR PROCESSING A CRIME SCENE.

6 Q AND DID YOU GO THROUGH THE EVIDENCE THAT THEY HAD  
7 COLLECTED FROM THE CRIME SCENE?

8 A I DID OFF THEIR DOCUMENTS, OFF THE DOCUMENTATION THAT  
9 THEY SHOW FOR CHAIN OF CUSTODY. I DID GO THROUGH THE ITEMS.

10 Q AND DID YOU ASK THAT THESE ITEMS BE PROCESSED FOR ANY  
11 OTHER TYPE OF TRACE EVIDENCE, IF YOU WILL?

12 A NO, I DID NOT.

13 Q IS THERE ANY REASON FOR THAT?

14 A YES. I ERRED IN NOT DOING THAT, AND I DID THAT -- WHEN  
15 I ASKED FOR THE ITEMS TO BE BROUGHT TO THE PATHOLOGIST FOR  
16 REVIEW OF THE WEAPONS VERSUS THE INJURIES TO SEE IF THERE WAS  
17 ANY COMPARISONS, AT THAT TIME I FELT THAT WAS PARAMOUNT  
18 COMPARED TO TO SEE IF THERE WAS ANY MATCHES TO IT. I  
19 SUBJECTED THE WEAPONS TO THE ENVIRONMENT WITHIN AN AUTOPSY  
20 WHICH WOULDN'T BE FAIR TO THE DEFENDANTS IF I WOULD SEND THEM  
21 OFF FOR TESTING AFTER THAT. THEREFORE, I DID NOT SEND THEM  
22 OFF FOR PROCESSING.

23 Q SO YOU DID NOT HAVE THEM PROCESSED FOR FINGERPRINTS?

24 A NO, I DID NOT.

25 Q AND IS THAT DUE TO THE FACT THAT OTHER PEOPLE WERE

PAUL SILVAGGIO -- DIRECT BY MS. FOSTER

1 THE COURT: I'LL SUSTAIN THE OBJECTION.

2 Q GO AHEAD. DON'T GO INTO THE DETAIL OF WHAT SHE SAID,  
3 JUST WHAT YOU DID IN RESPONSE.

4 A MADE CONTACT WITH HER, SECURED A STATEMENT AND SECURED A  
5 DOCUMENT FROM HER.

6 Q AND WHAT KIND OF A DOCUMENT WAS THIS?

7 A IT WAS A HANDWRITTEN LETTER, TWO-SIDED LETTER.

8 Q ALL RIGHT. AND WHO IS MESHA THOMASON?

9 A SHE IS A FORMER GIRLFRIEND OF PATRICK WALKER.

10 Q DID YOU THEN INTERVIEW HER IN REGARD TO THE LETTER?

11 A YES, I DID.

12 Q DID YOU TAKE A STATEMENT FROM HER IN REGARD TO THE  
13 LETTER?

14 A YES, I DID.

15 Q DID YOU COLLECT THE LETTER FROM HER?

16 A YES, I DID.

17 Q AND WHAT DID YOU DO WITH THE LETTER ONCE YOU HAD IT?

18 A I MADE A PHOTOSTATIC COPY OF THE LETTER AND PLACED THE  
19 ORIGINAL INTO OUR PROPERTY AND EVIDENCE ROOM AT THE LAW  
20 ENFORCEMENT CENTER.

21 Q DO YOU RECALL WHAT DATE THIS CAME ABOUT?

22 A MAY I LOOK AT MY NOTES, PLEASE?

23 Q SURE.

24 A (PAUSE) THIS WAS OCTOBER THE 17TH, 2002.

25 Q SEVERAL MONTHS AFTER THE ACTUAL CRIME?

State of South Carolina  
Solicitor, Thirteenth Judicial Circuit

Telephone: 864-467-8647  
Telefax: 864-467-8610



Greenville County Courthouse  
305 E. North Street, Suite 325  
Greenville, SC 29601-2185

Solicitor  
Robert M. Ariail

June 24, 2003

Richard Warder, Esquire  
Post Office Box 26133  
Greenville, South Carolina 29616

Re: State of South Carolina vs. Patrick Walker

Dear Dick:

Pursuant to Rule 5 (C) South Carolina Rules of Criminal Procedure, Continuing Duty To Disclose, the State has recently received additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule. The additional discovery is as follows:

1. Forensic Services Laboratory Report by Stephen Lambert dated 6-19-03 (2 pages)

Sincerely,

A handwritten signature in black ink, appearing to read "Kris B. Eoster", written over a horizontal line.

Kris B. Eoster  
Assistant Solicitor

Enclosure

Appendix (D) EXHIBIT:(C) P. 1 of 4

**SOUTH CAROLINA LAW ENFORCEMENT DIVISION  
FORENSIC SERVICES LABORATORY REPORT**MARK SANFORD  
*Governor*ROBERT M. STEWART  
*Chief*INV PAUL A SILVAGGIO  
GREENVILLE COUNTY SHERIFF'S OFFICE  
4 MCGEE STREET  
GREENVILLE, SC 29601Department of Forensic  
DNA Analysis  
June 19, 2003  
SLED Lab No.: L02-5755  
Your Case No.: 1-02-48139  
Incident Date: 3/22/02  
(V) Rodrekus Harva King  
(S) Patrick Bertram Walker  
(S) Earnetta Marie King

---

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief  
South Carolina Law Enforcement Division

---

**DNA ANALYSIS****ITEMS ANALYZED:**

- 2.1 Blood standard from Patrick Walker  
1.13 Miscellaneous materials (3 hairs from Rodrekus King - anal area)

**EXAMINATIONS**

A DNA profile was developed from item 2.1 using Short Tandem Repeat (STR) PCR DNA analysis. The results of the analysis are shown in Table 1.

**RESULTS**

No DNA profile was developed from item 1.13.



Page 2 of 2

SLED LAB NO.: L02-5755

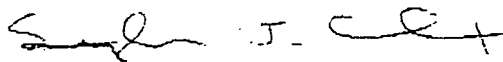
June 19, 2003

Table 1 - Profiler Plus

Items	D3S1358	VWA	FGA	D8S1179	D21S11	D18S51	D5S818	D13S317	D7S820	Amelogenin
2-1 Walker	16	16,20	23,25	16	29,30	15,17	12,13	11	11	XY
1-13	-	-	-	-	-	-	-	-	-	-

- = No result

These examinations were conducted by S/A Stephen J. Lambert, Ph.D., Forensic Analyst, South Carolina Law Enforcement Division.



Stephen J. Lambert, Ph.D.  
Senior Agent

6-19-03

Date

jmj  
cc: Greenville County Solicitor's Office

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.



WITNESSES

INVESTIGATOR SLIVAGGIO

GCSO

03/25/02

ARREST WARRANT NUMBER

G 699148

ACTION OF GRAND JURY

TRUE BILL

*Joan Holman*

FOREMAN GRAND JURY

representative of Grand Jury

VERDICT

*Guilty of murder*

*Shelly Youngblood* 9/11/03  
Foreperson of Petit Jury Date:

DOCKET NO. 2002-GS-23-

KBF

005550

The State of South Carolina

County of Greenville ✓

COURT OF GENERAL SESSIONS

JUNE TERM 2002

9-11-03

**GUILTY** THE STATE  
vs.

PATRICK BERTRAM WALKER

Indictment for

0116 ✓

MURDER

VIOLATION § 16-3-10

ENTERED  
ACCT.

Appendix (D) EXHIBIT: (D) (1 of 2)





"Exhibit A"

April P. Herron  
Circuit Court Reporter  
Thirteenth Judicial Circuit  
P.O. Box 17675  
Greenville, SC 29606

September 25, 2007

Ms. Sameera Walker  
300 Winding Brook Ct.  
Greenville, SC 29617

RE: Request for Audio Tapes  
State v. Patrick Walker

Dear Ms. Walker:

I am writing you as a result of a letter that Mr. Walker sent to Court Administration regarding a request to listen to audio tapes. After re-reading all correspondence from you, I realized that you did send me a letter dated May 10, 2007 requesting the same. I misread your letter, thinking that it was a request for a transcript and never responded to you regarding a copy of the tapes. The official record is the transcript, which I have provided to you. Pursuant to the South Carolina Court Reporters Manual, Court Reporters should not grant any request to listen to a tape or to read steno notes unless the requester has received written authorization from the presiding Judge or, in his/her absence, the Chief Judge for administrative purposes in that circuit.

Also, I have 30 days to retain the back-up tapes after the transcript has been provided. That time period has passed and the tapes are no longer available. In addition to these rules, I am enclosing a copy of a letter in which Judge Hill has denied Mr. Walker's request.

I apologize for my oversight to your letter and any inconvenience this has caused you.

Sincerely,

April P. Herron  
Circuit Court Reporter  
Thirteenth Judicial Circuit

cc: Desiree R. Allen, Court Administration

Appendix (F) Exhibit (A)

P (1)

One Dollar (\$1.00) for a copy.

(iii) A fee of Six Dollars and Twenty-Five Cents (\$6.25) for original transcripts delivered on a daily basis and One Dollar (\$1.00) for a copy.

(2) *By Private Court Reporter.* In the event the court reporter is not an employee of the Judicial Department, the fees to be charged shall be that agreed upon by the court reporter and the parties. The transcript produced by the Judicial Department court reporter is the official transcript.



(i) **Retention of Tapes.** Except as provided below, a court reporter shall retain the primary and backup tapes of a proceeding for a period of at least five (5) years after the date of the proceeding, and the court reporter may reuse or destroy the tapes after the expiration of that period. If the proceeding was a hearing or trial which lasted for more than one day, the time shall be computed from the last day of the hearing or trial. In any proceeding which has been transcribed, the court reporter shall retain the primary and backup tapes which have been transcribed for a period of at least thirty (30) days after the original transcript is sent to the requesting party, to allow any party to challenge the accuracy of the transcription. If no challenge is received by the court reporter within the thirty (30) day period, the tapes may be reused or destroyed.

(j) **Failure to Comply.** The wilful failure of a court reporter to comply with the provisions of this Rule shall constitute contempt of court enforceable by order of the Supreme Court.

#### CREDIT(S)

[Adopted effective August 1, 1998. Amended effective June 8, 2000; August 6, 2003; September 1, 2006; August 27, 2008; April 29, 2009.]

#### LIBRARY REFERENCES

Contempt  10.  
 Courts  57.  
 Westlaw Topic Nos. 93, 106.  
 C.J.S. Contempt §§ 27, 37.  
 C.J.S. Stenographers §§ 2 to 21.

Appellate Court Rule 607, SC R A CT Rule 607

Current with amendments received through 12/15/2009

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END OF DOCUMENT

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P.(2.)



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

December 31, 2007

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

Re: Patrick Bertram Walker v. State of South Carolina

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Motion for Remand to Reconstruct the PCR Record in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Eleanor Duffy Cleary  
Appellate Defender

EDC/edc

Enclosure

cc: Karen Ratigan, Esquire  
Mr. Patrick Bertram Walker

Appendix (G) Pg. 1 of 2



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
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Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

January 9, 2008

Mr. Patrick Bertram Walker, #296176  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia, SC 29210

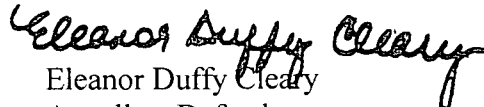
Re: Your case

Dear Mr. Walker:

Enclosed please find a copy of the Return to Motion for Remand to Reconstruct the PCR Record that has been filed in your case.

Should you have any questions, please feel free to contact me.

Sincerely,

  
Eleanor Duffy Cleary  
Appellate Defender

EDC/fkb  
Enclosure

*Pg. 2 of 2*

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Greenville County

Honorable Michael G. Nettles, Circuit Court Judge

---

PATRICK BERTRAM WALKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

---

MOTION FOR REMAND TO  
RECONSTRUCT THE PCR RECORD

---

The undersigned respectfully shows the Court:

(1) Petitioner was convicted of murder in September 2003 and sentenced to life imprisonment. The Honorable Michael G. Nettles heard his post-conviction relief claim on March 1, 2007 and denied relief by written order signed March 14, 2007. Petitioner filed an appeal and undersigned counsel was assigned to his case.

(2) On April 23, 2007, petitioner, through his wife, wrote a letter to the Clerk of Court in Greenville County requesting the tape of the hearing and challenging the accuracy of the transcript. (See attached).

(3) On May 10, 2007, petitioner wrote the court reporter and asked for a copy of the tape from the PCR hearing and offered payment. (See attached). On June 27, 2007, petitioner wrote again asking for the tapes. (See attached).

(4) Appellate Defense received the transcript, which was signed by the court reporter on July 30, 2007, August 2, 2007.

(5) On August 17, 2007, petitioner filed in Greenville County a *pro se* motion entitled "Motion for Subpoena for Audio Recording" asking for the tapes. (See attached). The assistant attorney general filed a letter on August 22, 2007, arguing petitioner could not file *pro se* motions since he was represented by Appellate Defense. (See attached). In a written notation on the attorney general's letter, Judge Hill denied petitioner's motion on August 27, 2007. This order was never served on undersigned counsel.

(6) On August 24, 2007, petitioner submitted a request for the hearing tapes to the Supreme Court, which was received on September 17, 2007. (See attached)

(7) On September 25, 2007, the court reporter wrote to petitioner and stated that she had misinterpreted his previous letters to mean that he wanted the transcript, not the tapes. She stated that "[p]ursuant to the South Carolina Court Reporter's Manual, Court Reporters should not grant any request to listen to a tape or to read steno notes unless the requester has received written authorization from the presiding Judge." She further stated that the tapes were no longer available as she was only required to retain them for thirty days after the transcript was provided. (See attached). The court reporter has also told Appellate Defense that she does not have the tapes.

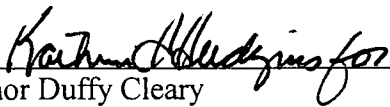
(8) Undersigned counsel has received affidavits (attached) from several people who were at the PCR hearing who agree with petitioner's assertion that the transcript does not reflect what transpired at the hearing.

(9) Counsel has spoken to PCR counsel who agreed that the transcript does not accurately reflect petitioner's testimony. However, counsel has not yet received an affidavit to that effect.

(10) Rule 607(i), SCACR, requires court reporters maintain tapes for thirty days after transcription to allow "any party to challenge the accuracy of the transcription." Petitioner requested the tapes well before this deadline but the court reporter misunderstood his request and destroyed the tapes.

Based on the foregoing, petitioner respectfully requests that this case be remanded for a reconstruction of the PCR hearing at which petitioner would be able to testify as to matters raised at his PCR hearing on March 1, 2007, introducing no new matter. Petitioner requests the time limits for filing his petition for certiorari be held in abeyance pending the outcome of this motion.

Respectfully submitted,

  
\_\_\_\_\_  
Eleanor Duffy Cleary  
Appellate Defender

Attorney for Petitioner

This 31<sup>st</sup> day of December, 2007

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Honorable Michael G. Nettles, Circuit Court Judge

PATRICK BERTRAM WALKER,

PETITIONER,

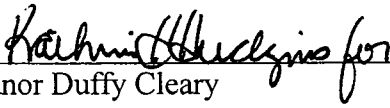
V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

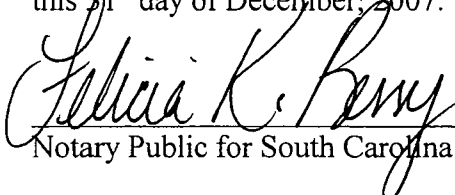
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion for Remand to Reconstruct the PCR Record in the above referenced case has been served upon opposing counsel, Karen Ratigan, Esquire and Patrick Bertram Walker, #296176 at Broad River Correctional Institution this 31<sup>st</sup> day of December, 2007.

  
Eleanor Duffy Cleary  
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 31<sup>st</sup> day of December, 2007.

  
\_\_\_\_\_(L.S.)  
Notary Public for South Carolina

My Commission Expires: August 15, 2010

STATE OF SOUTH CAROLINA  
In The Supreme Court

---

CERTIORARI TO GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Michael G. Nettles, Circuit Court Judge

---

Patrick Bertram Walker, ..... Petitioner,

v.

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

---

**RETURN TO MOTION FOR REMAND TO  
RECONSTRUCT THE PCR RECORD**

---

COMES NOW, Respondent, above named, by and through the undersigned counsel, making its Return to Motion for Remand to Reconstruct the PCR Record, would show unto this Court:

1. After a jury trial, Petitioner was found guilty of murder. On September 11, 2003, the Honorable J. Mark Hayes sentenced Petitioner to life imprisonment. The Court of Appeals affirmed Petitioner's conviction and sentence on November 28, 2005. State v. Walker, 366 S.C. 643, 623 S.E.2d 122 (Ct. App. 2005).

2. Petitioner filed his post-conviction relief (PCR) application on May 22, 2006. A hearing was held March 1, 2007 at the Greenville County Courthouse. Petitioner was present and represented by Kurt Tavernier, Esquire. On March 14, 2007, the Honorable Michael G. Nettles issued an order of dismissal.

3. Petitioner now seeks to reconstruct the record from the PCR hearing held on

March 1, 2007. Petitioner states the copy of the PCR transcript received from the court reporter is inaccurate and does not reflect his testimony from the PCR hearing. Petitioner states that, as the court reporter has destroyed the tapes of the hearing, the matter should be remanded for a reconstruction.

4. Respondent notes it has not viewed a copy of the PCR transcript prepared by the court reporter.

5. Regardless, reconstruction should be denied as unnecessary. Respondent assumes the transcript contains a Certificate of Reporter where the court reporter certified the transcript was true, accurate, and complete. As such, the PCR transcript is the best record of what transpired on the day of the hearing.

6. Further, this Court should not consider the alleged affidavits attached to Petitioner's Motion For Remand. Such statements were purportedly given by friends and/or family of Petitioner who were supposed to have attended the PCR hearing. As such, there is a clear bias inherent in any such statements.

7. It would be contrary to the principle of judicial efficiency if the matter were remanded for reconstruction. Petitioner had a full evidentiary hearing on the merits of his PCR application. The matter has been transcribed and attested to by the court reporter. As such, reconstruction is not warranted in this case.

WHEREFORE, counsel for Respondent requests this Court deny the Motion for Remand to Reconstruct the PCR Record.

Respectfully submitted,

HENRY DARGAN McMASTER  
Attorney General


JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

KAREN C. RATIGAN

Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-3737

By:

  
Attorneys for Respondent

January 7, 2008



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

January 9, 2008

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

Re: Patrick Bertram Walker v. State of South Carolina

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Reply to State's Return to Motion for Remand to Reconstruct the PCR Record in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Eleanor Duffy Cleary  
Appellate Defender

EDC/edc

Enclosure

cc: Karen Ratigan, Esquire  
Mr. Patrick Bertram Walker

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Greenville County

Honorable Michael G. Nettles, Circuit Court Judge

---

PATRICK BERTRAM WALKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

---

REPLY TO STATE'S RETURN TO PETITIONER'S  
MOTION FOR REMAND TO  
RECONSTRUCT THE PCR RECORD

---

The undersigned respectfully shows the Court:

(1) On January 7, 2008, undersigned counsel received the state's return to petitioner's motion to remand to reconstruct the record of the Post-Conviction Relief hearing, for which the taped record of the proceedings have been destroyed. Petitioner now submits his reply pursuant to Rule 224(f), SCACR.

(2) Respondent correctly notes in its return that the transcript was not provided with the motion. Petitioner has attached the transcript of the proceedings for review by the state and this Court.

(3) Counsel has received an affidavit from petitioner which explains which parts of the hearing were not transcribed, as well as his unsuccessful efforts to obtain a tape in a timely fashion. This affidavit is attached.

(4) Counsel emphasizes that the tapes, which are required to verify the accuracy of the transcript, were destroyed through no negligence on petitioner's part. He and his wife sought a copy of the tapes from the court reporter in a timely fashion. She unfortunately, misunderstood their request, and destroyed the tapes.

(5) The state asserts that the PCR transcript should be accepted as the best record of what transpired since the court reporter certified the transcript was true and accurate. However, Rule 607(i), SCACR, requires that court reporters maintain tapes for thirty days after transcription to allow "any party to challenge the accuracy of the transcription." This rule contemplates that there may be inaccuracies despite the court reporter's certification.

Based on the foregoing and the reasons stated in the motion to remand, petitioner respectfully requests that this case be remanded for a reconstruction of the PCR hearing at which petitioner would be able to testify as to matters raised at his PCR hearing on March 1, 2007, introducing no new matter

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Cleary", is written over a horizontal line.

Eleanor Duffy Cleary  
Appellate Defender

Attorney for Petitioner

This 9th day of January, 2008

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Honorable Michael G. Nettles, Circuit Court Judge

PATRICK BERTRAM WALKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Reply to State's Return to Motion for Remand to Reconstruct the PCR Record in the above referenced case has been served upon opposing counsel, Karen Ratigan, Esquire and Patrick Bertram Walker, #296176 at Broad River Correctional Institution this 9th day of January, 2008.

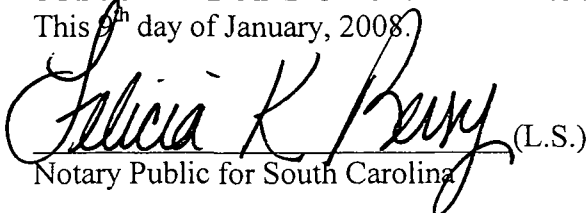


Eleanor Duffy Cleary  
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me

This 9<sup>th</sup> day of January, 2008.



(L.S.)  
Notary Public for South Carolina

My Commission Expires: August 15, 2010

Patrick B Walker # 296176  
B.R.C.I. Mur. 139  
4460 Broad River Rd.  
Columbia, SC 29210

4/23/2007

06-CP-3331

I Patrick B Walker am  
officially challenging the transcript  
for hearing before Judge Nettles  
on March 8<sup>th</sup> 2007 in the amount  
of \$ . I am also requesting  
the tape of this hearing in the  
amount of \$ .

*P Walker*

*P Walker power of attorney for  
Patrick Walker*

Sworn to before me this 26th day of April 2007.  
Sameera M. Walker signed this document.

*Janice C. Bese*  
Notary Public for SC  
My Commission Expires 6/1/2008

FILED CLERK OF COURT  
GREENVILLE SC

2007 APR 26 PM 11:56


Sameera Walker  
300 Whiting Brook Ct.  
Greenville, SC 29617

5/10/07

Dear Ms. Herron,

I am writing today on behalf of my husband, Patrick B. Walker and am requesting a copy of the tape for the PCR hearing before Judge Nettles on March 10 2007 in Greenville County. Please let me know the total cost and I will send promptly. Thank you.

Sincerely,  
S. Walker

  
My Commission Expires  
September 8, 2009

Sameera Walker  
300 Winding Brook Ct.  
Greenville, SC 29617

4/27/07

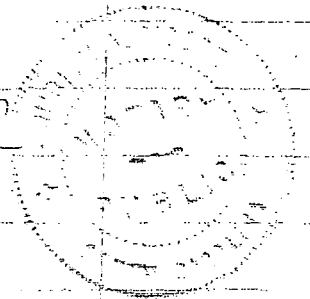
Dear April,

I had written you almost 2 weeks ago and have not heard anything back so I am writing again on behalf of my husband Patrick Walker. He is requesting the tape for the PCL hearing on March 1, 2007 before Judge Nettles in Greenville County. Please advise of the total cost and I will send a money order. Thank you.

Sincerely,  
S. Walker

SCA#09036587 Ex12-3008

Judith D. Moore  
Notary for SC  
Exp 10-5-2011



Mr. Patrick Walker # 296176  
Broad River Corr. Inst.  
4460 Broad River Rd.  
Columbia, S. C. 29210

August 10, 2007

Judicial Council of the State of South Carolina  
In Care of Court Administrations  
1015 Sumner Street, Ste. 200  
Columbia, S. C. 29201

Re: Retention of Tape  
C.A. No.: 2006-CP-23-03331

Dear Hon. Hearn:

I am writing pursuant to Rule 607 (i) Retention of Tape. On March 1, 2007, I appeared before the Honorable Judge Mattles on Post Conviction Relief, which was denied. In Greenville County

I have challenged the hearing transcript and requested the tape from the Clerk of Court Paul B. Wickensimer which is on file in the Greenville County Clerk of Court's office, and I have further requested the hearing transcript and tape from the Court reporter, Ms. April Haron.

My wife has paid Ms. Haron for the transcript and has requested the price of the tape. Ms. Haron, refused to quote a price of the tape and has claimed that I am not

(1)

entitled to the tape of the hearing. This is in violation of my Fifth and Fourteenth Amendments.

I have challenged the transcript and requested the tape before the Court's reporter transcribed the transcript, and I have proof documented from the Clerk of Court for Greeneville County.

I am requesting that this honorable administration intervene and demand that the Court's reporter, Ms. April Haron, produce the hearing tape, untampered with.

I do appreciate your assistance, thank's you.

With kind wishes and the highest regards,  
I am

Respectfully

Patrick Walker

Copies: pw

17 Aug 2007

Eugene Feist

My Commission Expires April 4, 2016

State of South Carolina  
County of Greenville

In The Court of General Sessions  
Re: CASE No. 2002-GS-23-5550;  
Re: C/A No. 2006-CP-23-3331;

Patrick Bertram Walker,  
S.C.D.C. No. 296176  
Petitioner,  
VS.  
State of South Carolina,  
Respondent.

Motion For Subpoena of Audio Recording

2007 AUG 17 11 00 AM  
2007 AUG 17 11 00 AM

The above named Petitioner in the above captioned case moves this Honorable Court for a subpoena of the Post- Conviction Relief Hearing audio recording of the hearing held on March 1, 2007 before the Honorable Michael G. Nettles and transcribed by Court Reporter April Herron, The reasons for this motion are as follows;

- (1.) An Appeal filed on April 2, 2007 is pending before the South Carolina Supreme Court, and a copy of the audio recording is vital to that appeal, as the Petitioner has challenged the typed portion of the hearing.
  - (2.) Petitioner is completely willing to pay said cost for the copy of the audio recording to Court Reporter April Herron, as well as the filing of this motion.
- Wherefore, Petitioner respectfully requests this Motion be granted.

Motion: Granted or Denied, This \_\_\_\_\_  
Day of \_\_\_\_\_, 2007  
Presiding Judge: \_\_\_\_\_  
Code: \_\_\_\_\_

Respectfully Submitted By,  
Patrick Bertram Walker  
B.R.C.I. Mur. B-139  
Patrick Bertram Walker # 296176  
4460 Broad River Rd.  
Columbia, South Carolina  
29210

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMMER

2007 AUG 17 4:54 PM



HENRY McMASTER  
ATTORNEY GENERAL

August 22, 2007

AUG 23 2007  
FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
BATES WILKINSON

The Honorable D. Garrison Hill  
Chief Administrative Judge  
305 East North Street, Suite 213  
Greenville, South Carolina 29601

*Mr. Walker's  
Motion is  
Denied.*

*G Hill  
8/27/07*

**RE: Patrick Bertram Walker v. State**

Dear Judge Hill,

Please accept this letter as an informal return to the pro se Motion for Subpoena of Audio Recording that was filed August 17, 2007. I have attached a copy for your review.

This post-conviction relief (PCR) case was heard by Judge Nettles in March 2007 and is currently on appeal at the South Carolina Supreme Court. The Applicant is represented by the South Carolina Office of Appellate Defense. As such, this pro se filing is improper as it constitutes hybrid representation. See Rule 11(a), SCRCP; Jones v. State, 348 S.C. 13, 14, 558 S.E.2d 517, 517 (2002) (holding there is no constitutional right to hybrid representation either at trial or on appeal). Regardless, the Applicant's motion is moot, as the Office of Appellate Defense ordered the PCR transcript on May 16, 2007. If you have any questions or need anything further, please let me know: 803-734-4042.

Sincerely,

Karen C. Ratigan  
Assistant Attorney General

Enclosure

cc: Greenville County Clerk of Court  
Office of Appellate Defense  
South Carolina Supreme Court  
Kurt Tavernier, Esquire  
The Honorable Michael G. Nettles  
April Herron

28 Dec. 2007

To Whom it May Concern:

My name is Patrick Wulfe. I'm writing concerning the Post Conviction Relief held on March 1, 2007 in Greenville County in front of Judge Nettles. I was informed in April that my P.C.R. had been denied on March 19, 2007. When my family members came to visit me. After receiving a copy of the order of dismissal I felt that several claims hadn't been properly ruled upon. On April 27, 2007 I filed a letter written to Mrs April Haroon the court reporter of my P.C.R. hearing, in Greenville Co. chief of court. Requesting for a copy of the P.C.R. transcript and the tape of the same. This request was followed by several other attempts in writing asking for the price of the tape. Mrs Haroon never responded to my request for the tape as she had already received a money order for the transcript on April 27, 2007. I received the transcript around Aug 12, 2007. Upon my initial reading of the transcript I immediately realized it was not an accurate account of the hearing which had taken place.

Although some points were touched on, they weren't explained in depth as I had given. Yet other points of interest were excluded all together. P.C. counsel stated that I had about twenty arguments which were narrowed down into six main issues. Yet during my testimony I argued several points detailing how they prejudiced me as well as counsel being ineffective for not raising the appropriate legal issue or preserving objection. I felt trial counsel was ineffective for not investigating the state's key witness Brittang because she admitted under oath that she didn't make comments in her initial statement, also that the police changed other parts of her statement around as trial record clearly shows. The witness impeached herself, implicated me in their initial statement by using a broken piece of wood the state admitted they never collected. The jury heard testimony about this alleged evidence at least three times during trial. Judge gave curative instructions but counsel was ineffective for not preserving objection by requesting a mistrial because that witness statement was the only thing to

implicate me. There was no D.N.A. I gave  
 head and body hair two tubes of blood  
 there was no finger prints no trace  
 evidence and the items entered into evidence  
 were contaminated by the state the day  
 they were collected. As the trial record  
 clearly shows that witness statements and  
 testimony of it should have been excluded  
 before trial cause that witness had impeached  
 himself. There was fatal variance in the  
 indictment cause the state never established  
 a murder weapon. Trial judge should have  
 granted direct recid. Counsel was also ineffective  
 for failing to preserve objection and moving  
 to suppress contaminated evidence by the  
 police pursuant to the fourth amendment.  
 Counsel filed a motion to exclude prior bad  
 acts. Judge granted the motion, later during  
 trial counsel agreed to a stipulation to  
 allow prior bad act evidence and testimony  
 as Counsel was ineffective for agreeing to  
 stipulation that was prejudicial. by this act in  
 the mind of the jury because this allowed  
 the jury to hear testimony that had a  
 prejudicial effect upon their deliberating.

4

The state and co-counsel highlighted testimony of E. W. S. Wolfe, James Lucia, which had been stricken from the record and also made prejudicial comments about me asserting my Fifth Amendment. Saying by me not testifying shows guilt and that I had something to hide. The state and co-counsel both bolstered and vouched for these case. This prejudiced me at trial because the state placed their authority behind these lies and only withdrew in their closing argument. While co-counsel aided the state with its highly prejudicial closing argument. Trial counsel was ineffective for not objecting to these comments to at least preserve the issue for appellate review. I also argued due process violation. There was a civil trial which Judge Hibby heard arguments on Nov 4, 2002. After consulting with the solicitor in the criminal case he ruled not to hold the civil trial until after the criminal trial because I wasn't guilty of any crime and that it would be a violation of my rights, but not to worry about getting the case on the docket and to give him

a call and will come up and hear the case. The state went before another judge and got the case heard on July 7, 2003, several months before my criminal trial. The P.C.R. judge Pettie asked me what judge would not to hold the civil trial. I told him Judge Mably out of Anderson.

There was an alleged letter of confession claimed to have been written by me. The state attempted to introduce it on the second day of trial. The state had the letter for several months before trial but never turned it over under rule five. The judge didn't allow it in at that time because the witness wasn't present. On the third day of trial the state introduced the letter informing the court that the witness Masha Thomason was present to testify how the letter came about. The state elicited testimony from the lead investigator Silvaggio. The judge told the investigator not to go into specifics but to give a general description. The officer testified that it was a letter of confession written by Philip Mably. That counsel objected

The jury was sent out, the judge then decided that the state violated rule five & wouldn't allow the letter in as evidence. The judge gave instruction to disregard the officer testimony. Counsel was ineffective for failing to preserve objection. Co counsel objected saying he wanted to reserve the right to use the letter and that he felt the state violation shouldn't affect the defense. At that point I was already prejudiced in the mind of the jury combined with other prejudicial comments during the trial. The co defendant case was reversed on direct appeal because they weren't allowed the chance to show exculpatory evidence at trial. The state denied me the right to show exculpatory evidence as well by not allowing me the chance to get expert hand writing analysis to prove I had no knowledge and didn't write the letter. A fair trial was put into question. Trial counsel was ineffective for not requesting a mistrial to at least preserve the issue for direct appeal. Trial counsel was also ineffective for not objecting to the confusing malice charge.

to the jury. This prejudiced me at trial. While the jury were deliberating they sent a note to the judge asking for a definition of malice. The judge brought the jury back in the court room and read the same exact charge to them again, which they had the question about from hearing it the first time. The jury applied the instructions in making their decision which they didn't understand. Counsel should have objected or requested a mistrial to preserve the issue for direct appeal review. Appellate court stated in their answer that counsel failed to preserve objection on curative instruction and was ineffective for failing to do so as well as other issues raised on direct appeal. Trial counsel was also ineffective for not preparing a proper defence. His counsel didn't put up any witnesses that were available to rebut any of the states theory or didn't investigate the case thoroughly. Counsel also advised me not to testify as I followed all legal advice he gave me. Saying the state hadn't proved its case. Trial counsel admitted at the PCR hearing that

he advised me not to testify, and that he didn't investigate the state's witness.

Trial counsel was ineffective for failing to move to dismiss charge due to violation of speedy trial act. I was prejudiced cause my due process was violated. Judge Watson heard and granted my motion for speedy trial on June 7, 2002. Counsel failed to file motion for severance before trial. As this was detrimental for my defense. Counsel was ineffective due to the antagonistic defenses involved. The state argued that the jury be charged with the hand of one hand of all. This could not have happened if counsel properly filed motion for severance. As the indictment doesn't warrant a conspiracy charge. The state argued flight shows guilt throughout trial. I talked with counsel and was advised to wait until Monday to turn myself in. Counsel was ineffective for not putting up testimony from someone in his last firm to show that I was only following the advice of my counsel. Which should have voided the state's claim of flight.

This is an accurate account of my testimony at the PCR hearing. Once I finished my initial argument my PCR counsel then proceeded to ask questions about everything that I had testified about. To make sure the court understood every issue and argument that I had presented.

3 JAN 2008  
Eugene Kelly

My Commission Expires April 4, 2016

Sincerely,

Patrick B. Walker  
(Patrick B. Walker)

To the South Carolina Supreme Court.

I've been asked to view the transcript of Mr. Patrick Walker's Post Conviction Relief Hearing dated 3/01/07. I John F. Williams was present at the hearing. Mr. Walker, was very narrative in his testimony, raising issues and explaining them. As well as stating the error, Mr. Walker went in detail about how he was prejudiced from several acts during his trial as well as before the trial.

The post conviction relief transcript slightly touched on some of Mr. Walker's claims. Although not in the manner which he addressed such issues. Vaguely the transcript gave an account of the proceeding as the detail explanation for each issue is missing. As Mr. Walker showed the effect from the cause of the issues, he raised. Testifying about civil trial violations in which a Judge ruled not to hold a civil trial before the criminal trial, noting his claim is voided by the Record from a hearing in Nov. 02 in front of Judge Masley. There was detailed testimony about trial counsel not investigating the case thoroughly which was vital as Mr. Walker clearly exposed the state only key witness that comes. Walker claimed his counsel could have prepared a proper defence cause that witness statement and testimony should have been excluded before trial. As such there was no evidence to rely upon Walker alleged. He detailed, from the record there was no DNA, finger-prints, and the evidence items were contaminated. Walker claimed counsel was ineffective

For failing to preserve objection, agreeing to prior bad act stipulations, as well as not objecting to improper comments made by the state and Co Counsel. Mr. Walker detailed the events about confusing malice charge as the jury requested a definition of malice while deliberating. The Judge then upon bringing the jury back out, read the same charge that the jury had questions about in the beginning. There was testimony from Walker about total variance as such Walker stated the jury heard of improper comments and evidence the state never produced, and that his counsel was ineffective for not preserving objection or requesting a mistrial. There was also an issue about civil trial violations in which Mr. Walker claimed Judge Mosley ruled not to hold a civil trial prior to the criminal because it would be a violation of his rights, since he wasn't guilty of any crime. I remember the Judge's name because the Judge at the P.C.R., asked Mr. Walker what Judge ruled that there was testimony about an alleged letter of confession the state claimed Walker wrote. The jury heard testimony from the state about the letter. Walker claimed he was violated by this, even though the judge later denied the letter into evidence. Walker argued he should've been allowed the opportunity to prove he did not write the letter, by having the letter analyzed by a hand writing expert. Walker stated that Co defendant case was reversed because they weren't allowed the opportunity to show exculpatory evidence. Walker alleged he was denied the right to show exculpatory evidence to prove he didn't write the letter as well.

my commission expires  
08 May 2007

Leslie Bell  
20 Nov 07

Signed before me on this day

Sgt. Mr. John T. Williams

To whom it may concern

My name is Brenda Adams and I'm writing in regards to Patrick Walker's post conviction relief hearing transcript in which I've reviewed. There's several points that came to mind as I read over the transcript. Patrick's statement is only about 4 lines long, and that didn't make sense to me being that he spoke at least six minutes speaking of a few issues from civil trial rights violation to confusing malice charge, speedy trial violation, as well as improper comments made by the state & the counsel regarding such claims. There were several issues Patrick (Mr. Walker) raised before the court but yet those issues were not discussed. As Patrick had talked of them in court he explained in detail the prejudice and the effect it had upon the trial. Some of those issues were prior bad acts, where Patrick testified that his lawyer was ineffective for agreeing to a stipulation to allow evidence of prior acts. Patrick testified that his lawyer was ineffective for agreeing to a stipulation to allow evidence of prior acts from my understanding that was a concern before the

frail for the family as the trial counsel filed a motion before the court asking not to admit any prior act the judge granted the motion. Patrick testified about prejudice comments Co Counsel + the state made at trial which had been stricken from the record Patrick claimed his ~~own~~ counsel was ineffective by not objecting or preserving his objections for the record as his direct appeal clearly stated Patrick alleged. Patrick gave a detailed testimony ~~an~~<sup>on</sup> alleged letter of confession. that the state introduced. that letter was thrown out but after the jury had heard it. Patrick claimed he was prejudice by the letter cause the state testified about it to the jury. they told the jury to disregard it, but Patrick said he was denied the right to show he had no knowledge of the letter by allowing him to get a expert hand writer person to which he could have presented to the jury to show his innocence. He deserves this chance.

Thanks  
John

Frank D. Bennett  
11-26-07

To whom this may concern  
My name is Sharon M. Kelly and I'm  
writing this today in reference to the  
P&R hearing that was held on March  
of 07. For Patrick Walker, I've had  
some time to look over the transcript  
from the hearing, and I don't feel that it  
shows accurate testimony from the  
hearing. Patrick spoke with much detail  
on several issues, for example the (letter)  
alleged letter of confession, Mr Walker  
claimed he was denied the chance to  
obtain an expert hand writing to show  
he had no knowledge of the letter and  
this same alleged letter is the reason  
the co-defendants case was reversed?  
because they were not allowed the  
right to enter the letter at trial, also  
Mr Walker spoke on being denied due  
process he raised violation because of  
Civil Trial violation which the judge  
ruled not to take him to Civil before  
Criminal court, because he was not  
guilty of any crime. I also recall detail  
testimony from Mr. Walker about

There being no real evidence to link him to the crime, other than a nine yr old child and his attorney was ineffective for not investigating that witness, nor file a legal motion to suppress incompetent testimony, and last but not least the confusing matrix charge. The jury sent a note to the judge asking for a definition during deliberation, and also Mr Walker spoke about evidence that should not have been entered because it had been contaminated and also the fatal variance issue alleging the court should have granted his directed verdict, and that his attorney was ineffective for not requesting a mistrial, after highly prejudicial comment. As the court of appeals state.

Thank you

Signed before me  
on this day  
20 Nov 07

Shirley W. Kelly

Leslie Hill

My commission expires  
08 May 2011

To the Supreme Court of  
South Carolina:

Dear Court, my name is  
Karen Walter. I am writing in  
reference to a Post Conviction Release  
Hearing in which I had the  
opportunity to review the transcript.  
As I was reading it I noticed several  
errors that I detected. Mr. Walker  
explained in depth the initial response  
to the first question. I know he'd  
requested a speedy trial and  
he spoke about other issues such  
as contaminated evidence that  
wasn't tested for prints. I do say  
that his answers to the questions  
were in depth and very detailed  
about such issues that were asked  
of him. His answers were lengthy  
in response before counsel could  
ask other questions of him. He, Mr.  
Walker testified to the lack of  
evidence against him and about  
the testimony of the State's only  
key witness to the crime. This  
witness testified under oath that  
some of her statements made in  
the initial trial was false, and that  
she was told how to respond to certain  
questions asked of her. She said she was

prepared for questions and answers of what she should say. Mr Walker also testified that the jury had heard, already, statements about evidence of admission of guilt with in a letter that was said to have come from him, but didn't. The judge didn't let it in but the jury heard the officer testify that he had the witness to the letter, there in Court, to testify about this letter that was not proved to have been written by him. Mr Walker argued that his Counsel was ineffective for not investigating the states witness claim. He argued that his Counsel should have suppressed that statement and any testimony from that witness, because that witness impeached himself. Mr Walker also spoke on other things, his Counsel did wrong at the trial. I see no mention of such comments in this transcript. But I do see reference of evidence of prior bad acts by his Counsel from Mr Walker. He spoke intensively about this at his P.C.R. hearing and I don't see such of his testimony in Mr Walker's P.C.R. transcript. Mr Walker also claimed he was denied due process by not allowing him to get expert hand writing analysis

on the alleged letter of confession which the jury heard about <sup>and</sup> they were later told to disregard. Mr. Walker explained, combined with other testimony of prior bad acts and comments that were stricken from the record, that the State and Co Counsel repeatedly highlighted in their closing argument and in turn created unfair effect upon the jury when deciding their verdict of a murder trial. Mr. Walker repeatedly claimed Counsel was ineffective for not requesting a mistrial or preserving objections to the jury not understanding the definitions of malice as the trial record clearly shows. Thank you for taking my recollections of Mr. Walker's trial in consideration.

Sincerely,

Karen Walk

Signed before me on this the 29<sup>th</sup> of November, 2007.

Mellicy Joyce Merritt

My Commission Expires August 20, 2013

11/23/07

To Whom It May Concern:

My name is Cecil Williams and Patrick Walker asked me to look over the transcript from his PCR hearing to see if I saw anything missing that was said at the hearing and to write what I thought was not in the transcript. I did notice that there is a lack of information in Patrick's testimony. I remember him being more talkative in explaining the issues he raised from the contaminated evidence, the speedy trial violation, as well as improper statements by the state. He also talked about the lack of competent evidence and alleged his lawyer was not effective for failing to preserve claims regarding a lot of important issues and to thoroughly investigate the states main witness to prepare for a proper defense. Patrick also said his lawyer was not effective because he should have never agreed to a stipulation to allow prior bad acts and testimony. Patrick raised questions about the civil trial violations also the lawyer was not effective for not raising certain legal issues to suppress inconsistent statements from Brittany and about a confusing letter which his lawyer which his lawyer should have objected to and moved to suppress contaminated evidence.

Thank You,

Cecil Williams

*Cecil Williams*  
11/30/07

*Fred D. Williams*  
11-30-07

Sameera Walker

300 Whaling Brook Ct.

Greenville, SC 29617

To Whom It May Concern:

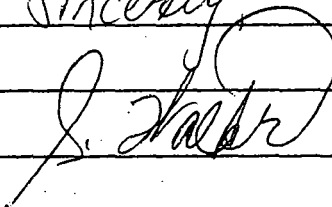
I am writing today to give a statement of my recollection of my husband, Patrick Walker's PCE hearing on 3/1/07 and some things that were discussed that are not in the transcript we received. Patrick spoke for a lengthy amount of time during the hearing.

Although the transcript touches on some of the issues, there are a couple things missing that he raised on his own, as well as a lot of his detailed explanation.

I clearly remember Patrick speaking out and talking over his attorney. Patrick spoke longer than what the transcript shows. Patrick spoke about how he was taken to civil trial before criminal trial, even after Judge Mobley refused to hear the case and hold a civil trial before criminal. Judge Mobley had said not to worry, he would come and try the case after the criminal trial. The State had proceeded

audio tape as well as the letter  
I received from the court reporter.

Sincerely,



(Sameera Walker)

11/29/07



NOTARY FOR SOUTH CAROLINA

EDGEWIRE COUNTY

My Commission Expires  
April 4, 2011

B. Walked 296176  
MUR/215  
ROAD River Rd.  
S.C. 29210

Priority Mail  
ComBasPrice



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MAILED FROM ZIP CODE 29210

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South Carolina Supreme Court  
Hon. Daniel E. Shearouse  
Clerk of Court  
P.O. Box 11330

RECEIVED