

VOLUME III OF III

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Sumter County

S.C. SUPREME COURT

Honorable R. Kirk Griffin, Circuit Court Judge

RODNEY R. GREEN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000277

APPENDIX

MOLLY M. KEEGAN
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ZACHARY W. JONES
Assistant Attorney General
P.O. Box 11629
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
PETITIONER’S EXHIBITS #4 (PHOTO OF GUN AND CARTRIDGES),
#6 (PHOTOS OF INSIDE OF VEHICLE), and #10 (TWO PHOTOS)**

R. Green - Direct by Mr. Brunson

1 A Well, John Dunham.

2 Q Okay. Did you communicate to Mr. Johnson that
3 Mr. Dunham is an eyewitness as to who fired the shot that
4 killed the victim in this case?

5 A Yes, sir.

6 Q Okay. And did Mr. Johnson talk to Mr. Dunham?

7 A No, sir.

8 Q Okay. And at this time back in 2014 was Mr.
9 Dunham residing in South Carolina?

10 A He was.

11 Q Okay. And was he a resident of Sumter in South
12 Carolina?

13 A Yes, sir.

14 Q Okay. Did you provide all the information that
15 you had about Mr. Dunham's whereabouts?

16 A Yes, sir.

17 Q Okay. And as far as you know, Mr. Johnson never
18 talked to Mr. Dunham?

19 A No, sir.

20 Q Okay. Are you alleging today that his failure to
21 interview a potential eyewitness is ineffective assistance
22 of counsel?

23 A Yes, sir.

24 Q All right. And in addition to that, is Mr. Dunham
25 available? Well, is he still in South Carolina?

R. Green - Direct by Mr. Brunson

1 A Is he still around? No, sir.

2 Q He's not in South Carolina right now?

3 A No, sir.

4 Q Okay. But he was in 2014?

5 A Yes, sir.

6 Q Okay. Have you been able to find an address for
7 him or his whereabouts?

8 A No, sir.

9 Q Okay, all right. To the best of your information
10 where might he be?

11 A Right now?

12 Q Yes, sir.

13 A I have no clue at the moment.

14 Q Okay. Now, so based on your previous statement
15 that Mr. Johnson resumed representation about six months
16 before your trial, do you believe he conducted an effective
17 pretrial investigation?

18 A Say that again.

19 Q Do you believe he conducted a productive and
20 effective pretrial investigation? Did he investigate your
21 case properly?

22 A No, sir.

23 Q Okay. Now throughout the case did you learn that
24 there were potentially projectiles that were fired from a
25 gun?

R. Green - Direct by Mr. Brunson

1 A Uh-huh, yes, sir.

2 Q Okay. And were any projectiles collected by law
3 enforcement?

4 A Yes, sir.

5 Q The bullet itself?

6 A Oh, no, sir.

7 Q Okay. Were any projectiles fired into cars?

8 A Yes, sir.

9 Q Okay. Was that projectile collected from the car?

10 A No, sir.

11 Q Okay. In 2014 was that car available?

12 A Yes, sir.

13 Q Okay. And Mr. Johnson was aware that a projectile
14 was lodged in that vehicle?

15 A Yes, sir.

16 Q And did he make any efforts or attempts to collect
17 that projectile?

18 A No, sir.

19 Q Okay. I want to show you some exhibits that's
20 been premarked. Is that okay?

21 A Yes, sir.

22 MR. BRUNSON: May I approach?

23 THE COURT: Yes, sir.

24 BY MR. BRUNSON:

25 Q I'm going to show you what's premarked

R. Green - Direct by Mr. Brunson

1 Petitioner's Exhibit No. 1. And before you answer this
2 question, when you met with Mr. Johnson he showed you what
3 was contained in your discovery package?

4 A Correct.

5 Q And in that packet were there any incident
6 reports?

7 A Correct.

8 Q Was there a property evidence voucher?

9 A Correct.

10 Q Was there a SLED forensics report?

11 A Correct.

12 Q Was there pictures of a dashboard from a vehicle?

13 A Correct.

14 Q And in that picture is there a bullet hole?

15 A Yes, sir.

16 Q Were there statements from a witness named Diamond
17 Brooks, Aerntachie Blanding, and Ms. Shiatae Rivers?

18 A Yes, sir.

19 Q And you had a chance to look at these statements
20 with Mr. Johnson?

21 A Yes, sir.

22 Q You also had an opportunity to look at photos of a
23 gun that was collected that night?

24 A Correct.

25 Q And cartridges that were located on the ground

R. Green - Direct by Mr. Brunson

1 that night?

2 A Yes, sir.

3 Q Did you also have an opportunity to review a
4 gunshot wound that was to the victim in this case?

5 A Correct.

6 Q All right. And so is Petitioner's 1 a copy of the
7 investigative report by the lead investigator in this case?

8 A Yes, sir.

9 Q Okay. And is Exhibit 2 a copy of the evidence
10 that was collected from the scene that night?

11 A Correct.

12 Q Is Exhibit No. 4 a package of photos containing a
13 picture of a firearm and pictures of one, two, and three
14 cartridges?

15 A Correct.

16 Q Is Exhibit No. 5 a copy of South Carolina law
17 enforcement lab result that was in your case?

18 A Correct.

19 Q Okay. Is Exhibit No. 7 a copy of the statement
20 that law enforcement collected from Diamond Brooks?

21 A Yes, sir.

22 Q Is Petitioner's Exhibit 8 a copy of the statement
23 that law enforcement collected in your case from Aerntachie
24 Blanding?

25 A Yes, sir.

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1 Q And is Exhibit No. 9 a copy of the statement that
2 law enforcement collected from Ms. Shiatae Rivers?

3 A Yes, sir.

4 Q Is Exhibit No. 10 a copy of the gunshot wounds to
5 the victim in this case?

6 A Yes, sir.

7 Q Two copies to be exact?

8 A Yes, sir.

9 Q And is Petitioner's No. 6 a copy of the dash that
10 you referred to earlier that was included in your discovery?

11 A Yes, sir.

12 Q Okay. Now are all these documents in pretty much
13 the same format they were when you saw them?

14 A Correct.

15 Q Okay.

16 MR. BRUNSON: Your Honor, I'd like to move
17 Petitioner's 1 through 10, with the exception of No. 2, into
18 evidence at this time.

19 MR. JONES: No objection from the State, Your
20 Honor.

21 THE COURT: All right. They're admitted.

22 (WHEREUPON, State Exhibits Nos. 1 and 3
23 through 10 were admitted into evidence.)

24 BY MR. BRUNSON:

25 Q Now I want to hand you what's been marked

R. Green - Direct by Mr. Brunson

1 Petitioner's Exhibit No. 2. Now is that a copy of the
2 autopsy report?

3 A Yes, sir.

4 Q Is that the autopsy report from your case?

5 A Yes, sir.

6 Q And you didn't see this when Mr. Johnson was
7 representing you, did you?

8 A No, sir.

9 Q In fact, when you met with Mr. Johnson and
10 reviewed the discovery, this was not in it; isn't that
11 right?

12 A No, sir.

13 Q Okay. So because you didn't see it at that time,
14 were you then able to read or determine the size of the
15 entry wounds and exit wounds from the victim?

16 A No, sir.

17 Q Not at that time, correct?

18 A No.

19 Q Is this document a document that I provided to you
20 when I took on your PCR case?

21 A Yes, sir.

22 Q And when I provided it to you did you have a
23 chance to look at it and review it?

24 A Uh-huh, yes, sir.

25 MR. BRUNSON: Your Honor, I'd like to move

R. Green - Direct by Mr. Brunson

1 Petitioner's No. 2 into evidence.

2 MR. JONES: No objection, Your Honor.

3 THE COURT: No. 2 is admitted.

4 MR. BRUNSON: All right.

5 (Petitioner's Exhibit No. 2 was admitted
6 into evidence.)

7 BY MR. BRUNSON:

8 Q So let's start with the -- I mean, Petitioner's
9 Exhibit No. 1, the incident report, or the complete
10 investigator's report of the lead investigator. Can you
11 take a look at 1 for me? All right. So in this report
12 Investigator Gregory Hawkins was the lead investigator,
13 right?

14 A Yes, sir.

15 Q And Mr. Hawkins in his report indicates that
16 second paragraph from the bottom, that Diamond Brooks gave a
17 statement; isn't that right?

18 A Yes, sir.

19 Q And she said that they were leaving, she saw a
20 dude with two guns start shooting; is that right?

21 A Yes, sir.

22 Q Is that contained in the statement to
23 investigators?

24 A (No verbal response.)

25 Q Is that a yes?

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1 A Yes, sir.

2 Q Okay. And she indicated that when dude started
3 shooting they went down the road?

4 A Yes, sir.

5 Q And they returned and discovered that Archie had
6 been shot. Isn't that what she told law enforcement?

7 A Yes, sir.

8 Q And that's included in the investigative report;
9 isn't that right?

10 A Yes, sir.

11 Q Okay. So you also reviewed in the discovery a
12 statement from -- the statement itself from Ms. Diamond
13 Brooks. Isn't that Petitioner's Exhibit No. 7?

14 A Yes, sir.

15 Q All right. Do you have that exhibit right there
16 in front of you?

17 A Correct.

18 Q Now Diamond Brook's statement is about five lines;
19 isn't it?

20 A Yes, sir.

21 Q And so when -- on line number 3 it says, "Check to
22 don't go right 'cause the dude got two guns, but by then it
23 was too late, we drove off, dude start shooting." Isn't
24 that her statement?

25 A Yes, sir.

R. Green - Direct by Mr. Brunson

1 Q And this is a statement written by Diamond Brooks,
2 and she indicates in her statement that two guys were
3 shooting -- that one guy was shooting two guns; isn't that
4 right?

5 A Yes, sir.

6 Q Okay. In the investigative report isn't it true
7 that Gregory Hawkins, chief investigator, interviewed
8 somebody by the name of Shiatae Rivers was?

9 A Yes, sir.

10 Q That's included in his investigative report; isn't
11 it?

12 A Yes, sir.

13 Q And that's that last paragraph on the first page?
14 He said that on that third line, "Rivers said a man name
15 Carter man was shooting at the car they were in, they ran
16 into a ditch." Isn't that right?

17 A Yes, sir.

18 Q And so in her statement to law enforcement,
19 Shiatae Rivers, did she verify or corroborate the statement
20 of Diamond Brooks that someone was shooting by the name
21 Carter man?

22 A Shooting a gun?

23 Q She says -- didn't she say that Carter man was
24 shooting at them?

25 A Yes, sir, I see that.

R. Green - Direct by Mr. Brunson

1 Q All right. And in her statement, which is right
2 in front of you, she goes a little further. I want you to
3 find this statement from Ms. Shiatae. All right,
4 Petitioner's Exhibit No. 9, is that the statement from
5 Shiatae Rivers?

6 A Correct.

7 Q All right. And in this statement it's about eight
8 lines; isn't it?

9 A Correct.

10 Q Starting on Line 5, does it say, "Carter man was
11 running to a Crown Vic?"

12 A Yes, sir.

13 Q "Red two door old school and was shooting at the
14 car?"

15 A Yes, sir.

16 Q All right. So she doubles down and writes it,
17 puts it in writing, Carter man shooting, Carter man's got
18 new guns, right? That is what the statement say so far?

19 A Correct.

20 Q Now in the trial of this case your lawyer Charlie
21 Johnson, he talked to -- well, he didn't talk to but Diamond
22 Brooks testified, right?

23 A Correct.

24 Q And Diamond Brooks said from the stand that Carter
25 man had two guns; isn't that right?

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1 A Correct.

2 Q Did your lawyer Charlie Johnson ask her what type
3 of guns that Carter man have?

4 A No, sir.

5 Q Okay. Did he identify whether Carter man had a
6 .38 caliber?

7 A No, sir.

8 Q But what Diamond did say was that Carter man had
9 two gun and he started shooting?

10 A Yes, sir.

11 Q But Charlie never asked her how many times he
12 shot, did he?

13 A No, sir.

14 Q And he never asked her whether it was a 38?

15 A No, sir.

16 Q In fact, the investigator, when he talked to
17 Diamond, and you've got the investigator report, isn't it
18 true that he doesn't mention what type of guns Carter man
19 has?

20 A No, sir.

21 Q Isn't it also true that he doesn't talk about how
22 many times, he didn't ask him how many times Carter man
23 shot?

24 A No, sir.

25 Q All right. But in your investigative evidence

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1 that's collected on the scene, they find three shell
2 casings; isn't that right?

3 A Correct.

4 Q Let's look at the evidence report. Let's see what
5 they collected on the scene. On the evidence report at the
6 bottom of the first page it says they collected what? A .45
7 cartridge?

8 A Yes, sir.

9 Q Top of the second page, they collected a second
10 .45 cartridge. Turn the page. Right there.

11 A Yes, sir.

12 Q And they recovered a third .45 cartridge; isn't
13 that right?

14 A Yes, sir.

15 Q All right. And then they recovered a .45 gun,
16 right?

17 A Correct.

18 Q All right. I'm going to show you a picture, a set
19 of pictures that's in evidence, as Petitioner's 4. Now is
20 that the .45 gun?

21 A Yes, sir.

22 Q And is one, two and three, .45 cartridge casings?

23 A Yes, sir.

24 Q All right. So a .38 caliber gun, do you know if
25 it leaves a cartridge after it's fired? Do you know the

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1 answer to that? Or is it a revolver?

2 A It's a revolver, right? Yeah, a revolver.

3 Q Okay. So a cartridge don't come out of the
4 revolver?

5 A No, sir.

6 Q All right. Okay. In regard to this autopsy
7 report that I recovered for you, I want you to look at it
8 and tell me what was the bullet -- what the bullet did that
9 killed the victim in this case?

10 A Fatal.

11 Q And where did it go?

12 A Chest.

13 Q All right. Now if you flip this autopsy report to
14 the second page, last paragraph, does it talk about the size
15 of the bullet that entered the chest of the victim?

16 A Yes, sir.

17 Q And what is the diameter of the entry wound into
18 the chest?

19 A Thirty-eight.

20 Q All right. Does it also talk about the exit wound
21 from the victim?

22 A Yes, sir.

23 Q And what size is the exit wound from the victim?

24 A 38.

25 Q Okay. And so is there any other talk about any

R. Green - Direct by Mr. Brunson

1 other bullet wound in the victim?

2 A No, sir.

3 Q So it got shot one time?

4 A Yes, sir.

5 Q And that one time killed? That one shot killed
6 him?

7 A Correct.

8 Q And that one shot came from a .38?

9 A Correct.

10 Q All right. And you -- you base this on what is
11 found in the autopsy report; isn't that right?

12 A Yes, sir.

13 Q That's in evidence and in the record?

14 A Correct.

15 Q Okay. Now did Charlie in the trial -- I'm sorry,
16 I keep referring to him as Charlie. Did Charlie Johnson,
17 your attorney in the trial of this case, explain to a jury
18 that the victim in this case was shot by a .38?

19 A Say that again.

20 Q Did he tell the jury a .38 killed the young man?

21 A I don't -- I don't think so. I don't think so.

22 Q Okay. Did he know what size caliber weapon killed
23 him at the trial of your case?

24 A Yes, sir.

25 Q What? How? How did he know if he didn't have the

R. Green - Direct by Mr. Brunson

1 autopsy report?

2 A Right. The pathologist, she spoke on it but.

3 Q Okay. So she did tell them .38?

4 A Yes, sir.

5 Q All right, very good. Now you got a picture up
6 here of something that's been introduced into evidence and
7 is Petitioner's 6. Tell me what that is.

8 A Projectile.

9 Q Well, is it -- is it ---

10 A Bullet hole.

11 Q It's two pictures, right?

12 A Uh-huh.

13 Q And these two pictures are of what?

14 A Side of a car dash.

15 Q All right. And does that dash have any bullet
16 holes in it?

17 A Yes, sir.

18 Q And did your lawyer Charlie Johnson go and find
19 out if that bullet that was stuck in that dash was a .38?

20 A No, sir.

21 Q And so was that vehicle available in 2014?

22 A Yes, sir.

23 Q Okay. And do you feel that he was ineffective
24 because he did not determine that that projectile was or
25 could have been a .38?

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1 A Yes, sir.

2 Q And if that was a .38, then it would confirm what
3 Carter man was shooting; would it not?

4 A Yes, sir.

5 Q It would also confirm that the same gun is the
6 same gun that killed the victim in this case; is that right?

7 A Correct.

8 Q And if, in fact, a .38 was fired by Carter man, as
9 evidenced by both Don and both Aerntachie, anybody ever said
10 you were shooting a .38?

11 A No, sir.

12 Q So if that was presented, who then would be the
13 person who fired the shot that killed the victim in this
14 case? Who would have been the one who fired the shot that
15 killed the victim in this case?

16 A Carter man I reckon.

17 Q Okay. Now you allege that your lawyer Charlie
18 Johnson was ineffective; and another reason you allege that
19 he was ineffective is because in addition to failing to
20 interview the witness who may have seen the shot that killed
21 him, in addition to failing to collect the autopsy record to
22 establish the diameter of the murder bullet, you allege in
23 addition to him failing to retrieve the projectile which
24 could have been a .38 from the car, that he failed to
25 investigate the ballistics. Now, they say that -- "they"

R. Green - Direct by Mr. Brunson

1 being the State, say that you had in your possession that
2 night a .45 caliber; is that right?

3 A Correct.

4 Q Did Mr. Johnson ever interview a weapons expert?

5 A No, sir.

6 Q Did he ever interview or hire anyone that was an
7 expert in ballistics?

8 A No, sir.

9 Q And so if he had hired someone that was an expert
10 in ballistics or weapons, then they would be able to
11 determine whether or not a .38 can come out of a .45; isn't
12 that right?

13 A Correct.

14 Q Now as you sit here today, do you think a .45 can
15 shoot a .38 bullet?

16 A No, sir.

17 Q All right. But an expert would have been able to
18 tell us that, right?

19 A Correct.

20 Q Did Charlie Johnson hire an expert to come tell
21 the jury about that?

22 A No, sir.

23 Q Was he ineffective because he didn't do it?

24 A Yes, sir.

25 Q He never determined what type of gun that Carter

R. Green - Direct by Mr. Brunson

1 man who is out there shooting two guns were. If he had done
2 that, would he have been able to argue that Carter was the
3 person that murdered the victim and not you?

4 A Yes.

5 Q So was he ineffective because he did not do that?

6 A Yes, sir.

7 Q Now your lawyer Charlie Johnson at the time of
8 trial in this case had an opportunity to interview the lead
9 detective, right?

10 A Correct.

11 Q And when he interviewed the lead detective about
12 the projectile that was stuck in that dashboard where he
13 took the picture, he asked him about that; didn't he?

14 A Correct.

15 Q And isn't it true that the investigator said it
16 would have been too much work?

17 A Correct.

18 Q That's why he didn't get the projectile out?

19 A Correct.

20 Q Now Charlie Johnson on cross-examination of this
21 lead investigator, though, did not ask him about the others
22 that were shooting .38 caliber weapons, did he?

23 A No, sir.

24 Q And he didn't ask the expert, I mean, the
25 investigator, why he didn't ask them in greater detail who

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1 Carter man was?

2 A No, sir.

3 Q He didn't ask the lead investigator why didn't you
4 go and lock up Carter man, or at least investigate or look
5 into him? He didn't ask that investigator that, did he?

6 A No.

7 Q Do you think he failed to effectively
8 cross-examine the witnesses on the stand?

9 A Yes.

10 Q And if he had cross-examined that lead
11 investigator and all the other officers involved in this
12 case a little more thoroughly, a little more detailed, do
13 you believe it could have produced a different result?

14 A Yes.

15 Q Do you believe that an effective cross-examination
16 of these officers and their lack of thoroughness in the
17 investigation, their quite -- their failure to obtain a
18 projectile, their failure to determine who the other shooter
19 was, their failure to ask how -- what kind of guns the other
20 shooter was shooting, do you think if he had effectively
21 cross-examined them on this that that would have created a
22 reasonable doubt that was needed for the jury to determine
23 that you didn't do it?

24 A Yes, sir.

25 Q But he didn't do that, did he?

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1 A No, sir.

2 Q And because he didn't, does that amount to
3 ineffective assistance of counsel?

4 A Correct.

5 Q All right. Now do you believe all the things that
6 we just discussed were critical aspects of your case?

7 A Correct.

8 Q Do you believe that trial counsel didn't explore
9 those critical aspects?

10 A Correct.

11 Q And that because he didn't, the adversarial
12 process was undermined and that the -- it cannot be relied
13 upon as a just result because he didn't?

14 A Correct.

15 Q Okay. And finally, did trial counsel's failure to
16 perform these reasonable duties render his performance in
17 this case deficient?

18 A Correct.

19 Q Do you think his deficient performance severely
20 prejudiced you?

21 A Correct.

22 Q Do you think that if he did not make these
23 critical errors, that there's a great probability that the
24 results of your proceeding would have been different?

25 A Yes, sir.

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1 Q And that difference would have been what?

2 A I wouldn't have a life sentence. I wouldn't.

3 Q All right. Now are you asking this Court to find
4 that Mr. Johnson's performance was below the standard of
5 lawyers that practice in criminal court in this state?

6 A Correct.

7 Q Do you think that lawyers who practice on the
8 standard would know to locate a witness who says he's an
9 eyewitness to actually who shot him?

10 A Correct.

11 Q Do you think lawyers who practice criminal law in
12 this state would allow a projectile from a .38 stay in a car
13 and they're blaming a .45?

14 A Correct.

15 Q Do you think a lawyer that practices criminal law
16 to a competent level would allow these witnesses to testify
17 about the man who had the two guns but never asked them what
18 type of gun it was?

19 A Correct.

20 Q And if he fails to do those things, you think that
21 is operating below the standard ---

22 A Yes, sir.

23 Q --- of competence? Finally, you have another
24 statement that's admitted into the record. Law enforcement
25 collected a statement from a young lady named Shiatae

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1 Rivers. Now Shiatae Rivers, she was with Diamond Banks
2 [sic] and Aerntachie Blanding that night; wasn't she?

3 A Correct.

4 Q And in her statement that law enforcement
5 collected, she said that -- it's about eight lines. I think
6 I already read it. "The man was running to the Crown Vic,
7 red two-door old school shooting at the car." That man
8 wasn't you. That man was the Carter man; isn't that right?

9 A Correct.

10 Q So the bullet that that man was shooting, one of
11 the two guns is the same bullet that is in that dash; isn't
12 that right?

13 A Correct.

14 Q Did Charlie Johnson talk to this young lady?

15 A No, sir.

16 Q Did he call her as a witness in the case?

17 A No, sir.

18 Q Did the State even call her as a witness in the
19 case?

20 A No, sir.

21 Q Well, do you believe that a criminal lawyer who is
22 competent to practice in the State of South Carolina would
23 call such an eyewitness?

24 A Yes, sir.

25 Q And because he didn't, do you believe that he was

R. Green - Direct by Mr. Brunson

1 ineffective?

2 A Correct.

3 Q All right. And just -- make sure I don't have any
4 other State's Exhibits. And just as a precaution, let me
5 take look at the exhibits that you have been reviewing and
6 that have been entered into the record.

7 MR. BRUNSON: Your Honor, I have no further
8 questions for this witness.

9 THE COURT: Thank you, Mr. Brunson.
10 Mr. Jones.

11 MR. JONES: Nothing from the State, Your Honor.

12 THE COURT: Thank you, sir. You can step down.

13 THE WITNESS: All right.

14 MR. BRUNSON: Your Honor, at this time the
15 Petitioner would like to call Mr. Gary Chapin to the stand.

16 THE COURT: All right. Mr. Chapin, please come
17 forward, sir.

18 THE CLERK: Place your left hand on the Bible,
19 raise your right hand. State your name.

20 THE WITNESS: Gary Allen Chapin.

21 WHEREUPON,

22 **GARY A. CHAPIN,**
23 having been duly sworn by the clerk, testified
24 as follows:

25 THE CLERK: Thank you much. Step around please.

G. Chapin - Direct by Mr. Brunson

1 State your full name for the record and spell your last name
2 please.

3 THE WITNESS: Gary Allen Chapin, C-H-A-P-I-N.

4 **D I R E C T E X A M I N A T I O N**

5 BY MR. BRUNSON:

6 Q Good afternoon, Mr. Chapin. Where do you work?

7 A I currently own and operate Ricochet Range here in
8 Sumter.

9 Q What is Ricochet Range?

10 A We are a indoor training, firearms training place.

11 Q Okay. And how long has Ricochet Range been in
12 existence?

13 A We opened in 2019, sir.

14 Q And what do you do there at Ricochet Range?

15 A We train the public on firearm safety and how to
16 safely operate and repair firearms.

17 Q Okay. So where did you attend school?

18 A I attended high school in California. After that
19 I joined the military in 2009.

20 Q So 2009 you enlisted in which branch?

21 A United States Air Force.

22 Q And what was your first job duty in the United
23 States Air Force?

24 A My first primary job was a security forces airman
25 protecting priority one assets for the U.S. government.

G. Chapin - Direct by Mr. Brunson

1 Q All right. And in your capacity as -- I'm sorry,
2 tell me that title again.

3 A It was a security forces airman.

4 Q All right, security forces. All right. And did
5 you have to have any education by the Air Force before you
6 began that job?

7 A Prior to that, no, sir.

8 Q Okay. And so when you started did you receive any
9 specialized weapons training?

10 A I did, sir.

11 Q Okay. And can you tell me about the training that
12 you received and where you received it?

13 A Starting early 2000s I took up a course for combat
14 arms which is train-- combat arms training and maintenance
15 for United States Air Force training men and women to safely
16 handle firearms. And that was out of Lockton, Texas.

17 Q Okay. What other training have you had?

18 A After that I've also gone to specialized schools
19 as far as some level. We also had to attend what's called a
20 supervisory school in order to lead other airmen to do that,
21 that speciality.

22 Q And was that security forces supervisor school?

23 A It was, sir.

24 Q Okay. And was that in or around 2006?

25 A Yes, sir.

G. Chapin - Direct by Mr. Brunson

1 Q Okay. What other trainings did you receive after
2 that?

3 A After United States Air Force I took up a course
4 with AGI American Gunsmith Institute. From there I
5 furthered my education in firearms and firearms equipment.

6 Q Okay. And as a combat arms instructor, can you
7 tell me some of the knowledge that you possess?

8 A Some of the information that we had to possess was
9 basic ballistics of firearms, what's called ballistic
10 coefficent which is a drop rate of firearms, how it
11 interacts with different community levels, and how to
12 interact with different -- different airmen in order to get
13 them proficient in those associates.

14 Q Okay. And in regard to firearms, are you a member
15 of any professional associations?

16 A I am not, sir.

17 Q Do you have any licenses that you hold as they
18 relate to firearms?

19 A I have a concealed weapons permit instructor
20 certification through South Carolina Law Enforcement.

21 Q All right. And have you received any honors or
22 awards as they relate to firearms?

23 A As far as when I was in the military we were
24 decorated based on our performance level. We also received
25 specific awards for training certain amount of individuals

G. Chapin - Direct by Mr. Brunson

1 on firearm systems.

2 Q Okay. And so in order to sell firearms do you
3 have any licenses by the State?

4 A I have what's called a 01FFL, which allows me to
5 transfer firearms to citizens after passing a background
6 check.

7 Q All right. And as far as it relates to
8 ammunition, do you have any specialized knowledge in regard
9 to ammunition?

10 A As far as the ammunition we have to be very
11 knowledgeable based on the different firearms, what type of
12 ammunition can be fired in what type of firearms, the
13 ballistics, the drop rate, in order to better effect
14 engaging a target.

15 Q Do you make ammunition?

16 A I do not, sir.

17 Q Okay. Have you made any? Do you know how?

18 A In the past, yes.

19 Q Do you know how it's made?

20 A I do, sir.

21 Q And when you were in the military did you receive
22 any particular training in regard to bullets?

23 A We did, sir. We received knowledge based on how
24 grain weights work with different projectiles and what type
25 of firearms that go into how to -- how to put together the

G. Chapin - Direct by Mr. Brunson

1 rounds in order to reload them.

2 Q So when you first began your career in the armed
3 services, you began working as security forces, was that
4 with guns?

5 A It was, sir.

6 Q And have you worked consistently with guns since
7 you began?

8 A Yes, sir.

9 Q How many years do you have working with firearms?

10 A Professionally since 2000 -- or since 1999. That
11 would be 24 years. Prior to that it was just basic firearm
12 safety with my father.

13 Q Okay. And so 24 years you said?

14 A Yes, sir.

15 Q All right. And in the course of that 24 years, do
16 you believe you have gained any, I guess, familiarity with
17 different, I guess, different bullets?

18 A I have, sir.

19 Q All right. So, and specifically, in order to kind
20 of understand your expertise in this area, what is a
21 firearm?

22 A A firearm is described as firing a projectile
23 through active explosion.

24 Q All right. And what is a projectile?

25 A A projectile is an object that is given energy

G. Chapin - Direct by Mr. Brunson

1 from through the active explosion and given a flight path.

2 Q And what is that projectile contained in?

3 A The projectile is contained in a shell casing
4 which also has a primer and powder.

5 Q Okay. And how does the projectile leave the
6 casing?

7 A Whenever the firing pin makes contact with the
8 primer it starts process through burning, and it dislodges
9 the projectile through pressure and pushes the projectile
10 down through the barrel.

11 Q Do you know the difference between a revolver and
12 a automatic handgun?

13 A Yes, sir.

14 Q Can you explain that to the Court.

15 A A revolver is every time you pull the trigger,
16 your active pulling a trigger also turns the cylinder, which
17 in turn places each -- each chamber in line with the barrel.
18 A semi-auto firearm, every time you pull the trigger the
19 firing pin moves forward, hits the projectile through that
20 active explosion actually cycles in the next round in
21 position prime ready to go to be fired again.

22 Q What happens to a casing if it's fired through a
23 revolver?

24 A With a revolver, until the firearm is unloaded,
25 the shell casing stay contained within the cylinder.

G. Chapin - Direct by Mr. Brunson

1 Q So it would have to be ejected manually by
2 someone?

3 A Correct, sir.

4 Q And what is the process of ejecting a casing fired
5 from, say, a .38?

6 A With firing a casing from a .38, take for
7 instance, there are two types of firearms dealing with
8 revolvers. They're single action, double action. With a
9 double action revolver, after you fire all, say, six rounds
10 if it's a six side cylinder, you release it using the
11 release -- the cylinder release button, open up the
12 cylinder, hit the ejection rod at a 45-degree angle and toss
13 the rounds into the palm of your hand on the ground. With a
14 single action you'd actually have to open the loading gate
15 which is a singular gate and unload each round individually.

16 Q Okay. And explain to the Court, if you can, what
17 happens to the casing in an automatic weapon?

18 A On a semiautomatic weapon, as you fire the
19 projectile, the projectile through law of motion the shell
20 casing is pushing the slide back to the rear. As soon as
21 the shell casing makes contact with the ejector, it's
22 ejected out of the chamber area with a lot of violence.

23 Q Okay. And so in other words, the revolver casing
24 remains in after it's fired, semiautomatic ejects?

25 A Correct, sir.

G. Chapin - Direct by Mr. Brunson

1 Q All right. Can you tell me if you have any
2 knowledge or any previous history in shooting a .38
3 revolver?

4 A I do, sir.

5 Q Okay. And do you have any experience in shooting
6 a .45 caliber pistol?

7 A Yes, sir.

8 Q Okay. And speaking of a .38 and .45, can you tell
9 us what those designations mean?

10 A The 45 ACP, it's a designation given to the shell
11 casing in a firearm meaning .45 of inch of diameter. A .38
12 Special is a .357 inches in diameter.

13 Q Okay. And so the number, is that indicative of
14 the size of the projectile?

15 A Yes, sir.

16 Q Okay. So a 45 shoots .45?

17 A Correct.

18 Q All right. And are you capable of looking at ---
19 MR. BRUNSON: Well, Your Honor, at this time we'd
20 like to offer Mr. Gary Chapin as an expert in firearms and
21 ballistics based on his experience and expertise.

22 MR. JONES: Your Honor, I don't have a problem
23 with him testifying as to the operation of firearms. I
24 would object to him being qualified as an expert in the
25 characteristics of gunshot wounds. That's all.

G. Chapin - Direct by Mr. Brunson

1 THE COURT: All right. Well, I will -- I'll
2 qualify him as an expert in firearms. Mr. Jones, if you
3 feel like he is rendering an opinion on something that's
4 outside the scope of his expertise, just object, okay?

5 MR. JONES: Thank you, Your Honor.

6 THE COURT: All right.

7 BY MR. BRUNSON:

8 Q So as an expert in firearms, Mr. Chapin, are you
9 capable of observing shell casings and determining whether
10 or not they've been fired?

11 A Yes, sir.

12 Q Okay. Are you also capable of telling this Court
13 what types of guns discharge .38 bullets?

14 A Yes, sir.

15 Q Okay. Please tell us.

16 A A .38 Special can be fired out of a few different
17 types of firearms. The more commonly one is the .38
18 revolver. That can also be fired out of a .357 Magnum
19 firearm which fires the same size in diameter of the shell
20 casing, just a difference in length. It can also be fired
21 in a lever action rifle.

22 Q Okay. So the .38 diameter bullet can be fired
23 from multiple weapons?

24 A Yes, sir.

25 Q I want you to take a look at what's been marked

G. Chapin - Direct by Mr. Brunson

1 Petitioner's 3. Now this is the property and evidence
2 voucher that's submitted in this case. And No. 8 on the
3 first page is a what?

4 A It's says it's a fired bullet cartridge
5 .45 caliber.

6 Q And No. 2 is a what? On the second page, item
7 number 9.

8 A It is a fired bullet cartridge .45 caliber.

9 Q And No. 3 is a what?

10 A It is a .45 caliber fired bullet cartridge.

11 Q Okay. And finally, number 11 is what?

12 A It's listed down as a firearm Smith and Wesson
13 which it stands for S&W45, S&W M&P 45. That's a
14 .45 caliber.

15 Q All right. So I want to show you the photos that
16 are in evidence that are marked Petitioner's 4. Do you
17 recognize these photos?

18 A I do, sir.

19 Q What are they of?

20 A It is of a semi-auto firearm, appears to be a
21 Smith & Wesson.

22 Q All right. And so does that seem to be consistent
23 with what the police collected as evidence that night?

24 A Yes, sir.

25 Q All right. On this evidence log do you see any

G. Chapin - Direct by Mr. Brunson

1 other shell casings?

2 A I don't.

3 Q All right. And so if this is the complete
4 evidence log of all the evidence collected at the scene, it
5 indicates three bullets were fired, right?

6 A Correct, sir.

7 Q All right. Now is that .45 right there, or the
8 one picture there, is that capable of firing a .38 bullet?

9 A It is not.

10 Q Okay. So if an individual is out there that
11 evening and if that individual had a .38 and if he fired
12 that .38 into this victim, would it have ejected a cartridge
13 for anyone to find?

14 A If it was a .38 it would stay contained within the
15 firearm.

16 Q Okay. Which would explain why there's no .38
17 cartridges on the inventory; isn't that right?

18 A It would appear so.

19 Q Okay. So I want to show you what's marked
20 Petitioner's 6. Now this is a copy of the dashboard from a
21 vehicle out there that night, and it appears to have a
22 projectile hole in the dash. In fact, we learned from the
23 incident report that it is a projectile. Now if law
24 enforcement had removed that projectile, would they have
25 been able to determine the caliber of it?

G. Chapin - Direct by Mr. Brunson

1 A Yes, sir, they would.

2 Q Okay. Would they have been able to exclude other
3 calibers?

4 A Yes, sir.

5 Q So if law enforcement had removed that dash,
6 obtained that projectile and analyzed it, would they have
7 been able to exclude the .45 if it didn't match?

8 A Correct, sir.

9 Q All right. Finally, if a .38 projectile strikes
10 an object, is it going to leave a .38 hole?

11 A Yes, sir.

12 Q If a .45, a .45 caliber strikes an object, is it
13 going to leave a .45 hole?

14 A Yes, sir.

15 Q All right. So does a .45 projectile shrink in
16 size in air?

17 A No, it does not.

18 Q Okay. Does a .45 projectile typically leave a .45
19 hole?

20 A It depends on the mass that it hits, sir.

21 Q All right. So ---

22 MR. BRUNSON: Your Honor, may we approach?

23 THE COURT: Yes, sir.

24 (WHEREUPON, counsel approached the
25 Bench for an off-the-record discussion.)

G. Chapin - Direct by Mr. Brunson

1 BY MR. BRUNSON:

2 Q So I want to show you what's marked in evidence as
3 Petitioner's 2. Last paragraph on Petitioner's 2, the
4 doctor that performed the autopsy identified the size of the
5 entry wound. Can you read Paragraph 2 for me? I mean, the
6 last paragraph.

7 A The last paragraph, the heading of gunshot wound,
8 there's an entrance of the gunshot -- there's an entrance
9 gunshot wound in the left chest 14-and-a-half inches below
10 the top of the head and three-and-a-half, three and three
11 quarters inches to left of midline. It's somewhat oval in
12 shape and measures .3 by .38 inches in diameter. The bullet
13 path continued slightly downward and backward as well as
14 slightly medially to perforate the upper and lower lobes of
15 the left lung. It exits the back 16 inches below the top of
16 the head and 2-and-a-half inches to the left of midline.
17 The exit wound is round and measures .38 inches in diameter.

18 Q Thank you. Now I think you just testified earlier
19 in your expert opinion the size of a .38 bullet, and you
20 said it's a what?

21 A It's .357.

22 Q All right. And you testified the diameter of a
23 .45?

24 A Correct, sir.

25 Q Which is what?

G. Chapin - Cross by Mr. Jones

1 A .45.

2 Q All right. Is -- is there any way that you're
3 aware of that a .45 bullet can leave a .38?

4 A No, sir.

5 Q So in your expert opinion, what size bullet leaves
6 .38 holes?

7 A It would of a few different objects would be a .38
8 Special, 357, or 9-millimeter.

9 Q Thank you.

10 MR. BRUNSON: No further questions for this
11 witness.

12 THE COURT: Yes, sir.

13 MR. JONES: Thank you, Your Honor.

14 **C R O S S - E X A M I N A T I O N**

15 BY MR. JONES:

16 Q Mr. Chapin, how are you?

17 A Good, sir.

18 Q I believe you testified that the actual diameter
19 of a .38 Special projectile is .357 inches?

20 A Yes, sir.

21 Q So it's .357, not .38?

22 A Correct, sir. Slightly small.

23 Q All right. So would you actually expect it to
24 leave a .357 inch hole in a otherwise in art target?

25 A On the enter based upon what it has in front of

G. Chapin - Cross by Mr. Jones

1 it, it can actually pull some of the debris. Based on the
2 thickness of the debris, it can actually pull it through
3 winding out the hole.

4 Q The -- now I believe you read from the autopsy
5 report -- do you still have that in front of you?

6 A Yes, sir.

7 Q You recall reading where it says that the wound is
8 somewhat oval in shape and measures .3 by .38 inches in
9 diameter?

10 A Yes, sir.

11 Q In other words, it's not a round hole?

12 A It's not, sir.

13 Q And part of it is, in fact, narrower than .357.
14 One of the dimensions is .3?

15 A Yes, sir.

16 Q Would you expect a projectile, all else being
17 equal, to leave a hole that's smaller than the projectile
18 itself?

19 A It's based on the material it's actually making
20 contact with. If the material is soft in nature, it can
21 actually concave. When that concave happens, the outer
22 dimension left and right lateral becomes smaller than the
23 vertical.

24 Q So, in other words, it can shrink if the material
25 is elastic that it passes through?

G. Chapin - Cross by Mr. Jones

1 A Yes, sir.

2 Q We talked a lot about .38 Special, but are there
3 any automatic or semiautomatic cartridges that fire a bullet
4 of .357 diameter?

5 A There are.

6 Q If you'd give an example.

7 A A 9-millimeter Parabellum and a .380 auto
8 cartridge pistol.

9 Q Would you characterize those as fairly common?

10 A They are.

11 Q So in other words, it's not just the revolver that
12 can fire projectiles of .357 --

13 A Correct.

14 Q -- diameter? In other words, there's plenty of
15 common weapons that could fire that type of projectile; and
16 if they had fired it, they would have ejected the
17 cartridges?

18 A Those ones, yes, sir.

19 Q Thank you, Mr. Chapin. I believe that's all the
20 questions I have for you.

21 A Yes, sir.

22 THE COURT: Mr. Brunson, any redirect?

23 MR. BRUNSON: None, Your Honor.

24 THE COURT: All right. Thank you, sir. You can
25 step down.

1 MR. JONES: That's plaintiff's case, Your Honor.

2 THE COURT: All right. Thank you, Mr. Brunson.

3 Mr. Jones, I assume you're going to call
4 Mr. Johnson?

5 MR. JONES: That's correct, Your Honor.

6 THE COURT: All right. Let's make sure that he is
7 with us and make sure that he can hear questions that are
8 being asked; and more importantly, make sure that the court
9 reporter can hear his answers so.

10 Mr. Johnson, you are with us? You can hear me?

11 THE WITNESS: Yes, I can, Your Honor.

12 THE COURT: All right, Ms. Frances, can you hear
13 his answers? I can turn the volume up if you need me to.

14 THE COURT REPORTER: Yes, sir.

15 THE COURT: All right. If you at any point
16 need -- have any trouble hearing, just let me know.

17 All right, Mr. Jones, is your microphone on your
18 computer -- I think one of us is gonna have to go mute to
19 make sure that there's no feedback so let me go mute and
20 we'll see -- see what happens.

21 MR. JONES: All right. Thank you.

22 BY MR. JONES:

23 Q Mr. Johnson, can --

24 THE COURT: Hold on. Let me swear Mr. Johnson
25 first.

C. Johnson - Direct by Mr. Jones

1 (Witness appearing virtually.)

2 Mr. Johnson.

3 THE WITNESS: Yes, Your Honor.

4 THE COURT: If you'd raise your right hand for me.

5 THE WITNESS: Yes, I'm ready.

6 THE COURT: Can you raise your right hand for me.

7 THE WITNESS: Yes.

8 WHEREUPON,

9 **CHARLIE JOHNSON,**

10 having been duly sworn by the Court, testified as
11 follows:

12 **D I R E C T E X A M I N A T I O N**

13 BY MR. JONES:

14 Q Mr. Johnson, can you hear me okay?

15 A Yes, I can.

16 Q Thank you. Mr. Johnson, how did you become
17 involved in Mr. Green's case?

18 A If I remember right, I was retained by Mr. Green
19 and his family.

20 Q And do you recall the process he related where he
21 said you were initially retained, then he got a public
22 defender, and then you came back on the case about six or
23 seven months prior to trial?

24 A Correct.

25 Q How many times did you meet with Mr. Green?

C. Johnson - Direct by Mr. Jones

1 A It was numerous times. I met with him prior to
2 being released and him getting a public defender. Then I
3 met numerous times before, at least ten, or numerous times
4 because we had also hired investigator, and I met with
5 Mr. Green at least ten times.

6 Q You mentioned hiring an investigator. Can you
7 describe the investigation you performed in this case?

8 A My investigator was Amos Jones. We actually went
9 to the crime scene at least two to three times to look at
10 the crime scene. We gathered all the information, went over
11 all the information, interviewed a number of witnesses; and
12 as we got closer to trial, we met with Mr. Green to go over
13 the evidence that we had and to go back and verify stuff.
14 So we did a complete prep as I normally would do for a
15 trial.

16 Q And can you describe the theory of the case, both
17 your theory and the State's theory of the case?

18 A Well, my theory of the case was that Mr. Green was
19 not the person that -- his bullet was not the bullet that
20 actually hit the person, I mean, that killed the individual.
21 But he had two charges. There was actually two victims.
22 One victim lived. He was a eyewitness. I still believe
23 that was the witness that kind of hurt us the most because
24 he identified Mr. Green as being the person that shot him
25 and that shot the victim that was deceased. There was

C. Johnson - Direct by Mr. Jones

1 evidence that other people were shooting at the scene. The
2 rounds -- the -- they never recovered a round from the
3 deceased victim. They said it was a path-through round so
4 it was my argument that the victim could have been killed
5 and shot by some of the other individuals that was shooting
6 at that time.

7 Q And was the State's theory that Mr. Green used a
8 .45 caliber weapon?

9 A Yes. They say they recovered a weapon. After
10 Mr. Green ran away he was discovered by, if I remember,
11 right behind a sand pile and a weapon was discovered close
12 to him and they was indicating that was the weapon that was
13 used.

14 Q Now I believe we heard from Mr. Brunson sort of
15 summarizing some of the evidence in this case. There were
16 statements that another shooter was involved; is that
17 correct?

18 A Yes. If I remember right there was a statement of
19 one and maybe possibly two additional shooters.

20 Q And do you recall bringing that out on
21 cross-examination of the State's witnesses?

22 A Yes, I do. I think the record reflects it,
23 reflects that.

24 Q Do you recall the testimony of the forensic
25 pathologist in this case?

C. Johnson - Direct by Mr. Jones

1 A I don't recall it. I guess it would be according
2 to what the record would indicate.

3 Q But you would agree with whatever the record
4 reflects ---

5 A That's correct.

6 Q --- as to your cross-examination?

7 A Yes.

8 Q Do you remember anything about a John Dunham?

9 A I don't remember the name specifically.

10 Q Do you remember Mr. Green telling you about
11 witnesses to interview?

12 A Every witness that Mr. Green gave me, we either
13 interviewed or attempted to interview them through the
14 investigator, as well as myself.

15 Q Could you describe the character of the State's
16 evidence against Mr. Green -- or let me put it this way.
17 Were there eyewitnesses that saw Mr. Green shooting?

18 A Correct, there was.

19 Q Was it just one person, that Mr. Jenkins you
20 talked about, or were there in fact several people?

21 A I think there were several people that identified
22 Mr. Green shooting at the victim. Apparently there was some
23 family disagreement between the victims and there was
24 animosity and stuff, but there was ---

25 Q Was Mr. Green wearing distinctive clothing at the

C. Johnson - Cross by Mr. Brunson

1 scene?

2 A Yes, and I think one of the security guards saw
3 Mr. Green leaving the scene and he identified to the police
4 where they located Mr. Green behind a sand pile near the
5 actual scene where the victim was killed.

6 Q And that besides where Mr. Green was, was caught,
7 the .45 caliber pistol was found, correct?

8 A Correct. He didn't have it himself, but it was
9 within the area where Mr. Green was found.

10 Q All right, Mr. Johnson. I think I'll let
11 Mr. Brunson ask you any questions now. Thank you.

12 A Okay.

13 THE COURT: All right, Mr. Brunson. I believe
14 you're going to have to move over towards Mr. Jones'
15 computer so we can get an accurate record.

16 MR. BRUNSON: Thank you, Your Honor. May it
17 please the Court.

18 **C R O S S - E X A M I N A T I O N**

19 BY MR. BRUNSON:

20 Q Good afternoon, Mr. Johnson.

21 A Good afternoon.

22 Q Mr. Johnson, you were present during the direct
23 testimony in this PCR hearing, correct?

24 A Yes, I've heard it.

25 Q Okay. And so the petitioner Mr. Rodney Green has

C. Johnson - Cross by Mr. Brunson

1 indicated that you were ineffective in a couple of
2 particulars. He indicates that you failed to collect and
3 examine the projectiles that were fired and that your
4 failure to do so rendered you ineffective. Now my question
5 for you is, did you collect any projectiles?

6 A No, I did not.

7 Q Isn't it true that a projectile was fired into a
8 dashboard of a vehicle?

9 A That's correct.

10 Q Isn't it also true that you could have collected
11 it?

12 A No, that is not true.

13 Q Pardon me?

14 A That is not true.

15 Q Why is that not true?

16 A Because the police made attempts to get the
17 projectile and could not get the projectile. My
18 investigator actually looked at the car itself and made
19 attempt but it could not be collected where the projectile
20 had went into the car, so it could not be collected. I
21 explained that to Mr. Green.

22 Q Okay. So your testimony is that the projectile
23 could not be collected?

24 A Correct.

25 Q And what is your understanding as to why?

C. Johnson - Cross by Mr. Brunson

1 A I have no idea. The police that told me that they
2 could not collect the projectile.

3 Q Well --

4 A As stated before, I had the case when it first
5 started. We did a lot of investigation at that time.
6 Mr. Green then went to a public defender. I'm not sure what
7 happened during that period of time; but when I got it, it
8 was approximately, as he said, about six months or so
9 before, and at that time the projectile was not available,
10 had not been recovered. The police informed me that they
11 could not recover the projectile.

12 Q I understand. And so I guess my question is this,
13 did you ask the Court for an order allowing you to hire
14 someone to remove the projectile from the vehicle?

15 A Well, as I said, my investigator is a retired
16 policeman. He informed me that it would have been almost --
17 he -- he basically informed me that he didn't think it was
18 anything --

19 Q Well, I don't want you to tell me what he told
20 you. That ---

21 A Right.

22 Q --- might not be admissible.

23 A Okay. Well, I couldn't -- I couldn't hire --
24 well, for one thing I was limited in funds. Mr. Green came
25 up with funds to hire me. I did not have any funds to hire

C. Johnson - Cross by Mr. Brunson

1 any additional experts or anyone in this case. I did not
2 feel that at that time that I needed to and I was -- and
3 from information I had, that projectile could not be
4 recovered.

5 Q All right. So for whatever reason you did not
6 receive, collect the projectile. You just testified that
7 there was evidence in the record that there were multiple
8 guns being fired on the scene?

9 A Correct.

10 Q Did you have an opportunity to cross-examine these
11 witnesses as to what types of guns those were?

12 A Well, I -- in interviewing with the witnesses they
13 were away from the guns and could not indicate to me, they
14 indicated to me they could not tell me what type of guns
15 they were.

16 Q So it's your testimony that you did ask them about
17 the guns?

18 A Yes. When my investigator interviewed the
19 witnesses, it was not on the stand but prior to the
20 investigation.

21 Q Okay. So they weren't under oath when you talked
22 to them, but they were under oath on the stand, correct?

23 A Correct.

24 Q And you did not ask them about the caliber of the
25 weapons while they were under oath on the stand?

C. Johnson - Cross by Mr. Brunson

1 A Well, since the -- since the round had not been
2 recovered ---

3 Q Yes, sir.

4 A --- and because the situation was, my objective
5 was to show that there was other people shooting at the
6 time, I did not see the relevance of trying to determine
7 what type of gun because it didn't matter either way because
8 it couldn't be proven.

9 Q All right. Now isn't it true that during the
10 trial of this case you did not know what type of projectile
11 was responsible for the death of the victim?

12 A Correct.

13 Q And isn't that also true because you at that time
14 did not have the full autopsy report?

15 A Well, I mean, I had everything that -- having
16 given all, led to believe that I'd gotten everything that
17 they had so at the time I thought it was full autopsy
18 report.

19 Q And so isn't it true the State didn't provide you
20 with the full autopsy report?

21 A Well, I mean, I've been told that since that time.
22 I've not seen the full, or the full autopsy report; but if
23 there is an additional autopsy report, I didn't have it.

24 Q Okay. And so these Court exhibits that are into
25 evidence reflect the size of the entry and exit wound on the

C. Johnson - Cross by Mr. Brunson

1 victim's body, are you aware of that?

2 A I'm aware of it today, yes.

3 Q All right. You weren't aware of that at the time
4 of the trial, were you?

5 A No, I wasn't.

6 Q Okay. And if you had been aware of it, then you
7 would have been able to argue that the murder weapon was a
8 .38 instead of a .45; isn't that right?

9 A Yes. I would have used that in evidence available
10 to me to defend my client.

11 Q Okay. And they tell you in their statements who
12 the other shooter is; isn't that right?

13 A Yeah, they gave me a name I think I remember.

14 Q Carter man is what they said in their statements.

15 A Right.

16 Q Did you find out who Carter man was?

17 A I don't remember.

18 Q Okay. And so did you tell the jury that Carter
19 man was the person that actually killed the victim?

20 A If that's reflected in the record.

21 Q You don't recall?

22 A I don't recall.

23 Q Okay. But you were aware that the witnesses said
24 Carter man came out with two guns, shooting two guns and
25 shot one of them, bust the glass out of our car and the

C. Johnson - Cross by Mr. Brunson

1 bullet went into the dash. You are aware of that, right?

2 A Yes, I -- I wanted to bring that out, but my
3 investigator determined that the location of the shooting
4 that happened there was not where the victim was killed.

5 Q Oh, okay. But did you ask -- you did not ask the
6 witnesses on the stand how many times Carter man shot, did
7 you?

8 A I didn't think it was necessary at the time
9 because I think just proving that there was other people
10 shooting at the time was sufficient enough. I didn't want
11 to ask the witnesses because I did not want the witness to
12 say something once or twice, then it would diminish the
13 effect, I thought, of saying there was other people shooting
14 at the time.

15 Q Now, Mr. Johnson, now you've been trying cases for
16 a long time and ---

17 A Long time.

18 Q --- and you got a real good track record. Isn't
19 it true that if you had determined that the murder weapon
20 was a .38 by looking at the autopsy report and if you had
21 determined that Carter man was shooting a .38 or revolver
22 because they didn't find any of Carter man's shell casings,
23 that you would have been able to argue that to the jury;
24 isn't that right?

25 A That's correct.

C. Johnson - Cross by Mr. Brunson

1 Q And if you had made that argument, isn't it also
2 true that it could have yielded some doubt?

3 A That's correct.

4 Q In fact, if you had argued in addition to what you
5 did, very artfully, but if you had argued that an expert
6 witness was sworn to come and testify, that an expert's
7 testimony would be given great weight; isn't that right?

8 A That's correct also.

9 Q And if an expert witness testified in the trial of
10 the case and testified that my client, our client, had a
11 .45, discharged a .45 that night, but that the murder victim
12 was killed by a .38; isn't that just the type of doubt that
13 the jury is ---

14 A As I said, I think it would be sufficient evidence
15 to indicate at least some doubt in the jury. As I said,
16 that was my intent when I was trying to prove that other
17 people were shooting at the time.

18 Q Well, I believe you said you did not consult with
19 an expert in regards to firearms or ballistics; isn't that
20 right?

21 A Well, my -- my investigator was efficient. I'm
22 not sure if he could have qualified and sat on a jury as an
23 expert; but the investigator that I had, I've used over 25
24 years. We went over the evidence. But as stated, we were
25 not aware of the -- of it being a .38 that actually killed

C. Johnson - Cross by Mr. Brunson

1 the victim. We didn't have that information.

2 Q All right. And you cross-examined the lead
3 investigator in this case. His name is Gregory Hawkins;
4 isn't that right?

5 A Yes.

6 Q And you kind of gave Hawkins a pass on these other
7 shooters; isn't that right?

8 A I'm not sure what you mean by a pass.

9 Q Well, you didn't ask him why he didn't investigate
10 the Carter man, did you?

11 A I don't know. The record speaks for itself. I'm
12 not sure exactly what my question was to him.

13 Q Okay. So, so I understand the record speaks for
14 itself. But you would agree that if the investigators
15 stated on the stand under oath that Carter man was out
16 there, shot at the girls; and we don't know the caliber, but
17 you heard everything that came out in direct that if you had
18 questioned the investigator in regard to that, the jury
19 would have heard you asking them those questions, correct?

20 A Correct. I think I brought out that there was
21 other people shooting.

22 Q Yeah.

23 A And we did not want to bring out specifically
24 because I was aware that, from my investigation, that the
25 shooting happened at a different location in reference to

C. Johnson - Cross by Mr. Brunson

1 where the victim was shot. So to me, just getting out that
2 there was other people shooting and not having additional
3 information to size of the bullet, I thought it was
4 sufficient. So if that specific question wasn't answered,
5 that was my thinking at that time.

6 Q Yes, sir. Yes, sir.

7 MR. BRUNSON: Beg the Court's indulgence, Your
8 Honor.

9 THE COURT: Yes, sir.

10 BY MR. BRUNSON:

11 Q And finally, Mr. Johnson, do you believe that
12 failing to discover evidence that you're aware might be
13 available but failing to discover it is ineffective?

14 A I believe if you fail to discover anything that is
15 available, then you have to look at the circumstances. In
16 this case I'm not aware of anything that I failed to get
17 that I could have gotten.

18 Q So the projectile from the dashboard?

19 A As I said, I was informed by the police as well as
20 my investigator that it was not retrievable.

21 Q Okay. What about an expert to testify about
22 weapons and ballistics?

23 A Without the projectile, as well as without having
24 information as to the size of the projectile, as well as not
25 having the financial means, I couldn't have done any of

C. Johnson - Cross by Mr. Brunson

1 that.

2 Q All right. And but if you did, it could have
3 possibly yielded a different result; isn't that right?

4 A If I had those three things that was not available
5 to me at that time, sure.

6 Q Thank you. I have no further questions, Your
7 Honor.

8 THE COURT: Redirect, Mr. Jones.

9 **R E D I R E C T E X A M I N A T I O N**

10 BY MR. JONES:

11 Q Just briefly, Mr. Johnson. Do you have a copy of
12 the transcript by any chance?

13 A No, I don't have it with me today.

14 Q The -- just briefly, do you believe that in the
15 situation you were in you did the best job you could?

16 A Yes. As I said, you know, if it's something I
17 missed or something I was ineffective, I have no problem in
18 that because if I failed my client, then I have no problem
19 with PCR because that's one of the things come back to
20 check. I make sure I did everything I could. My belief is
21 that I did all that I could. If I missed something, then my
22 client deserve to have another hearing. If I didn't, then I
23 guess that's where it leaves up to the Court to determine.

24 Q All right. Thank you, Mr. Johnson. That's all
25 the questions I have for you.

1 A No problem.

2 THE COURT: All right. Mr. Jones, does the State
3 have any further witnesses?

4 MR. JONES: Nothing further from the State, Your
5 Honor.

6 MR. BRUNSON: Nothing further from the
7 Petitioner/Applicant.

8 THE COURT: All right, folks, I'm going to give
9 y'all an opportunity to make a brief statement in summation.
10 Mr. Brunson, do you have any -- anything you'd like to say
11 to wrap everything up?

12 MR. BRUNSON: Yes, Your Honor. May it please the
13 Court.

14 THE COURT: Yes, sir.

15 MR. BRUNSON: Your Honor, my client, Mr. Rodney
16 Green, sits beside me and he sits there currently with a
17 life sentence on his shoulders and the life sentence that he
18 carries has been issued to him for murder. He retained Mr.
19 Charlie Johnson's services, a very fine lawyer, who we
20 believe was ineffective. We believe he was ineffective in a
21 few different particulars. First, we believe he was
22 ineffective because he didn't conduct an effective pretrial
23 investigation. I don't know if this occurred because his
24 representation was broken up into two parts; but he didn't
25 conduct an effective pretrial investigation because if he

1 did, then he would have realized that he didn't have this
2 very critical information regarding the autopsy report.

3 We believe he was ineffective because he did not
4 obtain a projectile, a projectile that is critical evidence
5 in this case. Of course, we heard from Mr. Johnson.
6 Mr. Johnson said the police told him that they couldn't get
7 it. Well, I submit to you that the police investigative
8 report says we didn't get it because it would have been too
9 much trouble to get it. That's what the investigative
10 report says. Now, so Mr. Johnson said he didn't get it
11 either. It doesn't mean he couldn't. And if he had gotten
12 it, then that projectile could have been a .38 that was
13 fired from the gun that actually killed the victim in this
14 case. So his failure to obtain that projectile, we believe,
15 is ineffective assistance of counsel.

16 Then we already heard from him the fact that he
17 failed to obtain the medical record and the autopsy report
18 from the victim that got shot in the leg or from the victim
19 that's deceased. He just failed to get the full report. He
20 just didn't get it. He accepted whatever the State gave
21 him. We ended up getting it, which is how we were able to
22 build a defense in this case. If he was effective he would
23 have gotten it and would have been able to establish the
24 same defense. Your Honor, we heard from the stand that he
25 failed to interview a specific witness. Of course, that

1 witness was in South Carolina then, but he's gone now and so
2 we think he was ineffective for locating that witness.

3 Your Honor, we allege that he's failed from the
4 investigating ballistics in hiring an expert. He said that
5 the funds were low. He didn't think he needed an expert.
6 He also said he didn't get the projectile so we didn't know
7 we needed one. Well, again, funds being low does not allow
8 us to fail to do our due diligence. We take the case. We
9 take all the responsibilities and burdens that come with it.
10 He indicated that they couldn't get it. Well, it's not
11 their job -- well, anyway, he could have and he didn't so
12 he's ineffective.

13 Your Honor, he failed to effectively cross-examine
14 law enforcement on these critical issues. He was
15 ineffective, not because he's not a good lawyer, just
16 because he missed some things and his missing those things
17 unfortunately resulted in my client being convicted of being
18 the person that shot and killed the victim in this case and
19 we believe there's evidence to the contrary that wasn't
20 discovered; and if it had been, it could have been
21 presented. And if it had been, it would have caused a
22 different outcome.

23 So finally, we believe that this petition for PCR
24 and new trial should be granted because in failing to
25 properly explore these critical aspects of this case, trial

1 counsel so undermined the proper functioning of the
2 adversarial process, that it cannot be relied upon to
3 produce a just result and it did not produce a just result.
4 We submit that trial counsel's failure to perform these very
5 reasonable duties, render his performance in the case
6 deficient. Counsel's deficient performance severely
7 prejudiced the applicant. And but for these critical
8 errors, there's a great probability the results of the
9 proceeding would have been different. And so based on the
10 evidence that's presented today, we respectfully ask the
11 Court to grant Mr. Green's PCR and give him an opportunity
12 to have a new trial.

13 THE COURT: Thank you, Mr. Brunson.

14 Mr. Jones.

15 MR. JONES: Thank you, Your Honor. Your Honor,
16 we've heard a lot from the Applicant about evidence that
17 supposedly wasn't recovered and witnesses that supposedly
18 didn't testify. The burden of proof is on the Applicant to
19 put forward at the PCR evidentiary hearing any evidence that
20 he claims could have been discovered by further
21 investigation. He hasn't done that. He claims that there's
22 -- that this Carter man had a .38 caliber revolver. There's
23 no evidence of that; it's pure speculation. The only thing
24 concerning the .38 as opposed to .45 is this autopsy
25 evidence that he brings up regarding the dimensions of the

1 gunshot wound; but his own expert testified that soft
2 targets can cause the hole that is left by a bullet to be
3 smaller in diameter than the actual bullet itself and, in
4 fact, the bullet itself was not .38 caliber. Even he says
5 that a .38 Special is not a .38 in diameter, .38 inches in
6 diameter, it's .357. So the fact that the hole was exactly
7 .38, the exit wound, is not consistent with a .357
8 projectile and, of course, the entrance wound is not --
9 belies the claim that the dimensions of the hole corresponds
10 to the dimensions of the bullet because it's not the
11 dimensions of any conceivable bullet. It's oval in shape
12 according to the autopsy report.

13 In addition, Dr. Janice Ross testified. She was
14 the forensic pathologist in this state -- in the case, and I
15 urge Your Honor to read the transcript of her testimony,
16 specifically at Pages 623 through 629. That goes in great
17 detail where she -- where Mr. Johnson is, in fact, able to
18 elicit from her that the exact distinction that Mr. Brunson
19 says he failed to elicit. In other words, he elicits from
20 her that the wound she observed was more consistent with a
21 medium caliber like a .38, than it was with a .45 caliber,
22 although she wasn't able to say with 100 percent certainty
23 because of the elasticity of the skin. And again, as we've
24 heard from his own expert that he put up here today, an
25 elastic or soft target can leave a smaller hole.

1 So once again, and Mr. Johnson to his credit,
2 exploited that considerably in his closing argument from --
3 and I'm looking specifically at Page 781 of the transcript
4 where he says, for example, "If you believe the doctor and
5 what the doctor said on the stand being questioned by the
6 solicitor, he's not guilty of murder. The case is really
7 that simple." On the next page he talks about "She's done
8 thousands of autopsies and these rounds, the .45 calibers,
9 are not small ammunition." So to the extent that it was
10 possible for him to argue that issue, he clearly argued it
11 as effectively as he could. It was before the jury and the
12 jury was not -- definitely not convinced by it. As for this
13 supposed bullet in the dashboard, again, it hasn't been
14 presented here. We don't know what its caliber was. We
15 don't even know if it was related to the shooting at all.
16 This is all pure speculation. And anyway, Mr. Johnson gave
17 a very good reason strategically for not going into that
18 because his investigator told him that the car wasn't near
19 the victim, so pointing out what caliber was involved in the
20 shooting of the car would not have had anything to do with
21 the shooting of the victim.

22 In addition, as for the gun used by Carter
23 man, Mr. Johnson testified that his investigator talked to
24 the witnesses and they didn't indicate that they could
25 identify the gun. However, again, and I point Your Honor to

1 the transcript. For example, pages -- in Page 302 where Mr.
2 Johnson is cross-examining Diamond Brooks, he goes into her
3 statement and he cross-examines her on her statement about
4 this Carter man who had two guns. He asks Antouchy -- or
5 Aerntachie Blanding, I forget how that's pronounced, but the
6 concerning the Carter man. Again, that's on Page 338 of the
7 transcript. And in other words, this information was all
8 put in front of the jury, substantially the same information
9 we heard today, Your Honor, so I would -- I would submit
10 that Mr. Green has not met his burden of proving that the
11 result of a new trial would be any different than the result
12 of the trial he actually had or that Mr. Johnson was
13 deficient in any way. Thank you, Your Honor.

14 THE COURT: All right. Thank you, Mr. Jones.
15 Folks, obviously this is a serious case. Most murders, most
16 serious crime in South Carolina. There's a voluminous
17 transcript which I have reviewed but obviously want to
18 review it in greater detail, especially the particular
19 citations that have been made. I'm going to take this
20 matter under advisement, and I will make a decision within a
21 reasonable amount of time. I will inform the parties of my
22 decision by email and direct the prevailing side to prepare
23 the appropriate order and that'd be my decision here today
24 so this matter is under advisement. Thank you very much.
25 This matter is adjourned.

RECEIPT FOR EXHIBITS

CASE NO. 19-CP-43-1022
 PLAINTIFF: Rodney R. Green
 DEFENDENT: State of SC
 DATE TRIAL STARTED: 6-15-23

JUDGE: R. Kirk Griffin
 PLTF'S ATTY: Willie H. Brownson
 DEF'S ATTY: Zachary Jones
 DATE TRIAL ENDED: 6-15-23

Received of James B. Ray, Court Reporter for the above case, these exhibits:

Petitioner's

	This space for Clerk of Court's Use
① <u>supplemental report</u>	✓
② <u>final necropsy diagnosis</u>	✓
③ <u>property & vehicle voucher</u>	✓
④ <u>photo of gun & cartridge (4 photos)</u>	✓
⑤ <u>SLCD report</u>	✓
⑥ <u>photos (2) of inside of vehicle</u>	✓
⑦ <u>statement of Diamond Brooks</u>	✓
⑧ <u>statement of A-ern Tachie Blanding</u>	✓
⑨ <u>statement of Shatae Rivers</u>	✓
⑩ <u>2 photos</u>	
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This 15th day of June, 2023

Page 1 of 1

SUMTER COUNTY CLERK OF COURT

By: Sam Smith CA 8068

THE CLERK OF COURT WILL RETAIN THE WHITE COPY OF THIS RECEIPT IN CIVIL CASE.

THE CLERK OF COURT WILL RETAIN THE YELLOW COPY OF THIS RECEIPT IN CRIMINAL CASE.

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/11/2014 15:29

Sumter County Sheriff's Office

OCA: 14039109

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST /*Case Mng Status: *ACTIVE*Occured: *03/16/2014*Offense: *MURDER*Investigator: *ADDISON, MELISSA (0433)*Date / Time: *03/19/2014 16:54:04, Wednesday*Supervisor: *(0)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Investigative Supplement*

Several witnesses from Archie's family came to the office to give statements. Inv. Hawkins advised that a Shontae Rivers was in the waiting area and had provided a written statement. I read her statement and went out and spoke with her. I asked River's what she witnessed and she said she saw a guy called "Carter Mann" shooting and she also saw Rodney shooting. I noticed that Rivers did not add that she saw Rodney shooting and asked her why she didn't include Rodeny on her statement if that were the case and she stated that it was true but that it is just too hard. I told Rivers it was not that hard to write that information and she agreed to include it and she added that sentence to her statement. [03/19/2014 17:00, ADDISONM, 248, SCSO]

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/11/2014 15:29

Sumter County Sheriff's Office

OCA: 14039109

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **CLEARED BY ARREST /**Case Mng Status: **ACTIVE**Occured: **03/16/2014**Offense: **MURDER**Investigator: **BEAN, MICHAEL D (0542)**Date / Time: **03/20/2014 15:23:48, Thursday**Supervisor: **(0)**Supervisor Review Date / Time: **NOT REVIEWED**

Contact:

Reference: **Investigative Supplement**

Sunday 03-16-2014 I responded to Club MiAmi to process a shooting incident. Upon my arrival Inv. Hawkins gave me a Bio-Hazard bag containing the cloths of Rayquann Jenkins. Jenkins was shot in the leg by the suspect. EMS removed the cloths in order to provide Jenkins emergency treatment. Cpl. Robert Lee escorted me to the body of Tyrus Archie while explaining the incident. The incident took place in the parking lot of the club. Archie was found lying in front of a vehicle parked in the rear of the club. EMS had treated Archie before my arrival and partially covered him with a white sheet. Archie was lying facing up with his head turned toward a parked vehicle. After removing the EMS sheet, and moving his shirt, blood and what appeared to be a bullet hole in his left upper chest became visible. No other wounds were apparent. A search of the immediate area produced nothing of evidentiary value. After photographing this scene I searched Archie's pockets for identification. Two electronic vehicle keys, a wallet, SC driver's license issued to Tyrus Archie, Motorola cell phone, lighter and currency were removed from his pants pockets. These items were seized to be placed in evidence. At this time Archie's body was released to the Coroner's office for transport.

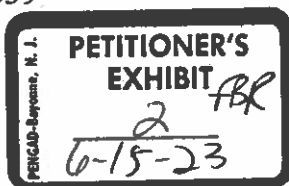
Moving to the parking lot near the light poles a second crime scene was taped off. This scene contained (3) fired 45cal bullet cartridges. Inv. Hawkins located and marked the cartridges before my arrival. The scene was photographed and the cartridges were collected to be placed in evidence. In the same area of the parking lot a New Nissan Cube had the rear window shot out. The bullet was lodged somewhere in the dash. After the vehicle was photographed I tried locating the fired bullet. It quickly became evident that the dash would have to be unassembled or removed to locate the fired bullet. After a discussion with Chief Hampton Gardner it was decided the vehicle would be released to the owner without further attempt to locate the bullet. Parked a few spaces to the left of the Nissan Cube was a full size white Chevrolet truck. In front of the truck Inv. Hawkins had located and marked spots of blood and a shirt reported to have come from the shooting victim Rayquann Jenkins. These items were photographed and collected to be placed in evidence. A search of the area produced no new evidence.

Leaving this scene I reported to the field between club MiAmi and the El Chepo store where Lt. Misty Lee had a third crime scene secured. Prior to my arrival the suspect Rodney Green was captured at this scene. The suspect's handgun was also recovered from between the sand hills at this scene. I photographed the scene and took custody of the handgun.

After returning to club MiAmi I tried, unsuccessfully, to locate the vehicles that belonged to the keys collected from Archie's pocket. As I was leaving the scene I was called back by Lt. Patrina Wiley. A female had approached Lt Wiley asking for the keys to a 2011 Dodge Charger (SC JVD835) parked in front of the club. I tried the keys and one of them unlocked the vehicle. A search of the vehicle was conducted. A registration in the name of Antoine Derel Bradley was located. The female claimed that she was part owner in the vehicle but had no proof to back the claim. After turning the keys over to Capt. T. Colclough, who turned them over to Lt. Patrina Wiley, I left club MiAmi.

[03/20/2014 15:27, BEANM, 182, SCSO]

NEWBERRY PATHOLOGY ASSOCIATES, P.A.
 185 Executive Drive, P. O. Box 839
 Newberry, S. C. 29108
 Phone: (803) 276-0201
 1-888-446-9898
 Fax: (803) 276-0208



NECROPSY REPORT: FA14-222
 NAME: ARCHIE TYRUS
 TYPE OF AUTOPSY: Complete

AGE: 33 RACE: BLACK SEX: MALE D.O.B. 07/15/1980

PROSECTOR(S): JANICE E. ROSS, M.D. COUNTY: SUMTER

DIED on 03/16/2014 at AM AUTOPSIED on 03/17/2014 at 10:00 AM

FINAL NECROPSY DIAGNOSIS:

1. FATAL, PERFORATING GUNSHOT WOUND OF THE CHEST WHICH LACERATED THE LEFT LUNG CAUSING A LEFT HEMOTHORAX OF 1700 CC
2. HEPATOMEGALY

MANNER OF DEATH: HOMICIDE

PROBABLE CAUSE AND MECHANISM OF DEATH	INTERVAL
<u>EXSANGUINATION</u>	<u>MINUTES</u>
DUE TO: <u>LACERATION OF THE LUNG</u>	<u>MINUTES</u>
DUE TO: <u>GUNSHOT WOUND OF THE CHEST</u>	<u>MINUTES</u>

3/20/14 CD

Archie Tyrus

Report by: J.E. Ross, M.D.

CASE HISTORY

This 33-year old African American male was the victim of a shooting which occurred on 03/16/2014 in the early morning at Club Miami in Sumter, South Carolina.

The body was brought to this prosector for autopsy.

EXTERNAL EXAMINATION: The body is received in a short-sleeve white and blue patterned shirt which is unbuttoned up the front and an undershirt which is gray with "Rocowear Heritage" on the front, both of which have holes overlying gunshot wounds. No soot is identified. He has on a pair of blue jeans on which is a blue cloth belt, a pair of blue and white plaid underwear, a pair of white socks and a pair of blue and gray shoes. He is wearing a black dew rag on his head. He also has on a yellow plastic bracelet. He measures 70 inches in height and weighs an estimated 180 pounds. His hair and beard are black. The eyes are brown. The teeth are natural and in good repair.

Examination of the neck is unremarkable.

Examination of the chest shows an entrance gunshot wound which will be further described.

Examination of the abdomen is unremarkable.

Examination of the upper extremities shows a tattoo in the right upper outer arm with hash tag "5" and "TSA" underneath it. In the anterior right forearm is a joker's face and the word "Joker". In the left upper outer arm are a cross and the words "Only God". In the anterior left forearm is a mask with the words "Till the End of Time".

Examination of the lower extremities is unremarkable.

Examination of the back shows a tattoo over the left shoulder blade including the words "Holy Bible". Over the right shoulder is a tattoo including praying hands and the names "Marie" and "Sam". There is an exit gunshot wound in the left mid back which will be further described. The genitalia are those of an adult male

GUNSHOT WOUND: There is an entrance gunshot wound in the left chest 14 ½ inches below the top of the head and 3 ¾ inches to the left of midline. It is somewhat oval in shape and measures .3 x .38 inches in diameter. The bullet path continues slightly downward and backward as well as slightly medially to perforate the upper and lower lobes of the left lung. It exits the back 16 inches below the top of the head and 2 ½ inches to the left of midline. The exit wound is round and measures .38 inches in diameter. This causes a left hemothorax of 1700 cc.

FA14-222

Page 3 of 5

Archie Tyrus

Report by: J.E. Ross, M.D.

DISSECTION: The usual Y-shaped incision is made. The panniculus of the chest and abdomen shows no further contusion. The abdominal cavity, right pleural cavity and pericardial sac contain no excessive fluid. The left chest cavity contains 1700 cc of blood. The structures of the anterior neck maintain symmetry. The hyoid bone is intact. The trachea and larynx are patent. The strap muscles are without contusion.

DESCRIPTION OF INTERNAL ORGANS

THYROID: The thyroid gland weighs 28 grams. It maintains symmetry of its reddish-brown firm parenchyma.

HEART: The heart weighs 305 grams. The coronary arteries are patent. The myocardium is reddish-brown and firm. The valves are grossly unremarkable.

LUNGS: The right lung weighs 790 grams. The left lung weighs 352 grams and is perforated by the bullet. The arterial trees are patent. The tracheobronchial trees contain a slight amount of frothy fluid. The parenchyma is purplish-red and firm.

LIVER: The liver weighs 2270 grams. Its capsule is smooth and glistening. Sections show purplish-gray parenchyma.

GALLBLADDER AND DUCTS: The gallbladder is present.

SPLEEN: The spleen weighs 60 grams. Its capsule is smooth and glistening. Sections show purplish-red parenchyma.

PANCREAS: The pancreas weighs 100 grams. It maintains its usual yellowish-tan nodular parenchyma.

ADRENALS: Unremarkable.

KIDNEYS: The right kidney weighs 122 grams. The left kidney weighs 115 grams. Their capsules strip with ease to show smooth cortical surfaces. Sections show the usual cortical medullary ratios bilaterally. The ureters, urinary bladder and prostate gland are without significant pathology. The bladder is empty.

GI TRACT: Unremarkable. The stomach contains 240 cc of dark brown liquid. The appendix is identified.

MUSCULOSKELETAL SYSTEM: Without significant pathology other than the gunshot wound as described.

DESCRIPTION OF INTERNAL ORGANS, Continued:

CENTRAL NERVOUS SYSTEM: The scalp is reflected and the calvarium is removed. The brain is removed in the usual manner and maintains symmetry of the cerebrum, cerebellum, pons and medulla. The brain weighs 1475 grams. Sections show the gray and white matter in the usual anatomic design. The blood vessels at the base of the brain appear patent.

FA14-222

Page 5 of 5

Archie Tyrus

Report by: J.E. Ross, M.D.

CASE SUMMARY

This autopsy was done upon the request of and after due authorization by the Sumter County Coroner in the Newberry County Memorial Hospital Morgue on 03/17/2014 at approximately 10:00 AM.

Autopsy findings include a fatal, perforating gunshot wound of the chest which lacerated the left lung causing a left hemothorax of 1700 cc of blood and hepatomegaly.

Sections of all organs demonstrate the before mentioned findings. Specimens are drawn for toxicological analysis. If a positive analysis is submitted to this prosector, an amended opinion may be necessary.

It is the opinion of this prosector after review of the history and autopsy findings on this victim that the cause of death is exsanguination, due to laceration of the lung, due to gunshot wound of the chest.

The manner of death is homicide.

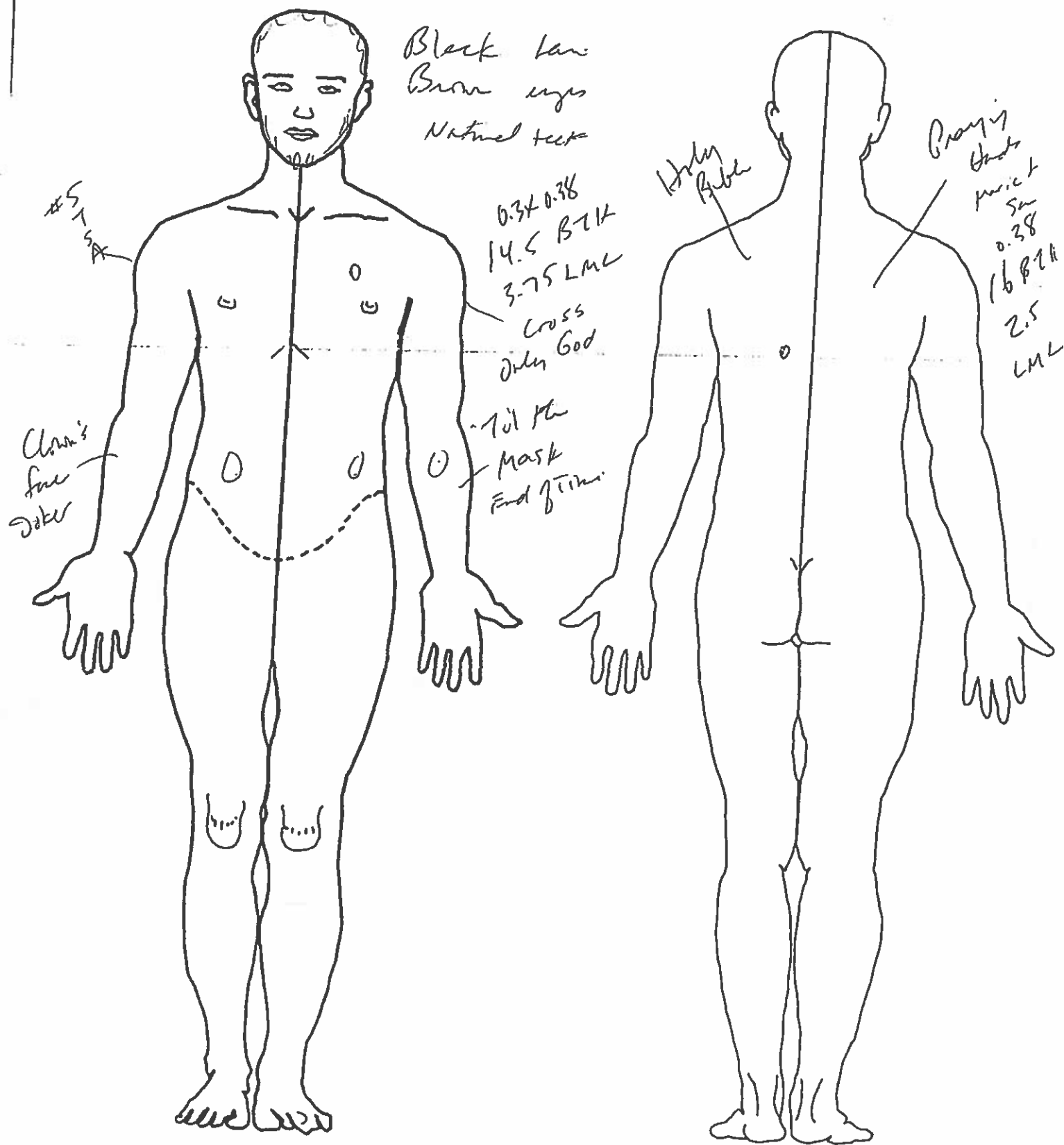


Janice E. Ross, M.D.
Forensic Pathologist

3-18-14

Date Signed

JER:ajg
03/18/201



Name: Tyrus Archie
Date: 3-17-14

Necropsy ID: FA14.222
Ht: 70 in Wt: 180 lbs

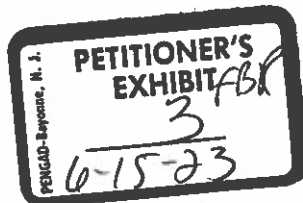
User: HAWKINS

PROPERTY AND EVIDENCE VOUCHER

04/10/2014 14:07

Agency Name Sumter County Sheriff's Office			ORI SC SC0430000	Date / Time Reported 03/16/2014 02:49 Sun	OCA File No. 14039109
Location from which property was obtained 4888 BROAD ST SUMTER				Collecting Officer BEAN, MICHAEL D (0542)	
Date / Time Seized 03/16/2014 02:49				Locker	
Nb.	Bag	Item	Description of articles (Include model, serial no., identifying marks, condition, etc.)	Category	Property Value
1	2	1	Sc Driver's License - Tyrus Archie 1.000 007923764, SC DL # 007923764 [03/17/2014 10:10, BEANM, 182, SCSO] Owner: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154, Seized From: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154,	EVID	\$0.00
2	3	1	Cell Phone - Tyrus Archie MOTOROLA, A956 1.000 BLK IMEI 355494043632278, Recoverd from left front pocket of deceased Archie. [03/17/2014 10:12, BEANM, 182, SCSO] Owner: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154, Seized From: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154,	EVID	\$0.00
3	4	1	Wallet - Tyrus Archie GIANFRANCO, RUFFINI 1.000 BLK, Wallet containing: (1) South Carolina Visa debt card - Tyrus Archie Owner: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154, Seized From: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154,	EVID	\$0.00
4	5	1	Elite Cigarette Lighter ELITE, 1.000 BLK, Recovered from front left pants pocket of deceased Archie. [03/17/2014 10:22, BEANM, 182, SCSO] Owner: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154, Seized From: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154,	EVID	\$0.00
5	6	1	Gsr Kit - Tyrus Archie 1.000, Collected at crime scene from Tyrus Archie. [03/17/2014 10:27, BEANM, 182, SCSO] Owner: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154, Seized From: ARCHIE, TYRUS, 4760 CANE SAVANNAH RD, WEDGEFIELD, SC 29154,	EVID	\$0.00
6	7	1	Sand Bearing Blood 1.000, Sand from parking lot containing blood. Photo marker # 6. [03/17/2014 10:31, BEANM, 182, SCSO] Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00
7	8	1	Cash & Coin - Tyrus Archie 1.000, Currency recovered from deceased front left pants pocket in the following amounts: Owner: <Unknown> Seized From: <Unknown>	EVID	\$57.06
8	9	1	Fired Bullet Cartridge - 45cal 45 1.000, Photo Marker #1. Cartridge marked RP 45 AUTO, [03/17/2014 11:25, BEANM, 182, SCSO] Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00

Narrative



Officer's Name/ID Number HAWKINS, GREGORY (0519)	Supervisor Name/ID Number DUKES, JAMES (0497)	Case Status Cleared By Arrest / Juvenile Custody
Officer's Signature	Submitted Date	Case Disposition

1076

User: HAWKINS

PROPERTY AND EVIDENCE VOUCHER

04/10/2014 14:07

Agency Name Sumter County Sheriff's Office			ORI SC SC0430000	Date / Time Reported 03/16/2014 02:49 Sun	OCA File No. 14039109
Location from which property was obtained 4888 BROAD ST SUMTER				Collecting Officer BEAN, MICHAEL D (0542)	
Date / Time Seized 03/16/2014 02:49				Locker	
No.	Bag	Item	Description of articles (Include model, serial no., identifying marks, condition, etc.)	Category	Property Value
9	10	1	Fired Bullet Cartridge - 45cal 45 1.000, Photo Marker #2. Cartridge marked RP 45 AUTO. [03/17/2014 11:27, BEANM, 182, SCSO] Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00
10	11	1	Fired Bullet Cartridge - 45cal 45 1.000, Photo marker #3. Bullet cartridge marked RP 45 AUTO. Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00
11	12	1	Firearm - S&W 45 S&W, MP45 45 1.000 BLK DT86455, 10 round magazine and 6 unfired 45 cal bullets included. [03/17/2014 11:33, BEANM, 182, SCSO] Owner: GREEN, RODNEY RODRIGUEZ, 1780 RICHBOW, SUMTER, SC 29150, 803-651-6409 Seized From: GREEN, RODNEY RODRIGUEZ, 1780 RICHBOW, SUMTER, SC 29150, 803-651-6409	EVID	\$0.00
12	13	1	Dvr - Cinturon CINTURON, DVR-1614 1.000 0708003267, Collected from "Warren" at Club MiAmi. [03/17/2014 11:38, BEANM, 182, SCSO] Owner: CLUB MIAMI, 4880 BROAD ST, SHAW, SC 29152, 803-494-9592 Seized From: CLUB MIAMI, 4880 BROAD ST, SHAW, SC 29152, 803-494-9592	EVID	\$0.00
13	14	2	Shirt - Rayquann Mondell Jenkins 1.000 TAN, Recovered from parking lot. Photo marker # 5. [03/17/2014 11:44, BEANM, 182, SCSO] Owner: <Unknown> Seized From: CLUB MIAMI, 4880 BROAD ST, SHAW, SC 29152, 803-494-9592	EVID	\$0.00
14	19	2	Bio-bag Containing R Jenkins Cloths 1.000, R. Jenkins cloths removed by EMS then given to Inv. G. Hawkings who passed them to Sgt. M. Bean to enter in evidence. [03/17/2014 11:55, BEANM, 182, SCSO] Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00
15	20	1	Cell Phone - Samsung SAMSUNG, GALAXY S3 1.000 BLK, Phone was collected from rear pants pocket of R. Jenkins black pants. [03/17/2014 12:00, BEANM, 182, SCSO] Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00
16	21	1	Cigarette Lighter 1.000 WHI, Collected from pocket of R. Jenkins pants. [03/17/2014 12:02, BEANM, 182, SCSO] Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00

User: HAWKINSG

PROPERTY AND EVIDENCE VOUCHER

04/10/2014 14:07

Agency Name Sumter County Sheriff's Office			ORI SC SC0430000	Date / Time Reported 03/16/2014 02:49 Sun	OCA File No. 14039109
Location from which property was obtained 4888 BROAD ST SUMTER				Collecting Officer BEAN, MICHAEL D (0542)	
Date / Time Seized 03/16/2014 02:49				Locker	
No.	Bag	Item	Description of articles (Include model, serial no., identifying marks, condition, etc.)	Category	Property Value
17	22	1	Ring 1.000 GLD, Broken gold in color ring with clear stones collected from pocket of R. Jenkins pants. [03/17/2014 12:03, BEANM, 182, SCSO] Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00
18	24	1	Cash And Coin - R. Jenkins 1.000, Cash & Coin collected from pocket of R. Jenkins pants. As Follows: Owner: <Unknown> Seized From: <Unknown>	EVID	\$0.00

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

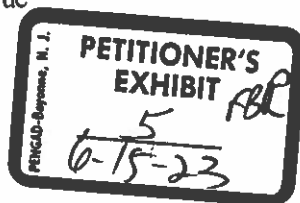
FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Investigator Michael Bean
Sumter County Sheriff's Office
107 East Hampton Avenue
Sumter, SC 29150



FIREARMS DEPARTMENT

November 25, 2014
SLED LAB: L14-03507
Your Case No: 14039109
Incident Date: 03/16/2014
[V] Tyrus Archie
[V] Rayquann Jenkins
[S] Rodney Green

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.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

- Items: 6 – 8** Three fired 45 Auto caliber cartridge cases, described as “collected from MiArni parking lot”.
- RESULTS:**
Items 6, 7, and 8 were physically examined and microscopically compared with each other and with cartridge cases test fired by the Item 9 pistol. Matching individual identifying characteristics were found and it was concluded that Items 6, 7, and 8 were all fired by the Item 9 pistol.
- Item: 9** One Smith & Wesson Model M & P 45 semiautomatic pistol, 45 Auto caliber, serial number DTB6455, received with one magazine and six unfired 45 Auto caliber cartridges.
- RESULTS:**
Item 1 was physically examined, test fired using the submitted magazine, and found to be in working order. The unfired cartridges were correct for use with the Item 9 pistol.
- Item: 9.1** Test specimens fired by the Item 9 pistol using Laboratory supplied ammunition.
- RESULTS:**
The Item 9.1 test specimens will be retained by the SLED Firearms Department for a period of time and will then be returned to your Agency for long term storage as evidence.

A test cartridge case from Item 9 was entered into the Integrated Ballistics Identification System (IBIS). Should any “hits” be developed against this entry, your Agency will be notified. Please retain all Items of



SLED LAB No. L14-03507
November 25, 2014

Page 2 of 2

evidence for a minimum of two years in order to maintain their availability for any future comparisons related to IBIS activity.

This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Michele Eichenmiller

Michele Eichenmiller
Forensic Scientist





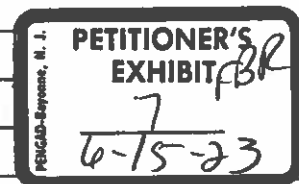
CASE # _____

VOLUNTARY STATEMENT

LAST NAME Brooks		FIRST NAME Diamond		MIDDLE NAME	AGE 25	D.O.B. 11/30/88
NICKNAME/AKA		☐ M ☒ F	SSN		STREET ADDRESS Lot 7 Oak Grove Road	
CITY		STATE	ZIP	MAILING ADDRESS IF DIFFERENT		
HOME TELEPHONE	WORK TELEPHONE		CELL TELEPHONE 803 847 3047	OCCUPATION Cashier		
EMPLOYER McDonald's			EMPLOYER ADDRESS Broad St in front of mall			
DRIVER'S LICENSE NUMBER/STATE			DATE AND TIME OF INTERVIEW			
LOCATION OF INTERVIEW 1281 N MAIN ST						
INTERVIEWING AGENT Jim. Wyatt		DEPARTMENT SCSO		INTERVIEWING AGENT		DEPARTMENT

I, _____ understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can not read and write and completed the _____ grade in school.

On Sat night right after 9pm I was with Diamond 2 of 3 in am my cousin told me which was Texas Able he told me to get in the car then me and my other cousin we got in car I told Able to Don't go right cause the dude got two guns But by then it was too late we drove off dude start shootin he went down road then we turn around when we got back to the club I seen my cousin was shot



I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/19/14 Time: 1615 K. Diamond Brooks
Signature of person giving voluntary statement

WITNESS: [Signature] WITNESS: _____

I certify that I have been given a copy of this statement consisting of _____ pages.

CASE # 141039109

VOLUNTARY STATEMENT

LAST NAME <u>Blandling</u>		FIRST NAME <u>Auntachie</u>		MIDDLE NAME <u>Phonique</u>	AGE <u>19</u>	D.O.B. <u>11-9-94</u>
NICKNAME/AKA		☐ M ☒ F	SSN		STREET ADDRESS <u>4480 Calo Sylvania Rd Apt 9</u>	
CITY <u>Wedgefield</u>		STATE <u>SC</u>	ZIP <u>29167</u>		MAILING ADDRESS IF DIFFERENT	
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE <u>803-547-6450</u>		OCCUPATION <u>Student</u>		
EMPLOYER		EMPLOYER ADDRESS				
DRIVER'S LICENSE NUMBER/STATE		DATE AND TIME OF INTERVIEW <u>3-18-2014 04:16 pm</u>				
LOCATION OF INTERVIEW <u>1281 1/2 22nd St</u>						
INTERVIEWING AGENT <u>Hawkins</u>	DEPARTMENT <u>0519</u>	DEPARTMENT <u>SCSO</u>	INTERVIEWING AGENT		DEPARTMENT	

I, Auntachie Blandling understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can cannot read and write and completed the 12th grade in school.

On Sunday Morning around 2 Noon an altercation started in Club Miami. Everyone that was involved got escorted out the Club. Once we went outside the Club there was another big fight. And Travis Archie told us to go home. I heard 3 gun shots and got into the car (Saturn 2002). I sat in Brooks, Shante Rivers, and I was leaving and Diamond Brooks yelled to me from the back seat and said "he got two guns don't go that way. It was too late to turn around and I almost hit a pole. Later Marvin then shot at my car and Diamond, Shante and I ended up in the ditch. We went to my house and came back to the crime scene after everything calmed down. Once we got there my cousin Julius Archie was pronounced dead. After everyone left the crime scene. I went home and my brother Davontae Blandling and Markies Blandling saw that there was a whole in the side of my car door. My friend Quinn Brooks told me that the guy that was shooting at the car didn't like Travis at all and

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/18/2014 Time: 5:15pm Auntachie Blandling
Signature of person giving voluntary statement

WITNESS: Tina G Hawkins WITNESS: _____

I certify that I have been given a copy of this statement consisting of 2 pages.

VOLUNTARY STATEMENT SUPPLEMENTALAntachie Blanding

Statement of, Continued.

his name is Carter Man.

Person giving statement to place initials behind last word of statement as appears on last page.

Antachie Blanding
Signature of person giving voluntary statement



CASE # _____

VOLUNTARY STATEMENT

LAST NAME Rivers		FIRST NAME Shatoe		MIDDLE NAME KNAME	AGE 20	D.O.B. 01/12/94
NICKNAME/AKA		M ☐ F ☒ SSN		STREET ADDRESS Carolina Ave.		
CITY Sumter		STATE SC	ZIP 29150	MAILING ADDRESS IF DIFFERENT		
HOME TELEPHONE 803-651-9662	WORK TELEPHONE		CELL TELEPHONE	OCCUPATION		
EMPLOYER			EMPLOYER ADDRESS			
DRIVER'S LICENSE NUMBER/STATE			DATE AND TIME OF INTERVIEW			
LOCATION OF INTERVIEW						
INTERVIEWING AGENT		DEPARTMENT		INTERVIEWING AGENT		DEPARTMENT

I, Shatoe Rivers understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can cannot read and write and completed the _____ grade in school.

Saturday night/morning an altercation ^{started} ~~was~~ in Club Miami, when everybody went out the door on ^{SR} altercation started, then ~~Mr~~ ^{Mr} Tyrus Archie told me diamond, Auto chic to get in the car and go, when proceeded to leave Carter man was running to a Crown Vic - (Real two door old school car and was shooting at the car, we ran into the ditch.

And I (Shatoe Rivers) saw Rodney shooting, also



I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.

Date: 3/19/14 Time: 1635

Signature of person giving voluntary statement

WITNESS:

WITNESS:

I certify that I have been given a copy of this statement consisting of 1 pages.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Rodney R. Green, #335829

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE THIRD JUDICIAL CIRCUIT

) Case No.: 2019-CP-43-01022

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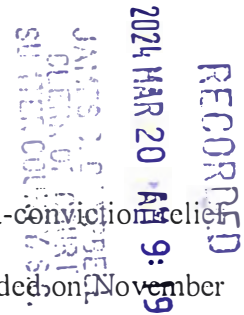
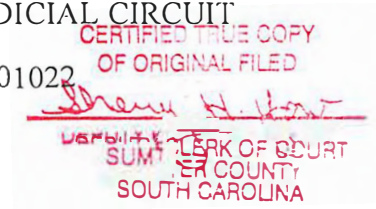
ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (“PCR”) filed by Rodney R. Green (“Applicant”) on May 20, 2019, and amended on November 15, 2021. The Court convened an evidentiary hearing into the matter on June 15, 2023, at the Sumter County Courthouse. Applicant was present at the hearing and represented by Willie H. Brunson, Esquire. Assistant Attorney General Zachary W. Jones represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant’s trial counsel, Charlie J. Johnson (“Counsel”), also testified. After reviewing all records and evidence before the Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. In July 2014, the Sumter County Grand Jury indicted Applicant for murder, attempted murder, possession of a weapon during the commission of a violent crime, and possession of stolen pistol (2014-GS-43-0524). Charlie J.



Johnson, Esquire (“Counsel”), represented Applicant. Solicitor Earnest A. Finney, III, prosecuted the case. On November 9-11, 2015, Applicant proceeded to a trial before The Honorable George C. James and a jury. The jury found Applicant guilty on all four counts as indicted. Judge James sentenced Applicant to life without the possibility of parole for murder, a concurrent sentence of thirty years for attempted murder, a concurrent sentence of five years for possession of a weapon during a violent crime, and time served for possession of a stolen pistol. Applicant filed a timely notice of appeal. In an unpublished opinion filed May 9, 2018, the South Carolina Court of Appeals affirmed Applicant’s convictions and dismissed his appeal. *State v. Green*, No. 2018-UP-187 (Ct. App. filed May 9, 2018).

Factual Background

This case arises from a shooting on March 16, 2014, outside a venue called “Club Miami” in Sumter. Ray’Quann Jenkins and Tyrese “Stymie” Archie were both shot during the incident, the latter fatally. Applicant was caught and arrested at the scene.

Prior to the shooting, Applicant and his girlfriend, Lavitra Harvin, attended an “all-white” party at Catchall Hall. (R.p.14). Applicant was wearing a white shirt, white pants, and white shoes. (R.p.26). At around 1:45 a.m., Harvin left the all-white party and went to Club Miami with some girlfriends. (R.p.15). At some point, a fight broke out inside the club, so Harvin and her girlfriends decided to leave. (R.pp.17–19). Outside the club, Harvin observed “a lot of commotion.” (R.p.19). She heard gunshots and took cover beside a black truck, and she saw Ray’Quann Jenkins run past her saying he had been shot. (R.p.20). She also saw Applicant running. (R.p.26). Harvin looked up and saw a gun being fired, but she testified that she could not see who fired the gun. (R.pp.21–26). On the stand, Harvin denied seeing Applicant with a gun that night. (R.p.34). However, she admitted that, in her initial statement to law enforcement,

she had identified Rodney Green as the shooter and said that she had seen him firing a gun and then running away. (R.p.36; p.44).

Ray'Quann Jenkins testified that he went to Club Miami with Tyrese Archie between 12:30 and 1:00 a.m. (R.p.67). As they were heading out of the club, they saw some of Archie's cousins fighting in the outside parking lot. (R.p.70). Jenkins and Archie went over to the fight, and Archie asked the participants to stop and told everybody to get in their cars and leave. (R.p.72). The fight broke up, but while Jenkins and Archie were still standing in the parking lot three other people came around the front of the club and approached Archie. (R.p.75). The three newcomers attacked Archie, and a fist fight broke out. (R.pp.75–76). Jenkins tried to break up the fight, but then four or five other people approached, including Applicant. (R.pp.76–78). Applicant said "You all watch out," and Jenkins saw him reach into his shirt and pull out a gun. (R.pp.79–80). Jenkins did not see anyone else with a weapon. (R.p.80). Jenkins picked Archie up and pushed him away from the scene, and then he heard a gunshot. (R.p.80). The shot hit Jenkins in the left femur near the pelvis, and he fell forward. (R.p.82). Applicant ran past him towards Archie, still carrying the black handgun, and Jenkins heard him fire it three or four times. (R.pp.83–86). After the firing stopped, Jenkins saw Applicant running away from the scene pursued by a security guard. (R.pp.87–89). Jenkins testified Applicant was wearing white pants, white shoes, and a white shirt. (R.p.90).

Myron Conyers and Patrick Washington, two security guards who worked at the club, testified that on the night of the shooting a fight broke out inside the club, and multiple people had to be escorted outside, where a second fight occurred. (R.pp.252–53; p.287). Auntachie Blanding, Davontae Blanding, and Demetrice Brooks also testified that a fight had occurred inside the club and that security had forced a number of people outside the club, where the fighting resumed.

(R.p.148; pp.190–92; pp.220–21). They also testified that they saw Archie outside the club telling everybody to go home. (R.p.149; pp.191–92; p.221).

Brooks testified that, as she was getting in the car to leave, she looked back and saw Applicant, dressed all in white, shooting a handgun three or four times, but she could not see who he was shooting at. (R.p.153–54). Davontae testified that, just before the shooting, he saw a young lady run toward Applicant screaming “don’t do it.” (R.p.225). He then saw Applicant raise his arm and start shooting a handgun. (R.p.234). Davontae saw Archie running away, and Davontae followed him to see if he was all right. (R.p.236). Archie told Davontae, “He got me,” and ran to the back of the club, where he collapsed. (R.p.236).

Conyers testified he was outside the club trying to control the crowd when he saw an individual appear from the fence line, fire three shots into the crowd, and turn and run away. (R.p.253). Conyers and his fellow security guard, Washington, pursued the individual, and Conyers also saw a police officer arrive and join in the pursuit. (R.p.253). Conyers shined his flashlight on the fleeing individual, and Washington and the officer ran ahead and were able to catch him. (R.p.253). Conyers testified the fleeing individual was a black male dressed all in white. (R.p.258).

Washington testified he was in the parking lot dealing with an angry club patron when he heard shots and looked back to see a man dressed in all white shooting. (R.p.287). The shooter then started running off into a field, and Washington followed him, telling Conyers to keep his flashlight on the individual so Washington could see him. (R.pp.287–88). Washington saw a patrol car coming down the road, so he pointed at the person in the white outfit, and the car went to cut him off. (R.p.288). Applicant stopped near a big dirt pile, and Washington saw him throw something. (R.p.288). Washington tackled Applicant, and a police officer came over and arrested

Applicant. (R.p.288–89).

Deputy Steven Pizzino testified that he and another officer, Corporal Lee, arrived at Club Miami in response to a call regarding a fight and shooting. Lee arrived first and radioed that the shooting suspect was running across a field wearing a white shirt and white pants. (R.p.118). Pizzino was scanning the field with his spotlight and saw an individual wearing a white shirt and white pants being chased by some other individuals. (R.pp.118–19). Pizzino got out of his vehicle and chased the suspect, catching him as he was trying to climb over a sand berm. (R.p.119). Pizzino identified the person he chased and arrested as Applicant. (R.p.123).

Lieutenant Misty Lee testified that she received a call that night in regard to a fight in progress at Club Miami, and she followed Pizzino and the security guards in pursuit of the suspect towards a group of sand berms. (R.pp.316–20). As Pizzino was chasing the suspect towards the front of the first berm, Lee went around the back of the berm, and she heard Pizzino making contact with the suspect and yelling commands at him. (R.p.320). In the valley between two berms, she saw a gun lying on the ground, and she photographed it and collected it as evidence. (R.p.320–21). The gun was later determined to be a .45 caliber Smith and Wesson handgun, with a maximum capacity of ten rounds, and there were six unfired cartridges left in the magazine. (R.p.378). Three fired .45 caliber cartridge casings were recovered from scene and determined to have been fired by that gun. (R.pp.382–83).

Dr. Janice Ross testified as an expert in forensic pathology. (R.pp.488–89). On March 17, 2014, Dr. Ross examined the body of Tyrese Archie and determined the cause of death was a through-and-through gunshot wound that perforated the left lung. (R.pp.489–93). Dr. Ross testified it was “difficult to say” what caliber of bullet caused the wound because “skin is elastic, so it’ll move a little bit.” (R.p.492). However, she opined that the size of the wound was consistent

with a “medium caliber,” such as .38 or .357. (R.pp.492–93). She testified the wound did not appear to be from a “large caliber” bullet like a .45 because the entrance wound measured .3 by .38 inches in diameter, but she could not rule out a .45 caliber bullet because the elasticity of the skin could have caused the dimensions of the wound to be smaller than the projectile. (R.pp.495–96).

Auntachie Blanding and Demetrice Brooks both testified that, as they were leaving the parking lot in Auntachie’s car, they saw a man with dreads, carrying two pistols, whom they identified as “Carter Man.” (R.pp.155–57; pp.200–02). Brooks testified “Carter Man” fired one shot at their car as they were driving away. (R.pp.166–67). However, Brooks insisted that only Applicant could have fired the shot that killed Archie because of the relative positions of Archie, Applicant, and “Carter Man.” (R.pp.180–81). Auntachie stated she did not hear any gunshots coming from “Carter Man’s” direction. (R.pp.203–04).

II. CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

- (1) “Ineffective Assistance of Coun[sel], no[t] producing a defen[s]e on my behalf.”
- (2) “Due Process Violation / Constitution Violation not properly instructing the jury on transferred intent charge.”
- (3) “Constitution Violation / Due Process I wasn’t allowed to question my accuser.”
- (4) “Due Process rights violation. Jury stop deliberating to ask judge for four of the witnesses statements that testified on the State’s behalf. That wasn’t put into evidence.”
- (5) “All witness[es] that testified on the State’s behalf testified that they did not s[ee] me sho[o]t or kill anyone.”
- (6) “Investigator giving witnesses my name when clearly they didn’t kn[o]w who I was. And threat[en]ing to take witness[’s] kids if she didn’t sa[y] it was me that killed the victim and lock her up.”
- (7) “the arresting officer took me to the crime scene where the body was got out the car and left me there where everybody that was out there would see me in the back of his car.”

Applicant, through counsel, amended his application on November 15, 2021, raising the following claims:

1. Trial counsel failed to conduct effective pre-trial investigations.
2. Trial counsel failed to collect and examine the projectiles that were fired from multiple guns at the scene of the crime.
3. Trial counsel failed to collect medical and autopsy records.
4. Trial counsel failed to interview witnesses who had favorable information that applicant did not commit the crime.
5. Trial counsel failed to investigate the ballistics from the night in question.
6. Trial counsel failed to identify the other individuals who were shooting guns.
7. Trial counsel failed to determine the caliber of the weapons the other shooters were firing.
8. Trial counsel failed to effectively cross-examine the State's witnesses.

At the evidentiary hearing, Applicant proceeded on the allegations of ineffective assistance of counsel raised in his amended application.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, and weighed the testimony accordingly. Before the Court are Applicant's records from the South Carolina Department of Corrections, the transcript of Applicant's trial, the records of the Sumter County Clerk of Court regarding the subject convictions, Applicant's appellate records, and the original and amended applications for post-conviction relief. This Court has reviewed the records submitted to it by the parties, the legal arguments made by the attorneys, and the pleadings. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented:

Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must prove his factual allegations by a

preponderance of the evidence. Rule 71.1(e), SCRCPP. Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel’s performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). “When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect.” *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). “[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.” *Yarborough*, 540 U.S. at 6; *see also Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable.”).

Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625. A reasonable probability is "a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111–12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be substantial, not just conceivable." *Id.* at 112. "The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury." *United States v. Basham*, 789 F.3d 358, 371–72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

1. Failure to conduct effective pre-trial investigations

In his amended application, Applicant alleges generally that Counsel failed to conduct effective pre-trial investigations. However, apart from the particular failures enumerated in Allegations 2–7, Applicant has not specified or presented evidence as to any other failures of Counsel's pre-trial investigations. The Court has addressed Applicant's specific allegations below, and, therefore, omits any further discussion of Allegation 1 as redundant.

2. Failure to collect projectiles from the crime scene

Applicant alleges Counsel was ineffective for failing to collect fired projectiles from the crime scene. Specifically, Applicant argues that a projectile struck the dashboard of a car at the scene, but neither law enforcement nor Counsel arranged for the projectile to be recovered and tested. However, Applicant did not produce any evidence at the evidentiary hearing to substantiate

his claim that the testing of that projectile could have been helpful to the defense. Accordingly, the Court finds Applicant has failed to prove prejudice as to this allegation. *See Butler*, 286 S.C. 441, 334 S.E.2d 813 (holding the applicant bears the burden of proof in a PCR action); Rule 71.1(e), SCRCP (PCR allegations must be proved by a preponderance of the evidence). Without supporting evidence, Applicant's claim that further investigation of the projectile might have been helpful to his case is merely speculative. Moreover, Counsel credibly testified that he attempted to recover the projectile in question but was informed that it was irrecoverable. Therefore, the Court finds this allegation must be denied and dismissed with prejudice.

3. Failure to collect medical and autopsy records

Applicant alleges Counsel was ineffective for failing to obtain medical and autopsy records that would show the size of the victim's gunshot wounds being approximately .38 inches in diameter, which was smaller than the diameter of the .45 caliber bullets fired from Applicant's gun. The Court finds this allegation is meritless, as Counsel elicited the same information from Dr. Janice Ross, who performed the autopsy, on cross-examination during Applicant's trial. Counsel also elicited and argued to the jury that Dr. Ross believed the victim's wounds were not caused by a .45 caliber projectile. (R.p.640). Additional development of the autopsy report would have been merely cumulative to Dr. Ross's testimony and probably far less impactful than her expert opinion that the wounds did not appear consistent with a .45 caliber bullet. For these reasons, the Court finds Applicant has not proved a substantial likelihood the result of the trial would have been different had Counsel more thoroughly investigated the autopsy report.

4. Failure to interview favorable witnesses

Applicant argues Counsel failed to interview witnesses who could have provided favorable testimony for the defense. At the evidentiary hearing, Applicant named John Dunham and Shatae

Rivers as two witnesses whose testimony, he claims, might have been helpful. However, Applicant did not present John Dunham or his testimony at the evidentiary hearing; therefore, as regards John Dunham, Applicant has not met his burden of proving the witness's testimony would have been favorable. *See, e.g., Martin v. State*, 427 S.C. 450, 455, 832 S.E.2d 277, 279–80 (2019) (holding a PCR applicant who claims trial counsel was ineffective for failing to call certain witnesses must produce those witnesses or their testimony at the PCR hearing); *Butler*, 286 S.C. 441, 334 S.E.2d 813 (holding the applicant bears the burden of proof in a PCR action); Rule 71.1(e), SCRPC (PCR allegations must be proved by a preponderance of the evidence).

Applicant did introduce a statement by Rivers, which he argues corroborates the testimony of Demetrice Brooks that “Carter Man” shot at her car as she was driving away. But even if this Court were to accept that “Carter Man” fired at Brooks’ car, that is not exculpatory for Applicant. The shooting victims, Jenkins and Archie, were not in that car. In addition, Counsel testified that his investigator examined the crime scene and determined that the car was in a different direction from Archie, so that if “Carter Man” was indeed firing at the car he would *not* have been firing in the direction of Archie. Finally, the last line of Rivers’ statement reads, “And I (Shatae Rivers) saw Rodney shooting, also,” which corroborates the testimony that Applicant was also firing a weapon at the scene.

The Court finds Applicant has not provided any evidence that Dunham’s and Rivers’ testimony would have been favorable to the defense. Therefore, Applicant has not met his burden of proving prejudice from Counsel’s alleged failure to interview those witnesses or call them at trial,¹ and this allegation is denied and dismissed with prejudice.

¹ Furthermore, at the evidentiary hearing, Counsel testified that he interviewed or attempted to interview every person Applicant named as a potentially helpful witness.

5. Failure to investigate ballistics

Applicant also alleges Counsel failed to investigate the ballistic evidence in this case. At the evidentiary hearing, Applicant presented Gary Chapin as an expert in firearms and ballistics. Chapin testified that a .45 caliber gun fires a projectile approximately .45 inches in diameter, and he noted that the autopsy report in this case measured the entry wound as .3 by .38 inches in size. He also testified that a .38 caliber revolver would not have ejected cartridge cases, unlike a .45 caliber semi-automatic pistol. Applicant argues that Counsel was ineffective for failing to present equivalent testimony at trial because it could have established that Archie was not killed by Applicant's .45 caliber gun, but by a .38 caliber revolver which did not leave any cartridge cases behind. Applicant also claims "Carter Man" could have been carrying a .38 caliber revolver.

The Court finds this allegation is without merit. As already discussed, Counsel appropriately elicited from the State's forensic pathologist that the gunshot wounds on Archie's body were more consistent with a .38 caliber projectile than a .45 caliber projectile. Like Dr. Ross, Applicant's ballistics expert Gary Chapin acknowledged that a bullet passing through an elastic medium like skin could leave a hole that was smaller than the diameter of the bullet. Chapin's testimony on this point was entirely cumulative to the testimony of Dr. Ross, which Counsel reasonably elicited and exploited on cross-examination and in his closing argument.

The Court further finds Applicant's contention that Chapin's testimony might have implicated "Carter Man" as the killer, instead of Applicant, is also meritless. First of all, there is no evidence in the record that "Carter Man" was armed with a revolver, much less a .38 caliber revolver, as Applicant now speculates. Second, multiple witnesses denied hearing or seeing any shots fired by anyone other than Applicant on the night of the shooting. The only witness at trial who claimed to see "Carter Man" fire a shot was Demetrice Brooks, and she was adamant that

Applicant—not “Carter Man”—was the person who shot Archie.² Finally, Counsel credibly testified that he investigated the possibility that “Carter Man” was the shooter, but his investigator determined that the direction in which “Carter Man” allegedly fired a shot would not have put him in a position to hit Archie, which is consistent with Brooks’ testimony that “Carter Man” could not have fired the shot that killed Archie. On the other hand, there was substantial direct evidence from multiple witnesses that Applicant fired numerous shots in the direction of Archie.

For all of these reasons, the Court finds Applicant has not met his burden of proving that Counsel’s failure to investigate the ballistic evidence in the case was ineffective. Chapin’s testimony that the dimensions of the gunshot wounds appeared to have been caused by a projectile smaller than a .45 bullet was merely cumulative to Dr. Ross’s testimony, and Applicant’s claim that “Carter Man” could have fired the shot that killed Archie is speculative and was expressly contradicted by the greater weight of the evidence from Applicant’s trial. The Court finds that none of the ballistic evidence pointed out by Applicant at the evidentiary hearing was sufficient to create a reasonable probability of a different result. Therefore, this allegation is denied and dismissed with prejudice.

6. Failure to identify other individuals who were shooting guns

Applicant alleges Counsel failed to identify the other individuals who were shooting guns on the night of the incident. The only other individual alleged to have fired a gun that night was “Carter Man,” and the feebleness of the evidence implicating him as the killer has already been discussed. Applicant has not even asserted, much less proved by a preponderance of the evidence,

² Shatae Rivers’ statement also mentions “Carter Man” firing a weapon, but both Rivers and Brooks claimed that “Carter Man” was shooting at the car they were driving away in. Neither claimed “Carter Man” was shooting at Archie or Jenkins.

that anyone else ever fired a gun that night. Accordingly, this Court finds this allegation is meritless and must be denied and dismissed with prejudice.

7. Failure to identify caliber of other shooters' weapons

Likewise, Applicant's claim that Counsel was ineffective for failing to identify the caliber of the other alleged shooters' weapons is meritless. The only other alleged shooter at the scene was "Carter Man," and although Applicant speculates that he may have used a .38 caliber revolver, Applicant has not presented any evidence to substantiate this. Therefore, the Court finds Applicant has not met his burden to prove either deficiency or prejudice as to this allegation.

8. Failure to effectively cross-examine the State's witnesses

Finally, Applicant claims Counsel failed to adequately cross-examine the State's witnesses. Specifically, Applicant claims Counsel should have more thoroughly questioned Demetrice Brooks as to what kind of guns "Carter Man" was carrying and should have questioned the lead investigator as to why "Carter Man" was not a suspect. However, Applicant has not provided any evidence as to what those witnesses would have answered in response to those questions. *See, e.g., Martin*, 427 S.C. at 455, 832 S.E.2d at 280 (holding an applicant's "mere speculation" as to what a witness's testimony would have been cannot, by itself, support a finding of prejudice). Therefore, the Court finds Applicant has not met his burden of proving he was prejudiced by Counsel's failure to question the State's witnesses more thoroughly on these points. Therefore, this allegation must also be denied and dismissed with prejudice.

IV. CONCLUSION

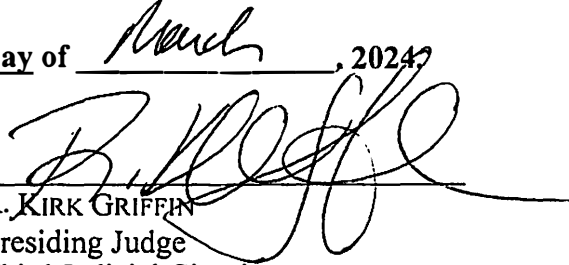
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant's attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief be denied and dismissed with prejudice; and
2. The Applicant be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 20th day of March, 2024.


 R. KIRK GRIFFIN
 Presiding Judge
 Third Judicial Circuit

Santer, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECORDED
2024 APR 16 PM 1:28

APPEAL FROM SUMTER COUNTY
Court of General Sessions

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

The Honorable R. Kirk Griffin, Circuit Court Judge, Third Judicial Circuit

Case No.: 2019CP4301022

Rodney R. Green #335829 Respondent

V.

State of South Carolina.....Appellant

NOTICE OF APPEAL

Rodney R. Green appeals his PCR ruling. The dismissal was imposed by the Honorable R. Kirk Griffin on March 20, 2024. This appeal is taken from the order of the Honorable R. Kirk Griffin, on March 20, 2024, which denied appellant's application for post-conviction relief and new trial. Respondent has received written notice of this order on March 22, 2024.

April 1, 2024


Willie H. Brunson, Esquire
425 N. Main Street
Post Office Box 1507
Sumter, SC 29151
(803)774.3444
Attorney for Appellant

Other Counsel on Record:

Zachary W. Jones, Esquire
Assistant Attorney General
South Carolina Attorney General's Office
Post-Conviction Relief
P.O. Box 11549 Columbia, SC 29211

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions

The Honorable R. Kirk Green, Circuit Court Judge, Third Judicial Circuit

Case No.: 2019-CP-43-01022

Rodney R. Green #335829 Respondent

V.

State of South Carolina Appellant

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 16th day of April, 2024, I served the foregoing Notice of Appeal as well as Proof of Service in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on 1^{6th} of April, 2024 addressed to the following as indicated below:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

The Honorable James C. Campbell
Sumter County Clerk of Court
215 North Harvin Street
Sumter, South Carolina 29150

Zachary W. Jones, Esquire
Assistant Attorney General
South Carolina Attorney General's Office
Post-Conviction Relief
P.O. Box 11549 Columbia, SC 29211

Dated: April 16, 2024

RECORDED

2024 APR 16 PM 1:29

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

A handwritten signature in black ink, appearing to read 'Willie H. Brunson', with a long horizontal flourish extending to the right.

Willie H. Brunson, Esquire
425 N. Main Street
Post Office Box 1507
Sumter, SC 29151
(803)774.3444
Attorney for Appellant

WITNESSES

G. Hawkins Sumter County Sheriff

ARREST WARRANT NUMBER

2014A4310200229 2014A4310200230
2014A4310200231

Direct Presentment

ACTION OF GRAND JURY

M. T. Anderson
Foreperson of Grand Jury

3: 7-10-2014

VERDICT

True Bill

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-43-0524

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

July TERM 2014

THE STATE

vs.

RODNEY R. GREEN

Indictment for

Murder / Murder
Attempted Murder
Poss Weapon DVC
Poss Stolen Handgun

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF SUMTER)

Murder / Murder
 Attempted Murder
 Poss Weapon DVC
 Poss Stolen Handgun

At a Court of General Sessions, convened on July 10, 2014 the Grand Jurors of
 SUMTER County present upon their oath:

COUNT ONE-MURDER

That Rodney R. Green did in Sumter County, on or about March 16, 2014, willfully, feloniously, and intentionally kill the victim, Tyrus Archie, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about March 16, 2014 in Sumter County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO-ATTEMPTED MURDER

That Rodney R. Green did in Sumter on or about March 16, 2014, violate Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, in that the said Rodney R. Green did with intent to kill, attempt to kill another person, Tyrus Archie, with malice aforethought, either express or implied, by shooting Rayquann Jenkins.

**COUNT THREE-POSSESSION OF A WEAPON DURING THE COMMISSION OF A
 VIOLENT CRIME**

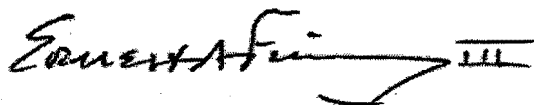
That Rodney R. Green did in Sumter County, on or about March 16, 2014, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

COUNT FOUR-POSSESSION OF A STOLEN PISTOL

That Rodney R. Green did in Sumter County, on or about March 16, 2014, knowingly buy, sell, transport, pawn, receive, or possess a stolen handgun or one from which the original serial number has been removed or obliterated, in violation of Section 16-23-0030, S.C. Code of Laws, 1976, as amended.

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

Solicitor



Honorable Daniel E. Shearouse, Clerk of Court
The Supreme Court of South Carolina
Post office Box 11330
Columbia, S.C. 29211

1105

Date: 2-2-25

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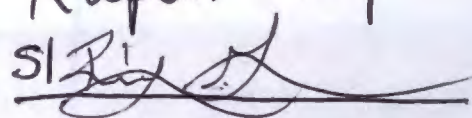
FEB 18 2025

S.C. SUPREME COURT

Re: Legal case

Dear Mr. Shearouse:

I am writing you in accordance with Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E. 2d 395 and Rule 71.1(g) SCRPC all applicant has a right to Appellate Counsel's assistance in seeking review of the denial of (PCR) Post-Conviction Relief. Mr. Shearouse I am requesting information on my current pending appeal. I need to know who is my Appellate Counsel and what issues has been raised in my behalf. I do have some very important issues that I would like to present and secure for the appropriate appellate review. I truly thank you for your time and assistance.

Respectfully


Subscribed and Sworn To Before me
this 11th day of February 2025.

Cathrine A. Emerson (LS)
Notary Public

My Commission Expires: 1-22-2029
CC:

MR. Rodney R. Green #335829
 Kershaw C.I. HC-216
 4848 Goldmine Hwy.
 Kershaw, S.C. 29067

RECEIVED

FEB 18 2025

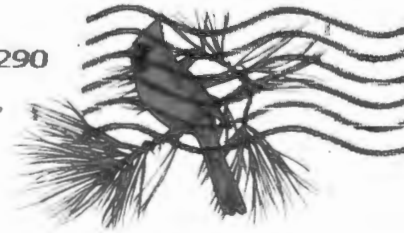
S.C. SUPREME COURT

SCC
 Christmas
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29211-133030

COLUMBIA SC 290

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FOREVER USA

Honorable Daniel E. Shearouse
 Clerk of Court
 The Supreme Court of S.C.
 Post office Box 11330
 Columbia, S.C. 29211



RECEIVED**Mar 11 2025****S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions

The Honorable R. Kirk Griffin, Circuit Court Judge, Third Judicial Circuit

Case No.: 2025-000277

Rodney R. Green #335829 Respondent

V.

State of South Carolina.....Appellant

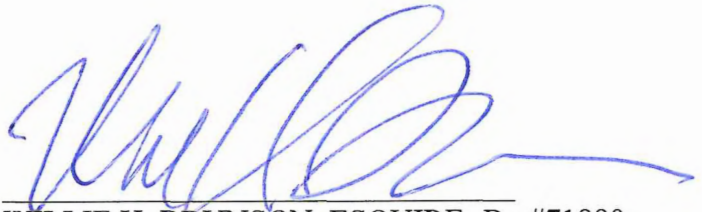
NOTICE OF MOTION AND MOTION TO FILE NOTICE OF APPEAL OUT OF TIME

TO: THE HONORABLE PATRICIA A. HOWARD CLERK OF COURT:

YOU WILL PLEASE TAKE NOTICE that Willie H. Brunson, Esquire, counsel for the Respondent, will move before this Honorable Court as soon as this matter can be heard for an Order to file the notice of appeal out of time in the above matter.

The Court is advised that the Respondent, Rodney R. Green appeals his PCR ruling. The dismissal was imposed by the Honorable R. Kirk Griffin on March 20, 2024. This appeal is taken from the order of the Honorable R. Kirk Griffin, on March 20, 2024, which denied Respondent's application for post-conviction relief and new trial. A copy of this Order was mailed to the Respondent on March 22, 2024. Willie H. Brunson, Esquire filed the Notice Of Appeal with the Sumter County Clerk's Office

on April 16, 2024; however the notice was not filed with this Court. Willie H. Brunson, Esquire was advised that Respondent would retain counsel to file the appeal. Respondent didn't retain counsel and this appeal was never filed. This failure to file was a mistake through miscommunication and we are now petitioning the Court to allow the Respondent to file the Notice of Appeal out of time.



WILLIE H. BRUNSON, ESQUIRE Bar#71990
THE BRUNSON LAW FIRM, LLC
425 NORTH MAIN STREET
P.O. BOX 1507
SUMTER, SOUTH CAROLINA 29151
803-774-3444
ATTORNEY FOR DEFENDANT

Sumter, South Carolina
March 7, 2025

The Supreme Court of South Carolina

Rodney R. Green, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2025-000277

ORDER

Petitioner's consent motion to file the notice of appeal out of time is granted.

FOR THE COURT

BY

Patricia A. Howard

CLERK

Columbia, South Carolina
March 14, 2025

cc: Willie H. Brunson
Zachary William Jones