

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

MAR 25 2026

APPEAL FROM SPARTANBURG COUNTY  
GENERAL SESSIONS COURT

SC Court of Appeals

HONORABLE J. MARK HAYES, Circuit Court Judge

GARY LAMONT PETTY . . . . . Appellant

V.

THE STATE OF SOUTH CAROLINA . . . . . Respondent

APPEAL

OTHER COUNSEL:

The Honorable Amy Cox  
Spartanburg Co. Clerk of Court  
180 Magnolia St.  
Spartanburg, S.C. 29306

GARY LAMONT PETTY  
PETTY CORR. INST.  
430 OAKLAWN RD.  
PETREE, S.C. 29669

This 24th day of MARCH, 2026

The Honorable Barry Brenette  
Solicitor, Seventh Judicial Circuit  
180 Magnolia, ST.  
Spartanburg Co. Court House  
Spartanburg, S.C. 29306

# The South Carolina Court of Appeals

Gary Lamont Petty, Petitioner,

v.

The State of South Carolina

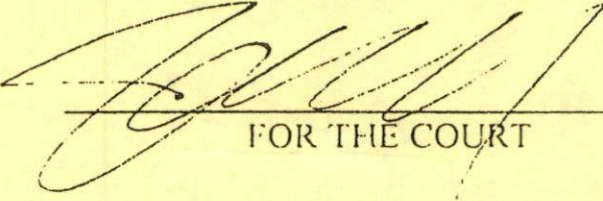
Appellate Case No. 2025-001324

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## ORDER

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This appeal arises out of a letter from a circuit judge declining to rule on motions that were improperly filed with the circuit court. From our review of the public index, there is not a final order reviewable on appeal. Accordingly, this appeal is dismissed. *See* S.C. Code Ann. § 14-3-330 (2007). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 29 2025**

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cc:

Barry Joe Barnette, Esquire  
Mark Reynolds Farthing, Esquire  
Wanda H. Carter, Esquire  
Gary L. Petty, 264235

(7 of 9)

## STATEMENT of ISSUE on appeal

- I. Did the trial Court Abuse its discretion in not granting a hearing on Rule 29(b) juror misconduct motion for a new trial.
- II. Incomplete transcript
- III. Did the trial Court abuse its discretion in not granting a hearing on Rule 29(b) (CINA) motion for a new trial.

## STATEMENT of CASE

Appellant, Gary Lambert Perry, was convicted to a life sentence after a jury trial in the month of February 7-10, 2000, by a Judge and Jury.

## Argument

- I. The trial Court abused its discretion in not granting a hearing on Rule 29(b) juror misconduct motion.
- II. Due to an incomplete transcript the Court of Appeals was not able to review the entire case record during Appellant's direct appeal.
- III. The trial Court abused its discretion in not granting a hearing on Rule 29(b) CINA motion for a new trial.

ATTN: Clerk of Court

Please find enclosed appellant's Amendment  
to the evidence in support of his Juror  
Voir dire misconduct motion, to be served on  
THE STATE,

Thank you,

Gary Lamont Petty  
Petty Corr. Inst.  
430 OAKMAN Rd.  
Petzer, S.C. 29669

This 9<sup>th</sup> day of July, 2025

I. The trial Court Abused its discretion by not holding an Evidentiary hearing on Juror Voir dire misconduct motion, where a prima facie showing had been made for further inquiry.

On page two of the Judges letter (L.7-11) enclosed <sup>Attachment</sup> (pg. 10-11) The Court stated that due to the nature and existence of the (Jury) information it was available at the time of trial or at least 12 months afterwards; and that the affidavit appellant filed contained inadmissible hearsay statement from appellant's cousin (Juror # 137)

With this stated the trial Court alleges that appellant should have seen his cousin during trial and made a motion from reasonable diligence or within 12 months afterwards.

Pursuant to Rule 29(b) which states: New trial motions based upon after discovered evidence must be made within a year of discovery or after when the evidence should have been discovered with reasonable diligence.

Appellant asserts that the trial Court's opinion is correct in stating that the Jury information should have been available previously, however the trial Court failed to consider any of the appellant's stated reasons for not having recognized his cousin during trial.

## Reasonable Diligence Defense (Requirement for late evidence)

AS STATED IN APPELLANT'S INITIAL MOTION, THE JURORS HAD TO HAVE BEEN DISQUALIFIED DURING TRIAL BECAUSE OTHER FAMILY MEMBERS ALSO DO NOT RECALL SEEING ANY ONE THEY RECOGNIZED ON THE JURY.

APPELLANT CONTENDS THAT PROOF HE HAD RECOGNIZED THE BIASED JURORS WOULD HAVE BEEN FROM AN IMMEDIATE MOTION MADE OR JUROR BEING BROUGHT TO THE COUNSEL OR COURT'S ATTENTION AFTER THE GUILTY VERDICT.

APPELLANT ASSERTS THAT HE WAS OBLIGATED BY LAW TO HAVE BROUGHT DISQUALIFIED JURORS TO THE ATTENTION OF COUNSEL'S OR THE COURT'S HAD HE SEEN AND RECOGNIZED A JUROR; HOWEVER, APPELLANT CONTENDS THAT IT WAS NOT HIS OBLIGATION TO HAVE SEEN OR TO HAVE BEEN LOOKING FOR BIASED JURORS (FIRST TIME JURY TRIAL, NO KNOWLEDGE OF THE PROCEEDING) AS IT WAS FOR THE SELECTION/SCREENING PROCESS OF THE COURT TO ENSURE THAT APPELLANT WAS MADE AWARE OF THE JURORS NAMES AND IDENTITY.

FURTHERMORE, APPELLANT'S AFFIDAVIT MENTIONED BY THE TRIAL COURT STATED WHAT APPELLANT'S COUSIN (JUROR #137) HAD STATED TO OVER THE PHONE, THAT THE NAME ON THE JURY LIST WAS HER, THAT JUROR #144 WAS OUR TRAILER PARK NEIGHBOR (WHEN WE LIVED TOGETHER WITH JUROR'S MOM) AND THE REASON SHE HAD NOT ANSWERED THE JUDGE'S QUESTION DURING VOIR DIRE WAS BECAUSE, "THAT LADY TOLD US TO NOT SAY ANYTHING OR WE WOULD BE HELD IN CONTEMPT OF COURT."

This STATEMENT FROM Juror #137 supports Appellant's Assumption AS TO why he had NOT recognized the biased Jurors during TRIAL; THE STATEMENT indicates that the Clerk (or solicitor) KNEW that [FOR SOME REASON] the defendant would NOT have BEEN ABLE TO recognize the disqualified Jurors, and that the only way they could be exposed would have been by the Jurors truthfully answering the Judges VOIR DIRE questions.

Appellant AGREES with the trial Court in stating that the AFFIDAVIT WAS A HEARSAY STATEMENT; HOWEVER, Appellant contends that he WAS NOT requesting that the AFFIDAVIT be admitted INTO EVIDENCE and had only submitted the AFFIDAVIT to show that he had learned of the information FROM the Juror ON the DATE it WAS FILE STAMPED, and TO MAKE A PRIMA FACIE showing TO the Court that further inquiry should be made by conducting A hearing with SUBPOENA MADE FOR JURORS, SCAC PHONE RECORDS and OTHER EVIDENCE TO be PRESENTED.

Also STATED in Appellant's initial motion WAS THE REASON THE Juror information could NOT be AVAILABLE during trial OR within 12 MONTHS AFTERWARDS: TRIAL TRANSCRIPT pages 12-21c (Jury qualifications)

THE trial Court had NOT conducted A proper SCREENING PROCESS AS it had STATED would be done (TR pg. 12-14) (by calling out THE Juror's NAMES to have the Juror stand in front of the Court Room TO be ~~presented~~ <sup>selected</sup> OR REJECTED (L 4-7);

There had been NO selection/screening process with the defendant present, (TR. pg. 12-26);

There had been NO Jury list provided to the state or the defense;

The two Juror(s) had failed to answer the Judge's voir dire questions truthfully, TR. pg. 14, L. 9-12 (when asked if anyone was related ~~by~~ the defendant by blood or marriage (NO RESPONSE), related to my mom (NO RESPONSE) (TR. pg. 15, L. 21-24), whether any Juror had prior knowledge or knew of any reason why they should not serve on the Jury TR. pg. 24, L. 1-5; 6-9; 10-13; L. 14-17, 18-21)

Appellant asserts that he had made the initial motion based upon Juror misconduct at the first instance after receiving the Jury list for the first time in 2010. Any time prior to that Appellant had been deprived of the opportunity to have any knowledge of the biased Jurors; wherefore the delay in filing the motion (late evidence discovery) should be justified and a hearing held by the trial court.

Even before the biased Jurors had made it to the Jury pool or on the Jury it was the trial court's duty to screen potential Jurors for bias as stated in Gulledge, 277 S.C. 368, (sole duty of the court to screen Jurors to ensure every Juror is unbiased, fair and impartial); and Crattlebaum, 223 S.C. 384, (it is the duty of the trial court to ascertain the qualifications of the Jurors and when the discharge of this responsibility is thwarted by mischance

OR OTHERWISE, it is within the Courts inherent power to remedy the situation when brought to its attention.

Appellant WAS NOT NEGLIGENT in failing to learn of the Jurors during trial, Appellant WAS Just deprived of the opportunity to BE MADE AWARE of the Jurors due to the misconducts of the Court, Clerk (Solicitor), Jurors and defense Counsel.

The trial Court has no evidentiary support for its opinion and Conclusion, and without further inquiry into the allegations stated by Appellant the trial Court has committed an error of law.

## II. Incomplete trial transcript

Appellant would also like to bring to the Courts attention that due to there being no selection/screening process conducted, no Juror list or voir dire form inside the transcript and the Jurors' failure to answer voir dire questions truthfully, this honorable Court was denied the opportunity to, and had not conducted an adequate initial case record review during direct appeal of Appellant's case as the transcript was not complete.

III. Did the trial Court abuse its discretion by not granting a hearing on Rule 29(b) CWA motion for a new trial.

The basis of this motion was ~~appellant~~ receiving the STATES CWA evidence item submission form years after the Bodys result report. see attachment #2, (pg. 12)

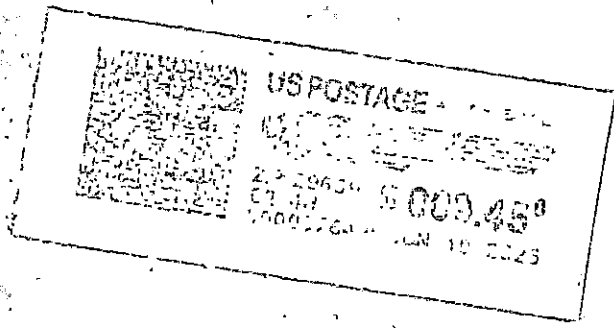
### REASONABLE DILIGENCE DEFENSE (REQUIREMENT FOR LATE EVIDENCE)

Appellant asserts that a new trial should be granted based on the submission form showing that the state had not submitted for the CWA retest, its trial stated CWA evidence item (suspected semen) source of conviction, which indicates that the trial stated evidence was false.

As reasonable diligence would require this motion had been made within 12 months of receiving the Bodys result report in 2017, as appellant had stated in the initial motion (and attempted PCR amendment) that he had not received the submission form until 4/21/21, also discovered inside a states PCR dismissal for PCR application 2019-CP-42-04184. Appellant made the motion for a new trial on 8/9/21, within the statute of limitations for Rule 29(b) motions based upon after discovered evidence.

The Judges letter states only a portion of what the complete Bodys result report states, as the complete Bodys result report states: (2) CCC-1666-0364-E01 is consistent with a female contributor and will be used as victim reference sample, (3) The CWA profile obtained from sperm fraction of sample

by Lamont Petty, # 264235/ Q3(b) 224  
Clerk, Inst.  
130 Oaklawn Rd.  
Spartanburg, S.C. 29669



ATTN: GENERAL SESSIONS MOTIONS  
The Honorable Amy W. Cox  
Spartanburg Co. Clerk of Court  
180 Magnolia St.  
Spartanburg, S.C. 29306

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JUN 19 2025  
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is consistent with a mixture of two individuals including a male major contributor, ATTACHMENT 3: 4, (pg. 13-14)

Although the sled result report state a vaginal swab had also matched, there was actually no initial vaginal swab submitted as a case dna evidence item, as the alleged victim's testimony and medical documentation indicates there was no penetration nor signs of forced penile penetration, to the vagina.

The Bales result report stating that the sample was consistent with a female contributor and would be used as the victim reference sample, indicates that the female contributor was not the alleged case victim; a mixture of two individuals indicates penile penetration to the vagina, and with the vaginal swab there should have been a major female contributor.

However, stated on the submission form there is a vaginal swab [without serology screening to determine substance] no suspected semen submitted (source of conviction) and a panty item; these items submitted for the dna retest were not from the actual case.

The same dna analyst (Nancy Skelton) whom presented the false dna evidence during trial, came to Perry Correctional and intentionally misrepresented herself to appellant in 2016 to collect the cheek swab for the dna retest; appellant had made a personal affidavit of these facts.

The testing that the judge states was accomplished in 2017 produced results from false case items (substituted) submitted, as appellant asserts that a hearing and additional testing will prove:

- The items submitted were illegally collected in 2016 at the time appellants cheek swab had been collected;
- The alleged vaginal swab is a mislabeled saliva swab;

(BOPIS)

# The South Carolina Court of Appeals

Gary Lamont Petty, Petitioner,

v.

The State of South Carolina

Appellate Case No. 2025-001324

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## ORDER

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This appeal arises out of a letter from a circuit judge declining to rule on motions that were improperly filed with the circuit court. From our review of the public index, there is not a final order reviewable on appeal. Accordingly, this appeal is dismissed. *See* S.C. Code Ann. § 14-3-330 (2007). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 29 2025**

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cc:

Barry Joe Barnette, Esquire  
Mark Reynolds Farthing, Esquire  
Wanda H. Carter, Esquire  
Gary L. Petty, 264235

- VAGINA SWAB IS A MISLABELED SALIVA SWAB THAT WAS CONTAMINATED BY THE STEEL ANALYST OR AN \*SCDC EMPLOYEE.

THERE WAS NO DNA EVIDENCE TO CORROBORATE COERCED STATEMENTS AND CONVICT APPELLANT DURING TRIAL. AT A HEARING APPELLANT CAN PROVE FACTS STATED ARE NOT SPECULATIVE OR FALSE.

### Conclusion

DUE TO THE TRIAL COURT'S ABUSE OF DISCRETION SHOWN, APPELLANT RESPECTFULLY REQUEST THAT THIS HONORABLE COURT REVERSE AND REMAND HIS MOTIONS BACK TO THE HONORABLE TRIAL COURT FOR HEARINGS TO BE HELD.

Respectfully Submitted,

Gray Lamont Petty  
Petey Cole, Just.  
430 OAKMAN ED.  
PETREE, S.C. 29169

# The South Carolina Court of Appeals

Gary Lamont Petty, Petitioner,

v.

The State of South Carolina

Appellate Case No. 2025-001324

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## ORDER

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After careful consideration of the petition for rehearing, return, and reply, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. The letter Petitioner sought to appeal was not a final order as it simply refused to grant a hearing on Petitioner's purported motions and did not finally decide the matter in the circuit court. Accordingly, the petition for rehearing is denied.

*Stephanie P. McDonald*

\_\_\_\_\_  
J.

*3L L J*

\_\_\_\_\_  
J.

*[Signature]*

\_\_\_\_\_  
J.

Columbia, South Carolina

cc:  
Mark Reynolds Farthing, Esquire  
Gary L. Petty, 264235

**FILED**  
**Jan 21 2026**

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The STATE of South Carolina  
IN the COURT of APPEALS

APPEAL FROM Spartanburg County  
General Sessions Court

HONORABLE J. MARK HAYES, Circuit Court Judge

GARY LAMONT PERRY . . . . . Appellant

v.

STATE of South Carolina . . . . . Respondent

CERTIFICATE OF SERVICE

I, GARY LAMONT PERRY, Certify that I have filed and served a copy of the appeal with the clerk and upon each party, by depositing a copy in the U.S. mail per paid postage, addressed to:

Clerk of Court, Spbg. Co.  
Amy Cox, Clerk  
180 Magnolia St.  
Spbg., S.C. 29306

Barry Bennett,  
Solicitor, Seventh Judicial Cir.  
180 Magnolia Street  
Spbg., S.C. 29306

Gary L. Perry  
Gary Lamont Perry  
Perry Coll. Inst.  
430 Oaklawn Rd.  
Aitree, SC 29669

This 24th day of March, 2016

## Conclusion

Appellant should be granted a hearing on his application requesting DNA testing from the state, or the relief the court deem appropriate,

Respectfully Submitted,

Gary Lamont Petty  
Petty Core Trust  
430 Oakham Rd.  
Petzer, S.C. 29669

PAGE TWO  
 GARY LAMONT PETTY, #264235  
 JUNE 6, 2025

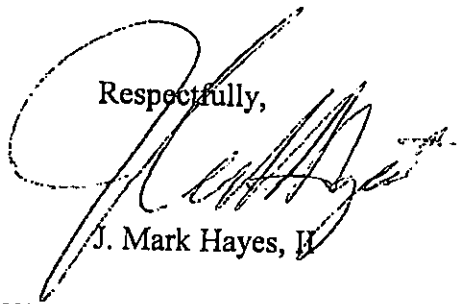
The new motions, in my opinion, are not properly filed and/or do not contain the required substantive claims to necessitate the scheduling of additional hearings by the circuit court. Expressed in more legal terms, a prima facie showing has not been made to justify conducting a hearing. Having reviewed the materials, these new motions, on their face, do not meet the standard for conducting a SCCrimR 29(b) review. Viewing the issues you raised in a manner most favorably to you, these issues, if true, should have been raised in your previous filings. Statute of limitations is a problem for you. Additionally, even though you assert you did not know of this information (jury information) until recently, the nature and existence of the information was available at the time of your trial, or at least within 12 months afterwards. Additionally, the affidavit filed is your own affidavit and contains inadmissible hearsay statements from your cousin. Additionally, your assertion through a Rule 29(b) motion of third party guilty of another man convicted of similar crimes that occurred during the same time as the ones you were convicted is, again, untimely, based upon inadmissible information—newspaper accounts—and is, at best, speculative—especially given the DNA information previously obtained. Again, no prima facie showing. Also, the issue of needing an actual “injury” to support a burglary conviction is not support in law.

The above is a brief summary of my reasons for instructing the Clerk of Court that no hearing will be needed on the motions you have filed.

Even though my decisions are not favorable and no hearing will be conducted, I understand these issues are important to you. Thus, I, again, encourage you to seek legal advice with an attorney. Please share this letter with them and your prior filings.

I wish you only the best.

Respectfully,



J. Mark Hayes, II

CC: The Honorable Amy Cox  
 Spartanburg County Clerk of Court  
 Spartanburg County Courthouse  
 180 Magnolia Street  
 Spartanburg, South Carolina 29306

CC: The Honorable Barry Barnette  
 Solicitor, Seventh Judicial Circuit  
 Spartanburg County Courthouse  
 180 Magnolia Street  
 Spartanburg, South Carolina 29306

JMH/smw



State of South Carolina  
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II  
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR  
SPARTANBURG, SOUTH CAROLINA 29306  
TELEPHONE: (864) 562-4144  
FAX: (864) 562-4142  
E-MAIL: mhayesj@sccourts.org

June 6, 2025

Gary Lamont Petty, #264235  
Perry Correctional Institute  
430 Oaklawn Road  
Pelzer, South Carolina 29669

Re: 1999-GS-42-02357 to 59

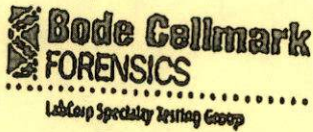
Dear Mr. Petty:

The motions you filed with the Spartanburg County Clerk of Court's Office over the past year were forwarded to me to review. They were sent to me in my capacity as the Seventh Circuit Chief Administrative Judge for General Sessions matters.

After reviewing the numerous motions and filings, please be advised that, by copy of this letter to the Spartanburg Clerk of Court, I am instructing the Clerk to not schedule any of the motions for a hearing.

I write to you to advise you of my instructions in the event you desire to seek additional judicial review before other courts. If you wish to appeal my decision, please do so in a timely manner. I also wished you to have this letter so that you can also share it with the lawyer of your choice. My belief is that any lay person benefits from receiving independent legal advice—especially matters that are important as the ones you raise in these motions. I realize in the past you were represented by Joseph McCulloch of the Palmetto Innocence Project and William Yarborough of the Greenville Bar when you raised issues related to DNA. Mr. McCulloch and Mr. Yarborough should be considered by you as appropriate legal resources to share the content of this letter and advise you of your rights. These two lawyers are just my suggestions, please consult with whichever lawyer you feel best serves you.

As reflected in the materials, you received a life sentence to a Burglary First Degree and a 30-year sentence on a Criminal Sexual Conduct charge (the 5-year sentence for grand larceny has expired because of the time you have served). Since the time you were sentenced, you and your lawyers have filed numerous actions in circuit court and other courts challenging various aspects of your case. A review of the records indicates that you have been unsuccessful with your challenges. It does appear that additional DNA testing was accomplished in 2017. This DNA report indicated the following; "the major component DNA profile matches the DNA profile obtained from sample CCC 1666-0364-R03 (Gary Petty)".



# Case Submission Form

Bode Cellmark Forensics  
 10430 Furnace Rd. Ste 107  
 Lorton, VA 22079  
 Phone: 866-263-3443  
 Fax: 703-646-9741  
 bode.service@bodecell.com  
 www.bodecell.com

Bode Cellmark Case Number (To be filled out by Lab):

Submitting Agency Reference Case Number: SLED Lab Case No. 19B-12831

In order to process your case efficiently, this form must be filled out entirely and submitted either along with the evidence or directly to Technical Services. Prior to submitting a case, please call Technical Services at 703-646-9740 x787 or toll free at 866-263-3443 x787.

Evidence Items*	Please check the appropriate boxes for desired testing. Serology is the screening of items for specific biological material.	Permission to Consume (if necessary)
Item 1.7: Sealed converted Barn described as vaginal swab <small>Note: Descriptions may be restricted in Chain of Custody and Report. <input type="checkbox"/> Check here if any samples were collected in the state of New York.</small>	Serology Testing: <input type="checkbox"/> Blood <input type="checkbox"/> Semen <input type="checkbox"/> Saliva <input type="checkbox"/> Hair DNA Testing: <input checked="" type="checkbox"/> STR <input checked="" type="checkbox"/> miniSTR <input checked="" type="checkbox"/> Y-STR <input type="checkbox"/> mtDNA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Item 1.10: Sealed converted item described as suspected semen	Serology Testing: <input type="checkbox"/> Blood <input type="checkbox"/> Semen <input type="checkbox"/> Saliva <input type="checkbox"/> Hair DNA Testing: <input type="checkbox"/> STR <input type="checkbox"/> miniSTR <input type="checkbox"/> Y-STR <input type="checkbox"/> mtDNA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Item 1.14: Sealed item containing panties with possible semen	Serology Testing: <input type="checkbox"/> Blood <input type="checkbox"/> Semen <input type="checkbox"/> Saliva <input type="checkbox"/> Hair DNA Testing: <input checked="" type="checkbox"/> STR <input checked="" type="checkbox"/> miniSTR <input checked="" type="checkbox"/> Y-STR <input type="checkbox"/> mtDNA	<input type="checkbox"/> Yes <input type="checkbox"/> No
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\* When submitting extracts, the associated reagent blanks must also be included. Please be sure to include the following information: Total human quant, Total Y quant, volume extract remaining and reagent blank names associated with samples.

(6 of 45) 13/15

255



10430 Furnace Road, Suite 107  
Lorton, VA 22079  
Phone: 703-646-9740

**Forensic Case Report**  
**February 8, 2017**

**To:**  
Joseph McCulloch  
Palmetto Innocence Project  
1513 Hampton Street  
Columbia, SC 29201

**Bode Cellmark Case #:** CCC1666-0364  
**Agency Case #:** L98-12831

William G. Yarborough, III  
Law Office of William G. Yarborough  
522 North Church St.  
Greenville, SC 29601

**Victim:** Brenda K. Bishop  
**Subject:** Gary Petty

**List of evidence received on November 22, 2016 for possible DNA analysis:**

<u>Bode Cellmark Sample Name</u>	<u>Agency Sample ID</u>	<u>Agency Description</u>
CCC1666-0364-E01	1.7	Vaginal Swabs
CCC1666-0364-E02	1.10	Suspected Semen Swabs
CCC1666-0364-R03	Not Listed	Known Standards from Gary Petty

**STR Processing, Results, Conclusions, and Statistics:**

The evidence was processed for DNA typing using the Applied Biosystems AmpFLSTR® Identifiler® Plus kit.

1. A DNA profile was obtained from sample CCC1666-0364-R03 (Gary Petty).
2. The DNA profile obtained from the epithelial fraction (EF) of sample CCC1666-0364-E01 is consistent with a female contributor and will be used as the victim reference sample (Brenda K. Bishop).
3. The DNA profile obtained from the sperm fraction (SF) of sample CCC1666-0364-E01 is consistent with a mixture of two individuals including a major male contributor (Male 1) and alleles consistent with the victim.

This major component DNA profile matches the DNA profile obtained from sample CCC1666-0364-R03 (Gary Petty).

The probability of randomly selecting an unrelated individual with this DNA profile at 15 of 15 loci tested is approximately:

- 1 in 580 quintillion in the US Caucasian population
- 1 in 1.3 quintillion in the US African American population
- 1 in 71 quintillion in the US Hispanic population

14 of 15  
19  
90/90

Bode Cellmark Case #: CCC166 364  
Agency Case #: L98-12831

Date: February 8, 2017

**STR Processing, Results, Conclusions, and Statistics:**

- 4. The partial DNA profile obtained from the sperm fraction (SF) of sample CCC1666-0364-E02 is consistent with a male contributor (Male 1).

This DNA profile matches the DNA profile obtained from sample CCC1666-0364-R03 (Gary Petty).

The probability of randomly selecting an unrelated individual with this DNA profile at 13 of 15 loci tested is approximately:

- 1 in 1.3 quadrillion in the US Caucasian population
- 1 in 1.4 trillion in the US African American population
- 1 in 90 trillion in the US Hispanic population

The following loci were not used in the statistical calculation due to no results being obtained: D5S818 and FGA.

- 5. A partial DNA profile was obtained from the epithelial fraction (EF) of sample CCC1666-0364-E02. Due to the limited data obtained, no conclusions can be made on this partial profile.

See Table 1 for summary of alleles reported for each sample.

**Notes:**

- 1. Testing performed for this case is in compliance with accredited procedures under the laboratory's ISO/IEC 17025 accreditation issued by ASCLD/LAB. Refer to certificate and scope of accreditation for certificate number ALI-231-T.
- 2. The DNA profiles reported in this case were determined by procedures that have been validated according to the standards established in the FBI's Quality Assurance Standards for Forensic DNA Testing Laboratories.
- 3. Any reference to body fluids in evidence descriptions are based on the written descriptions of the samples by the submitting agency.
- 4. The DNA extracts and submitted evidence will be returned to the Spartanburg County Clerk of Court.

Report submitted by,

*Christina H. Nash*

Christina H. Nash, MSFS  
DNA Analyst II

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MAR 25 2026

SC Court of Appeals

ATTENTION HONORABLE CLERK :

WHEN TIME PERMITS WILL YOU PLEASE  
RETURN ME A FILE STAMPED COPY OF  
THE ENCLOSED APPEAL pg. 1-15 (4 ATTACHMENTS)  
(SUPPLEMENTAL COPIES)

Thank you very much,

BARRY LAMONT PERRY #264225

PERRY COAL INST.

4130 OAKLEIGH RD.

PETRAE, S.C. 29169

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JUL 29 2025  
SC Court of Appeals

# The South Carolina Court of Appeals

Gary Lamont Petty, Petitioner,

v.

The State of South Carolina

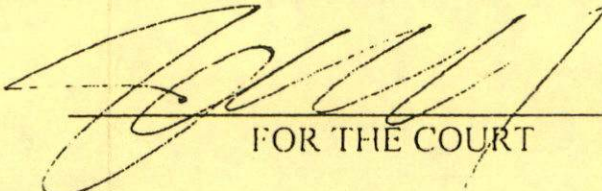
Appellate Case No. 2025-001324

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## ORDER

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This appeal arises out of a letter from a circuit judge declining to rule on motions that were improperly filed with the circuit court. From our review of the public index, there is not a final order reviewable on appeal. Accordingly, this appeal is dismissed. *See* S.C. Code Ann. § 14-3-330 (2007). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 29 2025**

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cc:

Barry Joe Barnette, Esquire  
Mark Reynolds Farthing, Esquire  
Wanda H. Carter, Esquire  
Gary L. Petty, 264235

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### Authority

Gulledge, 277 S.C. 368

Quattlebaum, 223 S.C. 384

### Standard of REVIEW

Rule 29(b) recrim, motion for a new trial based upon  
After discovered evidence.

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ATTN: Honorable General Sessions Clerk

When time permits will you please  
RETURN ME A FILE STAMPED COPY OF  
THE ENCLOSED AMENDMENT TO MY  
RULE 29(b) MOTION FOR A NEW TRIAL

Thank you MA'AM,

GARY LAMONT PETTY  
Petty Cook Just.  
430 OAKMAN RD.  
FELZEC, S.C. 29669

This 17<sup>th</sup> day of April, 2024

(2e of 45)

GARY Lamont Petty #264235/B-X1

Penny Corr. INST

430 OAKLAWN Rd.

Pelzer, SC 29669

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MAR 24 2026

PCI MAILROOM

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MAR 25 2026

SC Court of Appeals

Jenny Abbott Kithings,  
Clerk SC. Court of Appeals  
1220 SENATE Street  
Columbia, SC. 29201