

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

ROBERT DAVID SMITH, JR
Petitioner,

v.

THE STATE OF SOUTH CAROLINA;
Respondent.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

AMENDED APPLICATION

RECEIVED

MAY 20 2026

S.C. SUPREME COURT

CASE # 2019-CP-23-4401

This matter comes before the Court by way of application of Post-Conviction relief filed by Robert Smith on May 8, 2026, alleging ineffective assistance of trial and appellate counsel, prosecutorial misconduct due to Brady violations, ineffective Assistance of Counsel, Ineffective Assistance of Appellate Counsel, Police Misconduct. A return was made on January 30, 2020. This application is intended to incorporate the prior allegations of Fifth, Sixth, Eighth and Fourteenth Amendment violations of the Constitution of the United States & Art. 1 Sec. 3, 10, & 14 of the South Carolina Constitution and add the allegations of:

1. Failure to obtain Experts to Assist the Defense
2. Failure to subpoena nurse Serena Brown
3. Failure to Investigate
4. Ineffective Assistance Counsel for failing to move to quash the indictment
5. Investigate the grand jury proceedings;
6. Failure to Review Discovery
7. Failure to motion for a Pre-trial Conference
8. Failure to Challenge Chain of Custody
9. Failure to Inform of the essential elements of the crime
9. Ineffective assistance of trial counsel for failing to object to investigator's bolterings comment that it was not very common

that 'it was not very common to recover weapons in violent crimes' and

10. Due Process violations stemming from to irregularities in the grand jury proceedings,

11. Failure to file a Gatekeeper Hearing

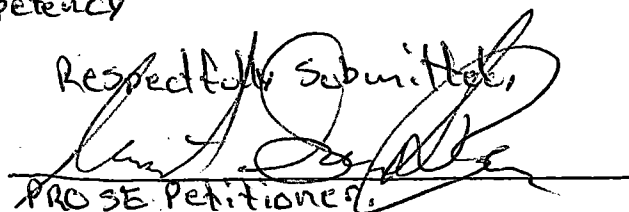
12. Failure to file the motion to strike is ineffective assistance of Counsel

13. Failure to suppress Evidence

14. Failure to impeach a witness

15. Failure to Establish Competency

Respectfully Submitted,



PRO SE Petitioner,

Tyger River Correctional Inst
200 Prison Road

Enoree, South Carolina 29335

Greenville, South Carolina

This 8 day of May, 2020

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Robert Davis Smith, Jr
PETITIONER.

AFFIDAVIT OF SERVICE BY MAIL

2019-CP-23-04401

v.

STATE OF SOUTH CAROLINA
RESPONDENT

- 1) I am a inmate in the South Carolina Department of Correctional at Tvaer River Correctional Inst, in the above - captioned Action.
- 2) Regular communication by mail exists throughout the state of south Carolina and this is a proper Circumstances of service by mail.
- 3) I have this day served a copy of the "Memorandum" on the captioned matter on the following person by depositing the same in the United States mail with proper postage affixed thereto:

Tvaer River Correctional Inst
Unit 6 / Room 11-B South Side
200 Prison Road
Enoree, South Carolina 29335

Att: Honorable Judge Ws. Howard (Clerk of Court)

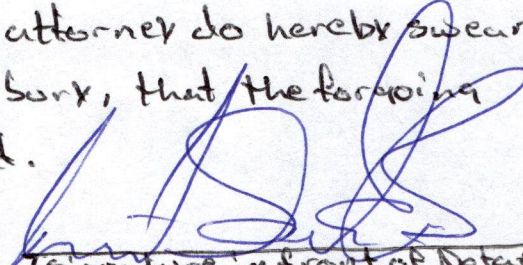

PRO SE PETITIONER

This 8 day of May, 2026.

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) SS: AFFIRMATION

I, the undersigned, Prose attorney do hereby swear or affirm under the penalty of perjury, that the foregoing statements are true and correct.

Dated: May 8, 2026


(Signature in front of Notary)

Robert D. Smith, Jr.
(Print name)

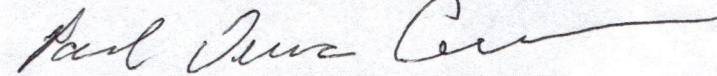
Doc # 285136

200 Prison Road
(Mailing address)

Evree, SC 29335
(City, State) (Zip)

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE) SS: NOTARIZATION

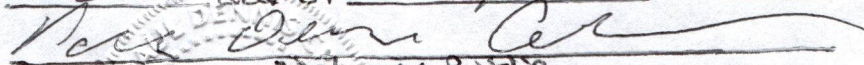
SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the above state and County, on this 8 day of MAY, 2026.


Notary - Signature

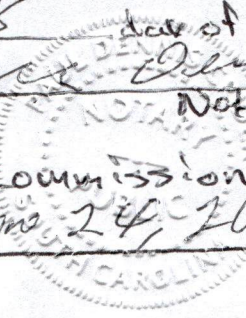
PAUL DENNIS CRIDER
Notary - Print Name

SPARTANBURG
County of Residence

SWORN or affirmed to subscribed before me this 8 day of MAY, 2026.


Notary Public

MY Commission Expires
JAN 24, 2035



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

ROBERT DAVIS SMITH, JR.,
APPLICANT,

VS.

THE STATE OF SOUTH CAROLINA,
Respondent,

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE No.: 2019-CP-23-04401

SUPPLEMENTAL GROUNDS FOR
POST-CONVICTION RELIEF

APPLICANT THROUGH HIS UNSIGNED PRO SE, RESPECTFULLY REQUEST THAT THIS COURT GRANT HIM POST-CONVICTION RELIEF. IN ADDITION TO THE GROUNDS FOR RELIEF LISTED IN THE APPLICANT AND THESE GROUNDS THAT ARE RAISED AT THE HEARING PURSUANT TO RULE 15(b), SCRPC, APPLICANT ASKS THE COURT TO CONSIDER THE FOLLOWING ADDITIONAL GROUNDS:

GROUND A. GREENVILLE COUNTY SOLICITOR DID COMMITTED PROCEDURAL ERROR BY UNLAWFULLY IMPENDING ITS GRAND JURY OUTSIDE THE SCOPE OF THE STATUTE OF S.C. CODE ANN. § 14-5-790 (1).

Supporting Facts Argument

APPLICANT ALLEGES THAT SOLICITORS UNLAWFULLY IMPANELED ITS GRAND JURY OUTSIDE THE JURISDICTION OF THE COURT OF GENERAL SESSION, AND THEN WILLFULLY PRINTED AND PUBLISHED FALSE AND MISLEADING INFORMATION IN ITS -

RECEIVED

MAY 20 2026

S.C. SUPREME COURT

indictment in order to keep secret its violations of state of it law.

Applicant further alleges that the plain and unambiguous language of § 14-5-790 (i), which provides:

Terms of Court in thirteenth Circuits.
THE Courts of the thirteenth Judicial Circuit shall be held as hereinafter provided.

sec. (i) The Court of general sessions for the County shall be held at Greenville on the second Monday in January for two weeks, the second Monday in March for two weeks, the ~~first~~ 1st Monday in August for two weeks, the fourth Monday in October for two weeks and the Monday in December for one week.

Applicant also alleges that the mandatory language was the word shall in the statute created a liberty interest. Applicant alleges that the solicitor did deprive Applicant of a liberty interest. Further, in order to understand the means of any statute or phrase of law, it is necessary to determine the meaning of the language as it is used in the procedures context in the statute; Robinson v. Shell Oil Complex 117 S.C.G. 843, 846 (1997). Article 12 section 2 utilizes the words, shall provide, IN this context, shall is mandatory. Applicant further alleges that S.C. Code Ann. section 17-7-230 and S.C. Code Ann. section 17-13-150 require that the prosecution fulfill and see that all the duties, requirements, and rules of Criminal Procedure related to the process are adhered and completed within the Court.

With this legal frame work in place the Applicant further contends, that South Carolina general assembly did not make any provision in the statute for a term of Court for "April" nor any other months outside scope of the statute. Applicant further alleges that "April" was not mentioned in statute 14-5-790(d).

IN THIS case the Applicant indictment reads as follows:
As a Court of General sessions, Convened on April, the Grand Jurors of Greenville County present upon their oath:

In State v. Adams, 501, the Supreme Court enunciated the predical over test, it is perspicuous that all the indictment was outside the scope of the statute. Applicant further alleges that if the Legislature had inbeded "April" or any other months intended statute to Apply to Certain procedure, it could have done so by including such languages.

Applicant further alleges that one additional piece of evidence very clearly settle the matter of state's case condition. The information seth forth in the indictment, also establishes that no special term of the Court of general sessions was Convene convene on April or any other months under the provisions of either section 14-5-410, section 14-5-910, or section 14-5-920.

Applicant also alleges that Rule 77(c). SCRPC Reads as follows:

Section (e) Cancellers on orders Terms of Court no term of Court shall be cancelled nor additional term scheduled without the Prior approval of the Chief Justice, when the local bar requests that a week of Common Pleas Court be not held, or the Solicitor requests that a week of general sessions Court be not held, the Clerk of shall immediately notify the Court Administration of this state

Applicant alleges that solicitor failed to adhere to s.c. Code Ann. § 14-5-70(d) and Rule 77(c), the mandatory language was the word "shall" in Rule 77(c) SCRPC Created a liberty interest. Applicant also alleges that solicitor did deprive him of a liberty interest.

The matter presented abused for review is not a challenge to the Court's general grant of authority to hear and determine cases. That authority is visually granted by our Constitution, State v. Gentry, 363, S.C. 93, 66 S.E. 2d 464 (2005), and will not be at issue here.

The statute's failure to comply with procedural requirements of the state statute constituted fundamental process violation which resulted in a miscarriage of justice, see Haley v. Darsey, 580 F.2d 112, 113 (4th Cir. 1978). The determination of legislature intent is a matter of law. Charleston County park and recreation Comm's v Summers, 319 S.C. 69, 459 S.E. 2d 841 (1995). In United States v. Daniel, 659 F.2d 272 (4th Cir. 1973). This Court sitting en banc, has left no room for doubt as to the Law -

in this circuit concerns measurements of a Constitutionally
casseded indictment. If a statute language in plain and
unambiguous and convey a clear and definite means, there
is no occasion for employing rules for interpreting rules of
statute interpretation and the Court has no right for
interpretations of look for or impose another meaning
where terms of the statute are in 14-5-796 (i), the Court

most apply those terms accordingly to legal means, posha W.
State Election Comm'n, 317 S.C. 474 S.E. 2d 890 (1995).

Applicant further alleges that S.C. Supreme Court has set
forth a precedent for term of Court in South Caroling. This
case is controlled by Ex parte Lilly, 7 S.C. 372, 1876 WL 5977
and State v. Henderson, 134 S.E. 344, 434 S.E. 363 C.S.C. 19267,
supreme of South Caroling ruled in Ex parte Lilly in 1876 where
the term of Court as fixed by law, and binding authority upon
the solicitor. Applicant further alleges that solicitor abused
delegated discretionary authority by having getted arbitrarly Cap
sought, or not in accordance with law. It is also important
to not that the whole proceeding of solicitor was without
authority of law and void, see Ex parte DeHay, 3 S.C. 524, 1872
WL 4660 S.C.

Citing State v. Cassett, 117 S.C. 76, 108 S.E. 290 S.C. 1921, the power
to call a special term of the Court of Common Pleas and general
sessions, Confessed on the Chief Justice of the Supreme Court on
the presiding Associate Justice by Code C.V. Proc, 1912 § 33 see
Code 1949 § 677,-

92ND C.V. Code 1972, § 3840 (see Code 1942, § 442, is questionable under the provisions of Const. A.C. 586, directing the General Assembly to provide by law to the competency appointment of a person learned in the law to hold either special or regular terms of the Circuit Courts.

Wherefore, the Applicant, respectfully request that this Court grant him post-conviction relief as a matter of law.

Robert Smith Jr
Respectfully Submitted

Sworn or affirmed to and subscribed before on this,
7th, day of April, 2020

[Signature]
NOTARY PUBLIC

My Commission Expires: My Commission Expires July 27, 2026
~~THE~~ TIME 11:27 AM

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

ROBERT DAVIS SMITH, JR.,
Applicant,

v.

STATE OF SOUTH CAROLINA
RESPONDENT.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2019-CP-23-04401
CERTIFICATE OF SERVICE

_____, THE Applicant Herein do hereby certify that a copy of the supplemental counts for post-conviction relief has been served upon the State of South Carolina by placing affixed there and copy in the United States mail prepaid with significant postage attached thereto, and addressed to:

ALAN WILSON, Attorney General
P.O. Box 11549
Columbia, S.C. 29501

Robert Smith Jr.

TAYLOR SMITH, Asst. AG
P.O. Box 11549
Columbia, S.C. 29501

THIS, 7 DAY OF April, 2020.
TIME 11:30 AM.

South Carolina Court Administration
1220 Senate Street, Suite 200
Columbia, South Carolina 29201-3739

Hasler

FIRST-CLASS MAIL

09/27/2019

US POSTAGE

\$00.65⁹



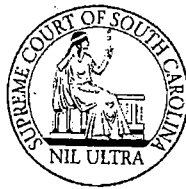
ZIP 29201
011D12602824

RECEIVED

SEP 30 2019

BRCI
MAILROOM

Robert Davis Smith, #285136
Moultrie 1036 R-Side
Broad River Correctional Institute
4460 Broad River Road
Columbia, SC 29210



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

September 24, 2019

Robert Davis Smith, #285136
Moultrie 1036 R-Side
Broad River Correctional Institute
4460 Broad River Road
Columbia, SC 29210

Re: Your correspondence received September 23, 2019

Dear Mr. Smith:

As requested, we have enclosed a copy of the terms of circuit court for Greenville County for the month of April, 2014.

We have also enclosed a copy of the Chief Justice's Order concerning the cost for copies and mailing. Please be advised that should you request any additional information from this office, you will be charged per the enclosed order.

All terms of court dating back to 2002 are available on our public website at <http://www.sccourts.org/calendar/scmapping.cfm>. If you are unable to access this information yourself, you may wish to have someone do so on your behalf. We are returning the paperwork you sent to us as it is not something we need.

Sincerely,

Judge Scheduling/tg
SC Court Administration

Enclosures

Terms of Circuit and Family Court
March 2014

Circuit Number	3/3/2014	3/10/2014	3/17/2014	3/24/2014	3/31/2014
<u>13</u>	<p>Common Pleas/Common Pleas Nonjury Greenville Hayes, John C.</p> <p><u>JOHNSON</u> 3 am, 4 am <u>NO CR NEEDED</u> 5, 6, 7</p> <p>Common Pleas Non-Jury Miller, Edward</p> <p><u>NO CR NEEDED</u></p> <p>General Sessions Greenville Pyle, C.</p> <p><u>JENKINS</u> 3 <u>HISKELL</u> 4, 5 am <u>NO CR NEEDED</u> 6, 7</p> <p>General Sessions Greenville Stilwell, Robin</p> <p><u>HERRON</u></p> <p>General Sessions Greenville Welmaker, G.</p> <p><u>HANKS</u></p> <p>General Sessions Non-Jury</p>	<p>General Sessions Greenville Alford, Lee</p> <p><u>NO CR NEEDED</u> 10 <u>JENKINS</u> 11 <u>JOHNSON</u> 12, 13, 14</p> <p>General Sessions Greenville Macaulay, Alexander</p> <p><u>FAUCETTE</u> 10, 11, 12 <u>NO CR NEEDED</u> 13, 14</p> <p>Common Pleas/Common Pleas Nonjury Greenville Miller, Edward</p> <p><u>NELSON</u> 10, 11 am <u>NELSON</u> 12 am, 13 pm <u>NO CR NEEDED</u> 14</p> <p>General Sessions Greenville Nettles, Michael</p> <p><u>HANKS</u></p> <p>Common Pleas/Common Pleas Nonjury Greenville Verdin, Letitia</p>	<p>Common Pleas/Common Pleas Nonjury Greenville Hill, D.</p> <p><u>JENKINS</u> 17, 18 <u>NO CR NEEDED</u> 19, 20, 21</p> <p>General Sessions Pickens Miller, Edward</p> <p><u>HISKELL</u></p> <p>General Sessions Pickens Stilwell, Robin</p> <p><u>HERRON</u></p> <p>Common Pleas/Common Pleas Nonjury Greenville Verdin, Letitia</p> <p><u>JOHNSON</u></p> <p>Common Pleas Non-Jury Welmaker, G.</p> <p><u>FAUCETTE</u> 17, 18 <u>HANKS</u> 19, 20, 21</p>	<p>Common Pleas Non-Jury 27 Miller, Edward</p> <p><u>JOHNSON</u> 27</p> <p>General Sessions Non-Jury 27 Nettles, Michael</p> <p><u>DAHL</u> 27</p>	<p>General Sessions Non-Jury Miller, Edward</p> <p><u>NO CR NEEDED</u> 31 <u>HISKELL</u> 1, 2, 3 <u>NO CR NEEDED</u> 4</p> <p>Common Pleas/Common Pleas Nonjury Pickens Verdin, Letitia</p> <p><u>NO CR NEEDED</u></p> <p>Common Pleas/Common Pleas Nonjury Greenville Welmaker, G.</p> <p><u>HANKS</u></p> <p>Common Pleas Non-Jury Hill, D.</p> <p><u>JENKINS</u></p>

	Miller, Edward <u>NO CR NEEDED</u>	<u>NO CR NEEDED</u>			
	Common Pleas/Common Pleas Nonjury 6, 7 Greenville Hill, D. <u>NO CR NEEDED</u>				

Terms of Circuit and Family Court
April 2014

Circuit Number	4/7/2014	4/14/2014	4/21/2014	4/28/2014
<u>13</u>	General Sessions Greenville Barber, James <u>JENKINS</u>	General Sessions Greenville James, George <u>NO CR NEEDED</u>	Common Pleas Non-Jury/PCR Hill, D. <u>JENKINS</u>	Common Pleas Non-Jury 29 Miller, Edward <u>JENKINS 29</u>
	General Sessions Greenville Hayes, John C. <u>NELSON</u>	General Sessions Greenville McIntosh, R. <u>HANKS 14</u> <u>HARDY 15</u>	Common Pleas/Common Pleas Nonjury Greenville Miller, Edward	General Sessions Non-Jury 30 Welmaker, G. <u>HANKS 30</u>
	General Sessions Greenville Miller, Edward <u>HUDGINS</u>	<u>JOHNSON 16, 17, 18</u> General Sessions Greenville Stilwell, Robin	<u>HERRON</u> Common Pleas Greenville Pyle, C.	
	Common Pleas Greenville Pyle, C. <u>JOHNSON</u>	<u>HERRON 14, 15, 16, 17</u> <u>NO CR NEEDED 18</u>	<u>NO CR NEEDED</u> General Sessions Pickens Verdin, Letitia	
	Common Pleas Non-Jury Stilwell, Robin <u>HERRON</u>	Common Pleas/Common Pleas Nonjury Greenville Welmaker, G. <u>NO CR NEEDED 14</u>	<u>JOHNSON 21 pm, 22</u> <u>FAUCETTE 23</u> <u>JOHNSON 24, 25</u>	
			General Sessions Pickens	

	Administrative Week Verdin, Letitia	HANKS 15 <u>NO CR NEEDED</u> 16, 17, 18 General Sessions/State Grand Jury 15 Pickens Welmaker, G. HANKS 15	Welmaker, G. HANKS 21, 22 am HANKS 23, 24, 25	
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2007-04-18-01

The Supreme Court of South Carolina

RE: Fees for Copying and Other Related Services

ORDER

This order establishes the fees to be charged by the Supreme Court of South Carolina and its agencies, commissions and boards (including the Division of Court Administration, the Division of Finance and Personnel, the Division of Information Technology, the Office of Disciplinary Counsel, the Commission on Lawyer Conduct and the Commission on Judicial Conduct), and by the South Carolina Court of Appeals for providing copies of documents or other related services.

(1) Copying Fee. A fee of 20 cents a page will be charged if the requestor makes the copies using a copier provided by the South Carolina Judicial Department. If the copies are made by an employee of the Judicial Department, the fee shall be 25 cents a page. The custodian of the records may require the requestor to make the copies if the requestor is from the Columbia area or if the requestor has requested a large quantity of copies.

(2) Mailing Fee. For mailing copies of documents, the following fees will be charged (in addition to any copying fee):

(a) A fee of \$0.40 for 10 pages or less.

(b) A fee of \$0.40 for each 10 pages over the first 10 pages.

(c) Any request for premium mailing such as Express or Priority Mail by the US Postal Service, or for the use of FEDEX, UPS or other provider must be paid in advance by the requestor. In addition, a fee of \$7.00 will be charged for the handling of this request.

(3) Fax Services. In addition to the cost of copying the document, a fee of \$7.00 will be charged for any request to fax a document to the requestor. Documents over 20 pages will generally not be faxed.

(4) Certified Copies. In addition to the cost of copying the document, a fee of \$1.00 a page will be charged for providing a certified copy of a document filed with the Supreme Court or Court of Appeals.

(5) Argument Tapes. A cassette tape of an oral argument before the Supreme Court or Court of Appeals may, if available, be provided for a fee of \$20.00 by the Clerk of Court.

(6) Search Fees. No fee will be charged for searching for a document or other record if the

document is located within 15 minutes. If the search requires more than 15 minutes, the requestor will be billed for the entire time at a rate of \$15.00 per hour.

All fees required by this order shall be paid in cash, or by check or money order made payable to the South Carolina Judicial Department. Further, the fees shall generally be paid in advance by the requestor. The custodian of the record may also require a deposit to be filed before searching for a record. If the request is from a corporation, partnership, law firm or other business entity, the custodian of the records may allow the requestor to be billed for the fees. If the requestor is billed and fails to pay within thirty days of the date of the bill, further requests from that requestor will not be honored until the account is paid in full. A requestor who fails to pay a bill within 60 days of the date of the bill will lose the ability to be billed for charges for a period of one year.

Any request to waive or reduce the fees provided by this order shall be decided by the custodian of the record involved. As a general rule, the fee will not be waived or reduced unless the custodian determines that furnishing the information without charge or a reduced charge would be in the public interest because furnishing the information can be considered as primarily benefiting the general public. Members of the General Assembly may receive copies of records and documents at no charge when their request relates to their legislative duties. S.C. Code Ann. §30-4-30(b) (2007).

This order is effective immediately and this order shall apply to all requests for copying or other services received on or after the date of this order.

IT IS SO ORDERED.

s/Jean H. Toal

C.J.

s/James E. Moore

J.

s/John H. Waller, Jr.

J.

s/E. C. Burnett,

III J.

s/Costa M. Pleicones

J.

Columbia, South Carolina
April 18, 2007

J M Flank #104

WITNESSES

T M Conroy

Greenville Police Department

6/18/2013

ARREST WARRANT NUMBERS

✓ 2013A2320601632 thru 2013A2320601638
Counts I thru VII

ACTION OF GRAND JURY

TRUE BILL

Ricky T. Paul

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-23-

007305

LBP

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

April

2014
TERM 2013

THE STATE

vs.

ROBERT DAVIS SMITH JR

✓ **Indictment for**

0160/0095/0079/3412/0549

**CRIMINAL SEXUAL CONDUCT FIRST DEGREE,
KIDNAPPING, BURGLARY FIRST DEGREE,
ASSAULT AND BATTERY FIRST DEGREE,
POSSESSION OF A WEAPON DURING A VIOLENT
CRIME**

**VIOLATION § 16-03-0652, § 16-03-0910,
§ 16-11-0311, § 16-03-0600 and § 16-23-0490**

ENTERED
ACCT

FILED

AUG 08 2013

Clerk of Court
Greenville County

BAIL set by

Judge *Spurlock*
on *6-18-13*
Type and Amount: *No Bond*
Name of Surety:

PRELIMINARY HEARING held by

Judge
on
Defendant Attorney:
Decision:

DISPOSITION before

Judge
on
by
(indicate jury trial, bench trial, plea, nol. pros., etc.)
Disposition:
Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS



RECEIVED
JUN 21 2013
Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
**CRIMINAL SEXUAL CONDUCT FIRST DEGREE, KIDNAPPING,
BURGLARY FIRST DEGREE, ASSAULT AND BATTERY FIRST
DEGREE, POSSESSION OF A WEAPON DURING A VIOLENT
CRIME**

At a Court of General Sessions, convened on the Grand Jurors of Greenville
County present upon their oath: **APR 22 2014**

COUNT I - CRIMINAL SEXUAL CONDUCT FIRST DEGREE

That ROBERT DAVIS SMITH JR did in Greenville County, on or about the 17th day of June, 2013, engage in sexual battery, with M.F., and used aggravated force to accomplish this sexual battery. This is in violation of South Carolina Code of Laws Section 16-03-0652 of the South Carolina Code of Laws (1976) as amended.

COUNT II - KIDNAPPING

~~That ROBERT DAVIS SMITH JR did in Greenville County, on or about the 17th day of June, 2013, unlawfully seize, abduct, confine, inveigle, decoy or carry away M.F., without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.~~

COUNT III - KIDNAPPING

~~That ROBERT DAVIS SMITH JR did in Greenville County, on or about the 17th day of June, 2013, unlawfully seize, abduct, confine, inveigle, decoy or carry away E.A. without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.~~

COUNT IV - KIDNAPPING

~~That ROBERT DAVIS SMITH JR did in Greenville County, on or about the 17th day of June, 2013, unlawfully seize, abduct, confine, inveigle, decoy or carry away E.P., without the authority of law. This is in violation of §16-3-910 of the South Carolina Code of Laws (1976) as amended.~~

COUNT V -BURGLARY FIRST DEGREE

That ROBERT DAVIS SMITH JR did in Greenville County, on or about the 17th day of June 2013, willfully and unlawfully enter the dwelling of M.F. located at Regal Inn, 536 Wade Hampton Blvd. #207, Greenville, South Carolina without consent and with the intent to commit a crime therein, and the burglary was accompanied by circumstances of aggravation, to wit: defendant was armed with a deadly weapon. This is in violation of §16-11-0311 of the South Carolina Code of Laws (1976) as amended.

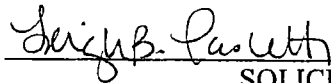
COUNT VI - ASSAULT & BATTERY FIRST DEGREE

That ROBERT DAVIS SMITH JR did in Greenville County, on or about the 17th day of June 2013 unlawfully injure M.F. and the act occurred during the commission of a burglary and/or kidnapping. This is in violation of 16-03-0600 of the South Carolina Code of Laws (1976) as amended.

COUNT VII - POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That ROBERT DAVIS SMITH JR did in Greenville County on or about the 17th day of June, 2013, possess or visibly display a box cutter during the commission or attempted commission of a violent crime, to wit: Criminal Sexual Conduct First Degree and/or Kidnapping and/or Burglary First Degree and/or Assault and Battery First Degree. This is in violation of §16-23-490 of the South Carolina 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