

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

NIKKI R. HALEY  
Governor



KELA E. THOMAS  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
[www.state.sc.us/ppp](http://www.state.sc.us/ppp)

November 20, 2013

The Honorable Jana Shealy  
Clerk, Administrative Law Court  
1205 Pendleton Street, Suite 224  
Columbia, S.C. 29201

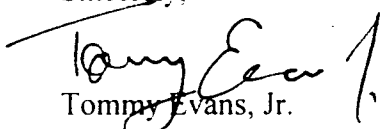
**RE: William Smith, #161838 v. S.C. Department of Probation, Parole and Pardon Services**

Dear Ms. Shealy:

Please find enclosed for filing the *Record on Appeal* dated November 20, 2013, along with proof of service in the above referenced case.

Thank you for your cooperation in this matter.

Sincerely,

  
Tommy Evans, Jr.  
Assistant General Counsel

TE:dn

Enclosures

cc: William Smith, #161838

**RECEIVED**

JAN 02 2014

**SC Court of Appeals**

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

NIKKI R. HALEY  
Governor



KELA E. THOMAS  
Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

September 4, 2013

Mr. William Smith #00161838  
Lee Correctional Institution  
990 Wisaky Hwy.  
Bishopville, SC 29010

RE: NOTICE OF REJECTION

Dear Mr. Smith:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
Indication Of Violence In This Or Previous Offense

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ray Patton, Jr.".

Larry Ray Patton, Jr.  
Director of Parole Board Support Services

9/4/2013

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

NIKKI R. HALEY  
Governor



KELA E. THOMAS  
Director

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September 20, 2013

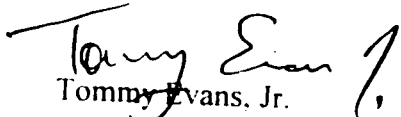
William Smith, #161838  
Lee Correctional Institution  
990 Wisacky Highway-Ches-N-1155  
Bishopville, South Carolina 29010

Dear Mr. Smith:

I am responding to your letter of September 5, 2013, in which you have asked the names of the Parole Board members and how they voted at your hearing on September 4, 2013. Please find this information below:

Norris Ashford-	Parole
Marvin Stevenson-	Parole
Karen Walto-	Reject
Orton Bellamy-	Parole
Henry Eldridge-	Reject
David Baxter -	Reject

Sincerely,

  
Tommy Evans, Jr.  
Assistant General Counsel

TE:dn

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

NIKKI R. HALEY  
Governor



KELA E. THOMAS  
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Facsimile: (803) 734-9440  
[www.dppps.sc.gov/](http://www.dppps.sc.gov/)

November 8, 2013

Mr. William Smith (#161838)  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

Dear Mr. Smith:

I am writing this letter on behalf of the SC Board of Probation, Parole and Pardon.

The Parole Board heard your request for a rehearing on November 6, 2013. After thorough consideration, and after having re-examined the parole file, the Parole Board decided that the reasons stated in your request did not affect the decision of the Parole Board, and would not affect the decision of the Parole Board if they were to rehear your case. Your request for a rehearing was denied by the Parole Board. The Board's decision is final.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry R. Patton, Jr.".

Larry R. Patton, Jr.  
Director Of Parole Board Support

LRP/eaw

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

NIKKI R. HALEY  
 Governor



KELA E. THOMAS  
 Director

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 www.state.sc.us/ppp

February 15, 2013

William Smith, #161838  
 Lee Correctional Institution -Chester- N- 1155  
 990 Wisacky Highway  
 Bishopville, South Carolina 29010

Dear Mr. Smith:

I am responding to your request of February 7, 2013, in which you have asked for the names of the Parole Board members and how they voted at your parole hearings. Please find this information below:

July 13, 2011

Mr. David Baxter-	reject
Mr. Orton Bellamy-	reject
Ms. Karen Walto-	reject
Mr. Marvin Stevenson-	reject
Mr. Alan Gardner-	reject
Mr. Norris Ashford-	reject
Dr. Beverly McAdams-	reject

May 20, 2007

James Williams	reject
Jim Gordon	reject
Karen Walto	reject
Orton Bellamy	reject
David Baxter	reject

May 16, 2007

Dwayne Green	reject
James Williams	parole
Karen Walto	reject
John Hodges	reject
Orton Bellamy	reject
Jim Gordon	reject

May 18, 2005

Orton Bellamy	reject
James Williams	reject
Jim Gordon	reject
Dwayne Green	reject
Marlene McClain	reject
John Hodges	reject

Thank you for your letter.

Sincerely,

*Tommy Evans, Jr.*  
 Tommy Evans, Jr.

Assistant General Counsel  
 TE:dn

2

CMT1330D SCDC OFFENDER MANAGEMENT SYSTEM 12/28/04  
OMCOMITA RELEASE DATE SCREEN C033602  
SCDC# > 0161838 LOC: EVANS  
SMITH, WILLIAM - SCDC CLASSIFICATION... VIOLENT

SEXUAL REGISTRY... Y  
OFFENDER TYPE... ADULT-STRAIGHT SENTENCE SEXUAL PREDATOR... NOT APP  
DNA STATUS... COMPLETED  
TOTAL SENTENCE... LIFE CONSECUTIVE SENTENCE ...  
CURRENT SENTENCE: CURRENT SENT START DATE: 09/03/1989 + 11-17-1989  
PROJECTED COMPLETION DATES  
MAXOUT DATE ..... 99/99/9999 CURRENT EWC ..  
YOA SIX YEAR DATE: CURRENT EEC ..  
INITIAL PAROLE DATE: 10/27/1998 NEXT PAROLE HEARING DATE: 03/25/2005

TOTAL GT DAYS EARNED ..... 000000 LABOR CREW/WORK PROG DATE: 99/99/9999  
TOTAL EARNED WORK CREDITS ... 000000 LABOR CREW DISQ REASON:  
TOTAL EDUCATION CREDITS .... 000000 CURRENT OR PRIOR SEX CONDUCT CONVICT  
TOTAL EXTRA EARNED CREDITS .. 000  
TOTAL SERVICE TIME EARNED ... 000000

PFKEYS: 5:HISTORY OF DATE CHANGES

4-9 1 Sess-1 167.7.50.33 TNET1176 3/11

Pull This up on Computer Please

<http://sword.doc.state.sc.us/incarceratedInmateSearch/incarcerated>

Judge (RET)  
Luke N Brown JR  
P.O. Box 879  
Ridgeland, SC 29936-0878  
843 726-8972

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS**

\*\*\* **INMATE CORRESPONDENCE** \*\*\*

NOV 10 2011

**TO:** Inmate William Smith SCDC #161838  
**INSTITUTION:** Lee Correctional Institution  
**FROM:** Sakinah S. Mack, Inmate Records Office  
**SUBJECT:** ***SEX OFFENDER REGISTER REMOVAL***  
**CASE #:** **89-GS-34-559**  
**DATE:** November 9, 2011

You were charged with Kidnapping from Marlboro County and sentenced to Life. According to SLED, the documents received in Inmate Records Office from were sufficient to remove you from sex offender registry status.

After reviewing your record, the South Carolina Department of Corrections, Office of Inmate Records, has removed you from the sex offender registry status.

SI Sakinah S. Mack  
Sakinah S. Mack

cc: Central Records  
cc: Institution  
cc: Inmate

**RECEIVED**

JAN 02 2014

**SC Court of Appeals**

pg. 50  
missing  
PK

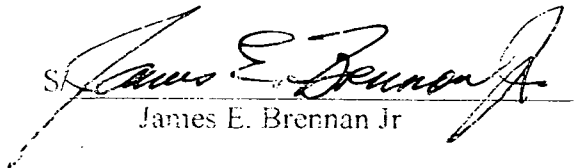
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DIVISION OF CLASSIFICATION AND INMATE RECORDS

INMATE CORRESPONDENCE

INMATE: William Smith  
INSTITUTION: Evans CI  
SCDC#: 161838  
FROM: James E. Brennan Jr, Supervisor, Document Processing Section  
Inmate Records Office  
SUBJECT: Correspondence  
DATE: 2-19-04

- |                                     |                     |                          |             |
|-------------------------------------|---------------------|--------------------------|-------------|
| <input type="checkbox"/>            | Probation Violation | <input type="checkbox"/> | Jailtime    |
| <input type="checkbox"/>            | Time/Sentence       | <input type="checkbox"/> | Detainers   |
| <input type="checkbox"/>            | Parole              | <input type="checkbox"/> | Max-Out     |
| <input type="checkbox"/>            | 85%                 | <input type="checkbox"/> | Expungement |
| <input checked="" type="checkbox"/> | Other               |                          |             |

First, disciplinary convictions are not removed after 10 years. Second, you do not have a victim witness. Any concerns you have about parole should be addressed with that state agency.

  
James E. Brennan Jr

cc: Central Record  
Casemanager

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

MARK SANFORD  
*Governor*



ROBERT M. STEWART  
*Chief*

June 11, 2007

William R. Smith #161838  
386 Redemption Way  
McCormick, South Carolina 29899

Dear Ms. Smith:

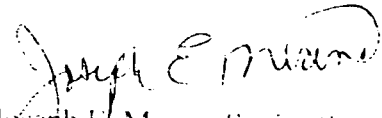
We have reviewed your South Carolina Criminal History Record and as of June 11, 2007 there is no weapons charge on your record in South Carolina.

As for your statements involving the Kidnapping case you will need to contact the arresting agency, SLED does not have this information.

You may wish to have your caseworker run an updated criminal history for your files and review.

I hope this information assists you.

Sincerely,

  
Joseph E. Means, Senior Special Agent  
Crime Information Center

cc. File #714554



SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER

TO: NAME: <i>Ms Crawford</i>	TITLE: <i>Caseworker</i>	DATE: <i>6-22-05</i>
INMATE'S NAME: <i>William Smith</i>	SCDC #: <i>161838</i>	
INSTITUTION: <i>Evan</i>	LIVING QUARTERS: <i>F3B220</i>	

I need you to look into the computer, give the following information a list of all my prison and let know if they Violent or Non-Violent and, let me, know if I have any kind weapons charge, pass or present. Please write this information out in print along with Date, what State these offense took Place at, so I can strengthing out, this problem the parole Board made a Misake, they was't looking at the information from the computer.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Thank you for your time  
good Day *William Smith*  
*161838*

DISPOSITION BY STAFF MEMBER:

*no weapons charge present  
not past*

*I/M Smith there are prios*

- 1) Dist - Intentional Child - Non - 12-14-88*
- 2) Common Law Robbery - Non - 7-4-83*
- 3) Grand Larceny - Non - 7-4-83*
- 4) Passes stolen property - Non - 5-3-83*
- 5) Attempted Baglony - Non - 1-28-83*

*No weapons charges Nor Violent just non-Violent*

DATE: <i>6-25-05</i>	SIGNATURE: <i>B. Crawford</i>
-------------------------	----------------------------------

Clerk's Office  
(843) 479-5613  
1-800-603-7179

Fax  
(843) 479-5640

Family Court  
(843) 479-5616

# William B. Funderburk

Clerk of Court, Marlboro County  
Courthouse Square, 105 Main Street  
P.O. Drawer 996  
Wenetteville, S.C. 29512

July 20, 2007

Mr. William R. Smith #161838  
386 Redemption Way  
McCormick, SC 29899

Dear Mr. Smith,

I have enclosed copies of your warrants that you requested. I pulled your files and there are no witness statements in any of those files. In looking in your files, I found several letters that you have written to the Clerk of Court in the past requesting the same information and copies of the letters that were written back to you from our office stating we did not have the witness statements in our office. I do not know where you can find the statements if the Sheriff's Office does not have them.

Sincerely,

*William B. Funderburk*

William B. Funderburk  
Marlboro County Clerk of Court

WBF/lms



# Charlie B. Usher, Jr.

Clerk of Court, Marlboro County  
P.O. Drawer 996  
Bennettsville, S. C. 29512

July 10, 1991

Mr. William R. Smith #161838  
Evans Correctional Institute  
P. O. Box 2951202  
Bennettsville, S. C. 29512

Dear Mr. Smith:

In regard to your letter of June 25, 1991, requesting copies of statements and evidence, you would need to contact the Marlboro County Sheriff's office or the Solicitor's office. We do not have this information on record in the Clerk of Court's office.

If we can be of any further assistance, please feel free to contact the office.

Sincerely,

Charlie B. Usher, Jr.  
Clerk of Court

CBUjr/amw



State of South Carolina  
Office of the Solicitor  
Fourth Judicial Circuit



Fourth Circuit Solicitor  
PO BOX 616  
110 Liberty Street  
Bennettsville, South Carolina 29512  
Tel: (843) 479 6516  
Fax: (843) 479 6519

**WILLIAM B. ROGERS, JR**  
Solicitor

February 11, 2013

Solicitor's Office, Dillon  
401 West Main Street  
PO BOX 868  
Dillon, South Carolina 29536  
Telephone (843) 774 1448  
FAX (843) 774 4448

Please Reply

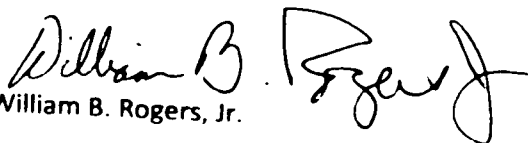
William Smith #161838  
Chesterfield North 1155  
Lee Correctional Institute  
990 Wisaky Hwy.  
Bishopville, SC 29010

RE: Additional FOIA request—State v. William Smith, 89-GS-34-559, 560

Dear Mr. Smith:

As I told you in a previous letter, we cannot locate any of the information you have requested. Since the Clerk of Court is the official record keeper for the judicial system, I suggest you contact the Marlboro County Clerk of Court. In the alternative, you may want to contact the Marlboro County Sheriffs Department since they were the investigating agency.

Yours truly,

  
William B. Rogers, Jr.

WBRJR/

A

State of South Carolina  
Office of the Solicitor  
Fourth Judicial Circuit

Fourth Circuit Solicitor  
PO BOX 616  
110 Liberty Street  
Bennettsville, South Carolina 29512  
Tel: (843) 479 6516  
Fax: (843) 479 6519



**WILLIAM B. ROGERS, JR**  
Solicitor

Solicitor's Office, Dillon  
401 West Main Street  
PO BOX 868  
Dillon, South Carolina 29536  
Telephone (843) 774 1448  
FAX (843) 774 4448

Please Reply

January 15, 2013

William Smith #161838  
Chesterfield North 1155  
Lee Correctional Institute  
990 Wisaky Hwy.  
Bishopville, SC 29010

RE: FOIA request—State v. William Smith, 89-GS-34-559, 560

Dear Mr. Smith:

This letter is in response to your letter requesting statements relating to the above referenced case. Since this case occurred almost 25 years ago, we cannot locate any of the information you have requested. I regret we are unable to provide the documents you requested.

Yours truly,

*William B. Rogers, Jr.*  
William B. Rogers, Jr.

WBRJR/

William Smith #161838  
Chesterfield North #1155  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, South Carolina  
29010-1775

OFFICE THE SOLICITOR, MARLBORO COUNTY  
FOR THE FOURTH JUDICIAL CIRCUIT  
William B. Rogers, Jr., Solcitor  
110 Liberty Street  
Post Office Box 616  
Bennettsville, South Carolina  
29512-0616

RE: SECOND FORMAL REQUEST FOR PRODUCTION OF DOCUMENTS  
State v. Smith, #1989-GS-34-559; and 560.

Dear Mr. Rogers,

Please permit this correspondence to be Requester's second request for production of documents, pursuant to the provisions of the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. §30-4-10 thru §30-4-165 (2005).

It is this Requester's position that this Solicitor's Office is a "public body", as defined within S.C. Code Ann. §30-4-20, and therefore, has fifteen (15) days, (exclusive Saturdays, Sundays and legal public holidays), in which to

consent and/or object to this FOIA request. If this public body should opt to object to any portion of this FOIA request, please provide, in writing, a correspondence specifically stating the reason(s) and/or justification(s) for each such objection(s). If this public body opts to consent, please specify, in an itemized billing, any cost(s) incurred by this FOIA request, such as, copying and mailing fee(s), and an individual to whom said cost(s) are to be remitted, and Requester shall make said payments. Please produce the following materials, documents and/or information:

1). Please disclose and produce any and all documents, or copies thereof, within this public body's actual and/or constructive possession, relating to or otherwise pertinent to the case of State of South Carolina v. William Smith, #1989-GS-34-559; and 560, described herein as: Arrest Warrants, Search Warrants, Affidavits of Service, Returns, confidential informant statements/identification numbers, statements, Affidavits, incident reports, supplemental incident reports, notes, witness statements, photographs, maps, plats, books, graphs, diagrams, sketches, composites, drawings, ledger pages, booking records, preliminary hearing records, transcripts, latent print cards/opinions, Miranda waivers, medical reports, EMS reports, 911 Reports, Gun Shot Residue reports, ballistic reports, witness interview notes, hand written note, investigative reports, and any other matters that relates to

the above-captioned case.

Please further note that, on December 6, 2012, Requester served upon this public body, an initial FOIA request, seeking disclosure of specific records and documents relating to a past criminal investigation. On January 15, 2013, this public body served a purported response to the initial FOIA request, stating: "Since this case occurred 25 years ago, we cannot locate any of the information you have requested." Requester finds that this response is insufficient as a justification for denial and/or objection under the prevailing standards and applicable Rules of Court. See Rule 8(d), of the South Carolina Rules of Civil Procedure, SCRPC. Such denial would a reasonable minded person to believe that these records or matters never existed. This would further place the confidence of this public body in serious jeopardy. Especially where a criminal conviction was relied with the requested matters.

Requester would place this public body upon notice that, if, this public body maintains the same position and stance; Requester shall have no other alternative but to seek intervention through the courts, via Declaratory Judgment, Writ of Mandamus, Tort Claim, and Writ of Habeas Corpus. All of these vehicles are available in circumstance, and applicable to claims alleged and the relief sought to remedy these circumstances and situations.

Requester would further take a position that, if, the requested materials cannot be produced, that this public body must, specifically, provide a denial and/or objection that provide a denial and/or objection that is consistent with prevailing standards. Requester would further maintain that the [15] days for compliance and/or denial is mandatory.

If this Requester may be of any further assistance to this public body, in these matters, please do not hesitate to contact him. Thank you for this public body's time and attention in these matters.

January 25, 2013

rds/WRS

cc: FILE  
SOLICITOR

Respectfully Submitted,

William R. Smith #161838

William Smith #161838  
Chesterfield North #1155  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, South Carolina  
29010-1775

Solicitor

John

RE: FREEDOM OF INFORMATION ACT. (FOIA) REQUEST. By William  
SMITH #161838

EAR Sir/MADAM,

THIS REQUEST IS MADE UNDER THE Freedom of Information Act. (FOIA)  
C. Code of Law § 30-4-10 seq (1978) AS amended (1987).

PLEASE SEND ME A COPY OF THE Following document: ALL STATEMENT  
MADE TO THE M.C.S.D. By the (4) STATE WITNESS IN THIS CASE. STATE VS.  
WILLIAM SMITH NO: 89-65-34-559, 560. STATEMENT MADE BY  
SHARAW MOSES

- John H. Cambell
- ROGER MURRAY
- SAMUEL H. BARKER
- Deputy Sheriff Rodney Butler Page 306

Along with a copy of ALL the STATE EVIDENCE  
That was Filed By M.C.S.D. Deputy. Rony Peller  
Page # 306.

Deputy Counsel of Record  
Jordan McBride, Esquire  
Solicitor  
Judicial Circuit  
Box 2555  
Bishopville, S.C. 29550

Please respond this Request within (15) Days of  
receipt as required by S.C. Code Ann. § 30-4-306  
Thank You in advance for assistance in this matter

George Gregory, Esquire  
Solicitor  
Judicial Circuit  
1 Chesterfield Rd  
Crawford, S.C. 29520

Sincerely

William Smith #161838  
Chesterfield North 1155  
LEE. Corner Just  
990 Wreaky Hwy  
Bishopville, S.C.  
29010

1 MR. CAIN: Yes, sir, the other people who are going  
2 to testify, I think they should be sequestered.

3 COURT: They are eyewitnesses to what, solicitor?

4 MR. GREGORY: To the picking up of this individual,  
5 driving him off, beating him up, and his making a telephone  
6 call to his mother demanding money.

7 \* MR. CAIN: Your Honor, I've had an opportunity to  
8 partially review some statements that these other witnesses  
9 gave and there may be some conflicts in their statements  
10 and I think that would be injurious to the defendant if  
11 they stay in the courtroom.

12 COURT: All right, there is no objection to the  
13 victims staying in the courtroom, but the rest of the  
14 witnesses I'd like sequestered, please.

15 MR. GREGORY: I'm going to call as my first witness  
16 Sharon Moses.

17 COURT: All right, just leave her in the courtroom,  
18 and sequester the rest of them.

19 (At 3:16 p.m., witnesses John Henry Campbell and  
20 Samuel H. Barker were excused from the courtroom and placed  
21 in sequestration, with the admonition from the court not to  
22 discuss the case prior to giving testimony.)

23 (WHEREUPON, at 3:18 p.m., the jury returned to open  
24 court.)  
25

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY  
*Governor*



MARK A. KEEL  
*Chief*

September 24, 2013

William Smith #161838  
Lee Correctional Institution  
Chesterfield North - 1155  
990 Wisacky Highway  
Bishopville, SC 29010-1775

RE: SC Freedom of Information Act Request #2013-655

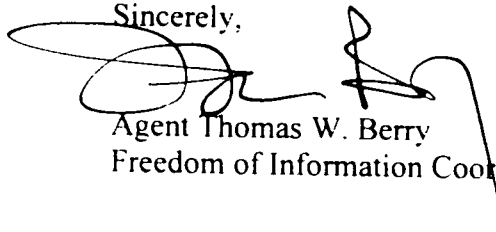
Dear Mr. Smith:

This letter is to inform you that we are processing your request, received September 24, 2013. It has been given the number SLED FOI #2013-655, which you may refer to in any further correspondence.

SLED does not have the records from Marlboro County that you seek. We refer you to the Marlboro County Sheriff's Department for those documents. We will research to determine what records SLED may have in its possession on laboratory tests.

We will be in touch with you soon regarding your request.

Sincerely,



Agent Thomas W. Berry  
Freedom of Information Coordinator



An Accredited Law Enforcement Agency.

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

Fred A. Knight  
Sheriff Marlboro County  
Courthouse Square, 105 Main Street  
P. O. Box 577  
Bennettsville, S. C. 29512

Bennettsville 843-479-5605  
Cheraw 843-537-6371

Fax 843-479-2851

February 28, 2013

William Smith #161838  
Chesterfield North 1155  
Lee Correctional Institute  
990 Wisaky Hwy.  
Bishopville, SC 29010

RE: FOIA request- State v. William Smith, 89-GS-34-559, 560

Dear Mr. Smith:

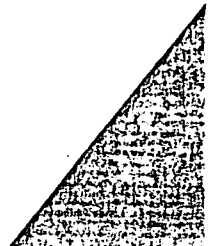
This letter is in response to your letter dated February 19, 2013. This is to inform you the documents provided in this package are the only documents in public record. This office can locate no file with your case information. If you will contact your attorney at the time of arrest for a copy of all your records for this case in question the attorney will provide.

For any future request under the FOIA there is also a fee per line item that must be paid in full before any information will be provided.

Sincerely,

Fred A. Knight  
Fred A. Knight

Sheriff



 *Frank E. Cain, Jr., P. A.*  
Attorney at Law

225 W. Market Street  
P. O. Box 592  
Bennettsville, South Carolina 29512  
843 479-2552  
Fax 843 479-2552

October 6, 2005

William Smith #161838  
Evans Correctional Institute  
610 Highway 9, West  
Bennettsville, S. C. 29512

Re: State v Williams Smith  
No. 1989-GS-34-559

Dear Mr. Smith:

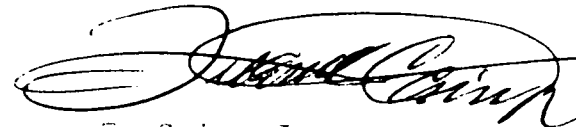
This is to acknowledge yours of September 27, 2005, requesting copies of Statement(s) you think may be in a file I have relative to your case. First I note you are talking about a case which is sixteen (16) years old and I don't remember or recall what the facts were in your case; but I assume it was a drug case based upon the content of your letter.

Unfortunately, it would take an awful lot of time to try recovering a file fifteen or sixteen years old because it has been stored away; and I don't even recall representing you. Secondly, I have no idea **what's in the file**, if I have a file on you. In any event my schedule is top heavy and I would find it very difficult allocating the time to search for the file you contend that I have; and Rodney Roller, the drug investigator mentioned in your letter died several years ago. So, I have no idea what you can do if you haven't appealed your conviction and pursued a PCR.

I am happy to know that you are still alive; and I am hopeful that you will be placed on parole in the near future so that you may return to your family.

With kind regards, I am

Very truly yours,



Frank E. Cain, Jr.

FECJR/ec

3

Frank E. Cain, Jr., P. A.

Attorney at Law

225 W. Market Street  
P. O. Box 592  
Bennettsville, South Carolina 29512  
843 479-2552  
Fax 843 479-2552

June 28, 2007

William R. Smith #F2A195  
386 Redemption Way  
McCormick, S. C. 29899

Dear Mr. Smith:

I received yours of June 19th on yesterday; and it appears that you are requesting information relative to your trial in case #89-GS-34-559 which occurred many years ago. In any event in order to obtain what you are requesting you will have to obtain a copy of the Trial Transcript which I probably don't have because I would not have a copy of the trial transcript since I did not handle an appeal on your behalf.

In any event your file has been stored away for a number of years but I will do some checking to see if there's anything I can find which may be helpful; and I will get back in touch with you if I can come up with anything!

With best wishes, I am

Very truly yours,

  
Frank E. Cain, Jr.

FECJR/ec

(8)

**FRED A. KNIGHT**  
**SHERIFF MARLBORO COUNTY**  
**COURTHOUSE SQUARE, MAIN STREET**  
**P.O. BOX 577**  
**BENNETTSVILLE, SC 29512**

BENNETTSVILLE 843-479-5605  
Cheraw 843-537-6371

FAX 843-479-2851

August 2, 2007

Mr. William R. Smith #161838  
386 Redemption Way  
McCormick, SC 29899

Dear Mr. Smith,

I have received your letter dated July 30, 2007 requesting witness statements and  
\* evidence used during your trial. Please understand that we took office January 4, 2005  
and all the old case files were already filed away in a separate part of the courthouse  
when we arrived. This office has looked through all the old case files that were left here  
\* from previous administrations and was unsuccessful in locating the information you have  
requested. I regret that we could not be of greater assistance to you.

Sincerely,



Charles Lemon  
Chief Deputy

Fred A. Knight  
Sheriff Marlboro County  
Courthouse Square, 105 Main Street  
P. O. Box 577  
Bennettsville, S. C. 29512

Bennettsville 843-479-5605  
Cheraw 843-537-6371

Fax 843-479-2851

JUNE 13, 2007

MR. WILLIAM R SMITH 161838  
386 PREDEMPTION WAY  
MCCORMICK, S.C. 29899

DEAR MR. SMITH ;

I REGRET TO INFORM YOU THAT YOU NEED TO CONTACT THE  
DEFENSE ATTORNEY THAT REPRESENTED YOU AT THE TIME AND THE  
MARLBORO COUNTY CLERK OF COURT AND THE MARLBORO COUNTY  
MAGISTRATE'S OFFICE. THEY WILL HAVE ALL OF YOUR INFORMATION  
PERTAINING TO ALL THESE CHARGES .

SINCERELY,

  
CHIEF CHARLES LEMON

1 he gets to talk to you last. So first, the solicitor will  
 2 get up and he will make his summation to you. Then the  
 3 defendant will get up and make his summation to you. Then  
 4 I will give you very short instructions on the law and you  
 5 will deliberate and reach a verdict in this case.

6 Now no one will be coming in or out of the courtroom,  
 7 there won't be any moving around in the courtroom because  
 8 I think it detracts from your ability to concentrate. As  
 9 soon as they finish their summations, then anyone can come  
 10 in or out, and then it will be kind of locked up again  
 11 when I give you very short instructions.

12 The State has elected not to proceed on one of these  
 13 charges, that is, he was charged with kidnapping and he was  
 14 charged with conspiracy to kidnap. The State has elected  
 15 to dismiss the conspiracy and proceed only on kidnapping.

16 At this time, solicitor, you may make your summation.

17 (Thereafter followed the closing statement by the  
 18 State. Due to the poor acoustics in the courtroom and the  
 19 solicitor's lack of projection and failure to speak more  
 20 directly into the microphone provided for that purpose,  
 21 it is impossible to provide the complete closing statement  
 22 in behalf of the State.

23 (There was an objection during the State's closing  
 24 as follows:)

25 MR. GREGORY: ....In this case, throughout this case,

# AFFIDAVIT

Personally appeared before me, judge of the Court, one Rodney Roller, who being duly sworn, deposes and says that William Smith (name of defendant) did within this County and State on 8/25 19 89, violate the criminal laws of the State of South Carolina [or ordinance of the municipality of \_\_\_\_\_] in the following particulars:

## DESCRIPTION OF OFFENSE

Conspiracy To Kidnap

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

In that he did enter into an agreement with a co-defendant in violation of section 16-3-910 to abduct on Roger Murrary from his home at 104 Wallace Circle and that he did at gun point take the defendant away from his home. Probable cause based on investigation by Marlboro County Sheriffs Dept. and statements from victims and co-defendnat

MARLBORO COUNTY  
CLERK OF COURT  
William B. Sumner  
TRUE COPY  
AUG 28 1989

Sworn to and Subscribed before me

This 05 day of Sept

Laurel C. Coley (L.S.)  
Signature of Issuing Judge

Address \_\_\_\_\_

Phone: 479-5620

William Smith  
Signature of Affiant

Address MOSS

Phone: 479-5607

## STATE OF SOUTH CAROLINA ARREST WARRANT

COUNTY OF Marlboro

[or MUNICIPALITY OF \_\_\_\_\_]

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

It appearing from the above affidavit that there are reasonable grounds to believe that William Smith (name of defendant) did on 8/25 19 89, violate the criminal laws of the State of South Carolina [or ordinance of the municipality of \_\_\_\_\_] as set forth below:

## DESCRIPTION OF OFFENSE

Conspiracy To Kidnap

16-3-920

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

ENTERED 9-5 1989  
BOOK Warrant PAGE 180  
NO. Knight / K420  
CHARLES E. FOLEY  
Sheriff, Marlboro County, S. C.

Done at Bennettsville, S  
on 9/5, 19 89

Laurel C. Coley (L.S.)  
Signature of Judge

X

Front  
Back

The State of South Carolina }  
COUNTY OF MARLBORO

45—INDICTMENT FOR CRIMINAL CONSPIRACY

At a Court of General Sessions, begun and holden in and for the County of MARLBORO  
in the State of South Carolina, at MARLBORO COUNTY Court House, in the County and State aforesaid,  
on the FIRST Monday of OCTOBER in the Year of our Lord one Thousand nine hundred  
and EIGHTY-NINE

The Jurors of and for the County aforesaid, in the State aforesaid upon their oath, Present:

That WILLIAM SMITH

late of the County and State aforesaid, on  
the 25TH day of AUGUST in the Year of our Lord one thousand nine  
hundred and EIGHTY-NINE with force and arms at MARLBORO COUNTY COURTHOUSE the County and  
State aforesaid, did unlawfully, wilfully, knowingly, wickedly, and feloniously unite, combine, conspire,  
confederate, agree between and among themselves and have tacit understanding with each other and with  
divers other evil-disposed persons, whose names are unknown to the Grand Jurors, for the purpose of

CONSPIRING, COMBINING AND AGREEING ALONG WITH A CO-DEFENDANT TO ABDUCT  
ONE ROGER MURRAY FROM HIS HOME AT GUN POINT.

against the form of the Statute in such case made and provided, and against the peace and dignity of the  
State.

89 NOV 21 AM 11:04  
CHARLIE B. USHER, JR.  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

FILED

*Chadon McBride* Solicitor

89-GS-31 560

WITNESSES

RODNEY ROLLER

The State of South Carolina  
COUNTY OF MARLBORO

Court of General Sessions

OCTOBER

Term 89

WILLIAM SMITH

vs.

THE STATE

INDICTMENT FOR  
CRIMINAL CONSPIRACY

VERDICT

*Guilty*

Solicitor

*Ernie Bill*

Foreman

*John C. Belcher*

Foreman of Grand Jury

1 case where he can represent himself and keep a jury out  
2 eight hours it is obvious that if he had sufficient legal  
3 help in the case -- this is a case where the victim himself  
4 testified that he wasn't kidnapped -- any preparation,  
5 whatsoever would have resulted in this charged charge,  
6 having a different disposition.

7 THE COURT: What preparation would have helped?  
8 What should somebody have done that would have helped the  
9 case?

10 MR. POWERS: Talk to someone besides the  
11 prosecuting witnesses.

12 THE COURT: Who did you want him to talk to? Tell  
13 me the name of that person.

14 MR. POWERS: I think he should have spent more time  
15 with the Defendant himself.

16 THE COURT: Finding out what? He said he didn't  
17 want to testify.

18 MR. POWERS: Finding out why he didn't want to  
19 testify, what he could do to help himself, and explain to  
20 him what his rights were.

21 THE COURT: In other words, idle away time. I  
22 can't follow that, frankly.

23 MR. POWERS: Your Honor, I think if he had spent  
24 more time to talk to the victim's mother he would have been  
25 better prepared.

1 THE COURT: When they got there from the time that  
2 they got together he said, "I want to handle my own case."

3 MR. POWERS: Your Honor, his testimony was that he  
4 made that decision once he was brought in the courtroom.

5 THE COURT: That is what he says. Here is a man  
6 that is an accomplished lawyer in whose word I have great  
7 confidence. He's got notes that he said, "I want to handle  
8 my own case." In fact, he wanted to know, "Are you good  
9 enough lawyer to handle my case?" That in itself, of  
10 course, is not dispositive of it, but it does tell us  
11 something about the kind of Defendant we were dealing with.  
12 He was going to handle it. He was going to take charge of  
13 it.

14 MR. POWERS: Indulge me one moment, Your Honor.

15 THE COURT: Certainly.

16 MR. POWERS: Your Honor, the Defendant having acted  
17 as his attorney before I think he would like to address the  
18 Court now. I ask the Court's permission to do so.

19 THE COURT: Now, he wants to appeal on the ground  
20 that his PCR lawyer wasn't competent. He said, "Let me  
21 handle this thing now. I can have it both ways." I don't  
22 mind hearing him. Go ahead. Tell me what you want to tell  
23 me.

24 MR. SMITH: I would like the record to reflect if  
25 Mr. Cain could have talked to alleged victim he would have

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF MARLBORO ) KIDNAPPING

INDICTMENT FOR  
16-3-910

At a Court of General Sessions, convened on OCTOBER 2, 1989

the Grand Jurors of MARLBORO County present upon their oath:

THAT WILLIAM SMITH DID IN MARLBORO COUNTY ON OR ABOUT AUGUST 25, 1989, UNLAWFULLY SEIZE, KIDNAP, ABDUCT AND CARRY AWAY, ROGER MURRAY, AFTER WHICH ROGER MURRAY WAS TAKEN TO A RESIDENCE IN BENNETTSVILLE AND SEVERAL PHONE CALLS WERE MADE TO MURRAY'S MOTHER FOR THE PURPOSE OF EXTORTION AND MURRAY'S MOTHER DID COMPLETE A TRANSACTION OF \$800.00 TO SECURE HER SON BACK TO HIS HOME IN VIOLATION OF SECTION 16-3-910 OF THE 1976 CODE OF LAWS OF SOUTH CAROLINA.

89 NOV 21 AM 11:04  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

FILED

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

Charles McBride  
SOLICITOR

# READ 1

1 Q What occurred before you were turned loose?

2 A Before I was turned loose?

3 Q Yes.

4 A Sammy Barker came in and gave him the money, then  
5 he counted it.

6 Q ~~Could you have left before the money got there?~~

7 A ~~Yeah, I could, but I didn't. I stayed there.~~

8 Q Why?

9 A ~~Because I owed him the money. If my mother was going~~  
10 ~~to try to get it, I was gonna sit there until she paid it~~  
11 ~~then I don't owe him any money.~~

12 Q ~~Did you know he had that pistol?~~

13 A ~~I didn't know if he still had it on him or not, but~~  
14 ~~I had seen it at first. He never showed it to me afterwards.~~

15 Q After the money was paid where did you go?

16 A Home.

17 Q ~~Have you had any difficulty with this gentleman~~  
18 ~~since? Have you had any contact with him?~~

19 A ~~No.~~

20 MR. GREGORY: Your witness.

21 CROSS-EXAMINATION BY DEFENDANT:

22 Q ~~Your name is Roger Murray?~~

23 A Yes.

24 Q This young lady, Sharon Moses, told you that somebody  
25 wanted to see you?

- 1 A. Yeah.
- 2 Q. Did she tell you who wanted to see you?
- 3 A. No.
- 4 Q. When you came outside were you by yourself?
- 5 A. I was with Sharon.
- 6 Q. What did you do when you came outside?
- 7 A. I walked over to the car.
- 8 Q. Who was in the car?
- 9 A. John Campbell, Sammy, and you.
- 10 Q. What happened when you got to the car?
- 11 A. You asked me for the money.
- 12 Q. Did I say how much money?
- 13 A. No.
- 14 Q. Did you get in the car at any time?
- 15 A. No, not then, but later.
- 16 Q. Did I pull a pistol when you got to the car?
- 17 A. When we came outside and John was out there talking  
18 to you, that's when you pulled a gun and told us to get in  
19 the car.
- 20 Q. Was it real, was it loaded, or what?
- 21 A. I don't know about that, I just know I saw a gun, the  
22 front of it, and the back of it, the handle, was like covered  
23 with a towel or something.
- 24 Q. When you got in the car where did you go?
- 25 A. Down in front of B. K's.

1 Q. When you got down to B. K.'s and stopped, did anybody  
2 stay in the car, did everybody get out of the car, or what?

3 A. Everybody got out of the car except you.

4 Q. I didn't get out of the car?

5 A. No.

6 Q. Did anybody tell you that you couldn't get out of the  
7 car?

8 A. No.

9 Q. Did anybody tell you that you can't go where you  
10 wanted to go when you got out of the car?

11 A. No.

12 Q. Did I take a walk with John Campbell?

13 A. Yeah.

14 Q. When I took a walk with John Campbell how long was it  
15 before I came back?

16 A. About 15 or 20 minutes.

17 Q. Was there anybody else there?

18 A. No.

19 Q. Was there anybody in front of B. K.'s?

20 A. Yeah, there was some people.

21 Q. If you wanted to tell somebody to make a telephone  
22 call for you couldn't you have got out of the car and made  
23 the call yourself, or couldn't you have gotten a person  
24 across the street to make a call for you?

25 A. Yeah, I could.

1 Q But you didn't?

2 A No.

3 Q When you and I took a walk we had a fight?

4 A Yeah.

5 Q Did I pull a gun on you?

6 A No.

7 Q Did I still have a gun?

8 A I didn't see one.

9 Q After me and you took a walk and had a fight and  
10 came back, what did we do?

11 A We went to B. K.'s and I made a phone call to my  
12 mother.

13 Q I talked to your mother?

14 A Yes.

15 Q How long did I talk to your mother?

16 A I don't know. No more than two minutes.

17 Q Did you hear what I said to your mother?

18 A No.

19 Q Who did the talking to your mother?

20 A Me and John, and John mostly.

21 Q Did I tell you what to say to your mother?

22 A No.

23 Q Did I tell John Campbell what to say to your mother?

24 A No.

25 Q Did I tell you to tell your mother to give me some



1 money regarding \$800.00?

2 A. No; I told her.

3 Q. But I didn't tell you what to say to your mother?

4 A. No.

5 Q. I didn't tell John Campbell what to say to your  
6 mother?

7 A. No.

8 Q. And at that time you were free to go and do what you  
9 wanted to do, or did I make you stay?


10 A. You didn't make me stay. I stayed. 

11 Q. Did I tell you not to go to the trailer with me?

12 A. No; you said you wanted me with you.

13 Q. Did I pull a gun and tell you you better go to the  
14 trailer with me?

15 A. No.

16 Q. So when you walked, you walked willingly? 

17 A. Yeah.

18 Q. When we got to this trailer did I tie you up and  
19 make you stay there?

20 A. No.

21 Q. Did I tell you you couldn't go anywhere?

22 A. No.

23 Q. Did I say, "If you leave here something is going to  
24 happen to you?"

25 A. No.

1 Q You were free to go as you pleased?  
2 A Yes. ~~Yes.~~ ~~Yes.~~ ~~Yes.~~ ~~Yes.~~  
3 Q You could have left at any given time you wanted to?  
4 A Yeah, I could.  
5 Q But you didn't?  
6 A No.  
7 DEFENDANT: Thank you.  
8 ELOISE MURRAY, BEING FIRST DULY  
9 SWORN, TESTIFIED AS FOLLOWS:  
10 DIRECT EXAMINATION BY MR. GREGORY:  
11 COURT: Tell us your full name?  
12 A Eloise Murray.  
13 Q Where do you live?  
14 A 104 Wallace Circle.  
15 Q Directing your attention to the night of August 25th  
16 of 1989, you were at home with your son for a while?  
17 A Yes.  
18 Q And that's Guy, who just testified.  
19 A Yes.  
20 Q Do you know what time he left that night?  
21 A It was around five or ten after 12:00.  
22 Q Do you know who came after him?  
23 A Sharon Moses.  
24 Q Sharon Moses, that's the lady who testified, in the  
25 yellow dress?

1 A. Yes.

2 Q. Later did you receive a telephone call?

3 A. Yes.

4 Q. Who did you receive the phone call from?

5 A. Well, Guy is the one that called.

6 Q. What did he say?

7 A. He said, "Ma, they've got me." I said, "Got you for  
8 what?" and he said, "I owe him some money." I said, "Owe  
9 who money for what?" He told me he had some drugs and  
10 that he had flushed them and he hadn't paid the money.

11 Q. Did he say how much?

12 A. He said it was \$800.00, then he told me if I could  
13 come up with \$200.00 that they'd let him go for \$200.00.

14 Q. Did he say who 'they' were?

15 A. No, not at the time.

16 Q. Then what happened?

17 A. John got on the phone and told me that if I loved my  
18 son I'd try to get---

19 COURT: John who?

20 A. John Campbell--- to get the money, and I said how  
21 much money. He said, "Well, if you can get \$200.00 we'll  
22 let him walk, but he owes \$800.00."

23 Q. Then what happened?

24 A. Me and John had some words. I asked him, "Why would  
25 you get me involved like this, calling my house?" He said,

1 "If you love your son you'll get the money. If not, they're  
2 probably gonna rough him up and hurt him."

3 Q Did he say who they were?

4 A No.

5 Q Then what happened?

6 A Then somebody else got on the phone and he said,  
7 "You have my money?" and I said, "What money?" He said,  
8 "You know what I'm talking about." I didn't know nothing,  
9 you know, about I was supposed to be holding some money.  
10 I told him I didn't know nothing about no money. He said,  
11 "I want my money, I want my money." I said, "Money for  
12 what?" He said, "I want my money." I said, "Who is this?"  
13 and he said, "She wants to know who is this," and then he  
14 said, "I want my money." Then John got on the phone.

15 Q Then what did John say?

16 A Me and him had some words, then he said if I loved  
17 my son that I would get the money, then I asked John, "Why  
18 am I involved in this?" He said, "If you love your son  
19 you'll get the money. I don't know what might happen to  
20 your son." I told him to give me until 10:00 o'clock and  
21 meet me. But I couldn't make it at 10:00 because it took  
22 me a little time to get the money, and then I went to the  
23 post office and---

24 Q You went to the post office at about what time?

25 A It was about 10:30, I guess.

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Q. What happened at the post office?

A. I made a telephone call.

Q. Was it a local call?

A. Yes.

Q. Why didn't you call from your house?

A. I wasn't at home. I had come down town to get the money, and instead of walking over---

Q. How much money did you get?

A. Eight hundred and something dollars.

Q. Where did you get the money?

A. From Transouth.

Q. Then what did you do with the money?

A. I went to the bank and cashed the check, then made a phone call to my son. I told my son to go to Park's Galaxy and tell John to meet me, that I had the money.

Q. He went, and they got there. When he got there I told him I had the money and I wanted to see my son. He told me I couldn't go, so I said, "Take my baby with you."

Q. Who is your baby?

A. Phillip Murray.

Q. And you gave the money to your son?

A. Yes, I gave the money to my son, and he was to take it to whoever had my son Guy.

Q. Had you ever seen William Smith before?

A. I had never seen him before in my life. \*



1 Q. Did you hear him talk?


2 A. I heard someone on the phone. I really couldn't say  
 3 who was on the other end, but it sounds like him.

4 Q. The person talking with you on the telephone that  
 5 morning, did he say what his name was?

6 A. No. I asked who was it, because I thought maybe  
 7 somebody was playing a joke on me.


8 Q. What was the reply?

9 A. He said to someone, "She wants to know who this  
 10 is."

11 Q. The person you were then talking to said to someone  
 12 else, "She wants to know who this is?" 

13 A. Yes.

14 MR. GREGORY: Your witness.

15 CROSS-EXAMINATION BY DEFENDANT: 

16 Q. Have I ever met you before?

17 A. No.

18 Q. Your name is Eloise Murray?

19 A. Yes.

20 Q. Have you ever talked to me before?

21 A. I talked with someone who sounded like you.

22 Q. So you wouldn't know if the person you were talking  
 23 with on the phone was me or somebody else?

24 A. I don't know, but it sounded like you.

25 Q. The person on the phone, did he say how much money?

1 A. I don't remember, but he said, "Have you got my  
2 money? Your son said you've got my money, \$200.00," and  
3 I think I said, "How much money do he owe?"

4 Q. The person who talked to you on the phone said  
5 \$200.00. If that person said \$200.00, why would you pay  
6 that person, or any person, \$800.00?

7 A. Because I feared for my son's life, and I felt like  
8 if I gave \$200.00 this week, next week it would have been  
9 \$200.00 all over again.

10 Q. Did the person who talked to you say that if you  
11 didn't pay the money that any harm would come to your son?

12 A. I don't remember. Who are you speaking of--you, or  
13 whoever? I don't remember.

14 Q. It wasn't me.

15 A. I don't remember.

16 MR. GREGORY: Your Honor, I object to his response.

17 COURT: Just disregard, "It wasn't me." He'll have  
18 a chance to testify if he wants to. Just ask the questions.

19 Q. When your son talked to you did he ever say that if  
20 you didn't pay the money that some harm would come to him?

21 A. When he called he said, "Ma, they've got me." I  
22 said, "Guy, why can't you come home?" He said, "Ma,  
23 you've got to get some money."

24 Q. So he told you to get the money?

25 A. Yes.

1 Q At that time did you ever notify the authorities  
2 that your son was---

3 A No, I didn't. I was gonna go, but my baby begged me  
4 not to go.

5 Q After you gave up the money did you ever go to the  
6 authorities?

7 A No.

8 Q Did you ever report your son taken at any time to  
9 the authorities?

10 A No.

11 Q What about any time in September?

12 A No.

13 Q Did you ever report to the authorities that money  
14 was given for your son? \*

15 A Did I report it? No. \*

16 Q You don't know who you gave the money to?

17 A Not really.

18 Q Did your son ever tell you who the money was given  
19 to when he got home?

20 A My baby son, no, he never said.

21 Q What about your son who is sitting here? \*

22 A No; in fact, I never asked him. \*

23 Q Did anybody ever come to you after that and say that  
24 any physical harm would come to you because of your son?

25 A No, nobody came to me.

1 Q So nobody never said anything to harm you or your son,  
2 nor gave you any indication?  
3

4 A No.

5 Q Did John Campbell ever give you any indication that  
6 he was the one that wanted the money?

7 A No.

8 Q Did John Campbell ever say that your son was held  
9 against his will?

10 A I don't remember him saying that. All he said was,  
11 "If you love your son, Weezy, you'll get the money," It  
12 was not, "He might get killed."

13 Q What made you give up \$800.00 instead of \$200.00?

14 A I love my son, and I feel like that in the drug world,  
15 if you give up \$200.00 one week, another week comes and  
16 you're gonna have to give up more money; so that's why I  
17 gave up the \$800.00, to be rid of it.

18 DEFENDANT: Thank you.

19 MR. GREGORY: Your Honor, if we could have about  
20 five minutes, please?

21 COURT: All right, let's take about five minutes.  
22 Let me know when you're ready to go back to work. We'll  
23 be ready whenever you are, Mr. Foreman. You may retire to  
24 your room.

25 (At 4:28 p.m., the jury was excused for recess, re-  
turning to open court at 4:43 p.m.)

1 were people that got in a car at one location and from  
2 that location they went to another location. This was  
3 after midnight. I think the transcript before the  
4 Court reflects all that.

5 Q Right. After you met with Mr. Smith in the jail you  
6 later went back and got the Solicitor's file?

7 A Yes, ma'am.

8 Q Did you ever negotiate a plea bargain for Mr. Smith?

9 A Yes, ma'am. Mr. Roller, who was the chief State  
10 witness in this case---

11 Q I believe you are reading notes?

12 A Some notes. And I brought the transcript. Mr. Roller  
13 conferred with me on different occasions and then, of  
14 course, two Assistant Solicitors actually talked to  
15 me. Mr. George Gregory, Jr. is carried as the State  
16 prosecuting attorney, but I believe at some point  
17 during the various conferences I also talked to Mr.  
18 Greg Ohanesian. In any event, since I had three  
19 ~~\*~~ charges pending against Mr. Smith, they agreed to  
20 negotiate a plea bargain on indictment 89-558 for  
21 possession of cocaine. They were going to nol-pros  
22 the kidnapping and conspiracy to kidnap. And my  
23 recollection is that Mr. Ohanesian said that.  
24 Actually, I was talking for the most part with the  
25 chief prosecuting witness who was Mr. Rodney Roller.

\*

# AFFIDAVIT

Personally appeared before me, judge of the Court, one Rodney Roller who being duly sworn, deposes and says that William Smith (name of defendant) did within this County and State on 9/3/89 19     , violate the criminal laws of the State of South Carolina [or ordinance of the municipality of     ] in the following particulars:

## DESCRIPTION OF OFFENSE

Simple Possession of Cocaine

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

After received information the Marlboro County Sheriffs Department, stopped the vehicle that Smith was riding in on Jennings Street. The information gave probable cause that SMith had drugs on his person. The vehicle was searched after consent was received by the driver and a section of straw was test to be positive for cocaine. Smith along with the other passengers denied ownership of the same

Sworn to and Subscribed before me,

This 5 day of Sept, 19 89

[Signature] (L.S.)  
Signature of Issuing Judge

Address     

Phone: 479-5620

[Signature]  
Signature of Affiant

Address MCSO

Phone: 775607

## STATE OF SOUTH CAROLINA **ARREST WARRANT** CERTIFIED TRUE COPY

COUNTY OF Marlboro

[or MUNICIPALITY OF     ]

William B. Zundorck

CLERK OF COURT  
MARLBORO COUNTY

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

It appearing from the above affidavit that there are reasonable grounds to believe that William Smith (name of defendant) did on 9/3/89 19     , violate the criminal laws of the State of South Carolina [or ordinance of the municipality of     ] as set forth below:

## DESCRIPTION OF OFFENSE

of  
Simple Possession ~~KA~~ Cocaine

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

ENTERED 9-5 1989

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NO. Knight (KY20)

CHARLES E. FOLEY

Sheriff, Marlboro

Done at Bennettsville S.  
on 9/5/89, 19     

[Signature] (L.S.)  
Signature of Judge

FORM CONTINUES ON BACK

1 He was the drug enforcement officer for the Sheriff's  
2 Department. 186

3 THE COURT: Mr. Cain, she just asked if there had  
4 been some discussion about a plea. What was it?

5 WITNESS: The plea was if Mr. Smith would plead  
6 guilty to possession of cocaine they would nol-pros the  
7 other charges and they would recommend 12 years.

8 BY MS. NESBITT:

9 Q Okay. I believe Mr. Cain you were appoint to this  
10 case too late to request a preliminary hearing.

11 THE COURT: Possession of cocaine doesn't carry 12  
12 years. They couldn't give him 12 years.

13 WITNESS: I am thinking that was the one. Maybe it  
14 was crack cocaine which carried a higher sentence. But I  
15 am thinking that was---

16 THE COURT: If he was charged with possession with  
17 intent you are up in that area. Simple possession it  
18 wouldn't have been.

19 WITNESS: Possession of crack cocaine with intent  
20 to distribute.

21 MR. POWERS: Not to interrupt, Counsel. The  
22 warrant says simple possession of cocaine.

23 MS. NESBITT: It is in the Court's records.

24 THE COURT: Okay.

25 BY MS. NESBITT:

1 COURT: Do you have any objection, Mr. Smith?

2 DEFENDANT: No, sir.

3 COURT: Mr. Bailiff, just knock on the door and give  
4 that juror the information. Tell him if there's anything  
5 we can do about getting his medicine to him we'll be glad  
6 to do it for him.

7 Any exceptions or additions from the State?

8 MR. GREGORY: None from the State, Your Honor.

9 COURT: Defense?

10 MR. CAIN: No, sir, Your Honor.

11 (At 6:40 p.m., the jury returned to open court to  
12 report its verdict.)

13 CLERK: Mr. Foreman, have you reached a verdict?

14 FOREMAN: Yes, we have.

15 COURT: Publish the verdict.

16 CLERK: Indictment No. 89-GS-34-559, The State v.  
17 William Smith, indictment for kidnaping. Verdict, Not  
18 Guilty----

19 FOREMAN: No--

20 CLERK: The verdict is guilty.

21 COURT: Poll that jury, please.

22 (WHEREUPON, the jury was polled. Each responded  
23 affirmatively.)

24 COURT: Anything before I discharge the jury, from  
25 the State?

Both  
Side

1 MR. GREGORY: Nothing from the State, Your Honor.

2 COURT: From the defense?

3 MR. CAIN: Your Honor, we will have some motions.

4 COURT: I'll hear your motions later.

5 MR. CAIN: Nothing at this time, Your Honor.

6 (WHEREUPON, the jury was excused from further ser-  
7 vice.)

8 MR. CAIN: Your Honor, as you are aware, you asked  
9 me to sit with this defendant, and I want to present this  
10 motion for him.

11 COURT: Yes, sir. I'll let both present it, if he  
12 would like.

13 MR. CAIN: Your Honor, at this time I'd like to go  
14 on the record in behalf of this defendant, who is an indi-  
15 gent, that we respectfully move for a directed verdict not-  
16 withstanding the jury verdict on the ground that the evi-  
17 dence most favorable to the State in this case does not  
18 really support the charge that the victim in this case was  
19 actually ever oppressed or prevented from having freedom  
20 to go where he pleased. In other words, we take the po-  
21 sition that the crime of kidnapping never really occurred.

22 COURT: Anything further?

23 DEFENDANT: Due to the fact that ncbody signed a  
24 warrant, that the State took it out, I would like to say  
25 that---