

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

AUG 10 2026

SC Court of Appeals

certiorari to Georgetown County
Honorable Roger M. Young, Circuit Court Judge

JODY LYNN WARD, PETITIONER,

- VS -

STATE OF SOUTH CAROLINA, RESPONDENTS

Appellate case No. 2025-001703

PETITIONER'S PRO-SE BRIEF TO
JOHNSON PETITION FOR WRIT OF
CERTIORARI / Memorandum

Jody Lynn Ward, #300644
Tyger River Ct, 44-5A^{#11}
200 Prison Rd.

ENOKE, S.C. 29335

petitioner Pro-se

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OBJECTION TO APPELLATE COUNSEL BEING RELIEVED AS COUNSEL AND request that Court Order's further Briefing due to Fraud upon the Court by officer of the Court <u>see</u> ; IN Re Genesys Data Techs INC. <u>supra</u> , <u>Chenning vs. Ford Motor</u> <u>Com. Inc. supra</u> ; <u>Hazel-Atlas Glass Co. vs. Hartford-Empire</u> <u>Co., supra</u>	1-2
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ISSUES PRESENTED

- 1.) Did the Court abuse its Discretion By Ordering Hearings on D.N.A. Testing on 10/28/22; and 05/01/25 on the Merits, and going through with Hearing on D.N.A. Testing? Then signing an Order as there was never any Hearings / Record on Appeal from Hearings?
- 2.) Did the Court abuse its Discretion By failing to Grant Appellates/petitioners Motion for continuance to issue subpoenas for D.N.A. Testing Hearing Raised AND Ruled on May 1, 2025, Georgetown County Court?
- 3.) Did the Court abuse its Discretion By Ruling Petitioner could not Represent himself at D.N.A. Testing Hearing on May 1, 2025? Pursuant to Faretta vs. Calif.
4. Did the Court abuse its Discretion By Denying Petitioners Motion to Recuse and/or Motion to have 15th Circuit solicitors office removed from D.N.A case for Prosecutorial misconduct after Solicitor Richardson stipulated to "BAD FAITH", on Prior Trial solicitor's Hembree; and Bryan on the Record at Oct. 28, 2022 D.N.A. Testing Hearing; its Raised AND Ruled on in Lower court preserved for an Appeal?

5.) Did the Court Abuse its Discretion By Denying Petitioners motion to Exhume misidentified Bones / Body, Raised And Ruled on at May 1, 2025 Hearing on D.N.A. Testing?

6.) Did the Court Abuse its Discretion By Denying Petitioners Motion for Respondents to provide all "Chain of Custody on D.N.A." pursuant to Brady vs. Maryland to Defendant prior to D.N.A. Testing Hearing on May 1, 2025?

7.) Did the Court Abuse its Discretion By Denying Petitioner's Motion for expert witnesses; D.N.A. Testing pursuant to S.C. Code Ann § 17-3-50(B); AND 17-28-10-100; 17-28-60, State vs. Bailey AT S.E. 2d AT 506?

8.) Did the Court Abuse its Discretion By Denying Petitioner's motion to sequester all witnesses at D.N.A. Hearing pursuant to State vs. Quattlebaum; Due Process; Equal protection?

9.) Did the Court Abuse its Discretion By Denying Petitioner's Motion to compel the state to produce for D.N.A. Testing states Exhibit #39/ Addidas shoes pursuant to S.C. Code Ann § 17-28-10-100 Riddle vs. Ozmint; Giglio vs. U.S.?

DISCUSSION : Issue #10

10.) Did the Court Abuse its discretion By failing to allow petitioner to present D.N.I.A. Testing of his shoes size 11 Nike Brand, that came Back Negative for Blood? And/or D.N.I.A.; yet petitioner got newly Discovered Evidence from SLED file versus Transcript of knowingly perjured Testimony of Steve Lambert on cross examination R.O.A.
Bates stamp
Pg. 486 Lines 5-8

5. BY MR. LOCKLAIN.

6. Q: Did you ever run a test for human Blood or DNA on the shoes of the Defendant

8. A: No, sir, they were not submitted to the LAB.

* This clearly contradicts state case I had Blood on my shoes.

See: Attached Exhibits to prove that there was a D.N.I.A. Testing Hearing on 10/28/22; And May 1, 2025; Appellate counsel fixed R.O.A./ Appendix to make it Look like I was totally Pro-se. I was pro-se 2018-2021, Then Tristan Shaffer Became Certificate of counsel in 2021, Abandoned me and I fired him at D.N.I.A. Testing Hearing on Merits on May 1, 2025. Appellate Counsel should Brief (10) Issues Raised and Ruled on in lower Court see: Dunbar vs. State.
3. of 3.

STATEMENT OF CASE

Petitioner was indicted in July 2003 in the Court of Common Pleas Non Jury Trial, by a Georgetown County Grand Jury for Two counts of murder in the alleged deaths of Wilford Brown and Elton Rutledge Jr. The deaths were alleged to have occurred on or about August 3, 2002. The state, represented by J. Gregory Hembree and Robert B. Bryan, called the case to trial before the Honorable Paula H. Thomas and a Jury on March 15-18, 2004. Petitioner was represented by Margaret Ann Kneese. And J. Wesley Lockhart III, petitioner was sentenced to (2) Life sentence PAN concurrently. Petitioner had direct Appeal; p.c.r.; Habeas corpus; U.S. Supreme Court; 1; 2; 3; 4 p.c.r.'s; Motion for new Trial 29(B) Jury misconduct; Motion for new Trial 29(B) on Appeal for Actual Innocent where BRIAN Elliott admitted that he killed Both Wilford Brown & Elton Rutledge to Rhonda Jones Hawthcock who gave a Tape statement to the solicitor's office 2023; Attorney Tristan Shaffer has a copy of Tape Just given to him from solicitor's office after years, I've never heard and/or seen it But BRIAN Elliott was in my Jury Instruction for 3rd party Guilt and my 1st Jury did not hear that states main witness Denise Cox was BRIAN Elliotts (2nd) cousin and one of 4 of 5.

states main witnesses Appellate counsel attempting to use for overwhelming Evidence of Guilt; There's an Appeal for Motion for new Trial (96) also pending with this Court, Appellate counsel should Be ordered to Brief at least (1) Issue out of (10) Issues Raised in this PRO-se memorandum of Law. In a criminal case, the Appellate court sits to review ERRORS of Law only, see: State vs. Williams, 386 S.C. 503 (2010) State vs. Wilson, 345 S.C. 1 (2001)

see: State vs. Jennings, 394 S.C. 473 (2011)

CLARK vs. Cantrell, 339 S.C. 369 (2000)

All (10) Issues Raised And Ruled on in the lower court Reserved for An Appeal its "Fraud upon court" for Appellate counsel to GAGG all my Issues; UNConstitutional and violates Tower vs. Glover, Government conspiracy.

ARGUMENTS

1.) Is it UnConstitutional in S.C. And U.S. Constitution And/or CAN Appellate Counsel "Gag" all Meritorious Issues that was RAISED and Ruled ON in Lower Circuit Court from (2) Two separate Hearing dates 10/28/22 and May 1, 2025, of D.N.A. Testing Hearing on Merits, pursuant to Humbert vs. State, 345 S.C. 332 (2001)?

2.) Did Court ERROR AND Abuse his discretion by failing to GRANT a Continuance at May 1, 2025 D.N.A. Testing Hearing?

3.) Did Court ERROR AND Abuse his discretion by failing to Relieve Attorney TRISTAN shaffer; after Appellate "Fired" him in the middle of D.N.A. Testing Hearing on May 1, 2025?

4. Appellate ask this Court all Allow him to Add a Supplemental R.O.A. / Appendix, TRANSCRIPT of D.N.A. Testing Hearing Dated May 1, 2025; already Been Ordered And paid for; (60) days to TRANSCRIBED; Appellate Counsel failed to add all Briefs/Pro-se/Attorney TRISTAN shaffer Response; Briefs sabotage D.N.A. Testing Appeal.

CONCLUSION

Based on the foregoing Issues & Arguments, This Court should Order Appellate Defender Jessica Saxon to Further Brief Issues Raised and Ruled on in the Lower Court, that's all preserved for

this Appeal pursuant to S.C. Supreme Court Ruling in Humbert vs. State, 345 S.C. 332 (2001) PLEASE ALLOW FULL BRIEFING

In order for an issue to be preserved for Appellate Review, it must have been raised and ruled on in the Trial Court will not be considered on Appeal. See: Trial Transcripts of all Hearings to Be made Apart of Record. 05/29/2019 Hearing Georgetown, S.C. ; 10/20/2022 - Hearing Georgetown S.C. - word summary Judgment; 05/01/2025 - Hearings Before Honorable Roger Young.

Respectfully Submitted,

15/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644

petitioner PRO-se

Date: August 6th, 2026

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Georgetown County
Honorable Roger M. Young, Circuit Court Judge

RECEIVED
AUG 10 2026
SC Court of Appeals

JODY LYNN WARD, PETITIONER,

VS.

STATE OF SOUTH CAROLINA, RESPONDENT

APPELLATE CASE NO. 2025-001703

EXHIBIT'S
SUPPLEMENTAL APPENDIX IN
SUPPORT OF "FRAUD UPON COURT"
ON JOHNSON PETITION APPELLATE DEFENDER

Jessica M. Saxon
Appellate Defense

South Carolina Commission on indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589
ATTORNEY FOR PETITIONER

VOLUME III
Supplemental Appendix

Pages 824-

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15TH JUDICIAL CIRCUIT

The state of South Carolina) C/A No. 2003-GS-22-1030 & 1031

Respondents,) PROPOSED ORDER GRANTING

-vs-

) D.N.A. TESTING AND EXHUMING

Judy Lynn Ward, #300644) MISIDENTIFIED BONES EXTRACTED
Defendant.) FROM STATE'S EXHIBIT # 39

Adidas Shoes For D.N.A. TESTING

IT IS THEREFORE, ORDERED, the exhuming of Bones that came out of states Exhibit #39 / Adidas shoes for D.N.A. Comparison. S.C. Code ANN § 17-7-25; § 17-28-10-100 - 110 (A); (C)

Deliberate deception of a Court and the Jurors By the Presentation of Known false Evidence is incompatible with Rudimentary demands of Justice. see: Riddle vs. Ozmint, 369 S.C. 39, 631 S.E. 2d 70 (2006); and Giglio vs. U.S., 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972);

Napue vs. Illinois, 360 U.S. 264, 3 L.Ed. 2d 1217, 79 S.Ct. 1173 (1950);

Miller vs. Pate, 386 U.S. 1, 87 S.Ct. 785, 17 L.Ed. 2d 690 (1967);

see: S.C. Code ANN § 17-28-80; Preservation of Test Reports IS ORDERED Produce Test Reports. IT IS THEREFORE, ORDERED Testimony of Coroner and Trial Attorneys Margaret Ann Muffy Kneese and John Westley Lockair.

IT IS THEREFORE, ORDERED, That S.C. Code ANN § 17-28-110 (A); (C)

(A) Solicitor can Agree to Testing And/or

(C) Agree to Gross Negligence and Intentional Misconduct.

/s/

Roger M. Young SR.
Circuit Court Judge

Date: _____, 2025

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

State of South Carolina
Respondents,

- vs -

Jody Lynn Ward, #300644
Defendant Prose

) IN THE COURT OF GENERAL SESSIONS
) FOR THE 15th JUDICIAL CIRCUIT

) C/A NO. 2003-GS-22-1030E/031

) NOTICE OF MOTION &

) MOTION TO DISQUALIFY 15th
) CIRCUIT SOLICITORS OFFICE

) FROM D.N.A. TESTING HEARING
DUE PROSECUTORIAL MISCONDUCT
PURSUANT State vs. Quattlebaum

WILL YOU PLEASE TAKE NOTICE, will show that the

Defendant, respectfully motions this Court
Disqualify the 15th Circuit Solicitors office from the
D.N.A. Testing Hearing Due Prosecutorial Misconduct,
PURSUANT State vs. Quattlebaum, Due Process &

Equal Protection should be afforded to all citizens
of State of South Carolina & U.S. Const. In the
Case of Riddle vs. Ozmint, 369 S.C. 39, 631 S.E.2d
70 (2006) A prosecutor's deliberate deception of a Court
and Jurors by the Presentation of known False Evidence is
incompatible with rudimentary demands of Justice.

[The failure to correct false testimony is as reprehensible
as its presentation.] Riddle, supra

Continue Discovery Violations; Withholding D.N.A. Evidence.

Respectfully submitted
Jody Lynn Ward

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

State of South Carolina)

Respondents,)

-vs-

Jody Lynn Ward, #300644)

Defendant Pro-se)

IN THE COURT OF GENERAL SESSIONS
FOR THE 15TH JUDICIAL CIRCUIT

C/A NO. 2003-GS-22-1030 & 1031

MOTION TO COMPEL THE
STATE TO PRODUCE FOR
D.N.A. TESTING STATE'S
EXHIBIT #39/ADIDAS SHOES

PURSUANT TO S.C. Code ANN §17-28-10-100
Riddle vs. Ozmint; Giglio vs. U.S.

Defendant, respectfully motions this Court to
Compel the State Solicitor to Produce the
States Exhibit #39 Adidas Shoes Size 9 1/2
Riddle vs. Ozmint, supra; Giglio vs. U.S., supra
As Scott Hixson stated previous that they had
Lost the shoes out of Evidence Room. I don't
Know who is in possession of the Shoes; or
where they at But we need them for D.N.A.
Testing to Prove not only did state give knowingly
Perjury Testimony of 2 state witness But that
they do not Belong or Boxes out of them to alleged
victims.

Respectfully submitted
Jody Lynn Ward, #300644
Jody Lynn Ward

l. o f l.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15TH JUDICIAL CIRCUIT

State of South Carolina,)
Respondents)
- vs -)
Jody Lynn Ward, #300644)
Defendant Prose)

C/A NO. 2003-GS-22-1030 & 1031

MOTION TO SEQUESTER ALL

WITNESSES AT D.N.A. HEARING
pursuant State vs. Quattlebaum &
Due Process & Equal Protection

Defendant respectfully motions this Court to have
all witnesses, sequestered at the D.N.A. Hearing.

As this Case has a Long History of Investigative
&/or Prosecutorial Misconduct, Discovery Violations,
and for Due Process & Equal Protection & The

S.C. Const. & U.S. Constitutional Rights Protect fair
Proceeding. Wherefore Defendant respectfully ask that
this Court Order All witnesses sequestered.

State vs. Quattlebaum, supra. Respectfully Submitted,

/s/ Jody Lynn Ward, #300644

Jody Lynn Ward, #300644
Defendant Prose

FILED
GEORGETOWN COUNTY, S.C.
2023 MAY 17 PM 12:20
ALMA Y. WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA }
COUNTY OF GEORGETOWN }

State of South Carolina, }

Respondents }

- vs - }

Jody Lynn Ward, #300644 }

Defendant }

Pro-se }

IN THE COURT OF GENERAL SESSIONS
FOR THE 15th JUDICIAL CIRCUIT

C/A NO. 2003-GS-22-1030 & 1031

MOTION FOR EXPENDITURE OF

FUNDS FOR EXPERT WITNESS;

D.N.A. TESTING pursuant to

S.C. Code Ann § 17-3-50(B); and

§ 17-28-100 § 17-28-60; State vs. Bailey
424 S.E. 2d At 506

Defendant, Respectfully motions this Court for
Expenditure of Funds for Expert witnesses for D.N.A.
Testing; Exhuming Misidentified Bones; Private investigation
services.

See: State vs. Bailey, 424 S.E. 2d At 506 / § 17-3-50(B);
§ 17-28-10-100 D.N.A. Statue § 17-28-60

- 1.) D.N.A. Expert Witnesses For D.N.A. Testing Hearing.
- 2.) Exhume Misidentified Bones of Elton Rutledge Jr.
Exhibit #39 Adidas Shoes Size 9 1/2 / Bones out of them shoes.
- 3.) Testing of D.N.A. Adidas Shoes Size 9 1/2
States Exhibit #39 / And Bones out of them Shoes.
- 4.) Private investigation Fees, ect.

Respectfully Submitted,
/s/ Jody Lynn Ward #300644
Jody Lynn Ward #300644
Defendant Prose

P. of 1.

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

State of South Carolina,
Respondents,

-vs-

Jody Lynn Ward, #300644
Defendant Pro-se

) IN THE COURT OF GENERAL SESSIONS
) FOR THE 15th JUDICIAL CIRCUIT

) C/A NO. 2003-GS-22-1030 & 1031

) NOTICE OF
) WITNESSES FOR D.N.A.

) TESTING HEARING LIST

) [TO BE SEQUESTERED]

) PURSUANT Callen vs. Callen
) 365 S.C. 618, 630 S.E. 2d 59 (2005)

The Defendant Pro-se respectfully submits his witness List that he intends to call for live testimony at the D.N.A. Testing Hearing, and ask that respondents do to, Callen vs. Callen 365 S.C. 618, 630 S.E. 2d 59 (2005) Surprise witnesses offered at Hearing.

- 1.) Margaret Ann Kneece, Esq.
- 2.) Robert Bo Bryan, Esq.
- 3.) Gary Todd, Sheriff's Dept.
- 4.) Ernest Hampton, Sheriff's Dept.
- 5.) Kenny Johnson, Ex-Coroner
- 6.) Chase Ridgeway, Coroner
- 7.) Alice Neumann, Serological Research Institute Forensic Serologist II; California
- 8.) Expert witness D.N.A. Testing for Defendant

FILED
GEORGETOWN COUNTY, S.C.
2023 MAY 17 PM 12:20
ALMA Y. WHITE
CLERK OF COURT

Respectfully Submitted

/s/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Defendant Pro-se

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT

State of South Carolina,) C/A NO: 2003-GS-22-1030 & 1031

Respondents,) MOTION TO PROCEED PRO-SE

- vs -

) WITH TRISTAN SHAFFER AS

Jody Lynn Ward, #300644) STANDBY COUNSEL FOR THE

Defendant Pro-se) D.N.A. TESTING HEARING

Pursuant to Faretta vs. Calif.
422 U.S. 806 (1975)

The Defendant Pro-se, respectfully, motions this Court
to Proceed Pro-se with Attorney Tristan Shaffer as his
Stand-by Counsel for the D.N.A. Testing Hearing...

Pursuant to Faretta vs. Calif., 422 U.S. 806 (1975)...

WHEREFORE, Defendant respectfully ask this Court
to Conduct a Hearing for the Procedures for a
Self-Dangers or Self Representation, Before the D.N.A.
Testing Hearing Date.

Respectfully Submitted,

/s/ Jody Lynn Ward, #300644

Jody Lynn Ward, #300644
Defendant Pro-se

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15TH JUDICIAL CIRCUIT
)

State of South Carolina,) C/A NO. 2003-GS-22-1030 & 1031
)

Respondents,)

-vs-)

Jody Lynn Ward, #300644)

Defendant Pro-se)

MOTION FOR THE
RESPONDENTS TO
PROVIDE ALL OF THE
CHAIN OF CUSTODY

ON D.N.A. pursuant to
BRADY VS. MARYLAND TO
DEFENDANT PRIOR TO
D.N.A. HEARING DATE

The Defendant respectfully motions the Court
for an Order for the Respondents to Provide
to the Defendant "ALL OF THE CHAIN OF
CUSTODY" ON "D.N.A." [PRIOR TO D.N.A. HEARING DATE]
MARYLAND, 373 U.S. 83, (1963) pursuant to BRADY VS.

As the State has
never turned over chain of Custody on D.N.A.
And/or where the Bones has went to; if there
is D.N.A. samples saved ect. It's well settled the
Prosecution must turn over all evidence. The Prosecution
failed to do so for BRADY; Just like this Case.

Respectfully submitted
Jody Lynn Ward, #300644
D.A.

(Defendants Copy)

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15TH JUDICIAL CIRCUIT
State of South Carolina) C/A Numbers: 2003-GS-22-1030 & 1031
Respondents,)
- vs -) REQUEST FOR
Jody Lynn Ward, #300644) A HEARING
Defendant Pro-se)

FILED
GEORGETOWN COUNTY, S.C.
2023 MAY 12 PM 2:47
ALMA Y. WHITE
CLERK OF COURT

The Defendant Pro-se, respectfully request a Hearing on Both Motions for Discovery & Motion Compelling the Discovery sought, if the Respondents does not comply with requested Discovery, which clearly would exonerate the Defendant, Exercise of Due Diligence herein Sought, And S.C. & U.S. Constitution, Due Process & Equal Protection.

Time Needed: 30 minutes

Court Reporter: Is Needed

Respectfully Submitted,
/s/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Pro-se

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

IN THE COURT OF GENERAL SESSIONS
FOR THE 15th JUDICIAL CIRCUIT

State of South Carolina,)

C/A NO. 2003-GS-22-1030 & 1031

Respondents,)

- vs -)

Jody Lynn Ward, #300644)

Defendant Prose,)

CERTIFICATE

OF

SERVICE

ALMA Y. WHITE
CLERK OF COURT

2023 MAY 17 PM 12:20

FILED
GEORGETOWN COUNTY, S.C.

I do hereby Certify that a True & Correct copy has been served on all Below named Party By way of U.S. Postal

mail; Postage Prepaid On This 8th Day of May, 2023

(6) Witnesses for D.N.A. Testing Hearing; (7) motion to disqualify
(1) Motion to Proceed Pro-se Tristan Shaffer stand by Counsel;
(2) Motion to Exhume Misidentified Bones; (3) Motion to Compel
& Adidas Shoes for D.N.A. Comparison; (4) Motion to Sequester
all witnesses at D.N.A. Hearing; (5) Motion For Expenditure of
Funds was served on Below Parties Listed Addresses:

1.) Georgetown County Clerk of Court
Attn: General Sessions Clerk
P.O. Box 479
Georgetown, S.C. 29442

2.) Georgetown Solicitors Office
Attn: Mr. Jimmy Richardson
P.O. Box 1688
Georgetown, S.C. 29442

3.) Honorable Young Sr.
Attn: Mr. Max J. Mazurek, Clerk
100 Broad Street
Charleston, S.C. 29401

4.) Attorney Tristan Shaffer
P.O. Box 1027
Chapin, S.C. 29036

Respectfully Submitted,

Jody Lynn Ward

(1 of 1) Jody Lynn Ward, #300644

Jody Lynn Ward, #300644
Evans Corr. Inst. F-4-A-260
610 Hwy. 9 West
Bennettsville, S.C. 29512

October 12, 2022

S.C. Supreme Court
Attn: Honorable Donald W. Beatty
P.O. Box 11330
Columbia, S.C. 29211

[NOT-EX PARTE - COMMUNICATION]

RE: D.N.A. testing Hearing; P.C.R. Hearing Scheduled in Georgetown County Judicial Center on October 29, 2022 Case # 2003-GS-22-1030 & 1031; and the P.C.R. Civil action No. 2021-CP-22-00344

Where you special Appointed Honorable Roger Young / Due Diligence
State vs. Underwood; State vs. Bellinger; SCRCiv.P Rule 52(a) §17-27-80

Dear Chief Justice,

ON or about June 29, 2022 my case was referred to you for a special situation due to Conflict of interest of Honorable Benjamin Culbertson; Honorable Seals; and Honorable Steven John.

I, m respectfully writing to you because my Attorney Tristan Shaffer is telling me that the Judge isn't allowing my Witnesses, I don't want to file a complaint about this to even complicate the matter, thats why im writing you and sending the letters and Emails to you about all of the Misconduct that im dealing with violating my S.C. Constitutional Rights, Due Process and Equal Protection of Law, U.S. Const. Rights 6th Amendment forcing me to represent myself is "GROSS MISCONDUCT". ... This Case the integrity of the entire judicial system is called into question by the conduct outlined below... Prosecutors are ministers of justice and not merely advocates. SCRCR Rule 407... see: 3.8, whats being done to me is deliberate prosecutorial misconduct which threatens RIGHTS FUNDAMENTAL TO LIBERTY AND JUSTICE... This Case mirrors the S.C. Supreme Court case: STATE VS. QUATTLEBAUM, opinion No. 25051, 2000.

S.C. Supreme Court Cases Clearly State cant win p.c.r. hearing unless witnesses Testify see: Underwood vs. State; State vs. Bellinger.
SCRCP Rule 52(a), State vs. Mark 1. of 2.

"Prior to Trial Prosecution Committed Prosecutorial Misconduct"
even was caught "EAVESDROPPING" on the Georgetown County Det.

Center phones, Judge Breeden had a block put on Attorney and inmates per my case, but that's not what's important here what's of great concern is the continuance of misconduct until this day

1. On May 29, 2019 I was granted a DNA hearing on the MERITS at a later date, then hired Tristan Shaffer to represent me for the hearing now he's telling me I can't have my witnesses, because Judge Young will get mad at him if he subpoenas any witnesses. Well first off the DNA in question was Deliberate deception of the Court and the Jurors by the presentation of known False Evidence is incompatible with Rudimentary demands of Justice, Giglio Vs US, 405 US 150 (1972), Riddle Vs. Ozmint, 369 SC 39 (2006). The failure of Solicitor Alicia Richardson not to CORRECT the 2 false Testimony, and the presentation of DNA evidence that is known to Georgetown Solicitor Alicia Richardson is Reprehensible as its presentation and she refusing to have the shoes States Exhibit Addidas Shoes tested for DNA comparison, or allowing my Attorney to get booking reports to show the alleged victim could not even fit these shoes that was illegally given to my Jury.

2. DNA testing Jurisdiction lies in Court of Common Pleas/ general sessions, and PCR hearing is supposed to be Civil Action separate Jurisdiction its two different Courts. illegally consolidating them and with no witnesses in an attempt to violate my Civil Rights US & SC Const. Rights 14th amend. Due Process and illegal Protection.

3. Attorney General Chelsea Marto ONLY sent me the conditional order of dismissal even though Tristan Shaffer, Esq. filed the PCR application, Judge Benjamin Culbertson signed it but later was determined conflict of interest so supreme court Judicial conduct that conditional order of dismissal was XXX out due to that fact leaving no conditional order of dismissal signed until this day and Chelsea Marto, A.G. refusing to send the conditional order of dismissal to Judge Young. This is illegal and against Ethics and Rules of Professional conduct 407, ...3.8 SCACR. She sent final order to Honorable Steven John who was already a conflict of interest but even he did not sign the Conditional order of dismissal.

4. I wrote both Solicitor Alicia Richardson and Attorney general Chelsea Marto about having dna testing done and sending the special Judge Honorable Young the opportunity to sign or not sign the conditional order and send a copy to Tristan Shaffer so he can answer it...she well aware she has to have conditional order ruled on or its not preserved for appeal, this is illegal practice. Please help me with this matter. Thank you and God Bless.

Respectfully Submitted,

Jody Lynn Ward

2. of 2.

cc. File
Tristan Shaffer, Esq.
Alicia Richardson Esq.
Chelsea Marto Esq.
Honorable Roger Young

1 Q: Please answer any questions Defense counsel has for
2 you.

3 THE COURT: Cross.

4 CROSS EXAMINATION

5 BY MR. LOCKLAIR:

6 Q: Did you ever run a test for human blood or DNA on the
7 shoes of the Defendant?

8 A: No, sir, they were not submitted to the lab.

9 Q: Thank you.

10 MR. LOCKLAIR: That's all I have, Your Honor.

11 THE COURT: Redirect.

12 MR. HEMBREE: Nothing on redirect, Your Honor.

13 THE COURT: You may step down, sir. You want this
14 witness released?

15 MR. HEMBREE: Yes, Your Honor. We'd ask that Senior
16 Agent Lambert be allowed to go back to Columbia.

17 MR. LOCKLAIR: No objection.

18 THE COURT: All right, you're free to go.

19 Call your next witness.

20 MR. HEMBREE: The State calls Senior Agent Dan
21 DeFreese.

22 AT THIS TIME FRANK DAN DEFREESE WAS CALLED TO THE STAND,
23 DULY SWORN BY THE CLERK AND TESTIFIED AS FOLLOWS:

24 THE CLERK: Please be seated. Please state your full
25 name for the record.

1 confirmatory test.

2 Q: Your test just said that it was below the threshold of
3 detection. What factors would effect that threshold that
4 would inhibit or prevent it from reaching that threshold?

5 A: When I looked at the stain and these stains in
6 particular they appeared to be very diffuse, very dilute,
7 and if they had been diluted by water, for instance, it
8 could be that the sample had just dissolved into the water
9 and we weren't able to pick up enough blood to do the
10 testing.

11 Q: Let me give you a hypothetical. If this vehicle or if
12 these cuttings came from a vehicle, these stains came from
13 a vehicle and that vehicle was at the bottom of a lake from
14 August the 3rd of 2002 until September, excuse me, October
15 the 1st of 2002, nearly two months, could that have an
16 impact or an effect on the ability to secure a bloodstain
17 that's testable?

18 A: Absolutely because there's material in the, in the
19 water that is going to degrade the DNA. There is bacteria.
20 There's a whole lot of things that go on that are going to
21 break down that blood. It's going to diffuse into the
22 water. It's going to be chewed up by the bacteria and
23 that's the reason quite often in these cases that we don't
24 get a result. I'd be surprised to get a result off of a
25 sample that had been stored under those conditions.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



ROBERT M. STEWART
Chief

EVIDENCE PROCESSING DEPARTMENT

Lt. Ernest A. Hampton
Georgetown County Sheriff's Office
P.O. Box 1292
Georgetown, SC 29442

March 25, 2003
SLED Lab No: L02-11083
Your Case No: Not Listed
Incident Date: 09/13/02
(V) Brown, Willfred
(V) Rutledge, Elton

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

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

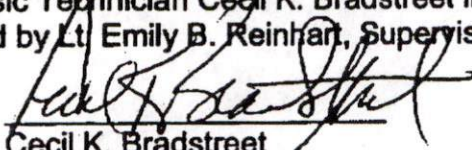
ITEMS OF EVIDENCE:

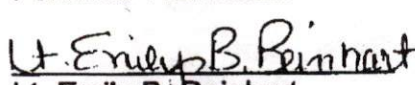
Item 15: Pair of tennis shoes

RESULTS:

No hair found. No blood detected.

These examinations were conducted by Forensic Technician Cecil K. Bradstreet in the Evidence Processing Department and reviewed by Lt. Emily B. Reinhart, Supervisor.


Cecil K. Bradstreet
Forensic Technician

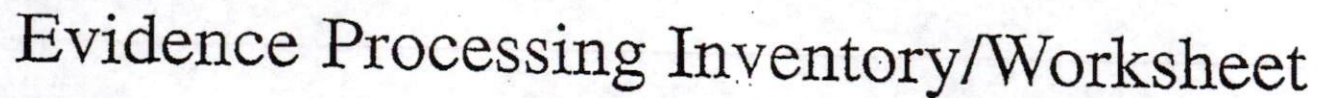

Lt. Emily B. Reinhart

March 28, 2003
Date

CKB



Date _____



Examiner CKB

Processing Room 2

Other ☐

Date 3-24-03

Jody Lynn Ward, #300644
EVANS CORR. INST. F-3-B#176
610 Hwy 9 West
Bennettsville, S.C. 29512

March 7, 2024

Law Office of Tristan Shaffer,
P.O. Box 1027
Chapin, S.C. 29036

**AFFIDAVIT OF
SERVICE ON
ATTORNEY TRISTAN SHAFFER**

RE: Witnesses for D.N.A. Testing for Subpoenas
for April 17th, 18th, 2024 Oral Arguments

- 1.) Margaret Ann Kneece / "duces Tecum" / Complete Case File
- 2.) Robert Bo Bryan / "duces Tecum" / Complete Case File
- 3.) John Westley Locklair / "duces Tecum" / Complete Case File
- 4.) Jamie David Ward
- 5.) Gary Todd / "duces Tecum" / Complete Case File
- 6.) Ernest Hampton, Sheriff / "duces Tecum" / Complete Case File
- 7.) Kenny Johnson, Ex Coroner / "duces Tecum" / All Files on Case
- 8.) Alice Neumann, Serological Research Institute Forensic / Calif. Duces Tecum Case File
- 9.) Kimberly Hewitt
- 10.) Don Myers 10-4 pri. / "duces Tecum" / Case File Complete
- 11.) Rondie Ward
- 12.) Carol Ward
- 13.) Latreese Rutledge Rivera
- 14.) Jeffrey Crooks (SLED) / "duces Tecum" / Case File
- 15.) Kim Collins / DR. Forensic Pathologist / duces Tecum
- 16.) Steve Lambert / (SLED)
- 17.) Gregory Hembree
- 18.) Chase Ridewell / CORONER 1. of 2. / "Duces Tecum" / Case File on D.N.A. / Bones

Virtual
Witness

19. Rhonda Jones Harthcock

20.) Your 1 expert witness you told Court ^{you were} calling ^{for D.N.A.}

I do hereby Certify that a True & Correct copy of Jody Lynn Ward did serve his Attorney Tristan Shaffer of witness list for D.N.A. Testing for Subpoena's to be done for April 17, 18, 2024 Evidentiary Hearing On this March 7, 2024 By placing it in the U.S. postal mail; Postage Prepaid addressed to Law Office of Tristan Shaffer, P.O. Box 1027, Chapin, S.C. 29036 and also the Following Request.

- 1.) Amend Brief Trial Attorneys being Both Material Fact witnesses; Obstruction of Justice to conceal knowingly spoliation of Alleged Crime Scene on D.N.A. & P.C.R. Amended under Rule 15(c)
- 2.) I want copy of 29(b) filed on Rhonda Jones Harthcock.
- 3.) I want Affidavits of Due Diligence in support of 29(b); (P.C.R. pending) AND D.N.A. Testing done By you!

4.) All subpoena's can be sent to Jamie Ward. You are refusing to Report Crime that you know about on my D.N.A. Sworn To And Subscribed before Respectfully Submitted,

On This 7th Day of March 2024/s/ Jody Lynn Ward #300644

/s/ Sandra Quilan Jody Lynn Ward #300644

Notary Public for South Carolina

Affiant/Client

My Commission Expires: 2/28/34

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

The State of South Carolina,

v.

Jody Ward,

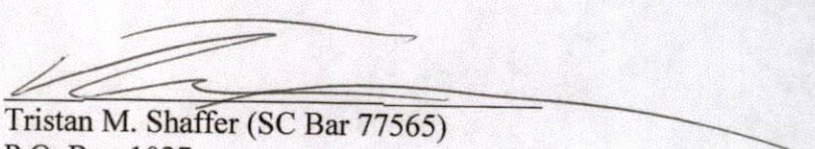
Defendant.

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

) 2003-GS-22-1030-1031
)
)
)
)

) NOTICE OF APPEARANCE ON POST-
) CONVICTION DNA TESTING AND
) REQUEST FOR A HEARING
)
)

Defendant has filed an application for post-conviction DNA testing. The undersigned counsel appears on behalf of Jody Ward for the purposes of his application for post-conviction DNA testing in the above referenced matter. Defendant hereby request a hearing on this matter.



Tristan M. Shaffer (SC Bar 77565)

P.O. Box 1027

Chapin, SC 29036

(803) 626-0188

tristan@shafferlawsc.com

Attorney for Applicant

November 19, 2021

* I object to Webcam Virtual Due Process violation And I got to confer with Counsel Tristan Shaffer.

Dear

Your Honorable Roger Young;

August 24, 2022

There's some Issues that need to be Addressed Before I'm warned of the Dangers of Self-Representation. One is Issue that's Before the Court started as a "No Hybrid Representation" on this very same D.N.A. testing Issue And Hearing that was Granted on May 19, 2019, Judge Seals Granted D.N.A. Hearing. I want to also Renew my Motion to Dismiss or in the Alternative Disqualify the Georgetown County Solicitor's Office from any Further participation involving this Case. (1.) They are Attempting to hide / And Conceal D.N.A. evidence from the Court to Cover-up Extensive Fraud upon the Court from page 666 lines 6-25 Judge Clearly states there's no D.N.A. And there will never be D.N.A. whenever there was D.N.A. whole time And state vs. Quattlebaum comes into play at this Time the whole Judicial system is called into question by this "Gross Misconduct", that started all the way from Pre-Trial it was Clear Case of Investigative & Prosecutorial misconduct / Brady Violation Peacekeeping Discovery, Now Alicia Richardson Refusing to even Attempt to have Bones / Adidas shoes tested to prove Corpus Delicti which must be Proven as a "Matter of Law."

Alicia Richardson, Esq.
Tristan Shaffer, Esq.

Respectfully I AM. God Ward
1. of 1

State of South Carolina

County of GEORGETOWN

COPY

SEARCH WARRANT

Date : 10-28-2002

Officer: E.A. HAMPTON

Page 1 of 4

PREPARED OF 10-28-02 AT.1130 HRS.

DISCOVERY

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF GEORGETOWN

Personally appeared before me, one E. A. HAMPTON

who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

1 PAIR OF GREY AND WHITE IN COLOR NIKE SHOE SIZE EIGHT AND ONE HALF. THE SHOES OF JODY L. WARD LOCATED AT THE GEORGETOWN COUNTY DETENTION CENTER.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

ANY ALL BODY FLUIDS, HAIRS, SKIN, THREADS, BLOOD FIBERS, SOILS, LIQUIDS, AND ANY OTHER TRACE EVIDENCE RELATED TO DECEASED HUMAN BODY.

REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

ON AUGUST 3RD, 2002, WILFRED BROWN AND ELTON RUTLEDGE, WAS SHOT AND KILLED. THE INCIDENT OCCURRED OFF GAPWAY RD. AND INDIAN HUT RD. IN GEORGETOWN COUNTY. THROUGH CORROBORATED STATEMENTS RECEIVED FROM INFORMANTS, THE SUSPECT JODY WARD WAS SEEN WEARING A PAIR OF TENNIS SHOES ON THE INCIDENT DATE. THE SUSPECT, JODY WARD, IS NOW BEING HOUSED IN THE GEORGETOWN COUNTY DETENTION CENTER. THE SUSPECT SHOES WILL NEED TO BE ANALYZED FOR ANY TRACE EVIDENCE RELATED TO THE MURDERS OF WILFRED BROWN AND ELTON RUTLEDGE.

Sworn to and Subscribed before me

This 28 day of October, 2002.
Spae L. Bryant (L.S.)

Signature of Judge

Ernest C. Hampton
Affiant
Address 333 Cleveland St
Georgetown SC 29440
548-5102
Phone

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF GEORGETOWN

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF GEORGETOWN

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

1 PAIR OF GREY AND WHITE IN COLOR NIKE SHOE SIZE EIGHT AND ONE HALF. THE SHOES OF JODY L. WARD
LOCATED AT THE GEORGETOWN COUNTY DETENTION.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

ANY AND ALL BODY FLUIDS, HAIRS, SKIN, THREADS, FIBERS, BLOOD, SOILS, LIQUIDS, AND ANY OTHER TRACE
EVIDENCE RELATED TO A DECEASED HUMAN BODY.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to prominent place on such premises.

Georgetown, S.C.
Oct 28, 2002

James L. Jones (L.S.)
Signature of Judge

RETURN

I received the attached Search Warrant 10-28, 2000 and have executed it as follows:

On 10-24, 2002 at 10:05 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Jody Ward

Name of person searched or "at the place of search" with.

Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

1 pair Nike Tennis shoes gray & white in color

This inventory was made in the presence of _____
AND _____

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this _____

day of _____, 2002

(Signature of Officer Executing Warrant)

Signature of Judge

(L.S.)

Page 4 of 4

PREPARED ON 10-28-02 AT 1130 HRS.

DISCOVERY

STATE OF SOUTH CAROLINA

COUNTY OF Georgetown

AFFIDAVIT

Before the undersigned as officer duly commissioned by the laws of South Carolina
On this 30 day, of March, 2024 personally appeared before me

Jamie Ward, who having been first duly sworn depose and say:

1. during November of 2003. I was contacted by muffy kneece about my brother Jody Ward. Attorney kneece and Attorney locklair wanted me to show them some dirt roads off of Gapway Road in Georgetown.
2. I did show them different areas upon there request 1 1/2 hours. Attorney kneece and Attorney locklair asked me have I seen any human bones or bullets and shotgun shells.
3. Attorney kneece and locklair was questioning me about human and bullets. I saw Attorney kneece and locklair gathering bones and bullet, shells
4. Attorney kneece was questioning me about what type of bones and the shells are. I told them I do not know

Sworn to before me this 30th

Day of March, 2024

Charles Loring
Notary Public for South Carolina

My Commission Expires: 7-20-2026

Jamie Ward

STATE OF SOUTH CAROLINA

COUNTY OF Georgetown

AFFIDAVIT

Before the undersigned as officer duly commissioned by the laws of South Carolina
On this 30 day, of March 2024, personally appeared before me

Jamie Ward, who having been first duly sworn depose and say:

5. They continued on collecting bones and shells.

6. Approximately 1.5 hours later, Attorney Kneece and Attorney dropped me off at home.

7. I shared this information with my brother Jody Ward during the early year of 2024.

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

Sworn to before me this 30th

Day of MARCH, 2024

Charles Lawling

Notary Public for South Carolina

My Commission Expires: 7-20-2026

Jamie Ward

Muffy Kneece

From: John Freeman [johnf@law.law.sc.edu]
Sent: Tuesday, February 24, 2004 7:43 AM
To: mak@kneecelawfirm.com
Subject: Proposed motions

Muffy,

I cannot see the judge disqualifying the Solicitor's office based on the package you sent me.

I say this for several reasons. First and foremost, by virtue of the extension, you've the pressure caused by the delay in giving you stuff has been cured.

Second, some of Hembree's contentions (never viewing the tape until the last minute) cannot be disputed. Your complaint that this isn't the full story, that he's being deceptive because he was aware of what was on the tape as shown by Lewis Bazen's affidavit will be perceived as hair-splitting. (By the same way, when was Bazen interrogated?) Same goes for your contention that Warren was polygraphed purely because he was mentioned on the Willie Lamber tape. (Can you prove this is the only reason he was polygraphed?) I just don't see a court reacting to strongly to this evidence. Looks like warm guns and you want "smoking guns."

I could be wrong, but that's how I see it.

The fact that the tape held "important information for the purpose of impeaching Lewis Bazen" and sat in a briefcase for 5 months while Hembree quite frankly just wrote the thing off" shows Hembree to be slack and stupid perhaps, but he's already said his behavior was wrong, inexcusable, etc., and he's fallen on his sword and apologized for it. I think the Court is going to say, "Fine, you're unhappy. I see that. Suck it up. Let's go try the case."

Here's the bottom line. You need to represent your client to the hilt and you need to make a record and establish issues for appeal. If you file the motion you gave me, I don't see any favorable ruling. On the other hand, you need to file a motion to preserve the issue for appeal. So I think you need to do it, assuming that, in good faith, you believe there's been prosecutorial misconduct. I think there has been very slack, improper conduct from Hembree. I don't fault you for filing. I say, however, don't get your hopes up. Best,
J

John P. Freeman
University of South Carolina
School of Law
Columbia, South Carolina 29208
Faculty voice and fax: 803-777-7224
Faculty fax: 803-777-8925
Home voice: 772-7123
Home fax: 772-5269
JohnF@law.law.sc.edu

State Of South Carolina	)	IN THE COURT OF GENERAL SESSIONS
County of Georgetown	)	FOR THE 15th JUDICIAL CIRCUIT
State Of S.C.	)	
Respondents	)	C/A: <u>2003-GS-22-1030 & 1031</u>
VS.	)	<u>Renewal of Defendants</u>
Jody Lynn Ward	)	<u>Motion to Disqualify</u>
	)	<u>15th Circuit Solicitor Office</u>
	)	<u>From Participation In The</u>
Defendant	)	<u>D.N.A. Testing pur. §16-28-30</u>
	)	<u>with Attached Exhibit - A</u>

FACTS

The Defendant would move in open court based upon the Record and Testimony of Defendant and Trial Counsel Margaret Ann Kneece and Wesley Locklair and Solicitor Gregg Hembree, based upon pur. to S.C.R.E. 406 of Gross Prosecutorial Misconduct that is "systematic and pervasive" VASQUEZ V Hillery 474 US 254, 264 ((1980) Riddle V. Ozmint 631 SE2d 70 (2006) in both presentation of False testimony and failure to correct false testimony, and the interception of attorney/client phone calls State V. Quatlebaum 527 SE2d 105, 109 (2000).

The Defendant has moved to have D.N.A. tested pur. to 16-28-30 SC Code of Laws during the trial two Addidas shoes the state claimed D.N.A. was found in but evidence is available to show these were not shoes of Elton Rutledge Jr. (victim) and in essence will show state knowingly presented false evidence Riddle V. Ozmint as victim last seen in pair of nike.

^{Footnote}
(1) The focal point being Solicitor Office (15th) is now in essence being asked to present evidence of its own prosecutorial misconduct, and failing to get bones tested that was removed from Addidas shoes.

Numerous instances of prosecutorial misconduct exist inter alia. A material fact witness Scott McKenzie, who pulled victim vehicle was former Grand Jury yet Prosecutor Hembree of 15th Circuit Solicitor Office failed to disclose this. While also intercepting attorney/client calls, and defense counsel Kneece was a fact witness to these calls being intercepted.

Footnote (1)

Solicitor Alicia Richardson failing to have Addidas Shoes/
Bones tested, after knowing State Solicitors illegally Presented
Them.

Footnote (2) - See Attached Exhibit A - Trial-Transcript of the Pre-trial Motions Prior to Trial. Motion to Recuse or in An Alternative for 15th Circuit Solicitors to be removed from the Prosecution of the Defendant, It's Clear State failed to establish Corpus Delicti, By Prosecutorial Misconduct presenting a pair of Addidas Shoes Size 9 1/2 that State Removed D.N.A. out of.

Indictment 03-GS-22-1031 reads:

/ NO CORPUS DELECTI

"That Jody Lynn Ward did in Georgetown County on or about August 3, 2002, willfully, feloniously, and intentionally, with malice aforethought, kill Elton Rutledge, Jr. by shooting Elton Rutledge, Jr.; and Elton Rutledge, Jr. did die as a proximate result thereof in violation of Section 16-3-10, South Carolina Code of Laws (1976), as amended, and the Common Law of South Carolina.

Now let us review the proof presented by the State in regards to the indictment in question here.

The State alleged the victims were killed in the Applicant's wife's Suzuki Sidekick. (Tr.p. 76, lines 11-16). However, the Applicant alleged that the said victims stole the vehicle. (Tr.p. 77, lines 13-19).

The Solicitor admits that the remains of the second person found were not identified as Elton Rutledge by dental records or other means, and that the pathologist could not positively identify his skull, but that he would offer proof through circumstantial evidence that the remains were that of Elton Rutledge, kind of treating it as a no body case and putting up some evidence along those lines. (Solicitor Hembree), (Tr.p. 68, lines 10-24). We must note that no weapon was ever found in this case.

No DNA evidence was presented to establish that the remains

(2)

were that of Elton Rutledge, Jr. (Tr.p. 83, lines 10-11; p. 85, lines 2-8). / Applicant now seeks to have D.N.A. testing done on Addidas shoes And the Bones Removed from used illegally given to jury!

SLED Agent Roderick Greene testified; "That he performed the presumptive test on the stain found in the crime vehicle, but he could not say it was human blood. (Tr.pp. 376, lines 3-14; p. 385, lines 14-21; p. 387, lines 5-9). He could not obtain any latent prints. (Tr.p. 387, line 13-p. 388, line 2). He stated, "that he could not determine what type ammunition the projectile found in crime vehicle might have been, and there was no evidence of blood stains in the front passenger seat of the vehicle. (Tr.pp. 388, line 3-p. 389, line 7; p. 389, lines 13-15).

SLED Agent Jefffrey Allen Crooks testified. "That we searched another area indicated to us where the bodies might have been originally buried prior to the location they were found at. We did not see anything to indicate or that we could confirm that the bodies had been there at any time." (Tr.p. 454, line 13-p. 455, line 3).

Dr. Kimberly Ann Collins testified, "There was not a complete skelton of either person, but she did determine they were human remains, and one skull had a gunshot wound defect in it. That person was identified as Wilfred Brown by dental records." (Tr.pp 465, line 17-p. 466, line 5). She stated, "That she could not identify the second person or the cause of death. Her conclusion was that both were victims of homicide." (Tr.p. 468, line 20-p. 469, line 18). SEE, also: (Tr.p. 468, lines 1-19).

SLED Agent Steve Lambert testified, "No DNA profile was determined and blood samples could not be confirmed to be human blood. He stated, "that no test for human blood or DNA was

performed on the shoes from the crime scene." (Tr.p. 475, lines 6-8).

Sled Agent Frank Dan DeFreese testified, "That he could not determine the exact caliber of State's Exhibit 38, a bullet fragment from the crime scene, and that he did not have a gun to compare the bullets to in this case." (Tr.pp. 477, line 18-p. 478, line 19). He stated that there was at least 25 to 35 makes of firearms that could have fired the bullet, State's Exhibit 26. A TEC-9 was only one of them, and that the two projectiles could have been fired by one or two guns." (Tr.pp. 482, line 23-p. 484, line 3; p. 485, line 11-p. 486, line 3; p. 490, line 7-p. 491, line 7; p. 492, line 19-p. 493, line 11).

The arresting Officer Kevin Wayne Holt testified, "Upon his arrest he had no weapons on his person or in his vehicle. The warrant had just come out that day and no body had called him or gone to his house. That the defendant had actually spoken to police prior to Sept. 13, 2002, the date of his arrest." (Tr.pp. 503, line 10-p. 504, line 6; p. 504, line 23-p. 505, line 10).

The victim (Elton Rutledge's mother) testified; "That she did not have any question in her mind that State's Exhibit 39 (two white **ADIDAS** sneakers) were her ^{Brother's} ~~son's~~ shoes. (Tr.p. 509, lines 8-16).

The victim's father, Elton Nathaniel Rutledge, Sr. testified, "that State's Exhibit 39 were his son's shoes. (Tr.p. 510, line 12-p. 511, line 4). These very shoes were marked into evidence. SEE: (Tr.p. 462, line 22-p. 463, line 16). However, there is an important question and fact in regard to those shoes, as Latrese Rutledge stated in her Missing Person's Report on Tuesday Aug. 6th, 2002, that she last saw her son wearing a pair of white **NIKE sneakers.

The remains of the second person were never identified as those of Elton Rutledge. (Tr.p. 548, lines 12-15), Fraud upon Court.

SUMMARY OF STATE'S EVIDENCE:

Here, there was no identification of the second victim even being Elton Rutledge, the person alleged in the indictment, and there is an inconsistency in what kind of shoes he was wearing when last seen. There is no proof that he was even shot or what did cause the second person's death in this case. One or two guns could have fired the projectiles found at the crime scene, and 25 to 35 different makes of firearms could have fired them. No weapon was found, and no human blood stains identified, and no fingerprints found. There is not physical or forensic evidence of any type to prove the Applicant killed or shot the alleged victim in this indictment in question, and states saying they lost D.N.A. per Attorney Tristan Shaffer, Esq.

Lack of subject matter jurisdiction may be raised at any time.

The State failed to prove that the alleged victim in the indictment is even the victim in question in this case.

Brown V. State; 343 S.C. 342, 540 S.E. 2d 846 (2001).

There is a fatal variance of the proof presented by the State at trial. Browning V. State; 465 S.E. 2d 358, 359 (1995); State V. Bland; 457 S.E. 2d 611, 612 (1995); State V. Owens; 552 S.E. 2d 745 (2001); Russel V. U.S.; 369 U.S. 749, 763-764

The trial Court lacked subject matter jurisdiction due to the fatal variance between the evidence presented by the State and the allegations and elements set forth and alleged within the indictment for murder. Carter V. State; 495 S.E. 2d 773 (1998); State V. Williams; 552 S.E. 2d 54 (2001); State V. Hoitt; 276 S.E. 2d 163 (1981); State V. Doctor; 413 S.E. 2d 36 (1992); State V. Nix;

334 S.E. 2d 519 (S.C.App. 1986); State V. Keith; 325 S.E. 2d 325, 326 (1985); State V. Bullard; 560 S.E. 2d 436 (2002).

The convictions and sentences in this case should be vacated as a matter of Law and justice.

States Now Saying they Lost the Shoes & Bones to be Tested.
State's Exhibit #39 - Addidas Shoes and the Bones Removed to Be tested, it's Exculpatory, It will prove that the Addidas Shoes does not Belong to Elton Rutledge Jr. And the State Solicitors gave knowingly perjured Testimony of (2) States witnesses, and they lied to the Court and Judge. see: Tr. T. pg 666 lines 13

13. THE COURT : --- because there's no DNA...

Tr. T. pg. 666 lines 23-24

23. THE COURT : --- my understanding is there will
24. be DNA. never

Attorney TRISTAN Shaffer got DNA results from Calif. that State Solicitors should've used instead they Broke S.C.A.C.R. Rule 407, 3.8 / Knowingly perjured Testimony & Fraud upon the Court.
(6.)

FRAUD

Fraud by fact is defined 1990 Blacks Law Dictionary consists of a actual intent to defraud. In case sub judice it is fraud imputed by law arises from the persons conduct in its neccessary relation and consequences .

(Fact and Law Distinguished)

Fraud imputed by law was adopted Riddle V. Ozmint stating it is evidence not intent of solicitor that forms prosecutorial misconduct. Riddle=Fraud upon court imputed by law of necessary relation to fact and consequences of fact (prejudice)

In necessary relations (to the facts) fraud imputed by law exists to set aside conducts

15th circuit solicitor had knowledge Juror #19 Marissa Cooper manager of Green Acres Moble Home Park Intentionally failed to disclose 171 of her tenants were state witnesses McCoy V. State 737 SE2d (2013)

The defendant would therefore move in open court to have 15th Circuit Solicitor Office recused from the DNA testing process and hearing thereon based upon a history of gross prosecutorial misconduct and a pattern thereof SCRE 406

The Defendant herein would show unto this court that this is the (3rd) third motion against 15th Judicial Circuit Solicitor Office dealing with them being unethical and discovery violations resulting in prosecutorial misconduct that's apparent and has been happening and exist unto this date of this filing.

The following discussion explains the law on prosecutorial misconduct, that has been discovered after the petitioner's Trial that clearly Brady V. Maryland, supra Riddle V. Ozmint supra; Quatterbaum V. State, supra; triggers Hillery V. Vasquez, supra; Kyles V. Whitley, supra, and Berger V. U.S., supra, Grand Juror Bias/Misconduct.

see: Fortior Exhibit-A-Trial Transcript

1. Motion to permit recusal, or alternatively to disqualify the the 15th Circuit Solicitor's Office; Pre-Trial Motions filed, but were Denied!
2. Motion to dismiss, or alternatively to disqualify the 15th Circuit Solicitors Office; Pre-Trial Motiion filed, but Denied!

DISCUSSION

Applicant herein submits that the UNITED STATES CONSTITUTIONAL rights Amendments V;VI;VIII to Due Process of Law; by the Investigators & the Solicitors actions stated deprived applicant of Life; Liberty; and Due Process of Law. The Solicitor is an

officer of the court. See; Berger v. U.S., 295 U.S. 78,88(1935) (Government attorney is the representative "of a sovereignty whose obligation is to govern impartially is as compelling as its obligation to govern at all, and whose interest therefore in a criminal prosecution is not that it shall win a case, but that justice shall be done").

ABA standards for Criminal Justice; Prosecution Function & Defense Function; standard 3-1.2(c) (3d ed. 1993) ("The duty of the prosecution is to seek justice, not merely convict.") National District Attorneys Association National Prosecution Standard (2nd ed. 1991) ("Primary responsibility of prosecution is to see that justice is accomplished."). Thus a posecutor may not seek a conviction at any price.

See also: State v. Porter 526 N. W.2d 359, 362-63(Minn.1995); Salitros, 499 N.W. 2d at 817 [many prohibitions that the solicitor committed also appear in standards of Conduct the American Bar Association has established for prosecutors as well as defense counsels alike.

See: ABA Standards for Criminal Justice, Prosecution Functions Standards 3-5-9 (Prosecution)

A prosecutor may prosecute with earnest and vigor indeed, he should not so, but while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one" 295 U.S. at 88, 55 S. Ct 629 at 633 (emphasis added).

The South Carolina Supreme Court echoed this same standard in State V. King, 71 S.E2d 793(1952) "A Solicitor is an officer of the court representing all the people including the accused, and occupies a quasi-judicial position and must see that justice is done, that no conviction takes place except in [strict] conformity with the law and that the accused is not deprived of any Constitutional Rights or privileges and however strong his/her belief may be of an accused guilt, he must conduct the trial in a manner fair and impartial to the accused... see: State v. Durden, 212 S.E2d 587(1975)

The area of the ethical responsibilities of lawyer participants in these proceedings of great concern. Our Supreme Court, in Appellate Court Rule 407, has prescribed a series of applicable rules which impose heavy responsibilities upon the participants, including the prosecution.

Rule 1.13 - Organization as a client

Rule 3.3- Candor towards the tribunal (relative to false statements of material facts(a)(1) and failure to disclose a material fact to a tribunal....to avoid a criminal or fraudulent act by a client(a)(2);

Rule 3.4 - Fairness to opposing party and counsel

3.7 - Lawyer as witness

Rule 3.8 - Special responsibilities of a Prosecutor

Rule 4.1 - Truthfulness in statements to others (making a false statement of material fact or law to a third person and relative to duty to disclose material facts to third person when necessary to avoid assisting a criminal or fraudulent act(b)

Rule 4.3 - Dealing with Unrepresented persons.

5.1 - Responsibilities of a partner or supervisory lawyer.

Rule 5.3 - Responsibilities regarding non-lawyer assistants.

Rule 8.4 - Misconduct (conduct that is prejudicial to the administration of justice)

The South Carolina Supreme Court has frequently admonished prosecutors: Supreme Court justice has already told prosecutors' that they "have been getting away with too much for too long..."

"and" the High Court will no longer turn a blind eye to unethical conduct as in my case; such as witness tampering, selective and retaliatory prosecutions, perjury, suppression of evidence,; Grand Jury Misconduct; Brady Violation after Trial.

He [the prosecutor] may prosecute with earnestness and vigor- indeed, he should do so. but while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring a just one.

See: State v. Dawkins, 377 S.E2d 298(1989); State v. Robinson, 409 S.E2d 404(1991) quoting Bergen v. United States of America, 295 U.S. 78(1935) . Trials have been likened to small wars, engendering tensions emotions , and partisanship like no other experience in life. Civility is often a thin veneer covering limited altruism." Thornton V. Breland, 441 So.2d 1348(Miss.1983)

Even in this crucible, the duties and obligations of the participants, "especially the prosecutor", continue. The United States Supreme Court stated, "prosecutors are not required to be entirely "neutral or detached" Marshall v. Jerricho, Inc., 446 U.S. 238, 64 L.Ed.2d 182, 100 S. Ct. 1610 (1980) cited in State v. Hunter, 437 S.E2d 41(1993), but In appropriate circumstances the Court has made clear the traditions of prosecutorial discretion Supp. 389(1974).

The South Carolina Supreme Court has held that "The integrity of the entire judicial system is called into question by conduct such as that engaged in by the...solicitor's office and investigating officers in this case. Prosecutors are minister of justice and not merely advocates. " State v Quattlebaum, 338 S.C. 441, 449,527 S.E2d 105, 109(2000). The Court further stated that the "prosecutor has special responsibilities to do justice and is held to the highest standards of professional ethics. Id." The conduct in this case threatens rights fundamental to liberty and justice. As the comments to Rule 3.8, Rule 407, SCAR, states: "A prosecutor the responsibility of a minister of justice and not simply that of advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon sufficient evidence."

As the Court stated in Quattlebaum, every judge, attorney, criminal defendant and all citizens of South Carolina have a "vital interest in the fair administration of justice. The judiciary bears the ultimate responsibility for maintaining judicial integrity and high standards of professional conduct among the members of bar, and for protecting and defending constitutional rights of the accused. "State v. Quattlebaum, 338 S.C. 441,449, 527 S.E2d 105,109(2000)).

DECEMBER 8, 2003 MOTION HEARINGS:

This hearing was held before Judge John L. Breeden, Jr.. Defense Counsel moved for recusal or in the alternative to disqualify the Fifteenth Circuit Solicitor and/or Office from the trial of this case. (Tr. pp.3, line 7-p.35, line 8, in reference).

This court is requested to pay particular attention to the claims presented by defense counsel at this hearing and referenced in the transcript herein as:(Tr. pp.8, line 21-p.9, line 7; p. 13, line 7; p. 13, line 12-p. 14, line 1; p. 14, line 22-p. 15, line 4; p. 15, line 5-p. 17, line 7; p. 17, line 11- p. 18, line 24; p/ 19, lines 1-12; p. 20, lines 10-24.

At this hearing before Judge Breeden Jr., Solicitor Bryan admitted that Solicitor Hembree instructed him to call the police agencies and instruct them that all evidence in relation to appellant's case had to be turned over to the solicitor's Office first, and that this was a priority. Such, deprived the appellant's defense at trial from... *Continued on next page 41,*

obtaining (Discovery) in a timely manner, and until the Solicitor's Office decided to give it to the defense in this case.

Solicitor Hembree admitted that defense was not provided with a lot of (Discovery Materials) in a timely manner by the their Office. SEE: (Tr. pp. 38. lines 9-20; p. 52. lines 9-17; p. 54. line 1- p. 55. line 4; p. 55. lines 17-25). The Solicitor flatly admits that many of these documentations of evidence were relevant to the defense at trial in this case. This very fact in and of itself does clearly show violations of the following case law precedents and rules. Brady V. Maryland, supra.-U.S. V. Argurs, supra.-Kyles V. Whitley, supra.; Rule 5, SCRCrimP.; Rules 608 and 609, SCRE; and Rules of Professional Conduct, Rules 3.4-Fairness to Opposing Party and Counsel; 3.4-Special Responsibilities of a Prosecutor; 8.4-Misconduct; 3.3-Candor Toward the Tribunal; 4.3-Unrepresented Parties, and Const. Law, Key 257).

The Court at this Hearing ruled and granted a Continuance in order to correct these matters. (Tr. p. 72. line 16-p. 73, line 17). That ruling failed to correct anything at all, as will be shown in the following parts of this argument.

FEBRUARY 26th, 2004 MOTION HEARING:

This Hearing was held before the Honorable Paula H. Thomas, who was also the trial Judge in this case.

At this Hearing, defense counsels move to Dismiss the charges, based upon (Discovery violations), and (After-Discovered Evidence) in that regard.

Judge Thomas stated, "The Motion To Dismiss should be heard by Judge Breeden since it was a subsequent application for an order after refusal under Rule 4(B). (Tr. p. 17. line 18-p. 18, line 16).

FEBRUARY 27th, 2004 MOTION HEARING:

This Hearing was held before the Honorable John L. Breeden, Jr.

At this Hearing, defense counsels moved to Dismiss or in the Alternative to Disqualify based on after-discovered evidence that warranted reconsideration of the prior original Motion and Court ruling upon the Motion on December 8th, 2003. (Tr.p. 1, line 2-p. 3, line 23).

In regards to this Hearing of February 27th, 2004, SEE: the Solicitor's statements to the Court at the December 8th, 2003 Hearing. SEE: (Tr.p. 4, lines 6-7; p. 5, line 20-p. 6, line 3; p. 6, lines 5-12 and lines 14-24).

The following testimonies from the February 27th, 2004 Hearing clearly and plainly show that Solicitor Hembree not only lied to the defense counsels, but to Judge Breeden as well, at the December 8th, 2003 Hearing.

SEE:TESTIMONY of Officer Gary Todd:
(Tr.pp.-p. 10, lines 4-10; p. 11, lines 3-18; p. 12, lines 1-17; p. 12, line 25-p. 15, line 1; p. 15, line 8-p. 17, line 14; p. 18, line 9-p. 22, line 2). SEE: (Tr.p. 33, line 13-p. 34, line 20).

SEE: Affidavit of Louis Bazen:
SEE: (Tr.p. 35, lines 1-17), referenced only. SEE: Original Affidavit:

SEE:TESTIMONY of Officer William Pierce:
In regard to polygraph examination of Roger Warren on August 23rd, 2003: SEE: (Tr.p. 35, line 25-p. 38, line 1).

SEESOLICITOR'S STATEMENTS:
SEE: (Solicitor's statements to the Court at December 8th, 2003 Hearing in regards to SLED Reports on ballistics and DNA from the
(2)

tennis shoes of one of the victim's in this case. (Elton Rutledge, Jr.) SEE: (Tr.p. 7, lines 11-14 and 19-22; p. 8, lines 3-8).

SEETESTIMONY of investigator DON MYERS:

SEE: (Tr.p. 38, line 21-p. 40, line 20).

SEETESTIMONY of SLED Agent Frank Dan DeFreese:

SEE: (Tr.p. 42, line 8-p. 48, line 17; p. 51, lines 4-24).

SEE ARGUMENT by Defense Counsels:

In these arguments before the Court, defense counsels argued that Solicitor Greg Hembree had committed prosecutorial misconduct, and they were correct in that argument. SEE: (Tr.p. 52, line 9-p. 58, line 8; p. 74, line 10-p. 75, line 25; p. 76, line 8-p. 80, line 4).

SEE:ARGUMENT by Solicitor Hembree:

SEE: (Tr.p. 62, line 1-p. 74, line 9; p. 76, lines 2-7).

Judge Breeden put the matter under advisement for a later ruling, and ask both sides to submit proposed orders. SEE: (Tr.p. 80, lines 5-14).

By written Order dated March 8th, 2004, Judge Breeden Dismissed the defense's Motion.

That ruling is in error; but that is not what's important in this case. What is important now follows.

First, Rule 3.4, which provides, "A lawyer shall not unlawfully obstruct another party's access to evidence."

That is exactly what Solicitor Hembree did in this case, and he did not stop there either, which is clear cut from the arguments of ~~XXXXXXXXXXXXXXXXXXXX~~ Brief,

Prosecutorial misconduct is very apparent from pre-trial and throughout the trial of this instant case.

The Solicitor's actions in this case violate the rules of professional conduct and ethics within their very meanings, they violate the S.C. rules of evidence, the fundamental fairness of the trial proceedings, both the S.C. and U.S. Constitutions, and the integrity of the entire judicial system, causing ramifications in our public trust of the legal system if his actions are upheld by our S.C. Courts in this case.

There is not only a impermissible inference of bad faith, but a very compelling pattern of negligent action of bad faith and prosecutorial misconduct in this case. This improper conduct by Solicitor Hembree is totally shocking to the American justice system and what it stands for to the American public. His piecemealing of the Discovery materials in this case are completely shocking to our justice system.

"The American public cannot have confidence in our judicial system, our Constitutions, our Laws, our Rules, or a fair trial if Solicitor are allowed to proceed in a procedural manner of this type and nature. If this is allowed by our Solicitors, then there is no need for our Constitution, Rules, Laws, or Courts at all.

Prosecutors hold positions of public trust. They are elected by the people who need to know and feel a sense in every community, that when you walk into our Court rooms, that you will receive true legal justice that want be handed to you piecemeal fashion, and that you will receive a fundamentally fair trial by our S.C. Courts. ** State V. Quattlebaum; 338 S.C. 441, 527 S.E. 2d 105 (S.C.S.Ct. 2000); App.Ct. Rule 407).

The actions of the Solicitor in this case assuredly did contribute to the verdict obtained, and they cannot said to be harmless at all in this instant case. Delaware V. Van Arsdall; 475

U.S. 673, 648 , 106 S.Ct. 1431, 1438 (1986), quoting, Chapman v. California, 386 U.S. 18, 24, 87 S.Ct. 824, 828 (1967).

The actions of the Solicitor in this case so infected the trial with unfairness as to make the conviction a denial of due process and fundamental fairness. Simmons v. State, 331 S.C. 338, 503 S.E. 2d 166-167 (1998).

The adverse inference indulged against the appellant in this case because of its exercise denied him the presumption of Innocence and shifted the Burden of proof from the State to the appellant in this case. See State v. posey, 269 S.C. 500, 503, 238 S.E. 2d 176-177 (1977), citing, Samnstrom v. Montana, 442 U.S. 513 (1979) and U.S. V. Gordon, 61 F. 3rd 263, 267 (4th Cir. 1995).

F U R T H E R A R G U M E N T :

As a general rule, conduct of a government office and its prosecutors' when addressing the jury in opening and closing remarks violates the appellant's rights when statements are made that are calculated to arouse prejudice against the accused, and to prevent him from having a fair trial and such can not be tolerated. State v. Craig, 2678 S.C. 262, 227 S.E. 2d 306 (1976). And, the Due Process Clauses of S.C. Const. Art. I. §3 and the 14th Amendment of the U..S. Const., prohibit a trial judge from overreaching for the prosecution, (as was done in this case (see part III), so as to deny appellant rights of a fair jury trial, guaranteed by the 5th and 6th amendments, U.S. Constitution. A trial judge should not sanction the solicitor's actions in this case, making highly improper and prejudicial statements during trial, and tapping a telephone and calls between defense counsel

and appellant as well as quartering off the evidence, depriving appellant's counsel of its discovery until late in the trial period as set forth above. See Simmons v. State, 331 S.C. 333, 503 S.E. 2d 164 (1998).

It is the duty of this court to view the failure in providing information in a timely fashion as to discovery right rather than to evidentiary right and due process right issues. The review should be based upon the right of Due Process of law and discovery rather than any evidentiary rules.

The proper analysis under discovery and due process of law regarding the prosecutor's duty is, more than merely to meet the minimum standards of the letter of the law. AS the court stated in State v. Davis, 239 S.C. 280, 122 S.E. 2d 633 (1961), citing State v. McGill, 191 S.C. 1, 3 S.E. 2D 257 (1939); STATE V. KING, 222 S.C. 108, 17 S.E. 2D 793 (1952); BERGER V. UNITED STATES, 295 U.S. 78, 55 S.CT. 561, 87 L.ED. 754 (1942); VIERECK V. UNITED STATES, 318 U.S. 266, 63 S. CT, 561, 87 L.ED. 754 (1942).

In Brady v. Maryland, 373 U.S. 83 *1963), the Court held that the Due Process Clause prohibits a State from withholding (i.e. delaying) evidence that is material and exculpatory of an accused. "--- if the omitted evidence creates a reasonable doubt that did not otherwise exist, constitutional error has been committed." united States v. Augers, 427 U.S. 97 (1976).

The question remains in view of the accumulation of prosecutorial misconduct in this case that it may even presumed

that other evidence may have been withheld, lost, or destroyed, that is not known of even today. This evidence discovered as delayed access to and manipulated by the government, and withheld along with what else may never have been provided may be critical to the case and questions of other state witnesses that may have been involved and had something to lose and who testified in this circumstantial evidence case were let off to obtain conviction against the appellant. Such deserves investigation and further litigation and may even be a lost effort to correct the wrongs presented in this issue. (State v. Caulder, 287 S.C. 504, 339 S.C. 876 (1986)).

The Courts have long condemned unprofessional conduct by the government prosecutors, whether it results from incompetence by the government prosecutors or Manipulation. Prosecutorial actions may "constitute a denial of due process generally". Rogers v. Lynaugh, 848 F. 2d 606, 608 (5th Cir. 1988). the government's prosecutor's duty "in a criminal prosecution is not, "it shall win a case, but the justice shall be done." Berger v. U.S., 295 U.S. 78, 88, 55 S.Ct. 629, 633 (1935). A constitutional error derives from a trial which is unfair. Donnelly v. DeChristofore, 416 U.S. 637, 643 , 94 S.Ct. 1898 , 1871 (1974).

Therefore, the appellant's conviction must be set aside.

The duty of the solicitor before a jury is only to comment on the evidence that was placed into the record, the characteristics of the defendant, and the circumstances of the crime. See State v. Smith, 298 S.C. 482, 381 S.E. 2d 724 (1989). The acts of the Solicitor in naming each state witness and vouching for their testimony and verifying that they would not

lie, is designed to assassinate the character of the appellant in that he did related statements against the appellant herein above that deprived him of his right to claim innocence until proven guilty.

Further, in Wilson v. O'Leary, 895 F. 2d 378, 384 (7th cir. 1990) it was decided that ("Procedural rules apply to the government as well as to the defendants...[I]f as a result a violent offender goes free, the Attorney General of Illinois must understand where the responsibility lies - with his own staff").

"It is abiding truth that '[n]othing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence". Oregon v. Hass, 420 U.S. 714, 724-25, 95 S.Ct. 1215, 1222, 43 L.Ed. 2d 570. Also, Harris v. New York, 401 U.S. 222, 232, 91 S.Ct. 643, 649, 28 L.Ed. 2d 1 (1971).

It is and established fact that it is the Jury , not the prosecutor, that,"has the duty to sift through the inconsistencies of testimony, to weigh the credibility of witnesses and to resolve any ambiguities in the evidence." Saint Paul, Marine Trasp. Corp. v. Cerro Sales Corp. 505 F. 2d 1115, 119 (9th Cir. 1974).

The Solicitor's arguments before the jury "so infected the trial with unfairness as to make the resulting convictions a denial of due process." See Donnelly v. DeChristofore,, 416 U.S. 637, 94 S.Ct. 1868 (1974). "Improper suggestions, insinuations and especially assertions of personal knowledge are apt to carry much weight against the accused when they should carry none."

Berger v. United States, 295 U.S. 163; United States v. Atkinson, 297 U.S. at 160; Vierick v. United States, 318 U.S. 236 (1943); See also, State v. White, 246 S.C. 562, 144 S.E. 2d 481 (1965). While a prosecutor should prosecute vigorously, State v. Davis, 289 S.C. 280, 122 S.E. 2d 635, his duty is not to convict a defendant but to see that justice is done. State v. Allen, 266 S.C. 468, 224 S.E. 2d 881 (1976); Berger v. United States, 295 U.S. 78, S. Ct. 627 (1935).

The Prosecutor's overall conduct generally before and during trial can accumulatively undermine the fundamental fairness of the trial and contribute to and cause fundamental manifest injustice. See supra. Berger; Vierick; Allen; White, as set forth above.

In State v. Quattlebaum, Op. No. 25051 filed January 24, 2000, the high court stated: "We will not tolerate deliberate prosecutorial misconduct which threatens rights fundamental to liberty and justice." *This is the Reason 15th Circuit Solicitors should be removed at the least Conflict of interest.*

The cumulative misconduct of the Office of the Solicitor and the Solicitors themselves in opening and closing remarks, tapping telephone at jail house of appellants calls to attorney defense counsel, admissions of wrong doing regarding evidence in part three, the judges failure to cure the problems violated the petitioner's constitutional rights. The cumulative affect of these errors and violations and acts and omissions, misconduct of solicitors and office of solicitor deprived the appellant of a fair trial. These actions and omissions of the government hindered the defendants defense in this murder case. Which in the

interest of justice require a new trial and / or immediate release without new trial.

PART IV:

SOLICITOR TAPPED JAIL TELEPHONE ILLEGALLY

JUDGE FAILED TO CURE PROBLEM

(MORE GOVERNMENT MISCONDUCT)

Trial counsel brought motion and preserved for appeal the question of Solicitor and Government tapping Telephone calls between Appellant and Defense counsel. See Tr. p.194 line 4, through pg.197 line 17. See other Arguments presented to court regarding the governments Misconduct in the Appellant's case, Tr.Pages 169, line 5 through Tr. page 197. See also Judges Order which was adopted from Solicitor filings and adopted by Judge, Tr. pg. 861, through 929.

PART V:

VOUCHING BY GOVERNMENT FOR

ALL GOVERNMENT WITNESSES:

The court cannot uphold the decision of the lower courts when its findings have no probative value. See Holland v. State, 322 S.C. 111,470 S.E. 2d 378 (1996).

In State v. Shuler, 344 S.C. 604, 545 S.E. 2d 805, Cert. denied, ___, U.S. ___, 122 S.Ct. 404 (2001), the Court explained that a solicitor:

"cannot vouch for the credibility of a witness by expressing or implying his personal opinion concerning a witness' truthfulness... Improper vouching occurs when

places the government's prestige behind a witness by making explicit personal assurances of a witness' veracity, or where a prosecutor implicitly vouches for a witness' veracity by indicating information not presented to the jury supports the testimony...

344 S.C. at 630, 545 S.E. 2d at 818 (citation omitted). "Because a jury must make its own assessment on the credibility of witnesses, it is inappropriate for the State to assure the jury of a government witness's credibility." State v. Kelly, 343 S.C. 350, 369, 540 S.E. 2d 851 (2001), rev'd on other grounds, 534 U.S. 246 (2002).

The Solicitor not only vouched for one witness but vouched for all the State Witnesses.

1. Denise Langston: Tr. p. 771, line 25: solicitor vouches for witness Denise Langston, "...I'll tell you that she was credible..." also, pg. 772, line 10: "but she told the truth and the whole truth..."

2. Christ Doerr: Tr. p. 772, line 17 through 23 where solicitor vouched for him in statement regarding Denise; " Now this is important., I believe Chris Doerr, wh9owas the diver who discovered the vehicle..."

3. Louis Bazen; Tr. pg. 779, lines 1 to 4; "ouis Bazen, of course, is another critical, absolutely , absolutely critical witness to the States case" and on Tr. pg. 783 line 19-23 states " ...and I submit to you that Louise Bazen was a very credible witness, that he didn't try to hide anything, that he didn't do

anything but tell the truth as he knew it".

It can be easily seen that the state improperly vouched for the credibility of the above three witnesses in closing statements. These statements amount to personal assurances of the witnesses veracity because the solicitor emphatically stated that they are all three worthy of belief. Since it is inappropriate for the State to assure the jury of a government witness's credibility, the Solicitor erred in doing so and was in misconduct before the jury. Solicitor's vouching enhanced the impropriety of in closing remarks. Other repeated remarks throughout the Closing statements as to the character and lies by the appellant and his unbelievability was designed and calculated to persuade the jury to not believe the defense but believe the solicitor.

The prejudicial impact of the vouching by the solicitor clearly scream for this court to find prejudice which flowed from the solicitors misconduct. The credibility of the state witnesses were so crucial in this circumstantial murder case that to vouch for same was therefore misconduct and persuasive on its on-self to manipulate the minds of the jury to a finding of guilt. There was sufficient question of each of the state witnesses credibility in the record. Since both the credibility of State witnesses and that of appellant were in question, the solicitor was wrong in using the states integrity to bolster the

witness and vouch for there credibility, there 4 Jury Misconduct Pending Also; And Grand Jury Foreman helped Police collect Evidence in the Towing out of the Alleged Crime scene vehicle. On the totality of the above claims and parts herein, this case, should Rule that 15th Circuit Solicitors Office Should be disqualified from Participation in D.N.A. testing, now Alicia Richardson is Refusing to (test) test D.N.A. Respectfully submitted Judy Ward #300644

EXHIBIT

A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN	)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA,	)	
vs.	)	Warrant Nos. H248669; H248670
JODY LYNN WARD,	)	H248482
Defendant	)	Charges: Murder (2 counts)
	)	Presenting False Claim for
	)	Insurance Payment

**MOTION TO PERMIT RECUSAL, OR ALTERNATIVELY, TO DISQUALIFY
THE FIFTEENTH CIRCUIT SOLICITOR'S OFFICE**

The above-named Defendant, by and through his undersigned counsel, moves before this Court for an Order permitting the Voluntary Recusal of the Fifteenth Circuit Solicitor's Office from further participation in the prosecution of the captioned case. In the alternative, the defense moves for a hearing and Order disqualifying the Fifteenth Circuit Solicitor's Office from further participation for reasons including, but not limited to those set forth in this motion.

SUPPORTING INFORMATION

1. The existence of the videotape of Willie Lambert had been in the possession of the prosecution and its agents for approximately five months before it was turned over to counsel for Defendant. *Rec'd. Saturday 12/6 - 1:45pm - we had to call taken July 3rd & turned over to Solicitor. - go pick up*
2. The Solicitor told counsel for Defendant that the tape had been misplaced or lost, but the tape had no substance on it. However, upon obtaining the tape and listening to it, there is exculpatory evidence as well as impeachment evidence.
3. That the Georgetown County Sheriff's office knew the substance of the

tape and failed to properly document it in their reports. The videotaped statement was taken by officers of the Georgetown County Sheriff's Office

4. That the Georgetown County Sheriff's Office did not enter this videotape into evidence, yet as far as defense counsel is aware, and from what is shown by the evidence sheets of the Georgetown County Sheriff's Office, all other videos were entered in to evidence.

5. The area of the ethical responsibilities of lawyer participants in these proceedings is of great concern. Our Supreme Court, in Appellate Court Rule 407, has prescribed a series of applicable rules which impose heavy responsibilities upon the participants, including the prosecution:

Rule 1.13 Organization as a Client

Rule 3.3 Candor Toward the Tribunal (relative to false statements of material facts (a)(1) and failure to disclose a material fact to a tribunal... to avoid a criminal or fraudulent act by a client (a)(2));

Rule 3.4 Fairness to Opposing Party and Counsel (See Comments)

Rule 3.7 Lawyer as Witness (See Case Comments)

Rule 3.8 Special Responsibilities of a Prosecutor (See Comments);

Rule 4.1 Truthfulness in Statements to Others (making a false statement of material fact or law to a third person and relative to duty to disclose material facts to third person when necessary to avoid assisting a criminal or fraudulent act (b))

Rule 4.3 Dealing with Unrepresented Persons

Rule 5.1 Responsibilities of a Partner or Supervisory Lawyer

Rule 5.3 Responsibilities regarding Nonlawyer Assistants

Rule 8.4 Misconduct (conduct that is prejudicial to the administration of justice)

6. The chief investigating officer of this case (Inv. Gary Todd) was present during the taped interview of Willie Lambert, but Inv. Todd failed to mention in his supplemental reports that this witness says that Louis Bazen specifically said he [Bazen] and Jody killed them boys. The tape additionally provided direct evidence impeaching Bazen's previous statements.

7. This Solicitor's office has previously been put on notice, as a result of similarly questionable ethical conduct, that the improper actions of the investigators and others working for the State are imputable to the Solicitor's office.

8. The Solicitor's office has also been late in the production of numerous other discovery items. These include supplemental incident reports, ballistics reports from SLED, blood analysis reports from SLED, witness statements, incident reports, and various other items to be specifically outlined for the Court.

9. A substantial breach of Rule 5 Discovery obligations exists regarding the inaction of the Solicitor's Office in failing to produce the requested and required information pursuant to Rule 5, SCRCrim.P and Brady v. Maryland. These breaches, in direct violation of the thirty (30) day rule, substantially deprived the defendant of his right to a fair trial pursuant to United States of America v. Agurs, 427 U.S. 97, 108, 96 S. Ct. 2392, 49 L.Ed.2d, 342 (1976) and State v. Williams, 425 S.E.2d 68 (S.Ct. 1992).

ARGUMENT

The South Carolina Supreme Court has frequently admonished prosecutors:

He [the prosecutor] may prosecute with earnestness and vigor -- indeed, he should do so. But while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a

1 THE COURT: All right, are we ready?

2 MR. HEMBREE: The State is ready, Your Honor.

3 THE COURT: Very well.

4 Is the Defense ready?

5 MR. LOCKLAIR: Yes, Your Honor.

6 THE COURT: All right, sir.

7 MR. LOCKLAIR: Your Honor, the first thing, I
8 believe, would be the Defense has several motions.
9 I'd like to hand up our first motion, a copy, which
10 has recently been filed with the Court.

11 Your Honor, let the record reflect I just
12 served the Fifteenth Circuit Solicitor, Greg Hembree,
13 personally with a motion to commit recusal or
14 alternatively to disqualify the Fifteenth Circuit
15 Solicitor's Office from the trial of this case.

16 Your Honor, the root of this whole issue goes
17 to discovery violations that have been permitted to
18 happen by the Solicitor's Office and that have
19 occurred ever since these cases have begun. Most
20 recently and the main basis for this is a video tape
21 of a witness by the name of Willie Lambert that was
22 made on July 3rd of 2003, and turned over to the
23 Solicitor's Office.

24 The substance of that tape was not reflected
25 in the individual reports that were made by the

1 Lambert's statement differs from that and said that
2 Lewis Bazen specifically told him different things.

3 Your Honor, this is the main basis for our
4 motion. My co-counsel, Ms. Kneece, is going to go
5 through a whole litany of other discovery violations
6 that have occurred, Your Honor. The list is quite
7 long, so we've broken it down into two parts, but as
8 Your Honor looks at all these discovery violations, I
9 think Your Honor needs to reflect back and look at
10 State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105, a
11 2000 case from the South Carolina Supreme Court.
12 While the facts differ, we think some of the language
13 of Quattlebaum is very applicable, specifically that
14 the integrity of the entire judicial system is called
15 into question by conduct such as that engaged in by
16 the Solicitor's Office and investigating officers in
17 this case.

18 Prosecutors are ministers of justice and not
19 merely advocates. The Prosecutor has special
20 responsibilities to do justice and is held to the
21 highest standards of professional ethics. A
22 prosecutor has the responsibility of a minister of
23 justice and not simply that of an advocate.

24 This responsibility carries with it
25 specifically obligations to see that the Defendant

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

The State of South Carolina,
Plaintiff,

v.

Jody Lynn Ward, #300644,
Defendant

) IN THE COURT OF COMMON PLEAS
)
) FIFTEENTH JUDICIAL CIRCUIT
)

) Case No: 2003-GS-22-1030-1031
)

) DEFENDANT'S MEMORANDUM
) OF LAW
) IN SUPPORT OF APPLICATION
)
) FOR PCR / DNA TESTING
)
)

FACTS

The Defendant herein respectfully moves this Court with Memorandum of Law in support of pending PCR / DNA Testing.
see: Exhibit(A)

Trial Transcript page 666 line 13

13. THE COURT: --- because there's no DNA...

Tr. T. page 666 lines 23-24

23. THE COURT: --- my understanding is there will never
24. be DNA.

FILED
GEORGETOWN COUNTY, S.C.
2018 AUG 29 PM 2:14
ALMA Y. WHITE
CLERK OF COURT

Tr. T. page 667 lines 17-20

17. THE COURT: I need to note for the record that the
18. objection that was stated to this Court prior to putting it
19. on the record was there was No DNA evidence. There will
20. not be DNA evidence in this.

See: Missing Report filed by Alleged victim sister Latreese Rutledge

she positively Reported her Brother wearing (Nike Brand)
And State still presented Addidas & why DNA testing is Warranted.

See: Tr. T. Page 786 lines 17-19

17. ... that, but also in evidence is the shoes that belonged to
18. Elton Rutledge, Jr. His dad testified and his sister
19. testified that those were those shoes...

The State Knew that the Addidas shoes did not belong to the
alleged victim per missing Report on Elton Rutledge Jr. see: also
marked as Exhibit(B).

This is clear Latreese Rutledge and Elton Rutledge Sr. Back on
the stand to give knowingly perjured Testimony pertaining to
DNA Evidence that Court just told the Jury that there
will be No DNA Evidence in this case, clearly Triggering
see: Riddle v. Ozminw, 369 S.C. 39, 631 S.E. 2d 70 (2006).
2. of 4.

This was 2nd time she was put on stand, which illegal also.
Tr. T. page 718 lines 7-16 - Latrese Rutledge - Direct Examination

7. BY MR. BRYAN:
8. Q: Ms. Rutledge, I'm going to show you two objects I've
9. taken out of State's evidence 39. I'm going to show you.
10. these two objects. Can you identify those?
11. A: Yes; those were Elton's shoes.
12. Q: Did you ever see Elton in those shoes?
13. A: Yes, I have.
14. Q: Okay, is there any question in your mind that those
15. are his shoes?
16. A: No, there are not.

T. Tr. page 719 lines 11-18 - Elton Rutledge Sr. - Direct Examination

11. BY MR. BRYAN
12. Q: Reverend Rutledge, I'm going to show you two items out
13. of State's 39 and ask you if you can identify these items.
14. A: Yes, sir.
15. Q: What are they?
16. A: They are Elton's Jr's sneakers.
17. Q: Okay, did you ever see him wear these sneakers?
18. A: Yes, sir.

This is marked as ^{see?} Exhibit D
3. of 4.

Discussion

A prosecutor's deliberate deception of a Court and jurors by the presentation of known false evidence is incompatible with rudimentary demands of justice. Riddle v. Ozmiwt, 369 S.C. 39, 631 S.E. 2d 70 (2006)

The failure to correct false testimony is as reprehensible as its presentation. Riddle v. Ozmiwt, *supra*.

See: In Simpson v. Moore, the Court noted that a conviction obtained by the knowing use of perjured testimony is fundamentally unfair and must be set aside if there is any reasonable likelihood that the false testimony could have affected the Jury's Judgment.

see: Simpson v. Moore, 367 S.C. 587, 627 S.E. 2d 701 (2006).

The Court added that the knowing use of perjured testimony is subject to the materiality standard of review: evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.

Conclusion

Wherefore, the defendant respectfully submitted by application to the testing of States Exhibit 39 for DNA testing which is pending at the present time of this Memorandum of Law in support of PCR / DNA testing.

4. of 4.

Respectfully submitted
1st Jody L. Ward, #300644
Jody L. Ward, #300644

CQ220290

GPD-F101

02012140

INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM						
1. MISSING PERSON				☒ YES ☐ NO	☐ YES ☒ NO	Residence		☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc/Polite ☐ Other ☐ Unknown ☐ Police Off.						
3.				☐ YES ☐ NO	☐ YES ☐ NO									
APARTMENT AND NUMBER, STREET NAME AND NUMBER						ZIP CODE	WEAPON TYPE							
INCIDENT DATE		24 HR CLOCK	TO	DATE	24 HR CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK		LOCATION NO.						
8-3-02		1400		8-6-02	1900	DISPATCH DATE/TIME 24 HR. CLOCK DISPATCH DATE: 8-6-02 DISPATCH TIME: 1901 TIME ARRIVED: 1904 DEPART. TIME: 1934		15						
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT	RACE SEX AGE	ETH. DAYTIME PHONE EVENING PHONE						
RUTLEDGE-LATRESE						☒ YES ☐ NO	B F 22	N						
ADDRESS				CITY		STATE	ZIP CODE	LOCATION NO.						
						SC	29440	INCELL						
VICTIM'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT		RESIDENT	RACE SEX AGE	ETH. DAYTIME PHONE EVENING PHONE						
RUTLEDGE-ELTON-N.						☒ YES ☐ NO	B M 25	N						
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										
510	165	BLK	BRO	MOUSTACHE, TATTOO ON BOTH ARM,										
ADDRESS				CITY		STATE	ZIP CODE	LOCATION NO.						
								11						
VEHICLE INQUIRY (VICT. 1) ☐ YES ☒ NO ☐ EXPLAIN --														
VICTIM (NO. 1) USING ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS ☐ YES ☒ NO ☐ UNK ☐ TYPE:														
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ ☒ This Jurisdiction, 3 -- State, 0 -- Out of State, U -- Unknown														
☐ SUSPECT	NAME (LAST, FIRST, MIDDLE)					RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
☐ RUNAWAY	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.													
☐ WANTED	ADDRESS													
☐ WARRANT	CITY													
☐ ARREST	STATE													
☐ JAIL	ZIP CODE													
☐ SUMMONS	LOCATION NO.													
SUBJECT (NO. 1) USING ALCOHOL: ☐ YES ☒ NO ☐ UNK ☐ ARRESTED NEAR OFFENSE SCENE: ☐ YES ☒ NO ☐ DATE/TIME OF OFFENSE														
DATE/TIME OF ARREST														

TUESDAY, 8-6-02 AT APPROX 1901 HRS OFFICER(S) RESPONDED TO [REDACTED] STREET (POLICE DEPT.) IN REFERENCE TO A MISSING PERSON. UPON MY ARRIVAL I MET WITH THE COMP WHO STATED THAT THE VICTIM WAS LAST SEEN ON 8-3-02 @ 1400 HRS AT THE FAMILY RESIDENCE. VICTIM LAST SEEN WEARING BLUE JEANS, WHITE T-SHIRT WITH WHITE SNEAKER (NIKE BRAND) DESCRIPTION OF THE VICTIM 510 APPROX 165 LBS BLK HAIR AND BROWN WITH TATTOO ON BOTH SHOULDER. VICTIM WAS ENTERED NCIC. NCIC NUMBER M552615453.

important Notice

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)							
TOTAL VALUE							
STOLEN							
DAMAGED							
TURNED							
RECOVERED							
LOST							
SUBJECT IDENTIFIED		SUBJECT LOCATED		STATUS		ARRESTED UNDER 18	
☐ YES ☒ NO		☐ YES ☒ NO		☒ ACTIVE ☐ NOW CLOSED ☐ UNFOUNDED		☐ ARRESTED 18 AND OVER	
REASON FOR EXCEPTED CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECEASES COOPERATION 5. ☐ JUVENILE - NO CUSTODY		DATE		UNIT NUMBER		APPROVING OFFICER	
4-11-11-13		8-6-02		4-11-11-13		David L. [REDACTED]	
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER	
4-11-11-13		8-6-02		4-11-11-13		David L. [REDACTED]	

INCIDENT TYPE Missing Person				COMPLETED ☒ YES ☐ NO		FORCED ENTRY ☐ YES ☒ NO		PREMISE TYPE Residence		UNITS ENTERED		TYPE VICTIM ☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
				☐ YES ☐ NO		☐ YES ☐ NO							
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER STREET NAME AND NUMBER)										ZIP CODE 29440		WEAPON TYPE	
INCIDENT DATE 08-03-02		24 NFL CLOCK 1500		TO		DATE		24 HR. CLOCK		DISPATCH DATE 7 TIME 24 HR. CLOCK DISP. DATE: 08-04-02 DISP. TIME: 1335 TIME ARRIVED: 1339 DEPART. TIME: 1355		LOCATION NO. 2	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) Brown, Nadine				RELATIONSHIP TO SUBJECT #1: Unknown #2: Unknown #3: Unknown		RESIDENT ☒ SOU		RACE B		SEX F		AGE 45	
ADDRESS				CITY		STATE		ZIP CODE		DAYTIME PHONE H: N W: N		EVENING PHONE H: N W: N	
VICTIM'S NAME (LAST, FIRST, MIDDLE) Brown, Willfred Wescott				RELATIONSHIP TO SUBJECT #1: Unknown #2: Unknown #3: Unknown		RESIDENT ☒ SOU		RACE B		SEX M		AGE 24	
EIGHT 508				WEIGHT 180		HAIR Blk		EYES Brn		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. Beige striped shirt, Blue shorts, White sneakers			
ADDRESS				CITY		STATE		ZIP CODE		DAYTIME PHONE H: N W: N		EVENING PHONE H: N W: N	
VISIBLE INJURY (VIC. 1) ☐ YES ☒ NO ☐ EXPLAIN -										COMPLAINT OF NON-VISIBLE INJURIES: ☐ YES ☒ NO			
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ LINK ☒ DRUGS: ☐ YES ☒ NO ☐ LINK ☒ TYPE:													
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐										*j-This Jurisdiction. S-State. O-Out of State. U-Unknown			
☒ SUSPECT		NAME (LAST, FIRST- MIDDLE) Unknown				RACE		SEX		AGE		ETH.	
☐ RUNAWAY		FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				DATE OF BIRTH		HEIGHT		WEIGHT		HAIR	
☐ WANTED		ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.	
☐ WARRANT		SUBJECT (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK ☒				ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST			
☐ ARREST		DRUGS: ☐ YES ☒ NO ☐ UNK ☒ TYPE:				TOTAL # ARRESTED							
☐ JAIL													
☐ SUMMONS													
08-04-02 @ 1335 hours I responded to ref. missing person. The complainant Mrs. Brown said that her son has been gone since yesterday 08-03-02 around 1500 hours. Mrs. Brown said her son was last seen by his girlfriend at when he dropped off some food. Mrs. Brown said that her son Mr. Brown was with another black male when he left St. in a green in color sport utility vehicle. She said that she has called all of Mr. Brown's friends that she knows and none of them have seen Mr. Brown. Mrs. Brown said it is very unusual for her son not to call her if he isn't coming home. Mrs. Brown said her son was wearing a beige striped shirt, blue shorts, and white sneakers. I advised Mrs. Brown that she should contact everyone that she could think of to see if they have heard from Mr. Brown. Mr. Brown was not entered into NCIC ref. case # 02012015. Mr. Jody Ward came to the police dept. at approx. 1525 hours and said that Mr. Brown took his vehicle and thinks that he was going to Savannah, GA. I advised Mrs. Brown of this information and that Mr. Brown was not entered into NCIC. I told Mrs. Brown to notify the police dept. in a couple of days if he has not come back from Georgia.													
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY							
TOTAL VALUE													
TYPE (GROUP)													
STOLEN													
DAMAGED													
BURNED													
RECOVERED													
SEIZED													
SUBJECT IDENTIFIED ☐ YES ☒ NO		SUBJECT LOCATED ☐ YES ☒ NO		☒ ACTIVE ☐ ADM.CLOSED		☐ UNFOUNDED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18		☐ EX-CLEAR IS AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION.		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER			
REPORTING OFFICERS)		Cooper, Danny		08-04-02		388		Danny Wescott		8-4-02		292	
								FOLLOW-UP INVESTIGATION ☒ YES ☐ NO		08-05-02		195	

Addidas

08020701

STATE OF SOUTH CAROLINA) IN THE 15th JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN) GENERAL SESSIONS COURT
))
State of South Carolina,) C/A NO: 2003-GS-22-1030 & 1031
Respondents) D.N.A. TESTING MEMORANDUM
) AMENDED APPLICATION &
vs.) RESPONSE TO RESPONDENTS
Jody Lynn Ward, #300644) APPLICATION FOR PCR; DNA
Defendant) TESTING; REBUTE TO OVER-
) WHELMING EVIDENCE GUILT, &
) MOTION FOR APPOINTMENT OF
) COUNSEL FOR D.N.A. TESTING

FACTS

The Defendant respectfully submits his Amended PCR; DNA Testing & Response to Respondents & Rebuttal on Respondents Claim of Overwhelming Evidence of Guilt. The S.C. Supreme Court has Already Ruled on this Very Same claim in STATE V. SMALLS, Opinion No. 27764, filed Feb. 7, 2018 - Heard November 14, 2017.

The S.C. Supreme Court found the Evidence was not Overwhelming Evidence, just because earlier PCR Order says so.

(1.) Trial Counsel was Clearly a "CONFLICT OF INTEREST", As she was Also Solicitor Margaret Ann Kreece, who worked a Prosecutor; switch over to Defendants Counsel who put up "No Defense" & insisted that Defendant Not Testify in his own Defense. Defendant now ascerts she "Conflict of Interest"
See: Exhibit F = 1. of 18.

**LEGAL MAIL
MAIL ROOM**

Trial Counsel is Clearly in violation of Strickland v. Washington
United States vs. Swanson; Counsel's Errors Clearly was
Prejudice & Investigators & Prosecutorial Misconduct is
Clearly shown throughout this whole case from the very
beginning. The Defendant will list all instances of Misconduct
By Investigators & Solicitors & Collusion Between what
I call Defendants "Prosecutor who Becomes Defendants
Trial Counsel", is Shocking to the Universal Sense
of Justice in itself, violating U.S. v. Swanson

On Direct Appeal issue was as follows:

- (1.) Whether the Court erred by refusing to Suppress Appellant's
statement where law enforcement knew Appellant was attempting
contact his Attorney Wesley Locklair prior to his meeting with
Asst. Sheriff Weaver, and where Weaver was Aware Appellant
had invoked his Right to Counsel upon his Arrest, since
Appellant should not have been deemed to have waived
his Right to Counsel Under these Circumstances?

See: Attached Exhibit A - Newly Discovered Evidence
Authorization Form where Defendant can write to his
Brother Jamie David Ward who was in S.C.D.C. signed on
the day of Statement used as Corroboration to get a illegal obtain
Statement from a incarcerated defendant on Saturday being

"FRUIT OF THE POISON TREE"

taking upstairs abused to Leg Shackles were literally Cut
2. of 18.

LEGAL MAIL
MAIL ROOM
off defendant,

See: Exhibit B - Hereto Attached / Paperwork the Trial Counsel spoke of Exhibit A. Defendant got that through Court Retained Private Investigator & my Brother signed for me to get it from S.C.D.C. File.

See: Tr. T. App. 306-07509 - Schwartz did not have any Contact with Ward in Connection with Ward's request to see Mr. Weaver And he did not recall seeing Ward that day.

(Chief Schwartz used Torture the Defendant)
The very next witness shows Schwartz lied on the stand, because he beat defendant & Leg shackles had to be cut from his Legs.

See: Tr. T. App. 311-12 - Assistant Carter Weaver.

Mr. Schwartz remained with Ward until Mr. Weaver arrived, clearly shows Schwartz lied on stand. Defendants Legs were so swollen the key would not Remove the Leg shackles and Both left & Right had to Be cut off.

See: Tr. T. App 724 - Capt Owens Testify he cut shackles off on the day of Statement

**LEGAL MAIL
MAIL ROOM**

12. Q: And isn't it correct on one date that you actually had
13. to cut shackles off of Jody's legs because they couldn't be
14. removed?

15. A: That's Correct. The key broke off in them.

16. Q. But you can't remember if that was this date or not.

17. A: I'm not sure of what date, but I did cut the shackles
18. off his legs.

The Defendant a Mentally ill Patient on psyc.
medications prescribed through Mental Health while
in Georgetown County Det. Center on a Saturday
Jan. 8th, 2003 taking upstairs all alone Beaten up
& Forced to give a Statement & Authorization Form
used as Corruption which is Newly Discovered Before
this Court. Very Cruel & Unusual Punishment. 8th Amend.
Chief Schwartz Tortured the Defendant to get a illegal statement,

When Defendant's Case Went Before the Grand
Jury. The Grand Juror Scott McKenzie see:
Attached Exhibit C - Indictments & Affidavit from
Scott McKenzie that he was the Tow truck driver who
was in the Participation of the Collection of the
Evidence. see: Cosello v. U.S.; And Williams v. Taylor
Both U.S. Supreme Court Cases.
4. of 18.

LEGAL MAIL
MAIL ROOM

The States Says Kevin Cooper Testimony is Overwhelming Evidence.

*NOTE

Pending in the Court of Appeals on initial Brief & in General Sessions on "Motion to Remand" filed By Attorney Tristan Shaffer on Pending Motion before the Court Motion for Defendant to Proceed Prose; along with Motion to Quash indictment; & Alteration and or modification or Rescission of Commitment Order due to Fraudulent indictments in violation of Due Process of Law & Equal Protection.

See: Attached Exhibit D - Affidavits

Kevin Cooper - Cousin wife was Jury #19 Marrisssa Cooper & she owned Mobile home Park & Received Rent in Here hand from the below named. (1) Denise Langston Cox, was another witness who Paid Marrisssa Cooper Rent where her & her Husband E.C. Jones Jr. had a mobile in there Park for 25 years even when he was married to Wendy Cooper who is also Cousins to Jury #19 Marrisssa Cooper husband David Cooper. Tracey Collins testified and also paid Jury #19 Marrisssa Cooper Rent Business relationship

**LEGAL MAIL
MAIL ROOM**

It's Overwhelming Evidence of Misconduct in every shape & Form. From the Statement illegal; Grand Juror Bias, helped Police Collect Evidence; So Scott McKenzie apart of "Chain of Custody" He also Stated that Solicitor Robert Bo Bryan was aware that he pulled out the alleged crime scene; and knew he had it in his possession, So Grand Juror is watching Taped Evidence of Himself Towing Out Alleged Crime scene. That's shocking to the Universal Sense of Justice. State v Butler So as Far as Overwhelming Evidence it's Actually "NO EVIDENCE"

Alternative Juror - Bernadette Gardner, was Related to Victim Family Sabrina Canteen & Knew my Brother, and my wife Beverly Ward and fail to tell that at the Voir Dire before trial Juror Judy Harper - was Friends with Tony Harper see: Attached Affidavits Juror Misconduct on another Juror. failed to tell at Voir Dire.

LEGAL MAIL
MAIL ROOM

Newly Discovered On June 1, 2019 - Juror Daphne
Cribb Ray, was 1st Cousins with Cindy Cribb
Miller who was also 1st Cousins with
Randie Ward and this Juror did not tell
during the Voir Dire when Questioned this
is JURY Misconduct on Issue yet filed.
So a total of 4 Jurors Misconduct.
Now when the Evidence was Presented to
the Juror it Was False / Knowingly Perjured
Testimony of 2 States witness pertaining to
D.N.A. Testing of States Evidence #39 Addidas
shoes when it was Clear to the State that
the Addidas did not Belong to Elton
Rutledge which is what this whole Argument
is About that's Pending herein
See: Attached Exhibit E - Incident Reports
& Transcript pages

**LEGAL MAIL
MAIL ROOM**

On Defendants 1st P.C.R. Order signed by
Honorable Stephen John on Comment made
During Closing Pertaining to the Requested
DNA Testing Evidence.

See: Tr. T. page 1061, Respondent's Proposed Order signed
By Stephen John. Order denying Applicants Motion
Motion to Alter or Amend in part and Clarifying
Order of Dismissal.

The Solicitor's Entire Comment on the issue was as follows:

Now, I want to talk a little bit about Elton Rutledge
because I'm anticipating the Defense's Case is because there's no
medical evidence to say that Elton Rutledge has been - was
Killed by Judy Warden or Killed at all that we haven't
Proven our case, but that's simply not true. This is a Circumstantial
case, but it is a strong circumstantial case, and long before there
was ever a concept called DNA there were murderers and
there were murderers who were convicted by Jurors, and
there is still cases where no Body is Recovered and
murders are convicted based on circumstantial evidence,
and in this case there is a lot of Circumstantial
Evidence that this Defendant Killed Elton Rutledge Jr.
Record on Appeal, page 785-86.

Honorable Stephen John Ordered Circumstantial evidence is proper evidence that can support a conviction, even where there is not direct Evidence such as DNA. Defendant herein Challenging the False D.N.A. / Addidas Shoes in violation Riddle v. Ozminst

The D.N.A. Evidence that the Defendant swears Under Oath is Knowingly Perjured Testimony of 2 states witness Pertaining to States Evidence #39 Addidas shoes that

can be proven did not Even belong to Elton Rutledge Jr. as presented to my Jury Fraudulent Evidence in violation of

Riddle v. Ozminst, 369 S.C. 39, 631 S.E.2d 70 (2006) The failure to correct False testimony is as reprehensible as its presentation, Riddle v. Ozminst supra Prosecutorial Misconduct Resulting in a Brady Violation. A prosecutor's deliberate deception of a Court and Jurors by the presentation of known False evidence is incompatible with rudimentary demands of Justice. Riddle v. Ozminst, supra

LEGAL MAIL
MAIL ROOM

The "Addidas Shoes" can be Tested and they already have "DNA" to Virginia Rutledge & Elton Rutledge Sr. it's Just the matter of This Court Appointed Counsel Pursuant to S.C. Code Ann § 16-28-60

One of the Only Pieces of States Evidence was the Circumstantial Evidence - the States Exhibit #39 Addidas Shoes Can be Challenged as a Matter of Law.

See: Exhibit F - Attachment on D.N.A. testing

Tr. + page 666 line 13

13. THE COURT: --- because there's no D.N.A.

Tr. + page 666 lines 23-24

23. THE COURT: -- my understanding is there will never
24. be D.N.A.

yet there is D.N.A. Evidence now that needs to be Tested States Exhibit #39 - Addidas Shoes the State claims Belonged to Elton Rutledge. With the Comment used in closing Argument compared with the New **LEGAL MAIL MAIL ROOM** D.N.A. Evidence and 10 of there's Not Overwhelming Evidence 10. off 8.

Tr. T. page 667 lines 17-20

17. THE COURT: I need to note for the record that the
18. objection that was stated to this Court prior to putting it
19. on the record was there was No DNA evidence. There will
20. not be DNA evidence in this.

See: Missing Report filed by Alleged victim sister Latreese Rutledge

she positively Reported her Brother wearing (Nike Brand)
And State still presented Addidas & why DNA testing is Warranted.

See: Tr. T. Page 786 lines 17-19

17. ... that, but also in evidence is the shoes that belonged to
18. Elton Rutledge, Jr. His dad testified and his sister
19. testified that those were those shoes...

The State Knew that the Addidas shoes did not belong to the
alleged victim per missing Report on Elton Rutledge Jr. see: also
marked as Exhibit (B).

This is clear Latreese Rutledge and Elton Rutledge Sr. Back on
the stand to give knowingly perjured Testimony pertaining to
DNA Evidence that Court just told the Jury that there
will be No DNA Evidence in this case, clearly Triggering
see: Riddle v. Ozminw, 369 S.C. 39, 631 S.E. 2d 70 (2006).
17. of 18.

This was 2nd time she was put on stand, which illegal also.
Tr. T. page 718 lines 7-16 - Latrese Rutledge - Direct Examination

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8. Q: Ms. Rutledge, I'm going to show you two objects I've
9. taken out of State's evidence 39. I'm going to show you.
10. these two objects. Can you identify those?
11. A: Yes; those were Elton's shoes.
12. Q: Did you ever see Elton in those shoes?
13. A: Yes, I have.
14. Q: Okay, is there any question in your mind that those
15. are his shoes?
16. A: No, there are not.

T. Tr. page 719 lines 11-18 - Elton Rutledge Sr. - Direct Examination

11. BY MR. BRYAN
12. Q: Reverend Rutledge, I'm going to show you two items out
13. of State's 39 and ask you if you can identify these items.
14. A: Yes, sir.
15. Q: What are they?
16. A: They are Elton's Jr's sneakers.
17. Q: Okay, did you ever see him wear these sneakers?
18. A: Yes, sir.

This is marked as ^{see} Exhibit D
12. of 18.

United States v. Swanson, is met Because Trial Counsel was apart of the Collusion to illegally get a Conviction.

1st P.C.R. issues.

- 1.) Counsel for Petitioner failed to Object to Anything in closing Argument on "Lack of Remorse" No objection
- 2.) State Vouched for Credibility of Every Witness with No objection.

See: Tr. T. page 772 lines 17-18

17. Now, this is important because I believe Chris
18. Doerr, who was the diver who discovered the vehicle.

And Vouched for Every Witness they now trying to say Overwhelming Evidence of Guilt.

See: Quattlebaum v. State

From the Cumulative Evidence of Brady violations; Fraudulent Evidence & Testimony fact that they listen to all of me & my Attorney Client phone calls & Solicitor Margaret Ann Kneese; & Greg Hamborg; And Bo Robert Bryan were listening Before she became my Attorney

where she brought it to the Honorable Breedan who placed a Order on the Phone Out at the Jail who could listen to Privileges Phone Calls with Attorneys, just imagine how many other cases that they did the same thing But that's now here now there.

See: Tr. T. page 983 lines 2-4 - P.C.R. Wesley Locklair, Trial Counsel

2. Q. Was the Solicitor's Office -- how -- what was

3. your impression of how they were handling this case?

4. A. Aggressively and unethically.

See: Tr. T. page 6 lines 8 - lines 16 of pg. 7 Attorney Locklair

8. Your Honor looks at all these discovery violations, I

9. think your Honor needs to reflect back and look at

10. State v. Quattlebaum, 338 S.C. 441, 527 S.E. 2d 105, a

11. 2000 case from the South Carolina Supreme Court.

12. While the facts differ, we think some of the language

13. of Quattlebaum is very applicable, specifically that

14. the integrity of the entire judicial system is called

15. into question by conduct such as that engaged in by

16. the Solicitor's office and investigating officers in

14. of 18.

17, this case.

18. Prosecutors are ministers of justice and not
19. merely advocates. The Prosecutor has special
20. responsibilities to do justice and is held to the
21. highest standards of professional ethics. A
22. prosecutor has the responsibility of a minister of
23. justice and not simply that of an advocate.

24. This responsibility carries with it
25. specifically obligations to see that the Defendant
1 is accorded procedural justice and that guilt is
2. decided upon sufficient evidence, and as the Court
3. stated, the judiciary bears the ultimate
4. responsibility. Your Honor, for maintaining the
5. judicial integrity and the high standards of
6. professional conduct among the members of the Bar and
7. for protecting and defending the Constitutional
8. rights of the accused.

9. Your Honor, we think once Ms. Kneede goes over
10. all of the other evidence that was turned over late,
11. or lost, or misplaced, and we're not here to place
12. blame, Your Honor, -- the simple fact is that they
13. bear the ultimate responsibility under Rule 5 of the
14. Rules of Criminal Procedure, as well as under Brady
15. and its progeny to produce certain evidence in a
16. timely fashion.

See: Tr. T. pg. 177 lines 2-3 Trial Counsel

2.

... There's no

3. way he's not prejudiced by what they have done and what

See: Tr. T. pg. 177 lines 12-17

12. THE COURT: So, is -- your answer as I understand it
13. is it prejudices you because you couldn't properly prepare
14. for the case.

15. MS. KNEECE: Your Honor, nobody could properly prepare
16. with the statements that they've made, what they've
17. presented to us as what we thought was true, we have to

See: Tr. T. pg. 175 lines 14

14. THE COURT: --- "incredibly sloppy work."

See: Tr. T. page 193 lines 22-23

22. benefit. We're stifled by the Numerous discovery
23. violations...

See: Tr. T. pg. 194 lines 16-17

16.

... I read in the paper

17. that you were listening to phone calls out at the jail.

See: pg. 195 lines 13 - 18 - THE COURT / Honorable Brennan

13. THE COURT: --- Roger, Roger Warren. Now my
14. recollection is, and I could be wrong because I haven't
15. looked at the Quattlebaum case in years, but was that case
16. not tried and over and a conviction obtained before any of
17. this came up, any of the Prosecutorial misconduct was
18. alleged?

See: Tr. T. pg. 196 lines 14 lines 4 of pg. 197 / Trial Counsel

14. MS. KNEECE: Your Honor, time isn't going to cure
15. this. We aren't -- nobody is ready to go forward with
16. this. Again, this stops my office every time it comes up
17. for trial. Time isn't going to cure our ability to go in
18. and prepare a case with the number of misrepresentations
19. that they have made. Does, does the Court have to actually
20. go through and find a conviction and then come back and
21. say, "Well, they should have done this"? I'm not saying
22. that we need more time, Judge. I'm saying that time isn't
23. going to cure this. We cannot continue to go forward and
24. look at the evidence and be his attorney and give him his
25. day in court and second guess every single thing that they
1. have put forth to us. There's no way we can give him the
2. defense that he needs when you're constantly having to go
3. around, check, call somebody, do this, is this really what
4. it is
17. of 18.

Since all of the Discovery Violations Pre-trial every issue coming up, to Grand Jury Foreman helping the Police collect Evidence is violation of State v. Quattlebaum, supra; And Williams v. Taylor, U.S. Supreme Court case and Costello v. U.S., the Indictments are actually VOID; illegal, violation of the U.S. Constitution and this giving knowingly Perjury Testimony to this D.N.A. Evidence that was one of the only pieces of Evidence that the State heavily relied on Circumstantial Evidence the Defendant herein challenges is in violation of Riddle v. Ozmiot, supra; State v. Quattlebaum, supra

And the Only way for this Court to Justify what the State has done is to Order a New Trial and/or have the D.N.A. Addidas Tennis Tested. And Order Counsel for this Defendant as a Matter of Law; Due Process & Equal Protection.

Respectfully submitted
151 Godly Ward
18. of 18. Godly Ward

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

certiorari to Georgetown County
Honorable Roger M. Young, Circuit Court Judge

JODY LYNN WARD, PETITIONER,

- VS -

STATE OF SOUTH CAROLINA, RESPONDENT,

Appellate Case NO. 2025-001703

CERTIFICATE OF SERVICE

I do hereby certify that a True & correct copy of
petitioners Pro-se Johnson petition for a writ of
certiorari & Supplemental Appendix; Affidavit Due Diligence.
was served on This 6th Day of August, 2026
By placing it in the U.S. postal mail; postage prepaid.
Addressed as follows: S.C. Attorney General's office
Attn: Ms. Melody J. Brown, Assist. A.G.
1000 Assembly St Room #519
Columbia, S.C. 29201
Respectfully Submitted,
/s/ Jody Lynn Ward
Jody Lynn Ward
petitioner Prose
1. of 1.

Jody L. WARD, #300644
Tyger River C.I. 4/4-5-A-#211
200 Prison
ENOPEE, S.C. 29335

August 6, 2026

S.C. Court of Appeals
ATTN: Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211

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- RE: Appellate Case # 2025-001703; Filing of Petitioners
- 1.) Pro-se Johnson Petition Memorandum with R.O.A (Exhibits);
 - 2.) objection to Appellate counsel Being Relieved as Counsel; and
 - 3.) certificate of service

Dear Clerk,

I went ahead and Filed my Pro-se Brief Because I recieved it on July 16, 2026 and I know there's a Deadline in getting Brief into the Court. But my daughter Order May 1, 2025 O.N.A. Hearing; and Oct 28, 2022 O.N.A. Hearing Transcripts that's need in order for Appeal to Be in compliance with State vs. Williams, 386 S.C. 503 (2010). please File And clock-stamp And send me Back a copy. Thank you God Bless.

Respectfully Submitted,
/s/ Jody Lynn Ward
Jody Lynn WARD, #300644
Petitioner Pro-se

cc./File
S.C. A.C.

1. of 1.

Jody Lynn Ward, #300644
Tyger River C.I. W-5-A-#211
200 Prison Rd.
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