

EXHIBIT - C

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER) IN THE COURT OF COMMON PLEAS
) Case No. 2012-CP-18-1917
)
Abdullah Holmes,)
)
Plaintiff,)
)
-versus-) AFFIDAVIT OF MARY P. LeMATTY
)
)
Corporal Hightower /)
Sheriff L.C. Knight)
)
Defendants.)
)

After first being duly sworn MARY P. LEMATTY says:

1. I am an attorney with the Public Defender's Office for the First Judicial Circuit located in Summerville, S.C. I've been a member of the South Carolina Bar since 1992. I am an Assistant First Judicial Circuit Public Defender.
2. I have read the Statement of Claim filed by plaintiff. I am not a named defendant in this lawsuit. I am making this affidavit in support of the defendants' Motion for Summary Judgment.
3. In 2009, as Public Defender, I was assigned to defend plaintiff Abdullah Holmes in criminal proceedings when he was charged with Criminal Sexual Conduct with a Minor for having sex with a thirteen (13) year old female, a violation of S.C. Code §16-3-655.
- ④ During my representation, Mr. Holmes contacted me and advised me of the supposed taking of a sample of his DNA while he was in the Dorchester County Detention Center. I had no knowledge of this, and wrote him a letter asking for more information. (See Exhibit A).
5. I recall speaking with Russell Hilton, the assistant solicitor prosecuting the case, about the alleged DNA sample being taken from Mr. Holmes. Attorney Hilton was not aware that any such DNA sample had been taken, or by whom. We agreed that if any such had been taken that it would not be used in court or in the case, and if a sample was ever needed for trial and deemed relevant, that the prosecution would seek to obtain another sample.
6. The charge against Abdullah Holmes was a "violent offense" under S.C. Code §16-3-655 and S.C. Code §16-1-60. If found guilty under that charge Mr Holmes would have no

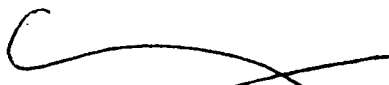
right to parole, meaning he would to serve 85%-100% of his sentence. The charge carried up to twenty (20) years in prison. If convicted he would also be mandated to register as a sex offender and required to provide DNA to the database for SLED upon his release. Additionally, he would also be subject to the violent predator statute, which meant that the Attorney General's office would have a petition to review his case upon his release and if they deemed him to be a violent predator they could confine him pursuant to the terms of the statute.

7. After consulting with my client and explaining the evidence the state had, including his admission of guilt and possible sentences, Mr. Holmes pled guilty to the former definition of Assault and Battery of a High and Aggravated Nature (ABHAN). In June, 2010, the sentencing changed for ABHAN. Mr. Holmes plead under the old ABHAN statute, which was considered a non-violent misdemeanor, and he faced only up to a ten (10) year sentence. He was parole eligible, and my last check showed SCDC currently has him getting out sometime next year, with a max out date of 2015.
8. After the sentencing, for my representation and efforts on his behalf, Mr. Holmes filed a Post Conviction Relief petition against me, but it was withdrawn the day it was scheduled to be heard.
9. If any DNA was taken from Mr. Holmes while he was incarcerated at the Dorchester County Detention Center, it was never used against him, and was not involved in any way in the case I handled for him.

FURTHER AFFIANT SAITH NOT AT THIS TIME.


MARY P. LEMATTY

SWORN to and subscribed before
me this 18th day of January, 2013.



NOTARY PUBLIC OF SOUTH CAROLINA

My Commission Expires: 1-12-2016