



ALAN WILSON
ATTORNEY GENERAL

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JAN 23 2014

S.C. Supreme Court

January 23, 2014

Brenda Shealy
Deputy Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

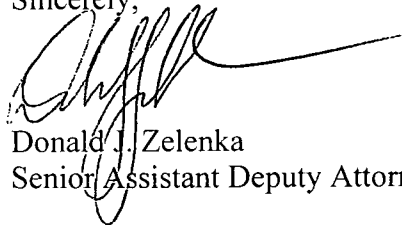
Re: Sammie L. Stokes v. State
2001-CP-38-1240
Appellate Case No. 2013-000635

Dear Ms. Shealy:

Pursuant to your request yesterday, I requested this office's paralegal, Lauren Meara, to travel to the Clerk's Office in Orangeburg to personally view the files and attempt to locate the missing pleading documents and PCR exhibits. She was able to locate filed copy of the December 6, 2010 letter stapled to a December 6, 2010 letter. However, she was unable to locate the other items in the file. Her memorandum to me that summarizes the matter with a copy of the two (2) letters she retrieved is attached.

By copy of this letter with the attachments, I am advising opposing counsel Robert Dudek of the information and communication.

Sincerely,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosures
cc: Robert M. Dudek, Esquire



ALAN WILSON
ATTORNEY GENERAL

TO: Don Zelenka
Senior Assistant Deputy Attorney General

FROM: Lauren Meara
Paralegal, Capital Litigation

SUBJECT: Sammie L. Stokes v. State
2001-CP-38-1240

DATE: January 23, 2014

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S.C. Supreme Court

On Wednesday, January 22, 2014, I contacted the Orangeburg County Clerk of Court's office to schedule a time to visit the clerk's office to review Sammie Stokes' case files. I spoke with Shante Zene, in the civil section, and Tammy Valentine, in the general sessions section, to see if they would be able to pull all of Sammie Stokes' criminal files and post-conviction relief files. Both indicated they would have the files ready for me on the morning of Thursday, January 23, 2014.

The items I was trying to locate were:

- A. Exhibits from PCR hearing: Plaintiff's No. 2 and 3 (Volumes 1 and 2, of Thomas Sims' pretrial research documents)
- B. Applicant's Memorandum Clarifying Ground 9(d) and Motion to Supplement the Record with Affidavit of Sammie Stokes (filed in August, 2009)
- C. Post Hearing Memorandum (filed in March, 2010)
- D. Reply to Post Hearing Memorandum (filed in March, 2010)
- E. Respondent's Proposed Order
- F. Letter from Keir Weyble dated December 6, 2010 requesting oral argument
- G. Applicant's Post Rule 59 Brief/Memorandum

On the morning of January 23, 2014, I traveled to the Orangeburg County Clerk's office. I first went through the two folders for Stokes' criminal action, touching and checking each document to make sure nothing had become attached to an unrelated document. Next I went through the folders and box that contained the documents related to Stokes' PCR action. I again touched and checked every document. The only item I was able to locate from the above mentioned list is a December 6, 2010 letter requesting oral argument from Robert Lominack. This letter was stapled to a January 10, 2012 letter from Robert Lominack to Winnifa Brown, Clerk. I had Ms. Valentine make a copy of the two letters as I found them in the file. The copy of the two letters is attached to this memo. I was unable to locate any of the other items listed.

LAW OFFICES OF ROBERT E. LOMINACK, P.C.

ROBERT LOMINACK
ATTORNEY AT LAW

Post Office Box 5508
Columbia, SC 29250

Tel: 803.771.7271
Fax: 803.937.1707
robert@lominacklaw.com

December 6, 2010

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JAN 23 2014

S.C. Supreme Court

Honorable L. Casey Manning
Resident Judge
Fifth Judicial Circuit
Post Office Box 192
Columbia, SC 29202

Re: *Sammie Louis Stokes v. Ozmint*, Case No. 01-CP-38-1240

Dear Judge Manning,

I write to request oral argument on Mr. Stokes' Motion to Alter or Amend the Judgment, which is pending before the Court. While oral argument on such a motion is not always necessary, the subject matter of the motion in this case, and the positions taken by the State in its Response in Opposition (hereinafter "Response"), warrant an in-court hearing.

At the close of the evidentiary hearing in this case, we expressed concern over the abuses that can and do occur when counsel for the State is permitted to formulate factual and legal determinations on behalf of a court in a capital post-conviction relief case. The order recently adopted by the Court in this case, and the State's Response to our Motion to Alter or Amend that order, establish that our concerns were well-founded.

For example, footnote 10 of the order written by counsel for the State and adopted by the Court can be read to indicate that Jeffrey Bloom testified falsely when he recounted his pre-trial conversations with Thomas Sims. While the language of the footnote is somewhat ambiguous, the State's Response makes clear that it intends in future proceedings to rely upon that language as a finding by this Court that Mr. Bloom lied under oath. The record contains no support for any such finding, and this attempt by the State to manufacture an advantage for itself through an opaquely worded, discretely placed footnote is a cynical abuse of the order-drafting power. The State's maneuver is all the more outrageous because Mr. Bloom is a respected member of the Richland County Bar with a well-deserved reputation for integrity. If left uncorrected, a finding that he perjured himself will likely impact other cases in which he has served as counsel or as a consultant. Moreover, if counsel for the State (or, for that matter, this Court) truly believes Mr. Bloom lied under oath, then he is ethically obligated to

The Honorable L. Casey Manning

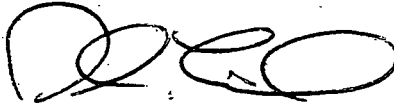
December 6, 2010

Page 2 of 2

report that allegation to the South Carolina Bar. *See* Rule 8.3(a), S.C. Rules of Professional Responsibility. Because of the implications for Mr. Bloom, I have notified him of the order and the State's allegations and have copied him on this letter.

As discussed in the Motion to Alter or Amend, the highly improper treatment of Mr. Bloom's testimony is only one example of the fundamental defects that pervade the order written by the State and signed by the Court. The order's selective acknowledgement of evidence and willful disregard for binding legal principles further distort the issues that were put before the Court for adjudication. In light of the range and gravity of these defects, and their consequences for Mr. Stokes in this and future proceedings, we respectfully request that the Court set this case for oral argument.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Lominack', with a stylized, cursive script.

Robert Lominack

cc: Donald J. Zelenka
Keir M. Weyble
Jeffrey P. Bloom
Winnifa Brown-Clark, Clerk of Court

LAW OFFICES OF ROBERT E. LOMINACK, P.C.

ROBERT LOMINACK
ATTORNEY AT LAW

Post Office Box 5508
Columbia, SC 29250

Tel. 803.351.0436
Fax. 803.937.1707
rlominack@gmail.com

January 10, 2012

Winnifa Brown-Clark
Clerk of Court
190 Gibson Street
Orangeburg, SC 29116

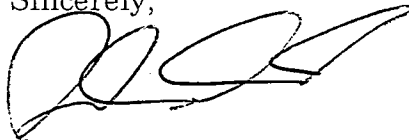
Re: *Sammie Louis Stokes v. Ozmint*
Case No. 01-CP-38-1240

Dear Ms. Brown-Clark,

Yesterday I received a letter from your office requesting an update on the above case. Judge Manning heard oral arguments on the Motion to Alter or Amend the judgment and has ordered further briefing.

Should you have any questions or need further information, please do not hesitate to contact me.

Sincerely,



Robert Lominack

cc: Keir M. Weyble

FILED
WINNIFA BROWN-CLARK
CLERK OF COURT
ORANGEBURG, SC

2012 JAN 11 PM 12:58

