

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Kershaw County
G. Thomas Cooper, Jr., Judge

THE STATE,

Respondent,

v.

GREGORY V. SMITH,

Appellant.

APPELLATE CASE NO, 2012-213666

SUPPLEMENTAL RECORD ON APPEAL

GREGORY V. SMITH*353524
Pro-se Appellant

ALAN WILSON
Attorney General

L.C.I CA-08
P.O. Box # 805
Ridgeville SC. 29472

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Attorneys for Respondent

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THE STATE OF SOUTH CAROLINA

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OFFICE OF THE PUBLIC DEFENDER
FOR THE
FIFTH JUDICIAL CIRCUIT

KERSHAW COUNTY COURTHOUSE
1121 BROAD STREET
CAMDEN, SOUTH CAROLINA 29020

TEL (803) 425-7237

FAX (803) 425-8807

March 22, 2012

Gregory V. Smith
KCDC

Dear Mr. Smith:

Please, rest assured that I am defending you. You must remain calm and be patient. General Sessions cases in this county take an average of eighteen months from start to finish. Serious cases, such as murder cases, take longer than average.

The telephone call Mr. Tetterton received the day you were arrested was from Brett Perry, the deputy solicitor for Kershaw County. I thought I had told you that. Mr. Perry tried unsuccessfully first to reach me, then my assistant PD, and then called Tetterton. Mr. Perry, quite properly, I think, wanted you to have legal representation from the get-go. I understand completely that you have problems with what Mr. Tetterton did or did not do for you, but that is not my concern. The alleged crime is my concern.

Try to keep focused more on the crime charged, and less on Mr. Tetterton and subsequent events. OK?

Very truly yours,

A handwritten signature in black ink that reads "Neil Riley".

C. J. Neil Riley, Attorney at Law
Chief County PD

Discovery Checklist

<input checked="" type="checkbox"/> Warrant	<input type="checkbox"/> Photo Line Up
<input checked="" type="checkbox"/> Ticket	<input checked="" type="checkbox"/> Advice of Rights Form
<input checked="" type="checkbox"/> Incident Report	<input type="checkbox"/> Defendant's Statement
<input type="checkbox"/> Case Summary	<input type="checkbox"/> Co-Defendant's Statement
<input type="checkbox"/> Investigative Report	<input checked="" type="checkbox"/> Witness <input checked="" type="checkbox"/> Statement
<input checked="" type="checkbox"/> Supplemental Report	<input checked="" type="checkbox"/> Witness <input checked="" type="checkbox"/> Statement
<input checked="" type="checkbox"/> Search Warrant	<input checked="" type="checkbox"/> Witness <input checked="" type="checkbox"/> Statement
<input type="checkbox"/> Arrest Report	<input type="checkbox"/> Victim <input type="checkbox"/> Statement
<input checked="" type="checkbox"/> Booking Report	<input type="checkbox"/> Victim <input type="checkbox"/> Statement
<input type="checkbox"/> Bond Form	<input type="checkbox"/> Medical Records
<input type="checkbox"/> Indictment	<input type="checkbox"/> List of Physical Evidence
<input checked="" type="checkbox"/> Rap Sheet	<input checked="" type="checkbox"/> Photographs
<input type="checkbox"/> Driving Record	<input checked="" type="checkbox"/> Other <u>SLED FORENSIC REPORT</u>
<input type="checkbox"/> Drug Analysis	<input checked="" type="checkbox"/> Other <u>UNIFORM HAZARDOUS WASTE FORM</u>
<input checked="" type="checkbox"/> Chain of Custody Form	<input checked="" type="checkbox"/> Other <u>ATF TRACE SUMMARY</u>
<input type="checkbox"/> Rape Protocol	<input checked="" type="checkbox"/> OTHER <u>CAD REPORT</u>
	<input checked="" type="checkbox"/> OTHER <u>4 CD'S AVAILABLE</u>

Defendant GREGORY SMITH Case # M099445, M100402, M100403

ASOL PERRY Prepared by L. TRUITT Date 8/10/2011

Receiving Attorney WILLIAM TETTERTON

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Gregory V. Smith,
Plaintiff,
v.
P.E. Spivey, Jail Director, Individual and
Official Capacity; and Chris Phillips,
Detective, Individual and Official
Capacity,
Defendants.

Civil Action No. 1:12-29-RBH-SVH

**RESPONSE TO PLAINTIFF'S REQUEST
FOR PRODUCTION OF DOCUMENTS ON
BEHALF OF DEFENDANT PHILLIPS**

TO: GREGORY V. SMITH, *PRO SE* PLAINTIFF:

Pursuant to Fed.R.Civ.P. 34, Defendant Phillips responds to Plaintiff's Request for Production of Documents, as follows:

REQUEST # 1:

"1. Copies of all documents, that were confiscated by you, from my room, F-6 at Kershaw County Detention Center on or about August 15, 2011. Documents include all personal correspondance [sic] and legal documents and writings."

RESPONSE #1:

This Defendant asserts that said documentation, which is mischaracterized to some extent in this request, is not currently in this Defendant's possession, as said documentation was taken pursuant to a valid Search Warrant, and is being maintained as part of an on-going criminal investigation of the Plaintiff.

Further responding, this Defendant is in the process of trying to obtain copies of the requested documentation, in a good faith effort to meaningfully participate in the discovery process. However, this Defendant is not aware of whether or not this Defendant will be able to obtain copies of that documentation or not.

REQUEST # 2:

"2. Copy of any written documents that was a cause of your involvement in confiscating any items from my room."



RESPONSE #2:

This Defendant objects to this request on the grounds that said documentation is part of an on-going criminal investigation of the Plaintiff, and involves documentation received from and identifying a cooperating informant. This Defendant asserts that the production of the requested documentation at this point could jeopardize the on-going criminal investigation of the Plaintiff, and could further jeopardize the safety of the cooperating informant.

REQUEST # 3:

“3. Produce name or names of individual(s) who informed you to search plaintiffs room and confiscate his property.”

RESPONSE #3:

Please see this Defendant’s response to request # 2.

REQUEST # 4:

“4. Produce documentation that gives justifiable reason that individual(s) who informed you to search plaintiffs property are individuals who can be trusted.”

RESPONSE #4:

Please see this Defendant’s response to request # 2.

REQUEST # 5:

“5. Produce urine drug test results that were tested in your presence, not mine, on August 15, 2011.”

RESPONSE #5:

This Defendant objects to this request as overly vague, and a mischaracterization of what actually occurred. Further responding, and without waiving said objections, this Defendant asserts, upon information and belief, that the Plaintiff’s medical records from the Kershaw County Detention Center are being produced to the Plaintiff through Co-Defendant’s responses to Plaintiff’s requests for production, and that the requested documentation may be contained therein.

REQUEST # 6:

“6. Produce documents that authorize you to confiscate plaintiffs legal discovery and legal notes that out line his planned defense in his upcoming trial.”

scf

RESPONSE #2:

This Defendant objects to this request on the grounds that said documentation is part of an on-going criminal investigation of the Plaintiff, and involves documentation received from and identifying a cooperating informant. This Defendant asserts that the production of the requested documentation at this point could jeopardize the on-going criminal investigation of the Plaintiff, and could further jeopardize the safety of the cooperating informant.

REQUEST # 3:

"3. Produce name or names of individual(s) who informed you to search plaintiffs room and confiscate his property."

RESPONSE #3:

Please see this Defendant's response to request # 2.

REQUEST # 4:

"4. Produce documentation that gives justifiable reason that individual(s) who informed you to search plaintiffs property are individuals who can be trusted."

RESPONSE #4:

Please see this Defendant's response to request # 2.

REQUEST # 5:

"5. Produce urine drug test results that were tested in your presence, not mine, on August 15, 2011."

RESPONSE #5:

This Defendant objects to this request as overly vague, and a mischaracterization of what actually occurred. Further responding, and without waiving said objections, this Defendant asserts, upon information and belief, that the Plaintiff's medical records from the Kershaw County Detention Center are being produced to the Plaintiff through Co-Defendant's responses to Plaintiff's requests for production, and that the requested documentation may be contained therein.

REQUEST # 6:

"6. Produce documents that authorize you to confiscate plaintiffs legal discovery and legal notes that outline his planned defense in his upcoming trial."

scf

RESPONSE #6:

On the date in question, this Defendant had a Search Warrant, issued by a detached Magistrate Judge, under which this Defendant was acting. This Defendant does not currently possess a copy of that Search Warrant or the return to that Search Warrant. Further responding, this Defendant is in the process of trying to obtain copies of the requested documentation, in a good faith effort to meaningfully participate in the discovery process. However, this Defendant is not aware of whether or not this Defendant will be able to obtain copies of that documentation or not.

REQUEST # 7:

“7. Produce authorization documentation that legaly [sic] allows you to keep plaintiffs legal discovery and not return them.”

RESPONSE #7:

Please see this Defendant’s response to request # 6.

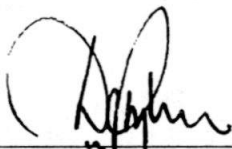
REQUEST # 8:

“8. Produce documentation that would allow you to take property that plaintiff had in his possession that was not a security threat.”

RESPONSE #8:

Please see this Defendant’s response to request # 6.

DAVIDSON & LINDEMANN, P.A.

BY: 

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Columbia, South Carolina

July 18, 2012