

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Oconee County

R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

DAVID A. FOWLER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

SUPPLEMENTAL APPENDIX

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DIRECT EXAMINATION OF DAVID FOWLER BY MR. RICHEY

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1 that little bit of time, I don't believe we had a
2 whole lot we could discuss.

3 Q In terms of the conflict -- let's go back to the
4 conflict. You believe your lawyer had a conflict
5 representing you because he represented another person
6 in this case or a related case?

7 A Well, I believe the conflict was with myself. I don't
8 believe it was with him, himself, that represented my
9 co-defendant, but I do believe that the public
10 defender's office was, in effect, with my co-
11 defendant's attorney.

12 Q So, one of the co-defendants -- the co-defendants pled
13 to less time than you. Correct?

14 A Yes. One got ten years and one got twelve years and
15 one pled to a twenty.

16 Q And you believe that office represented one of them?

17 A I don't know if it's actually the public defender's
18 office, but I do know that it was someone affiliated
19 with their office. Correct.

20 Q Do you believe that your lawyer -- now, you asked the
21 Court to give you a new trial. Correct?

22 A Yes. I did.

23 Q And you want them to start over. You believe if the
24 case was properly investigated, that you would be, in
25 fact, found not guilty of the charges.

CROSS EXAMINATION OF DAVID FOWLER BY MR. LEE

11

1 A Well, yes, sir. I do. I'm not saying that still --
2 I'm not going to sit here today and say that I didn't
3 make the statement, I'm not going to try to change
4 that statement, because I did say that and that took
5 place, but what everybody needs to understand, through
6 this process, my wife was held hostage in one place.
7 I'm in this location. Now, my uncle was held hostage
8 by these two guys with a knife to his throat fixing to
9 kill him. I'm going to lose in this situation all the
10 way around, you know, so, my thing, at this point in
11 time, is to try to step forward and do something.
12 What I may have done was wrong. I can't go back and
13 change that, but I do know that if it would have been
14 investigated proper, my family would have known that
15 my wife was held hostage, all these things would have
16 taken place and I believe that I would have got a
17 little more leeway in my trial.

18 Q Thank you. Answer any questions for the attorney
19 general's office.

20 THE COURT: Mr. Lee.

21 MR. LEE: Thank you, Judge.

22 CROSS EXAMINATION OF DAVID FOWLER BY MR. LEE

23 Q Just a couple of questions. So, if I'm tracking you
24 and, I guess, there were three other co-defendants?

25 A Correct.