

Hopkins, Debbie

From: Manning, L. Casey Law Clerk (Eve Goodstein)
Sent: Friday, July 18, 2014 2:41 PM
To: Hopkins, Debbie
Subject: Sammie Stokes v. State, Appellate Case No. 2013-000635
Attachments: Untitled031.PDF

Dear Ms. Hopkins:

I have attached a scanned copy of the order in the Sammie Stokes v. State case to this email. Please let me know if I may provide any other information.

Thank you,

Eve

Eve S. Goodstein

Law Clerk to The Honorable L. Casey Manning

Fifth Judicial Circuit

Richland County Judicial Center

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JUL 18 2014

S.C. Supreme Court

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 SAMMIE LOUIS STOKES,)
)
 Applicant,)
)
 v.)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)
 _____)

IN THE COURT OF GENERAL SESSIONS

CIVIL ACTION NO. 01-CP-38-1240
 APPELLATE CASE NO. 2013-000635

ORDER

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S.C. Supreme Court

This matter came before me by an Order of the Supreme Court dated March 9, 2014 remanding this capital post-conviction case to reconstruct the record. See China v. Parrott, 251 S.C. 329, 333-334, 162 S.E.2d 276, 278 (1968). Specifically, this Court was asked to reconstruct the contents of two post-conviction exhibits introduced by the applicant during the August 5, 2009 hearing before this Court that were apparently later lost by the Clerk of Court's Office in Orangeburg County. The missing exhibits are Applicant's Exhibits 2 and 3. The parties agreed these two exhibits were trial counsel Thomas Sims' pre-trial research documents.

1. Petitioner, Sammy Louis Stokes, was indicted by the Orangeburg County Grand Jury on May 17, 1999 for the offenses of murder, kidnapping, first degree sexual conduct and criminal conspiracy in the death of Connie Lee Snipes. The state sought the death penalty. Petitioner was represented by Thomas Sims and Virgin Johnson.

2. A jury trial was held between October 25, 1999 and October 31, 1999 before the Honorable Paul M. Burch. Petitioner Stokes was found guilty on all counts. Following the sentencing phase, the jury sentenced petitioner to death, and Judge Burch imposed that sentence.

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Judge Burch also sentenced Petitioner to thirty years imprisonment for criminal sexual conduct in the first degree and five years for conspiracy.

3. Petitioner's convictions and death sentence were affirmed in State v. Stokes, 345 S.C. 368, 548 S.E.2d 202 (2001). Rehearing was denied on July 2, 2001.

4. Petitioner filed an initial application for post-conviction relief on October 17, 2001. Court-appointed counsel Keir Weyble and Robert Lominack later filed an amended application. After post-conviction relief hearings, this Court ultimately denied the application for post-conviction relief, and denied petitioner's Rule 59 (e), SCRPC motion. A timely notice of intent was filed.

5. Appellate counsel Robert M. Dudek discovered that several documents that were filed by petitioner's PCR attorneys with the Office of the Clerk of Court for Orangeburg County before and during the post-conviction relief hearings could not be located by that office. Counsel Dudek moved the Supreme Court for a transportation order mandating that those missing exhibits be located by the Clerk of Court and transported to the Supreme Court. In the alternative, counsel requested that the Supreme Court remand this case to this Court for reconstruction of the missing documents. The Supreme Court issued an order granting a remand for a reconstruction hearing limited to reconstructing the contents of Applicant's PCR exhibits 2 & 3 (the pre-trial research documents of trial counsel Sims). The Court ruled that the remainder of the documents that petitioner's attorneys filed and that were lost by the Clerk of Court's Office were in the possession of the Attorney General's Office, and would be sufficient for purposes of the appeal.

6. The trial level PCR attorneys involved in this case, Keir Weyble and Robert Lominack for Petitioner Stokes and Donald J. Zelenka for the Office of the Attorney General,

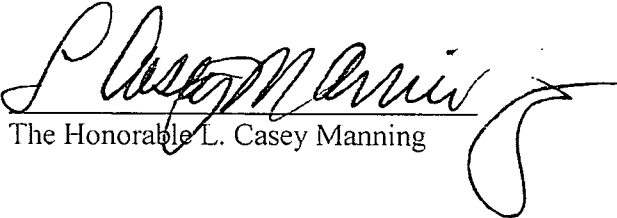
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have entered into a Stipulation agreeing that the documents scanned by PCR counsel Lominack, prior to the post-conviction relief hearing, to the best of their memory, are the same documents introduced during the post-conviction relief hearing as Applicant's Exhibits 2 and 3 (the research documents of Thomas Sims). That Stipulation is attached as Exhibit A to this Order.

7. Copies of the documents stipulated to by the parties are attached to this order as Exhibit B. This Court accepts the Stipulation of the attorneys for petitioner and the attorney for the state to resolve this matter pursuant to the March 19, 2014 Order of the South Carolina Supreme Court.

WHEREFORE, this Court accepts the Stipulation of PCR Counsel, Keir Weyble and Robert Lominack for petitioner, and Donald J. Zelenka, of the Attorney General's Office for the state, and adopts it as the order of this Court satisfying the remand order of the Supreme Court.

IT IS SO ORDERED.


The Honorable L. Casey Manning

Columbia, South Carolina

July 18, 2014

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