

EXHIBITS FOR EXPLANATION REQUIRED
BY RULE 243 (C). ACCORDING TO
SOUTH CAROLINA APPELLATE COURT RULES.

- Exhibit #1: Letters from the Supreme Court stating that Charles T. Brooks never appealed the PCR Judge decision.
- Exhibit #2: Letter from the Supreme Court stating after three (3) years. That he was still my attorney.
- Exhibit #3: Conditional Order of Dismissal - Objection
- Exhibit #4: Final Order of Dismissal
- Exhibit #5: Challenge of Warrant and also Search Warrant "Issue D". To PCR case 2013-CP-14-00019.

EXHIBIT #1

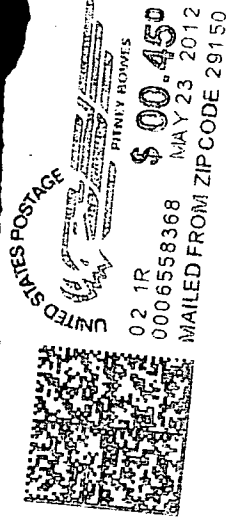
JAMES C. CAMPBELL
CLERK OF COURT
COURTHOUSE, ROOM 308
SUMTER, SOUTH CAROLINA 29150

RECEIVED

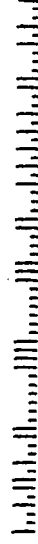
MAY 24 2012

LEE CI MAIL ROOM

Jason A. Brown #325561
Lee C.I./Ric-B-269
990 Wisacky Highway
Bishopville, SC 29010



29010177590



TO: COURT REPORTER

FROM: JASON A. BROWN
LEE C.I. INSTITUTION
BISHOPVILLE, S.C. 29010

RE: JASON A. BROWN VS. THE STATE OF SOUTH CAROLINA
(REQUESTING FOR P.C.R. TRANSCRIPT)

DATE: May 18, 2012

DEAR: [Court Reporter]

RECORDED
2012 MAY 21 PM 12:22
JAMES W. CARROLL
CLERK OF COURT
SUMTER COUNTY, S.C.

Please be advised that I am in receipt of a letter from the Supreme Court stating that I am still represented by counsel Charles T. Brooks whom I was represented by during my Post Conviction Relief Action in October 2009. Now the matter that comes to hand is that I never received a copy of my P.C.R. Transcript. I have re
occasions through the proper channels. I
to see if you can give me the Court Report
October 28, 2009 at the Sumter County Court
a copy of my P.C.R. Transcript. By any chance
me my P.C.R. Transcript may I please get
get this information I desperately need. I
cost to receive this material.

I see nothing on
our computer with
a PCR with your
name on it. Can
you give us a
Case Number.

Thanks

Thanks In Regards Of This
Matter,

Jason A. Brown #325561

The Brooks Law Offices, LLC

Charles T. Brooks, III, Attorney

Irma R. Brooks, Attorney

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151

(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

April 27, 2012

Jason A. Brown, 325561
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Your PCR Matter

Dear Mr. Brown:

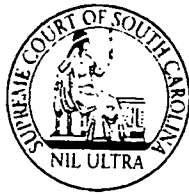
Please be advised that we are in receipt of a letter from the Supreme Court of S. C. in reference to you corresponding directly to them. Please be advised that since I am still your Attorney of record, you should send any correspondence in reference to your case directly to me.

Sincerely,



Charles T. Brooks, III

CTB/jlb



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: Mr. Jason A. Brown #325561

FROM: Daniel E. Shearouse, Clerk *DES*

DATE: April 26, 2012

This Court has received your recent correspondence.

_____ This Court cannot provide legal advice or assistance. Therefore, we will not be able to provide legal advice and you should consult an attorney.

X Since you are represented by counsel in this matter, no action will be taken on your pro se filing. Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989).

_____ If you believe you have good cause to seek to have your current counsel relieved then you should file a motion in the lower court in which this matter is pending.

X Since you are represented by counsel in this matter, we are forwarding a copy of your letter to counsel for any assistance he/she can give you.

_____ Your remedy is in the lower court where this matter is pending.

CC: Charles Thomas Brooks, Esquire (with enclosure)

TO : CLERK OF COURT
P.O. DRAWER E, 2nd FL.
MANNING, S.C.

FROM: JASON A. BROWN
LEE C.I. INSTITUTION
990 WISACKY HIGHWAY
BISHOPVILLE, S.C. 29010

RE : JASON A. BROWN V. THE STATE OF SOUTH CAROLINA,
(REQUESTING FOR PCR TRANSCRIPT)

DATE: APRIL 23, 2012

DEAR: CLERK OF COURT,

MY NAME IS JASON A. BROWN. I'M A PRO SE INMATE THATS
CURRENTLY BEING CONFINED HERE AT LEE CORRECTIONAL FACILITY.

ON OCTOBER 28, 2009, I WAS REPRESENTED BY ATTORNEY
CHARLES T. BROOKS AT MY POST CONVICTION HEARING. MY PCR HEARING
WAS HELD AT THE SUMTER COUNTY COURTHOUSE. SINCE THEN, I NEVER
RECEIVED ANY INFORMATION REGARDING MY PCR PROCEEDINGS. AT THIS
TIME I'M ATTEMPTING TO APPEAL MY PCR DECISION. HOWEVER, I'M WRITING
THIS OFFICE TO RECEIVE MY PCR TRANSCRIPT SO I CAN SUCCESSFULLY
APPEAL MY PCR DECISION. BY ANY CHANCE THIS OFFICE CANNOT PROVIDE
ME MY PCR TRANSCRIPT, I'M WILLING TO PAY AT ALL COST TO RECEIVE
THIS MATERIAL. ALSO, IF THIS OFFICE DOESN'T HAVE THE AVAILABLE
TRANSCRIPT, PLEASE INSTRUCT ME TO THE CORRECT AGENCY.

AGAIN, I'M IN DESPERATE NEED OF MY PCR TRANSCRIPT
WHICH THE HEARING WAS HELD IN THE SUMTER COUNTY COURTHOUSE. IF
YOU NEED ANY INFORMATION FROM ME, PLEASE DO NOT HESITATE TO
CONTACT ME AT THE ABOVE ADDRESS.

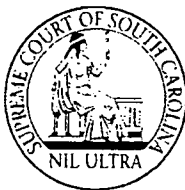
THANKS IN REGARDS OF THIS MATTER,
JASON A. BROWN

RECEIVED

APR 26 2012

S.C. SUPREME COURT

EXHIBIT #2



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: Mr. Jason A. Brown #325561

FROM: Daniel E. Shearouse, Clerk 

DATE: April 26, 2012

This Court has received your recent correspondence.

_____ This Court cannot provide legal advice or assistance. Therefore, we will not be able to provide legal advice and you should consult an attorney.

X Since you are represented by counsel in this matter, no action will be taken on your pro se filing. Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989).

_____ If you believe you have good cause to seek to have your current counsel relieved then you should file a motion in the lower court in which this matter is pending.

X Since you are represented by counsel in this matter, we are forwarding a copy of your letter to counsel for any assistance he/she can give you.

_____ Your remedy is in the lower court where this matter is pending.

CC: Charles Thomas Brooks, Esquire (with enclosure)

EXHIBIT #3

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

Jason A. Brown, #325561

Applicant,

vs.

State of South Carolina

Respondent.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Case No: 2013-CP-14-00019

CERTIFICATE OF SERVICE

I, Jason Arnold Brown, #325561, hereby certify that I have served upon the Office of the Attorney General, one (1) copy of applicant's Objection To The Conditional Order Of Dismissal in the above - captioned case by depositing a copy of same in the United States Mail, first class, postage pre-paid, addressed as follows:

Daniel Gourley
Assistant Attorney General
South Carolina Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211

This the 4th day of April, 2014, in Bishopville, South Carolina

/S/: Jason A. Brown
Jason A. Brown, #325561
Lee Corr. Inst. Ric B 269
990 Wisacky Highway
Bishopville, SC 29010

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CLARENDON) THIRD JUDICIAL CIRCUIT

Jason A. Brown, #325561,) C/A No.: 2013-CP-14-00019
Applicant,)
v.) APPLICANT'S RESPONSE
State of South Carolina,) TO THE
Respondents.) CONDITIONAL ORDER
OF DISMISSAL

COMES NOW the Applicant, Jason A. Brown, above-named appearing Pro Se, hereby makes Response to the Conditional Order of Dismissal issued March 20, 2013, provisionally dismissing the action. The Applicant filed an Application for Post-Conviction Relief on January 16, 2013. On April 12, 2013. The Respondents made its Return requesting that the action be summarily dismissed. However, this Honorable Court finds that the current application should be summarily dismissed for failure to state a claim cognizable under the Uniform Post-Conviction Procedure Act, pursuant to South Carolina Ordinance Sections Code §17-27-10 to 160 (2003). Also, the Honorable Court stated that the allegations were or could have been raised in the proceedings based on the Applicant's prior Application for Post-Conviction Relief and thus, the current Application is successive and barred under S.C. Code §17-27-90. See Conditional Order of Dismissal, Page 3 of 4. Applicant would respectfully show unto this Honorable Court why this action should not be dismissed and why the Conditional Order of Dismissal should not become final for the following:

PROCEDURAL HISTORY

The Applicant is presently confined within the South Carolina Department of Corrections pursuant to Orders of Commitment by the Clarendon County Clerk of Court. The Applicant was indicted by the Clarendon County Grand Jury during the March 2007 term of the Court of General Sessions for Murder, Arson, and Grand Larceny (2007-GS-14-00056), a Multi-Count Indictment. The Applicant appeared before the Honorable John M. Milling, entering a plea of guilty as indicted to Murder, Arson, and Grand Larceny. The Applicant was represented by Scott L. Robinson, Esquire. On December 6, 2007, the Honorable Judge Milling sentenced the Applicant to a negotiated sentence of thirty (30) years imprisonment for Murder, ten (10) years imprisonment for Arson, and five (5) years imprisonment for Grand Larceny (<\$5,000.00). The Honorable Judge Milling ordered that the sentences were to be served concurrently. The Applicant did not file a Notice of Intent to Appeal his Convictions and Sentences.

The Applicant subsequently filed an Application for Post-Conviction Relief on August 5, 2008 (2008-CP-14-00400). In the Application, the Applicant asserted the following reasons why he was being held in custody unlawfully:

1. Ineffective Assistance of Counsel;
 - A. Counsel rendered inadequate, ineffective, and meaningless assistance.
2. Prosecutorial Misconduct; and
 - A. Unethical Practices.

3. Constitutional Violations.
 - A. Under provisions of South Carolina's Constitution being held unconstitutional.

The Respondents made its Return on December 19, 2008. An Evidentiary Hearing was held on October 28, 2009. The Applicant was represented by Charles Thomas Brooks, III, Esquire. The Respondents was represented by the South Carolina Attorney General's Office. The Honorable Judge Ralph Ferrell Cothran, Jr. presided. The Honorable Judge Cothran denied and dismissed the Application for Post-Conviction Relief with prejudice, by way of an Order of Dismissal dated December 22, 2009. However, the Order of Dismissal was filed on December 14, 2009, some eight (8) days before the Honorable Court rendered its Order. No Notice of Intent to Appeal was filed on the behalf of the Applicant.

RELEVANT FACTS

After the Applicant received the Order of Dismissal issued by the Honorable Judge Cothran, the Applicant then immediately corresponded to his Post-Conviction Relief (PCR) Counsel, Mr. Brooks, in writing, advising Counsel that the Applicant did not want to withdraw the action by dropping everything that he was trying to pursue. Counsel ignored the Applicant's request, deeming Applicant's withdrawal involuntary. Applicant never wanted to withdraw his Post-Conviction Relief Application, giving up his only opportunity to challenge his Convictions and Sentences. PCR Counsel never

corresponded back to let his client, the Applicant, know that he was giving up all his opportunities to challenge his Convictions and Sentences. Whereas, 'PCR Counsel pushed the Applicant into withdrawing his Application for Post-Conviction Relief'.

When the Applicant received the Order of Dismissal from the Honorable Judge Cothran on December 22, 2009, he knew then that he had given up his only opportunity to challenge his Convictions and Sentences. PCR Counsel should be held accountable for his ineffective assistance under the standards set out in Martinez v. Ryan, 132 S.Ct. 1309 (2012).

2013-CP-14-00019

In the current Application for Post-Conviction Relief, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of PCR Counsel.
 - A. PCR Counsel, Charles Thomas Brooks, III, was ineffective for failing to amend to my PCR Application of 2009.
 - B. PCR Counsel was ineffective for failing to amend to my PCR Application of 2009. That Applicant was denied the right to a Direct Appeal. See Roe v. Flores Ortega, 120 S.Ct. 129 (2000). Such deprivations constituted a violation of the Sixth (6th) and Fourteenth (14th) Amendment of the United States Constitution.

AMENDED ISSUES LABELED "C & D"

- C. PCR Counsel, Charles Thomas Brooks, III, was

ineffective for failing to challenge
Applicant's Guilty Pleas.

- D. Did the Trial Court err in admitting evidence emanating from Applicant's arrest because the police officer's did not have Probable Cause to Arrest him?

Applicant argues that he is raising his issues under the new United States Supreme Court ruling in Martinez v. Ryan, 132 S.Ct. 1309 (2012). In Martinez, the Supreme Court held that inadequate assistance of counsel at Initial Review Collateral proceedings, may establish cause for a prisoner's procedural defaulted claim of Ineffective Assistance of Counsel at Trial.

As discussed, the Applicant has pointed out that although he withdrawn his Post-Conviction Relief Application, PCR Counsel was ineffective for failing to help his client, the Applicant, present his case in its most favorable light, being that the Applicant had the Burden of Proof. PCR Counsel intentionally ignored Applicant's repeated request for a 'Motion for Reconsideration', and based on PCR Counsel's abandonment, he never let his client, the Applicant, know that he was giving up his only "Bite at the Apple". Now unfortunately, the Applicant's issues are not heard, preserved, or ruled upon for Appellate and Federal review, due to PCR Counsel's ineffectiveness. See Exhibit #1, Lines 22-23.

Applicant's claim is that his Sixth and Fourteenth Amendment Rights were violated because PCR Counsel never met with the Applicant not one (1) time before the Evidentiary Hearing was scheduled, held, or concluded to make a proper presentation in a case where the Applicant must proves every allegation

by the Preponderance of the Evidence. Applicant met with PCR Counsel Brooks for less than ten (10) minutes or about thereof, before entering the Courtroom before the Honorable Judge Cothran for an Evidentiary Hearing on his Post-Conviction Relief claims, of which was withdrawn outside of the Applicant's decision. PCR Counsel Brooks was more than persuasive about the way he was going to present the Applicant's claims. Applicant thought he was in Court for a 'Motion for Reconsideration' and a Belated Direct Appeal Review' alone. See Exhibit #2, PCR Transcript Lines 12-19. Applicant did not know that he was going on to pursue his Post-Conviction Relief claims at the same time. When the Applicant began answering questions given from the bench of the Honorable Judge Cothran, the Applicant did not know that he was giving up his only bite at the apple. Applicant relied upon the services of PCR Counsel Brooks for the proper guidance from his Appointed Post-Conviction Relief Counsel, in which PCR Counsel Brooks failed in his assistance, his guidance, and his advisements. Therefore, making the Applicant's withdrawal unintelligently, unknowingly, and involuntarily made.

It should be undisputed as to Applicant's PCR Counsel impeded Applicant after the Applicant made every attempt and done everything in his power from filing his own Amended Post-Conviction Relief Application and also waiting for PCR Counsel Brooks to assist him. Applicant repeatedly wrote correspondences to PCR Counsel Brooks requesting his full assistance. See Exhibit #3.

Applicant's issues are not preserved for Appellate and Federal review due to PCR Counsel's ineffectiveness. After the Applicant's repeated attempts, PCR Counsel still failed to protect the Applicant's safe guard, in which PCR Counsel should be held accountable under the standards set out in Martinez. PCR Counsel Brooks was clearly ineffective for not having the Applicant's issues reviewed on the merits, along with preserving them for further review. Not being devoted to the Applicant during preparation stage, may have played a significant factor for not spending the adequate amount of time to help his client, the Applicant. Whereas, PCR Counsel was properly appointed to represent the Applicant in the action by the Clarendon County Clerk of Court at the request of the Respondents on September 23, 2008. Since being appointed, PCR Counsel Brooks did not make any attempt to visit his client, the Applicant, not one (1) time before the Evidentiary Hearing was held.

The main objection 'why the Respondents believes that this Order should become final', is that, the Respondents finds that the Applicant's contention that he received Ineffective Assistance of Counsel in his prior Post-Conviction Relief Application, is not a ground for relief. The Respondents further believes that there is not Constitutional Right to appointed counsel for Collateral Review of a Conviction. Respondents points to Pennsylvania v. Finley, 107 S.Ct. 1990 (1987). 'The Sixth Amendment right to effective assistance of counsel does not extend to State Post-Conviction Relief

actions.' Coleman v. Thompson, 111 S.Ct. 2546 (1991). Therefore, the contention that prior Post-Conviction Relief Counsel being ineffective, is not per se a 'sufficient reason' warranting a successive Post-Conviction Relief Application under '17-27-90'. See Conditional Order of Dismissal, Page 3 of 4.

Applicant hereby Objects.

APPLICANT'S OBJECTION

Applicant objects to the fact that the Respondents is relying on Pennsylvania v. Finley and Coleman v. Thompson, and refusing to acknowledge the United States Supreme Court ruling in Martinez v. Ryan. Martinez has shown, when a state requires a prisoner to raise an Ineffective-Assistance-of-Trial-Counsel claim in a Collateral proceeding, a prisoner may establish cause for the default of an ineffective assistance claim in two circumstances: First, where the State Courts did not appoint counsel in the Initial-Review Collateral proceeding for a claim of Ineffective Assistance at Trial; and Second, where appointed counsel in the Initial-Review Collateral proceeding, where the claim should have been raised, was Ineffective under the standards set out in Strickland v. Washington, 104 S.Ct. 2052 (1984). PCR Counsel Brooks was more than Ineffective by letting his client, the Applicant, obtain an Unintelligently, Unknowingly, Unwillingly, and Involuntary withdrawal of the Post-Conviction Relief Application before the Honorable Judge Cothran and should be held accountable for his deliberate actions, under Martinez standards.

Applicant further objects to the fact that the Respondents never mentioned and Amended Issue that was properly filed in this action. After the conclusion of a nine (9) month period, the Applicant discovered claims now presented by filing his Second Post-Conviction Relief Application, arguing that he was denied his Sixth and Fourteenth Amendment Rights of the United States Constitution. Being tried by a fair and impartial jury and to receive effective assistance of competent counsel. In support of this claim, Applicant submitted two (2) Amendments to the Post-Conviction Relief Application along with Exhibits, which granted the Respondents an ample amount of time which did not in no way prejudice them in properly stating every amended claim in the Conditional Order of Dismissal. See Rule 15, Federal Rules of Civil Procedure. In the Rule, it states that Leave to Amend 'Shall be freely given when justice so requires'. Leave to Amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, or there has been bad faith on the part of the moving party, or the amendment would be futile. Edwards v. City of Goldsboro, 178 F.3d 231, 242 (4th Cir. 1999), quoting Johnson v. Oroweat Foods Co., 785 F.2d 503, 509-10 (4th Cir. 1986). Applicant argues that his Application should be held to an higher standard because of the fact he did not prejudice the Respondent and the issues is not futile.

Applicant also contends that his Application is timely,

pursuant to §17-27-45(C). §17-27-45(C) provides that the limitation period shall run from 'the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of Due Diligence'. Applicant alleges that the one-year limitation period should not begin to run until April 27, 2012. See Exhibit #5. 'The factual predicate of this Brady violation claim could not have been discovered through the exercise of due diligence' until the date of April 27, 2102. When the Applicant receive a correspondence from the South Carolina Supreme Court, the Applicant then became known of the discovery through the repeated letters sent throughout the years.

Applicant further argues that he could not have previously raised this issue because of PCR Counsel's concealment of the Records. This information was unavailable and hindered the Applicant's case, making the Applicant first accept a guilty plea, then withdraw his first Post-Conviction Relief Application because PCR Counsel did not believe it was necessary to brief over all issues of which he were required. See South Carolina Rules of Civil Procedure, Rule 71.1(d). Now this claim falls well within the 'Discovery Rule' exception to the one-year limitation period and was therefore, timely.

Section 17-27-45(C) provides that if a PCR Applicant discovers 'material facts not previously presented and heard that requires vacation of his Conviction and Sentence', he may file a Post-Conviction Relief Application within one year after the date of actual discovery, or after the date

when the facts could have been ascertained by the exercise of due diligence. See State v. McCoy, 737 S.E.2d 623 (2013).

Applicant point to 'Issues C and D' along with Exhibits 6 and 7 to the Application before this Honorable Court in 2013-CP-14-00019. The Applicant asserts that Issue D and Exhibit 8, will vacate his Sentences because Clarendon County does not have an employee/affiant by the name of Timothy S. McCray. This issue is Newly Discovered from seeing the signature of the original Arrest Warrant. See State v. Covert, 675 S.E.2d 740 (2009), citing Davis v. Sanders, 19 S.E. 138 (1894). In Davis, 'the lack of the issuing Officer's signature is not excusable as merely procedural or ministerial, but rather negates the existence of a warrant, creating instead 'an unfinished paper'. This Constitutional Violation of the Fourth Amendment is clearly unexcusable and the Applicant contends that the concealment of his Original Arrest Warrant hindered his case. Thus, the Applicant's case should be REMANDED for a Evidentiary Hearing, so that this Honorable Court can consider the merits of the Secondly filed Application for Post-Conviction Relief, in its entirety.

CONCLUSION

Based on the facts that the Respondents have not addressed or even brushed on the Applicant's claims in this action, nor acknowledging the ruling of Martinez v. Ryan, 132 S.Ct. 1309 (2012), this Court should not allow the Respondents Return and Motion to Dismiss be granted, nor the Conditional Order of Dismissal to become final and not conduct an Evidentiary

Hearing on the Applicant's claims. Also, the Application should not be dismissed in its entirety, because the Applicant pointed out that he never had a Direct Appeal and the Applicant should be granted a Belated Appeal to bring to the Courts attention, his cognizable relief claims that he would have presented if he had an Evidentiary Hearing, or an Appeal to the denial of his PCR. Pointing to the exception ruling in Austin v. State, 409 S.E.2d (1991), for both attorney's failure to file appeals on his behalf. Also, the fact that the Applicant showed how he should obtain a New Trial on After Discovered Evidence. Presenting all factors and being in accordance with all five (5) of the Courts should consider the merits of this Second Application.

Respectfully Submitted,

 #325561
Jason A. Brown

S.C.D.C. NO. 00325561
Lee Correctional Institution
Richland Unit
990 Wisack Highway
Bishopville, South Carolina 29010

APPLICANT

April 4, 2014.
Bishopville, South Carolina.

EXHIBIT'S FOR APPLICANT'S CONDITIONAL

ORDER OF DISMISSAL

- Exhibit #1:** PCR Transcript
Lines 22-23
- Exhibit #2:** PCR Transcript
Lines 12-19
- Exhibit #3:** Letters & Response Letters
To Mr. Charles T. Brooks (6) Attach.
- Exhibit #4:** Conditional Order Of Dismissal
Pg. 3 of 4, paragraph (1)
- Exhibit #5:** Letters & Response Letters To The South
Carolina Supreme Court, & Charles Brooks
- Exhibit #6:** Applicant's Request For Production Of
Documents From The Clarendon County Clerk
Of Court
- Exhibit #7:** Amended Issue " C "
" Was the Court in error for accepting appl-
icant's Guilty Plea?"
- Exhibit #8:** Amended Issue " D "
" Did the Trial Court err in admitting evidence
emanating from Appellant's arrest because the
police officer did not have probable cause to
arrest him?"

Jason A. Brown, #325561
Lee Corr. Inst. Ric B 269
990 Wisacky Highway
Bishopville, SC 29010

EXHIBIT #1

(Exhibit #1)

2

1 MS WILLIAMS: May it please the Court,
2 this is Jason Brown. 2008-CP-14-0400. He is here
3 with his attorney, Charles Brooks. Mr. Brown was
4 represented by Scott Robinson. He faced charges
5 of murder, arson and grand larceny. He received a
6 negotiated concurrent aggregate sentence of 30
7 years.

8 ~~And it is my understanding that Mr. Brooks~~
9 ~~and Mr. Brown have a matter to bring before the~~
10 ~~Court.~~

11 THE COURT: Yes, sir.

12 MR. BROOKS: May it please the Court,
13 Judge, after having talked to Mr. Brown
14 extensively, I did explain to him the power the
15 Court has and more importantly, the limitation of
16 that power. ~~Specifically, that the Court cannot~~
17 ~~reduce his time, modify his sentence in any way.~~

18 And I told my client that you may echo that same
19 sentiment, and I explained that to him. And once
20 I did, Mr. Brown indicated he did not want a new
21 trial in his situation.

22 ~~And as a result, he decided he wanted to~~
23 ~~withdraw his application.~~ And I did explain to
24 him all the specifics about if he withdraws his
25 application, this is his only time. He can't come

EXHIBIT #2

(Exhibit #2)

2

1 MS WILLIAMS: May it please the Court,
2 this is Jason Brown. 2008-CP-14-0400. He is here
3 with his attorney, Charles Brooks. Mr. Brown was
4 represented by Scott Robinson. He faced charges
5 of murder, arson and grand larceny. He received a
6 negotiated concurrent aggregate sentence of 30
7 years.

8 ~~And it's my understanding that Mr. Brooks~~
9 ~~and Mr. Brown have a matter to bring before the~~
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11 THE COURT: Yes, sir.

12 MR. BROOKS: May it please the Court,
13 Judge, after having talked to Mr. Brown
14 extensively, I did explain to him the power the
15 Court has and more importantly, the limitation of
16 that power. ~~Specifically, what the Court cannot~~
17 ~~do is to, modify, or change the sentence in any way.~~

18 And I told my client that you may echo that same
19 sentiment, and I explained that to him. And once
20 I did, Mr. Brown indicated he did not want a new
21 trial in his situation.

22 And as a result, he decided he wanted to
23 withdraw his application. And I did explain to
24 him all the specifics about if he withdraws his
25 application, this is his only time. He can't come

EXHIBIT #3

Exhibit 1

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

Jason A. Brown, 325561
Applicant

vs

State of South Carolina
Defendant

IN THE COURT OF COMMON PLEAS

CASE NO.: 2008-CP-14-0400

ORDER FOR FUNDING

2009 FEB -2 PM 11:13

BEVERLY S. BROOKS
CLERK OF COURT
CLARENDON COUNTY, SC

This matter comes before me on an *ex parte* Motion from the Applicant, by and through his undersigned attorney, requesting the services of an expert investigator. The Applicant further requests that the expenditure be approved to compensate the expert at an estimated rate of Five hundred (\$500.00) dollars out of funds available to the Office of Indigent Defense (OID) to be applied toward payment of such expenses as may be necessarily incurred.

Mr. Brooks seeks approval to contract for experts in investigation, which he believes is necessary to the preparation of this case.

As grounds for this motion, the Applicant submits the following, which he believes to be based upon information and belief:

1. That Charles T. Brooks, III, was properly appointed by this Court on September 23, 2008..
2. That the Applicant was indicted for Murder, two (2) counts of arson and three (3) counts of Grand Larceny.
3. These are serious crimes and it requires hiring of an expert investigator.

[Handwritten signature]

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE Feb 2, 2009
Beverly S. Brooks
CLERK OF COURT
CLARENDON COUNTY, SC

IT IS SO ORDERED:

That this Court authorizes the payment of approximately Five Hundred(\$500.00) Dollars
for the Applicant to contract an expert investigator.

Date:

1/28/57



Chief Administrative Judge for the
Third Judicial Circuit



"Exhibit 2"

Law Office of Charles T. Brooks, III

CHARLES T. BROOKS, III, ATTORNEY AT LAW

309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151
(803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

February 4, 2009

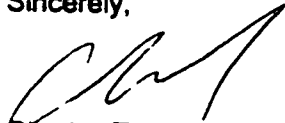
Jason A. Brown, 325561
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Jason A. Brown v State of South Carolina

Dear Mr. Brown:

Please find enclosed a copy of the Motion and Order for funding in reference to your PCR. We will be in touch with an investigator to look into your concerns.

Sincerely,



Charles T. Brooks, III

CTB/jlb

Enclosure as Stated

" Exhibit 3 "

Law Office of Charles T. Brooks, III

CHARLES T. BROOKS, III, ATTORNEY AT LAW
309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151
(803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

May 21, 2009

Jason A. Brown, 325561
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Jason A. Brown v State of South Carolina

Dear Mr. Brown:

Please be advised that we have an order approving an investigator. John Johnson will investigate this matter. His contact information is: Post Office Box 575, Sumter, South Carolina, 29151.

Also, we do not have a copy of the transcript. We will send you a copy. The Attorney General's office obtains all transcripts and sends appointed counsel a copy.

Sincerely,


Charles T. Brooks, III

CTB/jlb

"Exhibit 4"

Law Office of Charles T. Brooks, III

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@cthrooks.com

IRMA R. BROOKS
Attorney

May 21, 2009

Office of the Attorney General
Attn: Mary S. Williams, Esquire
PO Box 11549
Columbia, SC 29211-1549

RE: Jason A. Brown v State of South Carolina
Case No. 2008-CP-14-400

Dear Ms. Williams:

Please be advised that we were appointed counsel in reference to the above PCR matter in September, 2008. As of this date we have not received a copy of the State's Return or a Transcript of Record.

Please check on this and advise as Mr. Brown has requested a copy of these documents.

Thank you for your prompt attention to this matter.

With kind regards, I am,

Sincerely,

Charles T. Brooks, III
CTB, III/jlb

cc: Jason A. Brown, 325561

"Exhibit 5"

Law Office of Charles T. Brooks, III

CHARLES T. BROOKS, III, ATTORNEY AT LAW

309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151

(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

August 19, 2009

Jason A Brown, 325561
Lee Correctional Institution
Richland B 179
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Jason Brown v State of South Carolina

Dear Mr. Brown:

Please be advised that I have not received any report from Mr. Johnson at this time.

Enclosed you will find a copy of your transcript.

The PCR hearing has not been scheduled at this point but we will notify you as soon as we get notified. At the hearing we will present all of the issues in your application.

Sincerely,


Charles T. Brooks, III

CTB/jlb

Enclosure as Stated

" Exhibit 6 "

Law Office of Charles T. Brooks, III

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

September 22, 2009

Jason Arnold Brown, 325561
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: PCR Hearing

Dear Mr. Brown:

Please be advised that your PCR hearing has been scheduled for **Wednesday, October 28, 2009**, at the Sumter County Court House at 9:30 A.M.

If you have any questions, please do not hesitate to contact me.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

EXHIBIT #4

(1987). The Sixth Amendment right to effective assistance of counsel does not extend to state post-conviction relief actions. Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991). Therefore, "the contention that prior post-conviction relief counsel was ineffective is not *per se* a 'sufficient reason' warranting a successive post-conviction relief application under '17-27-90.'" Aice, 305 S.C. at 451, 409 S.E.2d at 394.

The only recognized exception to the rule barring claims of ineffective assistance of post-conviction relief counsel is found in Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). ~~Austin recognizes a general exception to this rule where prior post-conviction relief counsel fails to appeal the denial of the application.~~ Id. Austin "is limited to its particular factual situation." Aice, 305 S.C. at 452, 409 S.E.2d at 394. ~~Pursuant to Austin, a post-conviction relief applicant may petition the South Carolina Supreme Court for discretionary review of the dismissal of their application.~~ Here, Applicant was afforded appellate review of his both his initial and subsequent post-conviction relief applications. Therefore, this Court finds this application should be summarily dismissed for failure to state a claim upon which relief can be granted.

 This Court finds further, that this application should be summarily dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. § 17-27-10 to -16 (1992-2003).

An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. ~~That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;~~

EXHIBIT #5

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED

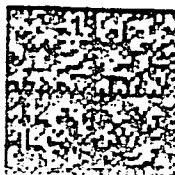
APR 27 2012

LEE CI MAIL ROOM

Rib
269

3255401

Mr. Jason A. Brown #25561
Lee Correctional Inst.
RIC-B-269
990 Wisacky Hwy.
Bishopville, SC 29010



Master

012H16212918
\$00.450
04/26/2012
Mailed From: 29201
US POSTAGE

TO : CLERK OF COURT
P.O. DRAWER E, 2nd FL.
MANNING, S.C.

FROM: JASON A. BROWN
LEE C.I. INSTITUTION
990 WISACKY HIGHWAY
BISHOPVILLE, S.C. 29010

RE : JASON A. BROWN V. THE STATE OF SOUTH CAROLINA,
(REQUESTING FOR PCR TRANSCRIPT)

DATE: APRIL 23, 2012

DEAR: CLERK OF COURT,

MY NAME IS JASON A. BROWN. I'M A PRO SE INMATE THATS
CURRENTLY BEING CONFINED HERE AT LEE CORRECTIONAL FACILITY.

ON OCTOBER 28, 2009, I WAS REPRESENTED BY ATTORNEY
CHARLES T. BROOKS AT MY POST CONVICTION HEARING. MY PCR HEARING
WAS HELD AT THE SUMTER COUNTY COURTHOUSE. SINCE THEN, I NEVER
RECEIVED ANY INFORMATION REGARDING MY PCR PROCEEDINGS. AT THIS
TIME I'M ATTEMPTING TO APPEAL MY PCR DECISION. HOWEVER, I'M WRITING
THIS OFFICE TO RECEIVE MY PCR TRANSCRIPT SO I CAN SUCCESSFULLY
APPEAL MY PCR DECISION. BY ANY CHANCE THIS OFFICE CANNOT PROVIDE
ME MY PCR TRANSCRIPT , I'M WILLING TO PAY AT ALL COST TO RECEIVE
THIS MATERIAL. ALSO, IF THIS OFFICE DOESN'T HAVE THE AVAILABLE
TRANSCRIPT, PLEASE INSTRUCT ME TO THE CORRECT AGENCY.

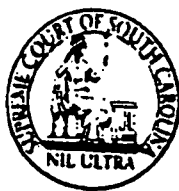
AGAIN, I'M IN DESPERATE NEED OF MY PCR TRANSCRIPT
WHICH THE HEARING WAS HELD IN THE SUMTER COUNTY COURTHOUSE. IF
YOU NEED ANY INFORMATION FROM ME , PLEASE DO NOT HESITATE TO
CONTACT ME AT THE ABOVE ADDRESS.

THANKS IN REGARDS OF THIS MATTER,
JASON A. BROWN

RECEIVED

APR 26 2012

S.C. SUPREME COURT



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: Mr. Jason A. Brown #325561

FROM: Daniel E. Shearouse, Clerk *DS*

DATE: April 26, 2012

This Court has received your recent correspondence.

_____ This Court cannot provide legal advice or assistance. Therefore, we will not be able to provide legal advice and you should consult an attorney.

☒ Since you are represented by counsel in this matter, no action will be taken on your pro se filing. Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989).

_____ If you believe you have good cause to seek to have your current counsel relieved then you should file a motion in the lower court in which this matter is pending.

☒ Since you are represented by counsel in this matter, we are forwarding a copy of your letter to counsel for any assistance he/she can give you.

_____ Your remedy is in the lower court where this matter is pending.

CC: Charles Thomas Brooks, Esquire (with enclosure)

The Brooks Law Offices, LLC

Charles T. Brooks, III, Attorney

Irma R. Brooks, Attorney

309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151

(803) 418-8708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

April 27, 2012

Jason A. Brown, 325581
Lee Correctional Institution
990 Wilsack Highway
Bishopville, South Carolina, 29010

RE: Your PCR Matter

Dear Mr. Brown:

Please be advised that we are in receipt of a letter from the Supreme Court of S. C. in reference to you corresponding directly to them. Please be advised that since I am still your Attorney of record, you should send any correspondence in reference to your case directly to me.

Sincerely,



Charles T. Brooks, III

CTB/jtb

EXHIBIT #6

STATE OF SOUTH CAROLINA]
COUNTY OF CLARENDON]

JASON ARNOLD BROWN, #325561]
PETITIONER,]

Vs.]

STATE OF SOUTH CAROLINA: AND]
THE AGENCY THEREOF:]
THIRD JUDICIAL CIRCUIT]

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

CIVIL ACTION: 2013-CP-14-0019

PETITIONER'S REQUEST FOR
PRODUCTION OF DOCUMENTS

TO: BEULAH ROBERTS
THIRD JUDICIAL CIRCUIT
CLARENDON COUNTY
CLERK OF COURT
P.O. DRAWER E., 2nd FL.,
MANNING, SC 29102

The Petitioner, Pursuant to South Carolina Rules of Civil Procedure, Rule 34, hereby request that the above named Respondent produce (DELIVER) a complete copy of the documents identified below within thirty days to Petitioner at the institution he is housed to inspect, copy and/or photocopy, or at such other time and place as shall be mutually agreed upon by the parties.

DEFINITIONS

1. "DOCUMENTS" is to include any form of writing, communication or other means by which information may be transferred or recorded, whether it be by paper, film, audio, computer printout, computer disk or other form, including, but not limited too, notes, reports, records, memorandums, communications, policy, bulletins, practices, data sheets work sheets, manuals, meetings, analysis, etc., etc., and any other forms of information preservation.

"DOCUMENT" also means all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally written, typed or otherwise prepared.

2. "AND" AND "OR" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The use of the words "INCLUDE(S)" and "INCLUDING" shall be construed to mean "WITHOUT LIMITATION".

3. Use of the term "CONTROL" when referring to documents or other tangible or intangible things shall mean that you have the right to secure the things or documents or a copy thereof from another person or entity which has actual possession thereof.

If any objection raised by you is based in whole or in part on the fact that documents are not in your possession or custody, then you shall identify the person(s) and/or entities in possession or custody of the documents, and shall further identify the location of the documents with sufficient particularity to allow the Petitioner to issue a subpoena to obtain copy of the document or things.

4. If any document was, but no longer in your possession or subject to your control, state what disposition was made of it, including, but not limited too, whether or not it was destroyed or disposed of, by whom, and the date or dates or approximate date or dates on which such disposition was made and why.

INSTRUCTIONS

1. All documents covered in this request shall be produced in an orderly manner (and with appropriate inspection or other identification) so that Petitioner will be able to identify the source of the

document and the number of the request to which it responds.

2. If you refuse to produce any requested materials in whole or in part, describe the basis for your refusal to produce including any claim to privilege or work product, in sufficient detail so as to permit the court to adjudicate the validity of your refusal, and identify each document for which a privilege is claimed.

3. This request shall be continuing in nature so that any documents requested herein must be produced prior to the trial of this case, even if a document is not in existence at the time of your initial response (e.g. an altered or amended document).

DOCUMENTS TO BE PRODUCED

A complete and accurate copy of all pictures and photos that were entered into evidence as court's exhibit(s), during the case of State vs. Jason A. Brown, Guilty Plea Hearing on December 6, 2006, Petitioner alleges he is now requesting.

- A.) Court Exhibit- Investigated Search and Seizure (Pictures)
- B.) Court Exhibit- Search Warrant
- C.) Court Exhibit- Mental Health Documents

This 20 day of November 2013.

Respectfully Submitted,

/S/:  325561
Jason A. Brown, #325561
Lee C.I. Ric B 269
990 Wisacky Highway
Bishopville, SC 29010

EXHIBIT #7

Jason A. Brown, 325561
Lee Correctional Institution
Richland B 269
990 Wisacky Highway
Bishopville, South Carolina 29010

2013 MAY 15 PM 12:28

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC

Date: May 13, 2013

Re: Issue To Be Amended

Dear Mrs Belluah Roberts,

Enclosed, please find for filing a claim I want to be amended to my PCR application and a letter addressed to Clarendon County, Clerk Of Court in which I am asking you to include as a claim for my post conviction matter. Please send to me a time-clocked copy of each to the address listed above..

Thanking you in advance for your time and assistance in this matter.

Respectfully Submitted,

S/

Jason A. Brown
Jason A. Brown, 325561

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 5/15/2013

Beulah G. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

Jason A. Brown, #325561
Applicant,

Vs.

State Of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

CASE NO: 2013-CP-14-00019

Permission To Amend
PCR Application

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC
2013/JAN 15 PM 12:28

This motion comes before this court by way asking for permission to amend to applicants PCR application which was filed and stamped clocked dated January 16, 2013 Case No: 2013-CP-14-0019. Petitioner alledges he wants to raise the following issue under Martinez v. Ryan in his application at hand.

In Applicants current application for post-conviction relief the applicant alledges that he is being held in custody unlawfully for the following reasons:

Ineffective Assistance Of PCR Counsel

- A. " PCR Counsel, Charles Thomas Brooks, III, was ineffective for failing to amend my PCR application of 2009."
- B. " PCR Counsel, Charles Thomas Brooks, III, was ineffective for failing to amend my PCR application of 2009, that Applicant was denied the right to a Direct Appeal See: Roe v. Flores Ortega, 120 S.Ct. 129 (2000). See Also: Rodriguez v. Padula. Such deprivation constituted a violation of the 6th and 14th Amendment of the U.S. Constitution.

Petitioner alledges this is a new ground he wish to add to his application. Which will be labled as "C" to his initial application.

C. " Was the Court in error for accepting appellants
Guilty Plea."

Applicant alledges his Sixth and Fourteenth Amendment
Constitutional rights to effective assistance of counsel was denied
when his attorney failed to go over the following issue with him.
Which makes applicants attorney rendering ineffective assistance.

D. ~~Did~~ the Trial Court err in admitting evidence emanating from
Appellant's arrest because the police officer did not have probable cause to arrest him?

STATEMENT OF ISSUE I WISH TO AMEND

Was the court in error for accepting appellants Guilty Plea. When the evidence clearly establishes an Voluntary Manslaughter charge since appellant and decedent was highly intoxicated and decedent hit and attacked him. Therefore, appellant was either guilty of Voluntary Manslaughter or either guilty of Self-Defense in this matter.

STATEMENT OF THE CASE

Appellant was indicted by the Clarendon County grand jury for the offense of murder, arson and grand larceny. His case was called to trial on December 06, 2007 before the Honorable John M. Milling... Scott L. Robinson, Esquire. represented appellant. Amy Land was the solicitor.

On December 06, 2007 the Judge John M. Milling accepted appellant guilty plea. On December 06, 2007 Judge John M. Milling sentenced appellant to a negotiated sentence of thirty years imprisonment for Murder, ten years imprisonment for Arson and five years imprisonment for Grand Larceny (\$5000); with the sentences were to be served concurrently. The Applicant did not appeal his conviction or sentence.

ARGUMENT

Was the court in error for accepting appellants Guilty Plea. When the evidence clearly establishes an Voluntary Manslaughter charge since appellant and decedent was highly intoxicated and decedent hit him. Therefore, appellant was either guilty of voluntary manslaughter or either guilty of self-defense in this matter.

Relevant Facts

Jason Brown testified that on Saturday, October 15, 2006 he was "hanging out" with his friends and drinking beer. Raymond remembered that his friend John was coming by his shop and the beer was at an shortage appellant was sitting down enjoying his evening at Ray's shop then Ray asked John are you going for more beer." Which he stated Yes?" Brown remembered that John angrily responded: " If yall wanna gonna to the store get your "S" we are going now?". Brown recalled John driving extremely fast which he didn't like.

Brown remembered decedent fell out with him some weeks before about a checker game. John told appellant in his car to walk from Manning which Brown failed to get out. John stopped at the first store in Manning to gas up and recalled that appellant said to him: " I ain't going nowhere. I'm going to sit right here and I'm going back home to drink my beer peacefully I'm tired I was working all day."

Raymond and Tim Mcray they could witness John playing cool to drop appellant off back at home. John said when he was about to drop appellant off at his house, " Get your punk ass out of my car." Which then they began to wrestle with each other the decedent attacked appellant, and it was undisputed that appellant shot the victim by a mistake.

Scott L. Robinson should've had doctors check on the entry of the gunshot wound to the head: There was a one shot kill wound that killed the decedent. Doctors could've stated the decedent had alcohol in his system at the time he was shot. Doctors never opined the decedent was or was not "legally intoxicated at the time of the crime."

Voluntary Manslaughter or Self-Defense

Defense counsel didn't move for any type of Defense on appellants behalf. He never argued self-defense obviously it was an issue in this case and the state had not offered evidence disproving self-defense beyond a reasonable doubt. defense counsel never argued appellant was without fault in bringing on the difficulty, Brown believed he was in imminent danger, and he had not other probable means of bringing on an confrontation. See: Exhibit #7 "Letter"

The solicitor made it look like appellant started the difficulty by commenting about the decedent's harm and background. The judge ~~he~~ would've responded without those comments that the jury " can easily find that he acted in self defense." However, the judge also could've said the jury could find appellant took a " knife to a fist fight" and thats why he should be given an voluntary manslaughter or self-defense charge. The judge said he would charge appellant — and he did — guilty of murder alone and never heard or known appellant would've agreed to an voluntary manslaughter, involuntary manslaughter, and self-defense.

IMPORTANCE OF THE ISSUE

This question is important for the sake of the petitioner as well as other petitioner's in the State Of South Carolina.

Discussion

The trial court only has duty to submit a case to the jury where there is direct evidence or substantial circumstantial evidence from which the defendant's guilt may be fairly and logically be deduced See, State v. Williams, 468 S.E. 2d 626 (1996); State v. Irvin, 243 S.E.2d 195 (1978). In State v. Burriss, 513 S.E.2d 104 (1999), The Court found the defendant was entitled to a charge of Voluntary Manslaughter and not Involuntary Manslaughter but he did had an pistol and it went off accidentally. Also See: State v. Williams, 733 S.E.2d 605 (2012).

Here, Appellant Brown claims correctly counsel failed to argue the state did not provide sufficient evidence to negate appellant's claim of self-defense. See, State v. Dickey, 716 S.E. 2d 97 (2011). (Finding defendant was not at fault in bringing on difficulty despite pulling loaded weapon on victim when victim began advancing towards defendant in an aggressive manner.)

It was undisputed that decedent hit appellant and attacked him. The Solicitor's claim that appellant started the difficulty by being able to allow Brown's involuntary statement. At the most, Appellant could legally been guilty of voluntary manslaughter because he killed the decedent in a heat of passion after a clear legal provocation- being attacked and hit in decedents car.

There was no direct or substantial circumstantial evidence given the highly unusual facts of this case that appellant was guilty of murder. He was guilty of voluntary manslaughter or guilty by reason of self-defense. See, State v. Lowry, 434 S.E.2d

272 (1993); State v. Fuller, 377 S.E.2d 328,330 (1989). The trial judge should have not accepted Brown Guilty Plea and charge him of murder. See, State v. Williams, 733 S.E.2d (2012). (Letting the Court no what substance was in the victim's bloodstream at the time of his death. Appellant claim this testimony was relevant because the presence of intoxicating substances could affect the victim's demeanor and would be evidence which the jury could consider in determining whether appellant felt threatened at the time of the altercation.

The Court excluded the testimony and didn't allow the toxicologist's testimony, Which would have revealed that the victim blood tested positive for Alcohol,Hydrocodone, and THC.

Conclusion

For all the foregoing reasons petitioner has stated in this amendment to his application the Court should allow petitioner the right to amend this issue to his Post-Conviction Application.

Dated this 13 day of May, 2013.

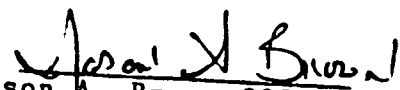

Jason A. Brown, 325561
990 Wisacky Highway
Bishopville, SC 29010
Lee Corr. Ric-B-269

EXHIBIT #8

STATEMENT OF ISSUE I WISH TO AMEND

Did the Trial Court err in admitting evidence emanating from Appellant's arrest because the police officer did not have probable cause to arrest him ?.

Did the Trial Court err in admitting evidence emanating from Appellant's arrest because the police officer did not have probable cause to arrest him ?.

Appellant contends his arrest was illegal because officer's arrested him without a warrant and without probable cause. Appellant argues the evidence found due to the unlawful arrest, should have been suppressed as the fruit of the poisonous tree. See: Wong Sun v. United States, 83 S.Ct. 407, (1963).

The fundamental question in determining the lawfulness of an arrest is whether probable cause existed to make the arrest. Probable cause for a warrantless arrest exists when the circumstances within the arresting officer's knowledge are sufficient to lead a reasonable person to believe that a crime has been committed by a person being arrested. See: State v. George, 476 S.E.2d 903, (1996) (finding probable cause for warrantless arrest for murder). Whether probable cause exists depends upon the totality of the circumstances surrounding the information at the officer's disposal. Id.; See Also: Beck v. Ohio, 85 S.Ct. 223, (1964) (a court must consider "whether, at the moment the arrest was made, the officer's had probable cause to make it- whether at the moment the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the [Appellant] had committed...an offense.").

Officer's of Clarendon County had no probable cause to make the warrantless arrest based on the information they received from witnesses and officer's own observations at Appellants residence. Witnesses relayed information that was hearsay unto officer's that

could be deemed coerced. Witnesses never informed officer's of any actual homicide.

SEARCH WARRANT

Appellant argues the trial court erred by not suppressing evidence seized from his residence pursuant to a search warrant. Appellant contends that there was no search warrant and if so it was not supported by probable cause, so the shoes, clothing, and other property seized should have been excluded from his case.

Appellant argues there was no search warrant submitted into evidence and if it would have it should have been suppressed because the warrant predated the crime and the warrant did not have the exact date and time of the actual incident.

A search warrant may issue only upon a finding of probable cause. See: State v. Bellamy, 519 S.E.2d 347,348 (1999). The duty of the reviewing court is to ensure the issuing magistrate had a substantial basis upon which to conclude that probable cause existed. See: State v. Adams, 352 S.E.2d 483 (1987). In Illinois v. Gates, 103 S.Ct. 2317, (1983), the United States Supreme Court adopted a "totality-of-the-circumstances" test for probable cause determinations:

The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the " veracity " and " basis of knowledge " of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a (particular place).

In South Carolina search warrants may be issued " only upon affidavit sworn to before the magistrate...establishing the grounds for the warrant". S.C. Code Ann. § 17-13-140 (2003); See also: State v.

McKnight, 352 S.E.2d 471 (1987). the affidavit must set forth particular facts and circumstances underlying the existence of probable cause to allow the magistrate to make an independent evaluation of the matter. See: Franks v. Delaware, 98 S.Ct. 2674, (1978).

In appellants case there is no affidavit to support the search warrant for appellant's residence. The affidavit if so would have failed to set forth any facts as to why police believed Brown committed the crime.

At the time of Appellants arrest in Florida officer's of Clarendon County had no facts as to why police believed appellant committed the crime. The language in the warrant lacks specificity and contains conclusory statements. Given the totality of the circumstances, you can conclude the issuing magistrate did not have a substantial basis to find probable cause for a search of Appellant's residence, and the court erred in admitting evidence seized pursuant to the search warrant.

Futhermore, It is claimed by appellant that the search warrant under which the search and seizure were made illegal, in that the magistrate did not actually swear the affiant. The warrant is facially deficient and invalid. It was issued providing facts by one Timothy S. McCray which does not work for the Clarendon County Sheriff's Department and should not have been sworn to as the affiant.

Appellant Brown asserts that he was unaware of the defective warrant. Brown's Post Conviction Counsel and Trial Counsel never notified or investigated Brown's warrant to see if it was defective or not. This matter is sufficient to require a reversal, the underlying affidavit is invalid and, hence, the search warrant was likewise invalid if offered into evidence. The proper circumstances is not reasonable to require the person to scour the world to prove a negative.

The short of it is that an oath by a person claiming a spurious identity is the sole basis for the warrant and the search. The uncontroverted facts admit of no other interpretation.

The Fourth Amendment to the Constitution of the United States explicitly requires that 'no warrants shall issue, but upon probable cause, supported by Oath or Affirmation. Rule 41 (c) of the Federal Rules of Criminal Procedure, 18 U.S.C.A.; requires that the warrant shall state the grounds or probable cause of its issuance and the names of the persons whose affidavit's have been taken in support thereof.' The constitutional requirement of an oath or affirmation would be effectively eroded away if fictitious oaths were permitted. Affiant's name shall be stated is not satisfied by a false name, given by an unknown individual. It has been repeated many times that the requirements for issuance of a search warrant must be strictly adhered to and that the Fourth Amendment 'quaranties are to be liberally construed to prevent impairment of the protection extended'. See: Grau v. United States, 53 S.Ct. 38, (1932).

It has been laid down again and again that the prohibition of the Fourth Amendment against unreasonable searches and seizures must be rigidly enforced and that the procedure for the issuance of a search warrant which gives effect to the amendment must be scrupulously observed. See: Baysden v. United States, 271 F.2d 325, (4th Cir.1959).

To uphold the warrant in the instant case would be completely inconsistent with the above admonition.

The demand of Rule 41 for the affiant's name is in futherance of the Fourth Amendment and is not without purpose. It has ben said that someone must take the responsibility for the facts alleged, giving rise to the probable cause for the issuance of the warrant, See: Giles v. United States, 1st Cir.,1922, 284 f.208,214; United

States v. Kelcher, 1924, 55 App.D.C. 132, 2 F.2d 934; and the defendant should be apprised of the name of that person, See: Howard v. State, 1952, 199 Md. 529, 87 A.2d 161. When the affiant is cloaked in secrecy there is no one who can be responsible. Appellant Brown contends that his affiant was cloaked in secrecy hindering the challenge of the warrant. See: Exhibit (A).

Another reason for naming the affiant is to enable an aggrieved person to probe and challenge the legality of the warrant. Section 41(e) of the rule makes this plain. Giving a name other than the affiant's is not compliance. It is established law that the warrant would be fatally defective if no name were mentioned. See: United States v. Kaplan, D.C.S.D. Ga. 1923, 286 F. 936; See Also: Howard v. State, supra. It would be an anomaly it could be said that the rule has been obeyed when instead of omitting the affiant's name altogether, another person's name is deceptively substituted. If it should be held that the use of a mere sham has the effect of validating the warrant, then the aggrieved party would be frustrated in his effort to discover who the affiant is and to test the legality of the search, as authorized by the rule. The rule's remedial procedure would be vitated.

This is not an instance of an affiant merely misspelling his name or using a nick-name by which he is sometimes known rather than his real name, or in the absence of fraudulent purpose adopting a name informally assumed without resort to legal proceedings to change his name. Manifestly, here is a willful effort to mask the true source of the information, contrary to the letter and spirit of the law. It must prove ineffective.

The Appellant Brown alleges the conviction and sentence, based upon evidence secured by the unlawful search, should be set aside.

The rule in the Federal Courts is false facts given by the affiant will vitiate the warrant and search. See: Steele v. United States, 1925, 45 S.Ct. 414; See Also: United States v. Goodwin, D.C.S.D. Cal. 1924, 1 F.2d 36; United States v. Boscarino, D.C.W.D.N.Y. 1927, 21 F.2d 575; Atlanta Enterprises v. Crawford, D.C.N.D.Ga.1927, 22 F.2d 834; United States v. Napela, D.C.N.D.N.Y. 1928, 28 F.2d 898; United States v. Nagle, D.C.N.D.N.Y. 1929, 34 F.2d 952; United States v. Henderson, D.C.D.C. 1954, 17 F.R.D. 1; United States v. Bell, D.C.D.C. 1955, 17 F.R.D. 13; Lerner v. United States, D.C.Man.App. 1959, 151 A.2d 184.

In a case like the present one, it would be difficult for the truthfulness of the facts in the affidavit to be challenged as the affiant is unknown. See: State v. Covert, 675 S.E.2d 740, (2009); citing: Davis v. Sanders, 19 S.E..138 (1894); The context of an arrest warrant, that such a warrant is not lawful where the issuing judicial officer failed to sign the warrant form. The Davis Court gave a persuasive explanation of the signature requirement.

The lack of the issuing officer's signature is not excusable as merely procedural or ministerial, but rather negates the existence of a warrant, creating instead " an unfinished paper ".

The Davis requirement that a warrant must be signed by the issuing judicial officer in order to be complete is a common law decision predicated on public policy considerations. The signature is the assurance that a judicial officer has found that law enforcement has made the requisite probable cause showing, and serves as notice to the citizen upon whom the warrant is served that it is a validly issued warrant. Without the signature, it is merely an "unfinished paper". Davis, supra;

See Also: DuBose v. DuBose, 72 72 S.E. 645 (1911) (" But it has been decided [in Davis] that, when an officer is performing the ministerial duty of issuing a paper on compliance with certain conditions prescribed by law, his signature at the foot of the paper he intended to sign is necessary to its validity").

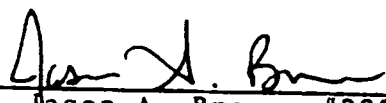
The Statute contains requirements different from those mandated by the Fourth Amendment and is in some ways "more strict" than the Federal Constitution. See: State v. McKnight, 352 S.E.2d 471 (1987). The "good faith" exception to the statute's requirements where the officers make a good faith attempt to comply with the statute's affidavit procedures, McKnight, supra, explaining State v. Sachs, 216 S.E.2d 501 (1975) the question whether a good faith exception would be applied where "the officers reasonably believe the warrant is valid when the search is made, but is subsequently determined to be invalid". McKnight supra.

Under South Carolina law an unsigned warrant is not a warrant, and is not capable of being issued within the meaning of § 17-13-140. See Also: Davis, supra (Officer's good faith irrelevant where warrant is not signed).

CONCLUSION

For all the forgoing reasons Appellant Brown asserts in this amendment to 2013-CP-14-0019 the Court should here his case on the merits. And reverse on the fact of the facially defective warrant that never went before a Magistrate Judge.

Dated this 13 day of March, 2014.


Jason A. Brown, #325561
Lee C.I. Ric B. 269
990 Wisacky Highway
Bishopville, SC 29010

RESTORE
COURT DATE-05/18/2004
ATN-

05/26/2003

BROWN, JASON ARNOLD
SC0140100 MANNING PD
CASE-03-0990
ATN-
WARR-45054CQ
CIT-56-1-460-MISDEMEANOR

WARR-45055CQ
CIT-56-1-225-MISDEMEANOR

CIT-56-1-460-MISDEMEANOR
DOC-R84 WARR-45054CQ

CIT-56-1-225-MISDEMEANOR
DOC-R84 WARR-45055CQ

BROWN, JASON ARNOLD
SC0140000 CLARENDON CNTY SO
CASE-06105710
ATN-1400000003370
WARR-J122832
CIT-16-3-10-FELONY

WARR-J122833
CIT-16-11-110(A)-FELONY

WARR-J122834
CIT-16-3-1075(B)(1)-FELONY

WARR-J122145
CIT-C/L-UNCLASSIFIED

ARREST CHARGE 01-DRIVING
UNDER SUSPENSION
OFFENSE DATE-05/26/2003

ARREST CHARGE 02-FAIL TO
MAINTAIN PROOF OF INSURANC
E IN VEHICLE
OFFENSE DATE-05/26/2003

COURT CHARGE 01-DRIVING UNDER
SUSPENSION
COURT DISP-CONVICTED;\$415
ATN-

COURT CHARGE 02-FAIL TO MAINT
AIN PROOF OF INSURANCE IN
VEHICLE
COURT DISP-CONVICTED;\$207

01/11/2007

ARREST CHARGE 01-MURDER
OFFENSE DATE-01/11/2007

ARREST CHARGE 02-ARSON 1ST
DEGREE
OFFENSE DATE-01/11/2007

ARREST CHARGE 03-TAKE VEHICLE
W/O BODILY HARM*
OFFENSE DATE-01/11/2007

ARREST CHARGE 04-ASSAULT OF
A HIGH AND AGGRAVATED
NATURE
OFFENSE DATE-01/11/2007

8 - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

ARREST WARRANT

J-122145

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

CLARENDON

THE STATE

against

JASON ARNOLD BROWN

Address: _____

Phone: (____) _____ SSN: _____

Sex: ☒ M ☐ F Race: B Height: 6-2 Weight: 175DOB: 03/18/1982 DL# _____ Agency OR# SC0140000

Prosecuting Agency: _____

Prosecuting Officer: _____

Offense: ASSAULT / HIGH AND AGGRAVATEDCode/Ordinance Sec. 17-25-0030, C/L Offense Code: 0013This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge _____

(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant JASON ARNOLD BROWNon 1-11-07 at 10:15 S's PM

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:

JUDGE P.B. HARVIN, JR.

102 SOUTH MILL STREET

P.O. BOX 371

MANNING, SC 29102

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

CLARENDON

AFFIDAVIT

Personally appeared before me the affiant TIMOTHY STYVESTER MCCRAYbeing duly sworn deposes and says that defendant JASON ARNOLD BROWNdid within this county and state on 08/19/2006State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of CLARENDON) violate the criminal laws of the
in the following particulars:DESCRIPTION OF OFFENSE: 17-25-0030, C/L / ASSAULT / HIGH AND AGGRAVATEDI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:ON 08/19/2006 AT THE DURANT FARMS OF ALCOLU, SOUTH CAROLINA, IN THE AREA OF CLARENDON COUNTY, THE
DEFENDANT, JASON ARNOLD BROWN, DID COMMIT THE CRIME OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
NATURE IN THAT HE DID HIT THE AFFIANT ABOUT THE FACE, HEAD AND SHOULDER, CAUSING LACERATIONS TO HIS LIP
AND FACE AND ALSO CAUSED SWELLING TO HIS JAW, FACE AND SHOULDER. WITNESSES ALONG WITH THE AFFIANT TO
PROVE SAME. CC CASE NO. 06084503

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

CLARENDON

Affiant's Address 9626 PLOWDEN MILL ROADALCOLU SC 29001Affiant's Telephone 803-473-5161

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 08/19/2006 defendant JASON ARNOLD BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of _____)

☒ County/ ☐ Municipality of CLARENDON

) as set forth below:

DESCRIPTION OF OFFENSE: ASSAULT / ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
NATURE (ABJAN)Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me _____

ON 08/23/2006Signature of Issuing Judge (L.S.)Judge's Address P. O. BOX 371MANNING SC 29102Judge's Telephone 435-2670Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DEFENDANT COPY

Case: J-122145

BAIL set by

Judge _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defence Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, not pros., etc.)

Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

General Sessions

CASE HISTORY FOR CASE J122145

The State of South Carolina VS Jason Arnold Brown

FILED DATE: 1/17/2007

CASE TYPE: GS

STATUS: Dismissed

JUDGE: Solicitor / Master In Equity G S And C P

CASE PARTIES:

Defendant Brown, Jason Arnold

5695 Brogdon Rd, Alcolu, SC 290010000

CASE HISTORY FOR CASE J122145

Brown, Jason Arnold
5695 Brogdon RdAge: 32
DL#:DOB: 3/18/1982
SSN: 247-57-1971

Alcolu, SC 290010000

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
0013	Assault / Assault and battery of a high and aggravated nature (ABHAN)	1/11/2007	Dismissed Not Indicted	12/10/2007

SENTENCING

DISMISS LACK OF PROSECUTORIAL

EVIDENCE

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
------	----------	-------------	-----------	--------------

Total:

DATE	TIME	EVENT DESCRIPTION
12/21/2007	12:00 AM	recorded the following Case Note: Date Disposition was Entered 2007-12-21

GENERAL SESSIONS DOCKET REPORT FOR CLARENDON COUNTY

REPORT RUN DATE - 01/24/2007

INDICTMENT NUMBER: 2007GS14

DEFENDANT NAME: BROWN, JASON ARNOLD

AKA:

ADDRESS: 5695 BROGDON RD

CITY: ALCOLU

STATE: SC ZIP 29001

SOCIAL SECURITY NUMBER: 247-57-1971

SEX: 1 MALE

RACE: 2 BLACK

DATE OF BIRTH: 03/18/1982

DRIVERS LICENSE STATE / NO.: /

MARITAL STATUS:

WARRANT OR TICKET NUMBER: J122145

COUNTS: 01 OFFENSE CODE: 0013

NO WARRANT? 0

NAME OF OFFENSE: ASSAULT / ASSAU

DATE OF ARREST: 01/11/2007

DATE RECD BY CLERK: 01/17/2007

SUMMARY JUDGE:

DISP DATE: 12-10-07
~~00/00/0000~~

DISP TYPE:

DISP TYPE EXPLANATION:

*Dismiss - Lack of
prosecutorial evidence*

JUDGE CODE/NAME:

COURT REPORTER:

CONVICTION: CTS:00 OFFENSE:0000 *****

SENTENCE:

DEFENSE ATTORNEY:

PROSECUTING ATTORNEY:

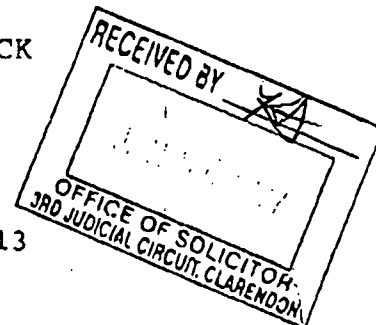
Any Law

EXHIBIT #4

STATE OF SOUTH CAROLINA

COUNTY OF CLARENDON

JASON A. BROWN, #325561

Plaintiff,

vs.

STATE OF SOUTH CAROLINA

Defendant.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

CASE NO.: 2013-CP-14-00019

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

Jason A. Brown, #325561. Bar No. _____

Address:

Lee Correctional Institution

Bishopville, SC 29010

Phone: _____ Fax: _____

E-mail: _____ Other: _____

Defendant's Attorney:

Daniel Gourley. Bar No. _____

Address:

PO Box 11549

Columbia, SC 29211

Phone: _____ Fax: _____

E-mail: _____ Other: _____

- ☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____

Court Reporter Needed: ☐ YES/☒ NO

SECTION II: Motion/Order Type

☐ Written motion attached

☒ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff/☒ Defendant

June 13, 2014

Date submitted

SECTION III: Motion Fee

☐ PAID - AMOUNT: \$ _____

☐ EXEMPT:

(check reason)

- ☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☒ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

Jason A. Brown, #325561

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2013-CP-14-00019

FINAL ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed January 16, 2013. The Respondent made its return on April 11, 2013, requesting the application be summarily dismissed based upon statute of limitations, successiveness, and failing to state a cognizable claim for PCR.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, the Honorable George C. James, Jr., issued a Conditional Order of Dismissal signed April 17, 2013 and filed January 8, 2014, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. ^{shortly thereafter,} Attached to this Final Order and incorporated herein ^{by reference} is ^{an} Affidavit of Service dated March 20, 2014, serving the above mentioned Conditional Order of Dismissal on the Applicant.

(In a document captioned "Applicant's response to the Conditional Order of Dismissal" and filed on April 4, 2014, February 24, 2014, the Applicant argues "that he is raising his issues under the new United States Supreme Court ruling in Martinez v. Ryan, 132 S.Ct. 1309 (2012). Applicant argues that although he withdrew his application for post-conviction relief, PCR Counsel was ineffective for failing to help him present his case in its most favorable light. Applicant argues

PCR Counsel intentionally ignored Applicant's repeated request for a "Motion for Reconsideration" and never let him know that he gave up his only "bite of the apple." Applicant argues PCR Counsel failed to meet with him prior to the evidentiary hearing. Furthermore, Applicant alleged an additional two amendments to his application. First, "PCR Counsel, Charles T. Brooks, III, was ineffective for failing to challenge Applicant's guilty plea." Second, "Did the Trial Court err in admitting evidence emanating from Applicant's arrest because the police officer's did not have Probable Cause to Arrest him?"

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

~~The Applicant contends he is able to file a successive state post conviction relief action alleging ineffective assistance of previous collateral counsel.~~ The Respondent asserts this contention is without merit as the ruling in *Martinez v. Ryan*, 132 S. Ct. 1309 (2012) has no bearing on an Applicant's ability to raise ineffective assistance of collateral counsel claims in a subsequent, successive state post conviction relief application. Rather, *Martinez* sets forth a narrow exception to the procedural default rules imposed on *federal* habeas corpus petitions when considered under the so-called "cause and prejudice" standard. See *Coleman v. Thompson*, 501 U.S. 722, 750, 111 S.Ct. 2546, 2565 (1991) ("In all cases in which a state prisoner has defaulted his federal claims in state court pursuant to an independent and adequate state procedural rule, federal habeas review of the claims is barred unless the prisoner can demonstrate cause for the default and actual prejudice as a result of the alleged violation of federal law, or demonstrate that failure to consider the claims will result in a fundamental miscarriage of justice."). The *Martinez* Court used this standard as the foundation for its decision, finding that

attorney error amounting to ineffective assistance of counsel during an initial-review collateral proceeding may be sufficient "cause" to excuse a prisoner's procedural default in a federal habeas corpus proceeding. See Martinez, *supra* at 6 ("Inadequate assistance of counsel at initial-review collateral proceedings may establish cause for a prisoner's procedural default of a claim of ineffective assistance at trial.").

With this framework in mind, it is clear Martinez has no application to successive state PCR actions, as the fundamental "cause and prejudice" standard on which Martinez relies is exclusive to federal habeas corpus actions. Further, the Martinez Court specifically noted that their decision was not addressing ineffective assistance of counsel claims raised in subsequent state post conviction relief actions, opining "[t]his is not the case, however, to resolve whether [an exception to the constitutional rule that there is no right to counsel in collateral proceedings] exists as a constitutional matter." Id. Therefore, Applicant's contention that Martinez allows him to bring this untimely and successive state PCR application is misguided and erroneous.

Additionally, Martinez's interpretation of federal laws applicable to federal habeas corpus actions has no effect on South Carolina's interpretation and application of its Post-Conviction Relief statute. S.C. Code Ann. § 17-27-10 to -160. Therefore, the South Carolina Supreme Court's opinion in Aice v. State is still applicable to a claim raised in a subsequent state PCR action alleging ineffective assistance of prior collateral counsel. See Aice v. State, 305 S.C. 448, 451, 409 S.E.2d 392, 394 (1991) ("The contention that prior PCR counsel was ineffective is not *per se* a 'sufficient reason' warranting a successive PCR application under 17-27-90."). The South Carolina Supreme Court has found – in a published order – that "the holding in Martinez is limited to federal habeas corpus review and is not applicable to state post-conviction relief actions." Kelly v. State, 404 S.C. 365, 745 S.E.2d 377 (2013).

This Court notes the Applicant pled guilty on December 6, 2007. As this action was filed on January 16, 2013, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-2745(a) (Supp.2003). ~~This is the Applicant's second application for post-conviction relief. This Court notes successive PCR applications are disfavored.~~ See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to his case in his first PCR application on December 22, 2009, but instead chose to withdraw his application. See Odom v. State, 337 S.C. 256, 261 523 S.E.2d 753, 755 (1999). ("[A]n Applicant is entitled to a full adjudication on the merits of the original petition, or 'one bite at the apple.'").

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this _____ day of _____, 2014.

W. JEFFREY YOUNG
Chief Administrative Judge
Third Judicial Circuit Court

_____, South Carolina.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated C.M. - Toliver (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF Lee)

AFFIDAVIT OF PERSONAL SERVICE

On this 20th day of March, 2014, I served the Conditional Order of Dismissal, on Inmate Jason A. Brown, SCDC Inmate #325561, by delivering personally and leaving a copy of the same at Lee Correctional Institution. Deponent is not a party to this action.

C.M. - Toliver

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 20th day of March, 2014

J. P. Brown (L.S.)
Notary Public for South Carolina

My Commission Expires: 09/10/2023

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal is admitted at the South Carolina Department of Corrections (Lee Correctional Institution), Bishopville, Lee County, SC this 20th day of March, 2014.

Jason A. Brown
Inmate
SCDC Inmate #: 325561

EXHIBIT #5

Jason A. Brown, #325561
Lee Correctional Institution
Richland B 269
990 Wisacky Highway
Bishopville, SC 29010

Date: March 6, 2014.

Re: Issue To Be Amended

BEULAH G. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC
2014 MAR 24 PM 4:58

Dear Mrs. Belluah Roberts,

Enclosed, Please find for filing a claim. I want to be amended to my PCR Application and a letter addressed to Clarendon County, Clerk Of Court in which I am asking you to include as a claim for my Post Conviction matter. Please send to me a time clocked copy of each to the address listed above.

Thanking you in advance for time and assistance in this matter.

Respectfully Submitted,

/S/: Jason A. Brown
Jason A. Brown, #325561

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE 3/24/2014
Beulah G. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

STATEMENT OF ISSUE I WISH TO AMEND

Did the Trial Court err in admitting evidence emanating from Appellant's arrest because the police officer did not have probable cause to arrest him ?.

BEULAH G. ROBERTS
CLERK OF COURT
CLARENCE COUNTY, SC
2014 APR 24 PM 4:58
Did the Trial Court err in admitting evidence emanating from Appellant's arrest because the police officer did not have probable cause to arrest him ?.

Appellant contends his arrest was illegal because officer's arrested him without a warrant and without probable cause. Appellant argues the evidence found due to the unlawful arrest, should have been suppressed as the fruit of the poisonous tree. See: Wong Sun v. United States, 83 S.Ct. 407, (1963).

The fundamental question in determining the lawfulness of an arrest is whether probable cause existed to make the arrest. Probable cause for a warrantless arrest exists when the circumstances within the arresting officer's knowledge are sufficient to lead a reasonable person to believe that a crime has been committed by a person being arrested. See: State v. George, 476 S.E.2d 903, (1996) (finding probable cause for warrantless arrest for murder). Whether probable cause exists depends upon the totality of the circumstances surrounding the information at the officer's disposal. Id.: See Also: Beck v. Ohio, 85 S.Ct. 223, (1964) (a court must consider "whether, at the moment the arrest was made, the officer's had probable cause to make it- whether at the moment the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the [Appellant] had committed...an offense.").

Officer's of Clarendon County had no probable cause to make the warrantless arrest based on the information they received from witnesses and officer's own observations at Appellant's residence. Witnesses relayed information that was hearsay

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 3/27/2014
Beulah G. Roberts
CLERK OF COURT
CLARENCE COUNTY, SC

could be deemed coerced. Witnesses never informed officer's of any actual homicide.

SEARCH WARRANT

Appellant argues the trial court erred by not suppressing evidence seized from his residence pursuant to a search warrant. Appellant contends that there was no search warrant and if so it was not supported by probable cause, so the shoes, clothing, and other property seized should have been excluded from his case.

Appellant argues there was no search warrant submitted into evidence and if it would have it should have been suppressed because the warrant predated the crime and the warrant did not have the exact date and time of the actual incident.

A search warrant may issue only upon a finding of probable cause. See: State v. Bellamy, 519 S.E.2d 347, 348 (1999). The duty of the reviewing court is to ensure the issuing magistrate had a substantial basis upon which to conclude that probable cause existed. See: State v. Adams, 352 S.E.2d 483 (1987). In Illinois v. Gates, 103 S.Ct. 2317, (1983), the United States Supreme Court adopted a "totality-of-the-circumstances" test for probable cause determinations:

The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a (particular place).

In South Carolina search warrants may be issued "only upon affidavit sworn to before the magistrate...establishing the grounds for the warrant". S.C. Code Ann. § 17-13-140 (2003); See also: State v.

McKnight, 352 S.E.2d 471 (1987). the affidavit must set forth particular facts and circumstances underlying the existence of probable cause to allow the magistrate to make an independent evaluation of the matter. See: Franks v. Delaware, 98 S.Ct. 2674, (1978).

In appellants case there is no affidavit to support the search warrant for appellant's residence. The affidavit if so would have failed to set forth any facts as to why police believed Brown committed the crime.

At the time of Appellants arrest in Florida officer's of Clarendon County had no facts as to why police believed appellant committed the crime. The language in the warrant lacks specifity and contains conclusory statements. Given the totality of the circumstances, you can conclude the issuing magistrate did not have a substantial basis to find probable cause for a search of Appellant's residence, and the court erred in admitting evidence seized pursuant to the search warrant.

Futhermore, It is claimed by appellant that the search warrant under which the search and seizure were made illegal, in that the magistrate did not actually swear the affiant. The warrant is facially deficient and invalid. It was issued providing facts by one Timothy S. McCray which does not work for the Clarendon County Sheriff's Department and should not have been sworn to as the affiant.

Appellant Brown asserts that he was unaware of the defective warrant. Brown's Post Conviction Counsel and Trial Counsel never notified or investigated Brown's warrant to see if it was defective or not. This matter is sufficent to require a reversal, the underlying affidavit is invalid and, hence, the search warrant was likewise invalid if offered into evidence. The proper circumstances is not reasonable to require the person to scour the world to prove a negative.

The short of it is that an oath by a person claiming a spurious identity is the sole basis for the warrant and the search. The uncontroverted facts admit of no other interpretation.

The Fourth Amendment to the Constitution of the United States explicitly requires that 'no warrants shall issue, but upon probable cause, supported by Oath or Affirmation. Rule 41 (c) of the Federal Rules of Criminal Procedure, 18 U.S.C.A.; requires that the warrant shall state the grounds or probable cause of its issuance and the names of the persons whose affidavit's have been taken in support thereof.' The constitutional requirement of an oath or affirmation would be effectively eroded away if fictitious oaths were permitted. Affiant's name shall be stated is not satisfied by a false name, given by an unknown individual. It has been repeated many times that the requirements for issuance of a search warrant must be strictly adhered to and that the Fourth Amendment 'guaranties are to be liberally construed to prevent impairment of the protection extended'. See: *Grau v. United States*, 53 S.Ct. 38, (1932).

It has been laid down again and again that the prohibition of the Fourth Amendment against unreasonable searches and seizures must be rigidly enforced and that the procedure for the issuance of a search warrant which gives effect to the amendment must be scrupulously observed. See: *Baysden v. United States*, 271 F.2d 325, (4th Cir.1959).

To uphold the warrant in the instant case would be completely inconsistent with the above admonition.

The demand of Rule 41 for the affiant's name is in futherance of the Fourth Amendment and is not without purpose. It has ben said that someone must take the responsibility for the facts alleged, giving rise to the probable cause for the issuance of the warrant. See: *Giles v. United States*, 1st Cir.,1922, 284 f.208,214; *United*

States v. Kelcher, 1924, 55 App.D.C. 132, 2 F.2d 934; and the defendant should be apprised of the name of that person, See: Howard v. State, 1952, 199 Md. 529, 87 A.2d 161. When the affiant is cloaked in secrecy there is no one who can be responsible. Appellant Brown contends that his affiant was cloaked in secrecy hindering the challenge of the warrant. See: Exhibit (A).

Another reason for naming the affiant is to enable an aggrieved person to probe and challenge the legality of the warrant. Section 41(e) of the rule makes this plain. Giving a name other than the affiant's is not compliance. It is established law that the warrant would be fatally defective if no name were mentioned. See: United States v. Kaplan, D.C.S.D. Ga. 1923, 286 F. 936; See Also: Howard v. State, supra. It would be an anomaly it could be said that the rule has been obeyed when instead of omitting the affiant's name altogether, another person's name is deceptively substituted. If it should be held that the use of a mere sham has the effect of validating the warrant, then the aggrieved party would be frustrated in his effort to discover who the affiant is and to test the legality of the search, as authorized by the rule. The rule's remedial procedure would be vitated.

This is not an instance of an affiant merely misspelling his name or using a nick-name by which he is sometimes known rather than his real name, or in the absence of fraudulent purpose adopting a name informally assumed without resort to legal proceedings to change his name. Manifestly, here is a willful effort to mask the true source of the information, contrary to the letter and spirit of the law. It must prove ineffective.

The Appellant Brown alleges the conviction and sentence, based upon evidence secured by the unlawful search, should be set aside.

The rule in the Federal Courts is false facts given by the affiant will vitiate the warrant and search. See: Steele v. United States, 1925, 45 S.Ct. 414; See Also: United States v. Goodwin, D.C.S.D. Cal. 1924, 1 F.2d 36; United States v. Boscarino, D.C.W.D.N.Y. 1927, 21 F.2d 575; Atlanta Enterprises v. Crawford, D.C.N.D.Ga.1927, 22 F.2d 834; United States v. Napela, D.C.N.D.N.Y. 1928, 28 F.2d 898; United States v. Nagle, D.C.N.D.N.Y. 1929, 34 F.2d 952; United States v. Henderson, D.C.D.C. 1954, 17 F.R.D. 1; United States v. Bell, D.C.D.C. 1955, 17 F.R.D. 13; Lerner v. United States, D.C.Man.App. 1959, 151 A.2d 184.

In a case like the present one, it would be difficult for the truthfulness of the facts in the affidavit to be challenged as the affiant is unknown. See: State v. Covert, 675 S.E.2d 740, (2009); citing: Davis v. Sanders, 19 S.E..138 (1894); The context of an arrest warrant, that such a warrant is not lawful where the issuing judicial officer failed to sign the warrant form. The Davis Court gave a persuasive explanation of the signature requirement.

The lack of the issuing officer's signature is not excusable as merely procedural or ministerial, but rather negates the existence of a warrant, creating instead " an unfinished paper ".

The Davis requirement that a warrant must be signed by the issuing judicial officer in order to be complete is a common law decision predicated on public policy considerations. The signature is the assurance that a judicial officer has found that law enforcement has made the requisite probable cause showing, and serves as notice to the citizen upon whom the warrant is served that it is a validly issued warrant. Without the signature, it is merely an "unfinished paper". Davis, supra;

See Also: DuBose v. DuBose, 72 72 S.E. 645 (1911) (" But it has been decided [in Davis] that, when an officer is performing the ministerial duty of issuing a paper on compliance with certain conditions prescribed by law, his signature at the foot of the paper he intended to sign is necessary to its validity").

The Statute contains requirements different from those mandated by the Fourth Amendment and is in some ways "more strict" than the Federal Constitution. See: State v. McKnight, 352 S.E.2d 471 (1987). The "good faith" exception to the statute's requirements where the officers make a good faith attempt to comply with the statute's affidavit procedures, McKnight, supra, explaining State v. Sachs, 216 S.E.2d 501 (1975) the question whether a good faith exception would be applied where "the officers reasonably believe the warrant is valid when the search is made, but is subsequently determined to be invalid". McKnight supra.

Under South Carolina law an unsigned warrant is not a warrant, and is not capable of being issued within the meaning of § 17-13-140. See Also: Davis, supra (Officer's good faith irrelevant where warrant is not signed).

CONCLUSION

For all the forgoing reasons Appellant Brown asserts in this amendment to 2013-CP-14-0019 the Court should here his case on the merits. And reverse on the fact of the facially defective warrant that never went before a Magistrate Judge.

Dated this 13 day of March, 2014.


Jason A. Brown, #325561
Lee C.I. Ric B. 269
990 Wisacky Highway
Bishopville, SC 29010

BROWN, JASON ARNOLD
SC0140100 MANNING PD
CASE-03-0990
ATN-
WARR-45054CQ
CIT-56-1-460-MISDEMEANOR

RESTORE
COURT DATE-05/18/2004
ATN-

05/26/2003

WARR-45055CQ
CIT-56-1-225-MISDEMEANOR

ARREST CHARGE 01-DRIVING
UNDER SUSPENSION
OFFENSE DATE-05/26/2003

CIT-56-1-460-MISDEMEANOR
DOC-R84 WARR-45054CQ

ARREST CHARGE 02-FAIL TO
MAINTAIN PROOF OF INSURANC
E IN VEHICLE
OFFENSE DATE-05/26/2003

CIT-56-1-225-MISDEMEANOR
DOC-R84 WARR-45055CQ

COURT CHARGE 01-DRIVING UNDER
SUSPENSION
COURT DISP-CONVICTED;\$415
ATN-

BROWN, JASON ARNOLD
SC0140000 CLARENDON CNTY SO
CASE-06105710
ATN-140000003370
WARR-J122832
CIT-16-3-10-FELONY

COURT CHARGE 02-FAIL TO MAINT
AIN PROOF OF INSURANCE IN
VEHICLE
COURT DISP-CONVICTED;\$207

01/11/2007

WARR-J122833
CIT-16-11-110(A)-FELONY

ARREST CHARGE 01-MURDER
OFFENSE DATE-01/11/2007

WARR-J122834
CIT-16-3-1075(B) (1)-FELONY

ARREST CHARGE 02-ARSON 1ST
DEGREE
OFFENSE DATE-01/11/2007

WARR-J122145
CIT-C/L-UNCLASSIFIED

ARREST CHARGE 03-TAKE VEHICLE
W/O BODILY HARM
OFFENSE DATE-01/11/2007

ARREST CHARGE 04-ASSAULT OF
A HIGH AND AGGRAVATED
NATURE
OFFENSE DATE-01/11/2007

0 - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

ARREST WARRANT

J-122145

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

CLARENDON

THE STATE

against

JASON ARNOLD BROWN

Address: _____

Phone: (____) _____

Sex: B Race: BLK SSN: _____

DOB: 03/18/1982 DLS: _____ Weight: 175

Prosecuting Agency: _____ Agency OR#: SC0140000

Prosecuting Officer: _____

Offense: ASSAULT / HIGH AND AGGRAVATED

Code/Ordinance Sec: 17-25-0030, C/L Offense Code: 0013

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be _____ The accused
dealt with according to law.

Signature of Judge _____

(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant JASON ARNOLD BROWN

on 1-11-07

5:15 PM

Signature of Constable/Law Enforcement Officer: _____

RETURN WARRANT TO:

JUDGE P.B. HARVIN, JR.

02 SOUTH MILL STREET

MANNING, SC 29102

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

CLARENDON

AFFIDAVIT

Personally appeared before me the affiant TIMOTHY ELYESTER MCCRAY

being duly sworn deposes and says that defendant JASON ARNOLD BROWN

did within this county and state on 08/19/2006

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of CLARENDON)

in the following particulars:

DESCRIPTION OF OFFENSE: 17-25-0030, C/L / ASSAULT / HIGH AND AGGRAVATED

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

ON 08/18/2006 AT THE DURANT FARMS OF ALCOU, SOUTH CAROLINA, IN THE AREA OF CLARENDON COUNTY, THE
DEFENDANT, JASON ARNOLD BROWN, DID COMMIT THE CRIME OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED
NATURE IN THAT HE DID HIT THE AFFIANT ABOUT THE FACE, HEAD AND SHOULDER, CAUSING LACERATIONS TO HIS LIP
AND FACE AND ALSO CAUSED SWELLING TO HIS JAW, FACE AND SHOULDER. WITNESSES ALONG WITH THE AFFIANT TO
PROVE SAME. CC CASE NO. 0804503

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

CLARENDON

Affiant's Address: 5626 PLOWDEN MILL ROAD

Affiant's Telephone: ALCOU SC 29001

Affiant's Telephone: 803-473-5161

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 08/19/2006 defendant JASON ARNOLD BROWN

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of CLARENDON

DESCRIPTION OF OFFENSE: ASSAULT / ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED

NATURE (ABRAN)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered
to the defendant at the time of its execution, or as soon thereafter as is practicable.
Sworn to and subscribed before me _____

08/21/2006

Signature of Issuing Judge: _____

(L.S.)

Judge Code: 929

Judge's Address: P. O. BOX 371

MANNING SC 29102

Judge's Telephone: 435-2670

Issuing Court: ☒ Magistrate

DEFENDANT COPY

☐ Municipal ☐ Circuit

Case: J-122145

BAIL set by

WITNESSES

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Address: _____
Telephone: _____

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CODEFENDANTS

Judge _____
in _____
Type and Amount _____
Name of Surety _____

PRELIMINARY HEARING held by

Judge _____
on _____
As Attorney _____
Fidelity _____

DISPOSITION before

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, plea, not pros., etc.)

D _____
Sentence: _____

JURORS
