Supreme Court of South Carolina
Attn: Honorable Clerk of Court
P.O. Box 11330
Columbia, SC 29211

Feb 25, 2013
Returned for
Filing.
CCMC

Re: Writ of Certiorari 2011-198472
Richard B. Moore #6003 v. State of S.C.

Honorable Clerk of Court,

After communicating with my present counsel, Robert M. Dudek, SCCID, to have the enclosed issues added to my Petition, he expressed his unwillingness to add them to my Petition.

On January 7, 2013, you received my Motion for Leave to file a Supplemental Petition in this case. Your subsequent letter to me explained that "no action will be taken on my filing."

Knowing that if I have to proceed into the Federal Court on a Writ of Habeas Corpus or other filings, the enclosed issues must be presented before the Court to ensure that they have been exhausted.

Though I specifically requested counsel allow me to file the Supplemental Petition in order to guarantee this, he did not respond in any way.

Upon receipt of the enclosed original and also included copy, please clock-stamp these documents and return the copies (of both the letter and Supplemental Filing) and return them to me in the also enclosed SASE. Upon receipt of these clock-stamped copies, I will then forward copies, as a courtesy, all both Mr. Dudek as well as the Attorney General's office.

I greatly appreciate all of your cooperation and efforts in this request.

Thank You, in advance.

Respectfully Submitted... I am,

Richard B. Moore

Richard B. Moore #6003
Lieber C.I. (RB # 220)
P.O. Box 205
Ridgeville, SC 29472

cm: orig. and one (1) copy (ltr. and petition)
cc: file

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
THE HONORABLE ROGER L. COUCH, CIRCUIT COURT JUDGE
APPELLATE CASE NO. 2011-198472

RICHARD BERNARD MOORE,

PETITIONER,

VS.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL PETITION FILED BY PETITIONER
ON WRIT OF CERTIORARI (RULE 212(a)(b))

RICHARD B. MOORE #60003
LIEBER C.I. (RB #220)
P.O. BOX 205
RIDGEVILLE, SC 29472

FEB 26, 2013

REFUSED FOR FILING
1 CERT

*MOTION FOR CONSENT RECEIVED BY SUPREME COURT OF SOUTH CAROLINA ON JANUARY 7, 2013

ARGUMENTS

I This Court must grant certiorari because there is evidence of probative value to show that counsel was ineffective and the PCR judge's finding was in error. Counsel failed to research, investigate and present evidence necessary on the Petitioner's behalf.

Pages 1-12 (combined issue) same facts

II This Court must grant certiorari because there is evidence which proves the prosecutorial misconducts committed by the Solicitor's Office

Pages 1-12 (combined issue) same facts

III This Court must grant certiorari because there is clear and convincing supportive evidence that the jury was unconstitutional by Batson standards.

Pages 13-18

STATEMENT OF FACTS

In the instant SUPPLEMENTAL PETITION FOR WRIT OF CERTIORARI filed Pro Se by the Petitioner, the Petitioner herein adopts the "Statement of Facts" as is provided in the PETITION FOR WRIT OF CERTIORARI filed by the South Carolina Commission on Indigent Defense (Pgs. 3-6)

ARGUMENTS / ISSUES

AS FOLLOWS (Pgs. 1-18)

At trial, the State presented a case based on theories conjured up by their own crime scene analyst. At best, the prosecution was one created in doubt that used evidence attempting to fill in their argument rather than following the evidence to gain understanding of the facts. The State was entirely unable to conclusively establish any sensible or plausible explanation of what really occured. The alleged "witness," Terry Hadden, could neither be called an "eye-witness" as he, admittedly, did not see the events which were the catalyst of the incident, nor were his statements consistent with the evidence taken at the scene.

At PCR, the Court erred in not finding trial counsel ineffective or prosecutorial misconduct as an examination of the reports and testimony proved that had defense counsel conducted a a complete and adequate investigation of the evidence, used said results to confront/rebut State's testimony and theories, and presented expert testimony to challenge the grossly prejudicial representations by the State, the result of the case at trial would have been different.

In review, the INVESTIGATIVE REPORT taken in the case listed Terry Hadden as stating, "...he was inside the store playing poker machines... at approximately 3:20 a.m., [a] black male entered the store... He [heard] Jamie say, 'what the Hell!' [He heard] the black male tell Jamie... He states he [then] turned around and looked at both of them and [the] black male said, 'I told you

not to move,' pointed a gun at him and fired one shot toward him... ... He heard about 7 or 8 shots being fired... and then he [heard] him say, '[Let's] get the fuck out of here.'... " (Pages 1 and 2 of Steve Denton's INVESTIGATIVE REPORT) (emphasis added, citations omitted)
Denton finalized his report, "I spoke with Terry at length and that's pretty much everything he [saw and heard]."

This is instantly inconsistent and contradictory of the facts. Hadden states, "a black male... the black male..." and then claims to hear "Let's." The initial references of "a" and "the" indicate a single individual while "Let's" invokes a plural/multiple situation. This is ONLY the first of many discrepancies that went unchallenged.

In the same report, Denton provides information that counsel failed to present later on the Appellant/Petitioner's behalf:

> "I went back to crime scene #1 (the store) and met with the owner, Keith Fowler. Keith stated that the victim, James Mahoney, [always carried a .44 magnum] while he worked at the store; however, he did tell me [there was a .45 semi-automatic pistol] that laid in an area on the desk between the counter and the floor area. ... ... He also stated there was a .32 magnum..."
> (Page 7 of 10, emphasis added/citations omitted)

Most importantly, Denton stated, "I advised him I [could not find that weapon there]," when referencing the .45 semi-automatic.

Clearly, the weapons which the owner, himself, proved were either ON the victim or IN the store ALL MATCHED the

bullets and casings collected by the analysts. The combination of Denton's REPORT and the owner's statement PROVE that Petitioner Moore did NOT enter the establishment armed and could only gain possession of a weapon presented by the victim.

In Officer Dan Jeter's INVESTIGATION REPORT, it becomes apparent that the State had no intention of allowing facts to guide the investigation:

> "It is[speculated] that during the robbery, the victim reached and grabbed a .45 caliber pistol from behind the counter, brandished it and ultimately ended up in a struggle with the suspect. At some point, the victim brandished an additional firearm and exchanged fire with the suspect." (See Jeter's REPORT, Pg. 2 of 3, Paragraph 1)

Using "speculation" immediately rather than gathering the information and evidence, the State provided current proof of their misconduct and gross inconsistencies. Look, again, at Hadden's statement:

> "At that very moment, according to Hadden, he turned around in his swivel chair and looked at the suspect. The suspect [initially pointed at him and ordered him not to move] while almost simultaneously shooting at him once." (Jeter's INVESTIGATION REPORT, Pg. 2, Para. 2)

Jeter's and Denton's REPORT(S) are immediately inconsistent. Hadden's initial statement was that the individual stated, "*I told you not to move.*" (Denton's REPORT). This indicates that he HAD been "told" something. Then, at a later point, the individual is supposed to have repeated the command and THEN fired a shot at him.

The issue at hand here is to show that there are constant

contradictions and inconsistencies in testimony and investigation showing that counsel failed to challenge countless prosecutorial misconducts.

The evolution of Hadden's testimony becomes more apparent as is seen in his statements. In the statement prepared by Det. T.E. Brown "at request of Mr. Hadden," (One(1) Page, Dated 9-16-99):

> "A blm came into the store and walked toward the beer cooler. I then turned back looking at the video machine. [A moment later] I heard the employee of the store, Jamie, say, 'what the hell are you doing?' The black male ....."

Here, again, Hadden says a man came in, walked toward the beer cooler, and says NOTHING to him. There is no comment until the individual supposedly says, "I [told] you not to move." It does NOT make sense.

Later that day, Hadden gave ANOTHER subsequent statement, "I gave a statement to detectives earlier and this statement is an addition to that one." (See VOLUNTARY STATEMENT, 9-16-99). Here, Hadden becomes more creative by adding, "The black male [swung a pistol at me and said, 'don't move'] about the same time as he shot at me," and added "About that time, all hell broke loose. I heard shots being fired back and forth, maybe 14 all told." Earlier statements told NONE of this and specifically claimed, "...7 or 8" shots.

Interesting to note - and unchallenged by counsel - Hadden's hand-written statement is written with a "9-24-99" date but it has a transcribed date of 9-16-99. So, did Hadden come eight(8) days later to make the "VOLUNTARY" changes? What date were

the "additions" made? It seems convenient to the prosecution that all of these voluntary additions were added to statements. Had defense counsel questioned these additions and used experts to discredit the states formations of these "REPORTS" and "VOLUNTARY STATEMENTS" for the speculations that they created, the jury would have been provided an opportunity to see the case was produced as compared to researched / investigated.

Hadden's additional statement brought more "new" info.:

"Before all this happened, a black guy came into the store and said he was having car trouble. The guy was dressed in greasy overalls and was short. Jamie acted like he knew him. Jamie went out with him and came back a few seconds later. The black guy [came back in and gave Jamie a hammer]."

(Hadden's hand-written VOLUNTARY STATEMENT - transcribed)

Here, the State introduced NEW statements that suddenly described tools and equipment in the store. Another opportunity that defense counsel failed to attack. Hadden - and the State - had created a myriad of questionable challenges to provide to the jury.

Hadden's court testimony provided the proof of his inability to give honest, factual account of that night. He admitted to having "zero" vision in one eye, (Tr. P. 1194, Ls. 18-21). How could he provide witness to the events at 3:20 a.m.?

His testimony surrounding the man who needed assistance with his car (Tr. P. 1203, L. 13 - P. 1204, L. 6) is significant in proving the State used predisposed speculations to prosecute Moore:

"I immediately realized that probably the suspect had brought the fire tool in and was going to

do the robbery with that weapon."
(Denton's INVESTIGATION REPORT, Pg. 8 of 10, Para. 2)

Proof that there was NO investigating. The State simply made numerous speculative implications toward Moore and then merely altered/modified the case when the truth proved their speculations to be grossly and prejudicially WRONG.

As Hadden's testimony at trial continued, the gross discrepancies were brought forward. When discussing the movement of the suspect (Tr. P. 1205, Ls. 8-11). Hadden's story changes to accomodate the prosecution's speculations. No previous statement referenced that the suspect, "...had Jamie by both of his hands with one of his hands," but now, in front of the jury (much later and after multiple VOLUNTARY ADDITIONS), Hadden has the suspect using one hand to wrestle "BOTH" of the victim's (a grown man) hands.

Suddenly, the suspect is able to wrestle a grown man's set of hands in a highly energized situation and had them "COVERED" (See Tr. P. 1206, L. 17) as a grown man might do a small child.

The unbelievable testimony continues. By Hadden's words on stand, the suspect used his LEFT hand (See Tr. P. 1208, Ls. 18-23) to hold both of the victim's and then raised the gun. Petitioner Moore is RIGHT-handed but must have an incredibly strong left so as to literally control and cover a pair of another man's hands.

The fabrications continue: Now Hadden's testimony has been added to, altered and brought to a final draft of sorts, and in his testimony, he states, "Right as he walked in the cooler,..." (Tr. P. 1205, L. 8). Hadden, playing poker with one blind eye at 3:20 a.m. claims the suspect now, "turned around and

was shooting at the poker machine." More changes: "The next thing I know of anything going on in the store is when I heard Jamie say, 'What the Hell do you think you are doing?" (Tr.P. 1205, Ls. 9-11) Initial statements (of Hadden's) claim he heard, "Get the Hell back!" and "what the Hell!" and then, "I told you not to move."

By using the testimony of Mr. Hadden AND the VOLUNTARY STATEMENT, "The next thing I know of..." is only "A moment later..." and yet, in only "A moment..." which was "The next thing..." Petitioner Moore was somehow supposedly able to: (1) reach around/over a counter and miraculously go straight to an exact point where a gun was; (2) wrestle a grown man so quickly and efficiently with incredible strength that he held a gun in his primary (right) hand while he "covered" the employee's TWO ("BOTH") hands with his secondary (left) hand; and (3) through all of this maintain control of the grown man while raising and firing a gun in just "A moment."

Amazingly, Hadden had said that the suspect was just at the cooler.

Were there two(2)? That would explain the "Let's...." Defense counsel NEVER posed the question.

In order to proceed with capital charges, the state had to meet certain criterias. The addition of the commission of a crime to the charges satisfied that need. Using these grossly egregious and vastly inconsistent statements, the state generated/created/built the elements and story that they needed to prosecute the case as they wished. A suspect that did NOT enter

the establishment with any weapon would NOT do. A man defending himself against an over-reacting clerk with a gun would NOT do. Over a series of re-written INVESTIGATION REPORTS, VOLUNTARY STATEMENTS and additions, the State created what it needed.

Defense Counsel failed in its duties and obligations to make the arguments against these misconducts.

The Solicitor knowingly attempted to fill gaps and work at making Hadden's testimony plausible. The inconsistencies were becoming obvious. Knowing these discrepancies were becoming so blatantly obvious (Tr. P. 1214, Ls. 11-23), he began guiding Hadden. The first change that the witness needed to make concerned his previous statements, "... I don't remember giving that statement..." that Mr. Moore now argues (Tr. P. 1215, Ls. 3-4).

The Solicitor attempts to create the scenario that what the witness says now is what matters:

> "Q. Regardless of whether you remember giving it or not, Mr. Hadden, as you testify this morning, did the defendant say, 'Get the Hell back'?"
> (Tr. P. 1215, Ls. 5-8)

This was most definately NOT a "Regardless of...." situation. (A) If Hadden did NOT write the statement, who did? If he could NOT remember, why NOT? This was a Death Penalty trial. Was this yet another attempt by the investigating officers to give another one of their "speculations" credence? "Who and why" were both immensely and incredibly relevant.

In order to show that these statements and all of this

information used to arrest, detain, prosecute and bring the Death Penalty against Petitioner Moore were fabricated, egregious, wrongful and unconstitutional, these questions required answering.
(B) If Hadden had said or written these statements, why was he now having no recall of them or the incident as he had reported it?
(C) Why did defense counsel allow these picking of parts and pieces without argument?

The State next goes to the 9-24-99 VOLUNTARY STATEMENT. The number of shots is discussed as the solicitor and Mr. Hadden literally create an explanation for the inconsistencies: (See Tr. P. 1217, L. 9 - P. 1218, L. 5).

Solicitor Lowdy creates an opportunity for Hadden to discuss the variance in number.

"Hadden: Yes, sir. I was asked how many shots was fired in there. I answered that with I don't know."

Not so, in the REPORT(S), he was quoted with numbers, "He heard 7 or 8 shots being fired," (Denton's REPORT). The VOLUNTARY STATEMENT that he - himself - gave quoted him as making the direct statement, "I then heard 7 or 8 more shots." There was NO "I don't know."

Of course, after the State, and its many crime scene analysts viewed the scene, more exact "speculations" and numbers that reflected bullets and casings provided a different number. Then, Hadden gave "additional" information and came up with "14," or did the prosecution?

The fact that the solicitor specifically covered each of these many inconsistencies and fabrications.

The solicitor discusses the "additional" information concerning the suspect's ability to control "BOTH" of the victim's and have control of the gun, (Tr. P. 1218, Ls. 18-20). He is, once again, using guided arguments to insure that the witness picks the right statement from multiple REPORTS, STATEMENTS and ADDITIONS.

Though defense counsel does obtain some answers during cross that result in proof of Hadden's fabrications, he abandons the impeaching arguments and never raises any MOTION before the Court.

Morin gets him to admit he did NOT tell one of the officers that the suspect walked up to the counter and said "Get your damn hands up?" He states, "No, sir. I did not say that." (See Tr. P. 1223, Ls. 13-16).

So, either (A) Hadden did NOT make the statement and it was incorrect from the very beginning, proving his statements were entirely unreliable, or (B) once again, the State was fabricating a a case around an individual instead of researching / investigating to get the truth from factual evidence.

Both of the only two available options prove misconduct in the prosecution.

The discrepancies continue:
"OKAY, ANYWHERE IN THAT STATEMENT, ANYWHERE, DID YOU TELL THIS OFFICER ABOUT MR. MOORE HOLDING JAMES' HANDS DOWN?
A. NO, SIR."
(Tr. P. 1224, Ls. 8-17)

The cross-examination proves that it was police officials who were the catalysts for making changes, additions and the subsequent VOLUNTARY STATEMENTS:

"OKAY, NOW AS YOU STATED, YOU THEN CAME BACK A FEW DAYS LATER.

A. [I WAS CALLED TO COME BACK] AND GO OVER MY STATEMENT, SIR."

(Tr. P. 1226, Ls. 5-8)

Undeniable proof that "VOLUNTARY" is not a correct word.

(Tr. P. 1226, Ls. 13-24)

"A. SIR, WHEN THE POLICE OFFICER PULLED UP, I DIDN'T TELL THEM NOTHING BUT THAT THERE HAD BEEN A SHOOTING. THAT'S ALL I SAID TO THEM.

... THIS IS YOUR SECOND STATEMENT. DID YOU WRITE THIS ONE YOURSELF?

A. NO, SIR.

...

Q. DID YOU READ IT BEFORE YOU SIGNED IT?

A. NO, SIR.

When defense counsel asked Hadden to identify the very officer (Steve Denton) who supposedly spoke to him at length, more truth is revealed:

"NO, SIR, I DON'T RECOGNIZE HIM."

(Tr. P. 1229, L. 2)

Nor the officers in the "additional" statements:

"Q. AND THAT WAS A DIFFERENT OFFICER OR WAS THAT THE SAME OFFICER?

A. I HAVE NO IDEA."

(Tr. P. 1229, Ls. 18-20)

Aside from Strickland v. Washington, 466 U.S. 691, the ineffectiveness

of attorneys who for failing to argue inconsistencies is made in Hall v. Washington, 106 F.3d 742, 749-750 (7th Cir. 1997) While the "Constitution does not impose a duty on defense counsel to have a 'scorch-the-earth-strategy' in conducting investigations and case preparations, it does impose a requirement that trial counsel investigate readily available sources of evidence." This understanding was echoed by Hall from an already long-standing South Carolina Supreme Court ruling which clearly mandated that attorneys in capital cases had an absolute duty to "investigate the facts and circumstances of the alleged crime with no less vigor and thoroughness than the publicly compensated solicitor." See Bailey v. State, 309 S.C. 455, 460, 424 S.E.2d 503, 506 (1992).

The solicitor's office chose to create its own case and speculate ideas, altering statements and evidence until they case that they wanted to prosecute existed.
Then, they were guilty of prosecutorial misconduct in fabricating the case.

Defense Counsel failed to bring these fabrications and misconducts before the Court and jury.

This conviction is unconstitutional and should be REVERSED and REMANDED.

Batson

The PCR Court failed to acknowledge trial counsel's ineffectiveness and the State's misconduct concerning the Batson v. Kentucky, 476 U.S. 79 (1986) claim as the State struck the only two African-Americans that were qualified to serve as jurors thereby rendering the jury as exclusively white, the strikes were prejudicial.

During jury selection, the State struck four (4) white jurors which included Joyce Smythe #251, Debra Perkins #213, Charles Kent #145 and Edward Huffman #132 (alternate). The State further struck African-American jurors Joyce Morrow #191 and Douglas Alexander #2. See TR. pp. 1134; 1765

At the conclusion of jury selection, defense counsel Morin presented the Court with a Batson Motion, referencing that the State had struck the ONLY two African-American jurors that had been qualified. TR. pp. 1134-35. In rebuttal of defense's Motion, Solicitor Lowdy claimed that Ms. Morrow was struck based on his initial misunderstanding of how the Court had qualified jurors, and further, he would have moved to disqualify for cause "BECAUSE HER ANSWERS WERE, FRANKLY, CLOSER, I THOUGHT, TO MR. ROOKARDS WHO WAS DISQUALIFIED THAN THEY WERE ANY OF THE OTHER PEOPLE WHO HAD AN INNOCENT MIS-RECOLLECTION." TR. p. 1135, ll. 10-21

Lowdy went on to note that he was uncomfortable with Ms. Morrow's phrases surrounding guns. Though he never made any attempt to clarify the comments, Lowdy claimed them to be different from other juror's "reluctance about guns."

Ultimately, Lowdy claimed the principle reason for striking Ms. Morrow was "the withholding of information about her prior convictions, and only when confronted with the fact that she had an alias did we begin to get any truthful responses." R.p. 1135, l. 22-p. 1136, L. 10. A review of the record will show Lowdy's characterization as inaccurate. The solicitor may be alleging the answers unfavorable to him as dishonest and those leaning toward him as "truthful."

The Solicitor categorized a nineteen(19)-year old criminal charge for "simple" possession of marijuana on her record as not being "forthcoming." Defense counsel specifically cited to everyone's attention other jurors that failed to disclose criminal charges from their past. Solicitor Lowdy's ability to try and classify other jurors as having merely suffered from an "innocent" misrecollection while Ms. Morrow's was suddenly cause to be struck is the crux of the Batson argument. One "innocent," the other one not "forthcoming" though the record allows NO reasonable inference on either one in either direction, and yet, Lowdy struck the African-American juror in an instance with an African-American defendant and a caucasian victim.

Juror Stacy Leant was allowed to be seated on the jury. Ms. Leant was white and had been prosecuted by the Seventh Circuit Solicitor's Office during the very same year as Moore's trial was held. She, too, failed to disclose this fact until confronted with it by the solicitor.

The African-American teacher with a nineteen (19)-year old "simple" possession of marijuana is struck for not being "forthcoming" while the white juror prosecuted the SAME year of the Appellant in this case is seated.

Lowdy's "improperly" reference was also inaccurate. The record definitively reflects during voir dire that Ms Morrow said that when guns are "used inappropriately" then "wrong things can happen." (Tr. p. 326) This is not at all an incorrect or prejudicial statement. Lowdy's arguments to the court were of deception in misquoting the testimony of record.

Finally, the "alias" that Lowdy used as an argument was, in fact, Ms. Morrow's maiden name. This was the solicitor's primary reason for striking this juror. (Tr. p. 1135-1136).

There is no actual plausible reason or factual reference for the solicitor's claims in striking juror Morrow. In fact, all three (3) stated arguments for the strike are grossly inaccurate and/or factually incorrect. When compared, honestly, with the facts and testimony surrounding a seated juror in the trial, the strike of Ms. Morrow is undeniable proof that the Batson Motion was not only valid but it was also warranted.

Reviewing Juror Huffman's strike, Solicitor Lowdy claimed to have exercised this strike as a result of the juror having a close family member who had recently been prosecuted and sent to prison. (Tr. p. 1136). Once again, a comparison of Juror Huffman with Juror Alexander

and Juror Gantt provide the inconsistent claims made by Lowdy in his argument concerning executing his strikes. Juror Gantt, herself, a white female, had been prosecuted by Solicitor Lowdy's office within a year of Appellant Moore's trial, yet, she was allowed to be seated as a juror in the case.

The Equal Protection Clause of the United States Constitution denys any party at trial purposeful racial discrimination in the jury selection process. In Batson v. Kentucky, 476 U.S. 79 (1986), the Court found, "Once the proponent states a reason that is race-neutral, the burden is on the party challenging the strike to show the explanation is mere pretext, either by showing similarly situated members of another race were seated on the jury or that the reason given for the strike is so fundamentally implausible as to constitute mere pretext despite a lack of disparate treatment." State v. Adams, 322 S.C. 114, 123-124 (1996) A tainted strike may not be vitiated by an alternate non-pretextual strike. Payton v. Kearse, 329 S.C. 51, 59-60 (1998).

The matter of record in the instant case provides clear and convincing argument in Moore's behalf. With regard to Juror Morrow, the solicitor made three claims:

1) Not being forthcoming of prior criminal charges;
2) a statement, according to Lowdy, about "improperly" used guns; and
3) an "alias."

The record clearly proves Lowdy's deceptions:

1) Lowdy claimed Morrow was struck concerning a "simple" possession of marijuana from almost 20 years prior. However, Defense Counsel cited other jurors that Lowdy conveniently classified as "innocent" misrecollections. Juror Morrow was struck while the rest were "innocent." The record provides no testimony to substantiate an inference that would allow Morrow's strike while others were seated, others similarly situated.

In fact, one juror (Stacey Gantt) was literally seated in the case while she - herself - had been prosecuted by the Seventh Circuit Solicitor's Office within a year of the trial of Appellant Moore.

2) Lowdy misquotes the testimony of another juror statement of Morrow's claiming to the Court she said "improper" with regard to guns. Her words were "inappropriate" where gun use is involved. To say using guns in illegal situations is "inappropriate" makes great sense.

This was merely deception and grossly inaccurate representation in the process of disguising the wrongful strike of an African-American juror.

3) The "alias" of Lowdy's implied deception was the juror's maiden name. If jurors may suddenly be struck under the claim that a maiden name can be used as an excuse to disqualify a juror, it completely undermines the entire judicial process.

With both Huffman and Alexander AND Gantt, the

record very clearly reflects that the reasons expressed by Solicitor Gowdy to strike the 2nd qualified (and last) African-American juror were overlooked / ignored in the process of selecting other - white - jurors.

The Appellant has herein shown via the Matter of Record that similarly situated members of another race were seated though BOTH of the qualified African-American jurors were struck.

The record further reflects that Solicitor Gowdy openly and clearly misrepresented the facts surrounding the jurors AND his reasons is striking them. These were tainted strikes and the prejudice created has only an avenue of relief.

Under the Equal Protection Clause and through Batson v. Kentucky, 476 U.S. 79 (1986), this case both merits and warrants REVERSAL and REMAND FOR A NEW TRIAL.

IT IS SO MOTIONED / PETITIONED.

Richard B. Moore

Richard B. Moore #6003
Lieber C.I. (RB #220)
P.O. Box 205
Ridgeville, S.C. 29472

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
THE HONORABLE ROGER L. COUCH, CIRCUIT COURT JUDGE
APPELLATE CASE NO. 2011-198472

CERTIFICATE OF SERVICE BY MAIL

The undersigned Petitioner certifies that on the 21ST day of February, 2013, he properly mailed the SUPPLEMENTAL PETITION FILED BY PETITIONER ON WRIT OF CERTIORARI, with included Cover Letter to The Supreme Court of South Carolina, as below addressed, by depositing same in the Feb 26, 2013 United States Mail, first class, postage prepaid.

REFUSED FOR FILING

RECEIVED

FEB 25 2013

S.C. Supreme Court

The Supreme Court of South Carolina
Attn: Honorable Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211

Richard B. Moore

Richard B. Moore #6003
Lieber C.I. (RBI #220)

Sworn to and Subscribed by Me
this 21ST day of February, 2013

Sylvia Jones

Notary Public for South Carolina
My Commission Expires: 1/24/2018