

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge
Appellate Case No. 2012-213222

RECEIVED

NOV 20 2014

SC Court of Appeals

The State of South Carolina,

.....

Respondents,

v.

Jody Lynn Ward, #300644,

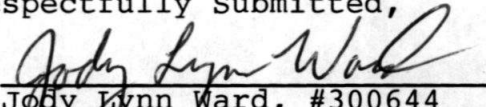
.....

Appellate.

PETITION FOR REHEARING EN BANC

Respectfully Submitted,

/s/


Jody Lynn Ward, #300644
Lieber Corr. Inst. E-B-29
P.O. BOX 205
Ridgeville, S.C. 29472
Petitioner Pro-se

Other Counsel of Record:
Office of Attorney General S.C.
William Edgar Salter III
P.O. BOX 11549
Columbia, S.C. 29211-1549
Respondents

JURISDICTION

The South Carolina Court of Appeals has jurisdiction to hear this Appeal En Banc on Motion For Rehearing Pursuant to S.C.A.C.R Rule 219 (1) when consideration by the full court is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance.

FACTS

1. Michael Abner never admitted to any crimes he committed until 2010, the Court must take careful attention that Appellant trial was on March 15-18, 2004, that's (6) six years after my trial, and I filed my S.C.R.Crim.P. Rule 29 (b) was timely filed.
2. I exercised Due diligence in trying to file that Affidavit of my uncle Rondie Ward Months before the Honorable Benjamin H. Culbertson issue order denying Motions for new trial under 29 b.
3. The Clerk of Court Clerk Ms. Jennifer Lawrence failed to file my affidavit yet she signed and notarized it see attachments.
4. Ms. Jennifer Lawrence is related to my alleged victim Elton Rutledge Jr., and she signed a petition to deny my third bond hearing that very same document was one reason I made bond was because my trial attorney showed the court that they was signing it over and over same people so would be more names signed denyin my bond hearing this clearly violated my due process I can not even file my documents due to bias clerk of court then hold me a inmate highly medicated on psyc. drugs as a mental health patient
5. I proved the 5 prongs under (1) is such that it will probably change the result if a new trial is granted; (2) was discovered after trial (3) could not have been discovered before trial by

exercise of due diligence;(4)is material to the issue;and
(5)is not impeaching or merely cumulative.

See:State v. Spann ,279 SC 399, 308 S.E.2d 518 (1983)

It's fairly simple Michael Abner is a Serial killer he tried t
kill me with a wood chisel 6 times I was stiched up,he was mad
because I beat him up when he attacked me.He called my uncle
Rondie Ward and admitted to paying my alleged victims that I'm
serving two life sentences that was not no murder point blank.
I had enter-duced him to Wilford Brown and he payed them to kill
me could not have discovered before trial because he never admit-
ted to ant crimes that he committed until 2010 six 6 years after
Appellants trial.i'ts clear the judge abused his discretion by
not granting me at the laest a Evidentiary hearing so I can then
prove my case.Please review the attached record on appeal as
proof notorized sign and all.

CONCLUSION

The Appellant Should be given a hearing in General Sessions
Court to prove his case he had affidavits supporting motion.

Respectfully Submitted,
/s/ Jody Lynn Ward #300644
Jody Lynn ward, #300644
Petitioner prose

Jodie Ward

Case # 03GS22

1030 & 1031 Pending motion for new trial based on after discovered evidence.

FILED
CLERK OF DISTRICT COURT
2012 AUG 13 PM 3:21

* Further Exhibit G

* July 23, 2012

I Rondie J. Ward to the best of my knowledge did speak with Michael Cibner at my home of 152 Bear Loop, Georgetown.

Michael called late one night and told me that he and Jodie had gotten into a fight at the railroad tracks and me ~~was~~ there. And Michael told me that he paid them ~~back~~ to ~~kill~~ Jodie.

And this is all I know about the whole case.

Rondie Ward
7-23-12

Rondie Ward
7-23-12

Sworn to before me this
23rd day of July, 2012.

Vernice M. Lawrence
NOTARY PUBLIC FOR SOUTH CAROLINA

64.

General Sessions
Clerk : Alma Y. White
P. O. Box 479
Georgetown, SC 29442
(843) 545-3037

Received From: Rondle Ward

Date : 7/23/2012

Paying for: Rondle Ward,

RECEIPT # 38004
Clerk: c22dnewton

Payment Type: Cash \$0.50
Total Paid 0.50

Reference #
Comment: Notarized Signature

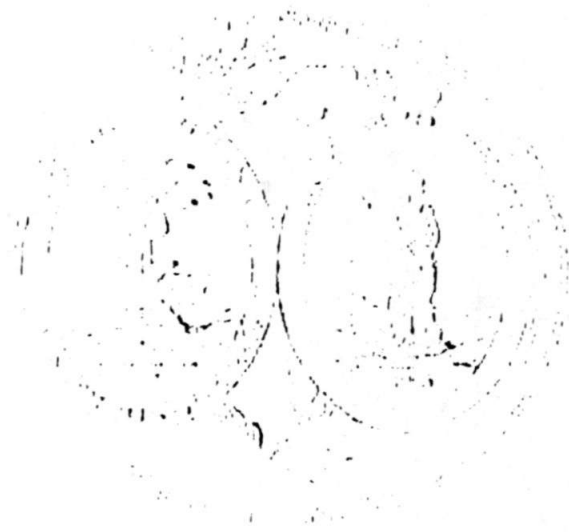


Total Received
Change Due

~~\$0.50~~
\$0.00



2012 AUG 19 PM 3:21



20. Paul Drayton

21. Olivia Deas

22. Peggy M. Smith

23. ~~Emily Woodberry~~

24. Ervin Woodberry

25. Alfred Guston

26. Barbara Brunson

27. Rosa Smith

28. Thomas Smith

29. Patricia Brown

30. Darren E. Brown

31. Lisa Weag

32. Joseph Weag

33. Demond Lawrence

34. ROBERT John

35. Jennifer Lawrence

36. Gwen Reid

37. Robert Reid

38. Kenneth L Wright

39. Sylvia Dozier

40. Nickole Young

41. Andrew T. Brown

42. Julia R. Brown

43. John R. Grant

44. LEVERN DEAS

~~Paul Drayton~~

~~Olivia Deas~~

~~Peggy M. Smith~~

~~Emily Woodberry~~

~~Ervin Woodberry~~

~~Alfred Guston~~

~~Barbara Brunson~~

~~Rosa Smith~~

~~Thomas Smith~~

~~Patricia Brown~~

~~Darren E. Brown~~

~~Lisa Weag~~

~~Joseph Weag~~

~~Demond Lawrence~~

~~Robert John~~

~~Jennifer Lawrence~~

~~Gwen Reid~~

~~Robert Reid~~

~~Kenneth L Wright~~

~~Sylvia Dozier~~

~~Nickole Young~~

~~Andrew T. Brown~~

~~Julia R. Brown~~

~~John R. Grant~~

~~LEVERN DEAS~~





To Whom It May Concern:

On the 22nd of September, Jody Ward, who is currently in jail and awaiting trial for the murders of Elton Rutledge Jr. and Wilfred Wescott Brown, is scheduled for a third bond hearing. The first and second hearings did not result in bond reduction! We, the undersigned, strongly believe that there should not be a third bond hearing, due to the serious and extreme nature of the charges!!!

Name (Please Print)	Signature
1. <u>Jimmy Young</u>	<u>Jimmy Young</u>
2. <u>Golden Bloom</u>	<u>Golden Bloom</u>
3. <u>Ollie B. Walker</u>	<u>OLLIE B. WALKER</u>
4. <u>Adessa J Davis</u>	<u>Adessa Davis</u>
5. <u>AL Meliswright</u>	<u>Alma Wright</u>
6. <u>Ethel King</u>	<u>ETHEL KING</u>
7. <u>Sadie Wallace</u>	<u>SADIE WALLACE</u>
8. <u>Julie Linn</u>	<u>Julie Linn</u>
9. <u>Margie Linn</u>	<u>MARGIE LINN</u>
10. <u>Everleen Holmes</u>	<u>Everleen Holmes</u>
11. <u>King Holmes</u>	<u>King Holmes</u>
12. <u>CHUCK GRATE</u>	<u>Chuck Grate</u>
13. <u>Ellie Bellgrate</u>	<u>Ellie Bellgrate</u>
14. <u>Ruth B. Holmes</u>	<u>Ruth B. Holmes</u>
15. <u>Yvonne Holmes</u>	<u>Yvonne Holmes</u>
16. <u>Rebecca Holmes</u>	<u>Rebecca Holmes</u>
17. <u>Barbara Lawson</u>	<u>Barbara Lawson</u>
18. <u>Loren Almen</u>	<u>Loren Almen</u>
19. <u>Reginald Priest</u>	<u>Reginald Priest</u>

- 44. Richard A. Geathers
- 45. Mary L. Davis
- 46. MARINE G. Geathers
- 47. PAMELA BLAKE
- 48. Alicia Lawrence
- 49. GILL DENS
- 50. Brenda Collins
- Kensi Holmes
- Wanda Walker

- Richard A. Geathers
- Mary L. Davis
- Marine G. Geathers
- Pamela Blake
- Alicia Lawrence
- Gill Dens
- Brenda Collins
- Jan J. B.

SWORN AFFIDAVIT OF
JODY LYNN WARD

67.

I hereby, Jody Lynn Ward, 300644, acting as a prose litigant swear that the affidavit I'm about to give herein is true and correct to the best of my ability.

On or before June 29, 2012 my uncle Rondie James Ward went to the Georgetown County Clerk of Courts office to have his Affidavit notarized and filed in my behalf. And Mr. Keith Moore told him that he had to talk to a public defender. Well Clerk Keith Moore was well aware I did not have an Attorney and I was acting Pro se. Family members are / can file papers / Affidavits in my place. I wrote to Mr. Moore dated June 29, 2012 and also had a meeting by phone with all 4 clerks who advised me to have my uncle come back down there. I wrote again dated July 9, 2012 see: attached Fortior Exhibit B and I was never contacted by the Public Defenders Office. Now on or about July 13, 2012 my uncle Rondie J. Ward went back to the clerk of courts office and the Clerk of Court for Georgetown is the ones that notarized his Affidavit and he paid .50\$ charge. And in that Affidavit he said that Michael A. Abner called him and told him by phone that he paid my 2 alleged victims "murder for hire" to kill me. Now the

Clerk of Court then told him that he could not file that affidavit in my place to support the motion. Then my uncle left with the Affidavit and mailed the Original to me on or about July 25th, 2012 Address to Lieber Cor. Inst. where I reside in the Mental Health Dorm as I'm a mental Health patient inmate. Now Lieber mailroom personnel has been holding the Affidavit of Rondie J. Ward due to the contents has to be reviewed before it can be given to me. I filed an Emergency step 1 Grievance so the warden will get her to release this Affidavit/envelope which is still pending and I receive an Order denying my Motion For New Trial. That Order is wrong / Erroneous I've been denied Access to the Courts in a violation of My Constitutional Rights to Due Process of Law, at no fault of my own. It's also in a violation of Ake v. Oklahoma, 470 U.S. 68 (1985) I'm a mental Health patient denied legal Counsel; and Investigator at the letter that Michael Abner wrote clearly shows that they poured coffee on the Affidavit and he is not getting a Affidavit as his mail also is being damaged and withheld, tampered with.

SWORN TO AND SUBSCRIBED before me

Affiant

On This 6th day of August, 2012

1st Jody Lynn Ward, #300644

1st Sylvia Jones
Notary Public for South Carolina

Jody Lynn Ward, #300644

MY COMMISSION EXPIRES 1/24/2018

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM

70.

STEP 1

INMATE NAME: Jody Lynn Ward
SCDC NUMBER: 300644
INSTITUTION: Lieber Corr. Inst.
HOUSING UNIT: Edisto B-29 / Mental Health
WORK ASSIGNMENT: NONE

Office Use Only
Grievance No. _____
Code: General _____
Policy _____
Disc. Hear. _____
Class. _____
Date Received _____
IGC Initials _____

STATE GRIEVANCE (Include documentation, and date of incident; if SCDC Policy indicates which policy) My Uncle Ronnie J. Ward mailed me an envelope which contained Affidavit to support my Motion For a New Trial S.C.R.CrimP. Rule 29(b); and Ms. Jones at the Lieber mailroom has held my Affidavit a week now. It is Legal mail and to hold my paperwork which supports that Motion has/and will deny my Access to the courts. I'm filing this as an Emergency Grievance as I need that Envelope for my case: 3003-GS-22-1030 & 1031 Affidavit that supports my motion for New Trial. I have a property interest and Rights Under Due Process of Law.

ACTION REQUESTED: I spoke with the mailroom personnel she said that she's the only 1 in the mailroom, and hasn't had time to look. That I be given my Affidavit and the Court to not hold me responsible for the delay. And to stop holding my mail denying me Access of Courts.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:
I talked to my Unit Lt. King and she said she was going to talk to Ms. Jones at mailroom on Aug. 2nd, 2013; Talk to Ms. Jones at the mailroom on Aug. 3rd 2013 at 10:00 A.M she said she's the only 1 in the mailroom and she would have to look for it later on.
Jody Lynn Ward 8/3/12
Grievant Signature Date

ACTION TAKEN BY IGC:

- I accept the action taken by the IGC and consider the matter closed.
- I do not accept the action taken and wish to appeal.

IGC Signature _____ Date _____

Grievant Signature _____ Date _____

Jody Lynn Ward, #300644
Lieber Corr. Inst. E-8-29
P.O. Box 205
Ridgeville, S.C. 29472

72.

June 29, 2012

Georgetown County Clerk's Office
Attn: Mr. Keith Moore, Clerk
General Sessions Court Clerk
P.O. Box 479
Georgetown, S.C. 29442

RE: C/A No. 03-GS-22-1030 & 1031 / Jody Lynn Ward v. State of South Carolina status on Motion for Appointment of Counsel that's pending on Motion For New Trial Based on After Discovered Evidence Pursuant to S.C.R.Crim.P. Rule 29(b).

Dear Mr. Moore,

I'm writing to you in referenced to the above pending matter that was clocked-stamped filed on May 16, 2012. My uncle Ronnie J. Ward said that he talked to you when he went down there to file his Affidavit where Michael Andrew Abner called him and told him that he payed my (2) alleged victims "Murder for Hire" and that you wouldn't file it but referred him to the public defenders office. Well as of this date I have heard nothing in referenced to

The above filing as to who my Attorney is that was Appointed by the Court. Well first thing my uncle's Affidavit is necessary because it supports my Motion. I need to know who my Attorney is at the public defenders office that he's suppose to take his Affidavit to. And also I have other Legal Documents to file in reference to the motion that supports it and I need a private investigator and the expert witnesses that I've requested in my Motion for expenditure of funds for investigative and expert services, Pursuant to §17-3-50(b) that's also pending before I go to a hearing on this matter.

I thank you for all your time and help with this matter.

May God Bless You All Abundantly.

[CERTIFICATE OF SERVICE]

I swear that on This 29th day of June, 2012 I have served the below named clerk of Court Mr. Keith Moore, General Sessions Clerk with the above letter requesting Counsel Appointment and the disposition, by depositing it in the U.S. postal mail postage prepaid to the following below address. This letter is true to the best of my knowledge and belief sworn. (1.) Georgetown County Clerk's Office

Attn: Mr. Keith Moore, Clerk
P.O. Box 479
Georgetown, S.C. 29442

SWORN TO AND SUBSCRIBED before me

On This 29 day of June, 2012

[Signature]
Notary Public for South Carolina

MY COMMISSION EXPIRES 8/20/2016

Respectfully Submitted,

[Signature] #300644
Jody Lynn Ward, #300644
Petitioner Pro Se

Jody Lynn Ward, * 300644
Lieber Corr. Inst. E-8-29
P.O. Box 205
Ridgeville, S.C. 29472

75.

July 9, 2012

Georgetown County Clerk's Office
Attn: Ms. Alma Y. White, Clerk
P.O. Box 479
Georgetown S.C. 29442

RE: Jody Lynn Ward -vs- State of South Carolina
c/A No. 03-GS-22-1030 & 1031 / Application for an
Appointment of Public Defender

Dear Ms. White,

I am contacting you in referenced to the above matter.
I filed on May 16, 2012; ⁽¹⁾ Motion For a New Trial Based
on after-discovered evidence; ⁽²⁾ Motion For Counsel; ⁽³⁾ And
Motion For Investigator & expert services. Well I was told
by Mr. Keith Moore that I had to contact the Public
Defender's Office. Well to be honest I don't even know
where that office would even be, I've been locked up 10 years
now. If you will be so kind and forward this request
to Public Defender's office or if you can send me an
Application for Public Defender. I was under the impression
that the clerk's office would appoint Counsel pursuant to

my ⁽¹⁾ Motion For Counsel Appointment / Indigent Funds Pursuant to § 17-3-10. guess that under Special Appointment's as in my case the Court don't follow the South Carolina Code Ann. § 17-3-10. My uncle Rondie J. Ward has an Affidavit to file in My behalf, he was told that he couldn't file it and it supports my Motion For New Trial. I need Appointed Counsel and Investigator to collect all of the rest of my Evidence that I can not do from prison. Well I thank you for all your time and help with this matter. I look forward to hearing from you as soon as possible. May God Bless You All Abundantly.

Respectfully submitted,
 151 ~~Jody Lynn Wood, #300644~~
 Jody Lynn Ward, #300644
 Pro se Petitioner

Verbatim Copy / File

77.

Alma Y. White
Georgetown County Clerk of Court



P. O. Box 479 • 401 Cleland St.
Georgetown, SC 29442

July 10, 2012

Jody Lynn Ward #300644
Lieber CI E-B-29
PO Box 205
Ridgeville, SC 29472

In response to your request regarding:

- PCR Form Enclosed.
- Legal advice.* The Clerk of Court is prohibited from providing *legal advice*. Contact your attorney for assistance.
- Information from file(s).* Please contact a relative, friend or your attorney to research your case(s) and make copies at a minimum cost or you will have to supply this office with warrant numbers and/or indictment numbers and pay a \$15.00 charge, to be paid in advance, to research your files, and pay \$.25 per copy thereafter.
- Being relieved from your attorney. The Clerk of Court has no authority to relieve a Defendant of an attorney. A Circuit Court Judge must address this request.
- Correction(s) on *Sentencing Sheet*. The Clerk of Court has no authority to adjust or change information on a sentencing sheet. Please contact your attorney for legal advice.
- Forwarding information* to the Solicitor/attorneys/judges/etc. Your documents are being returned. The Clerk's office accepts no responsibility for forwarding information to a third party.
- Clocking and filing motions/documents etc.* Contact your attorney to properly file motions/documents/etc. [This is a Pro Se case. Your document(s) have been clocked and filed].
- A copy of a deposition(s).* Contact the attorney(s) involved in the case for copies.
- Expungement information/application* Contact the Solicitor's Office. Solicitor's Office, PO Box 1688, Georgetown, SC 29442.
- A detainer.* Contact the Solicitor's Office. Solicitor's Office at PO Box 1688, Georgetown, SC 29442.
- Information on the following *warrant(s)*; _____
At this time, this office has no record of the warrant(s) in question. Contact the arresting agency.
- A copy of a transcript(s). You will need to contact the Court Reporter.
- Other/Comments: Georgetown County Public Defender, PO Box 2398, Georgetown, SC 29442

Debbie D. Smith

Georgetown County Court of General Sessions

Circuit Court Office
(843) 548-3219

Circuit Court Fax
(843) 548-3281

Family Court Fax
(843) 548-3294

Michael Abner #207751
K.S.P.-3 5/12 R14
266 WATER ST.
Eddyville, Ky. 42038



Lynn Ward
P.O. Box 923
Georgetown, S.C.

2544230523



Dearest Lynn

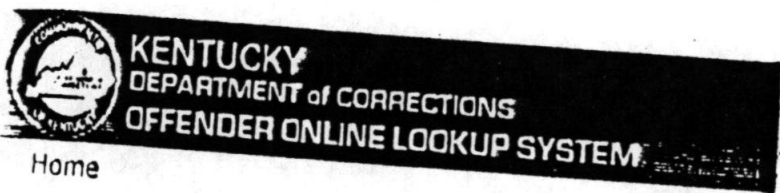
19.
10-16-20

I know you dont want to
hear from me and I truly
understand why but this time
I had no choice since I
am doing everything in my
power to help Jody but not
for him but for Ashton and
the girls, they need not just
any Daddy but their Daddy.
The reason I am writing to
you is because it seems
everytime Ashton writes me
the letter will be postmarked
like on the 5th of October
but I dont get it to like
the 14 of October. I know this
letter and all my letters coming
is being read by INTERNAL AFFAIRS
That's the law in prison just like
Cops on the streets. It seems
the FBI thinks I have killed
in more states than this so
they go thru all going out mail
and all coming in mail I get,
so make sure everyone knows
OVER

all letters I send and get are
 read by these people. They
 shook me down my cell just
 as soon as I got that A F A D A V I T
 from Ashton spilled coffee on it
 and took me to the Internal
 Affairs office asking me what it's
 about. I told them the truth
 that I was trying to make
 a wrong right. So please
 send me another one and
 the A F A D A V I T I know I did
 not spell it right but you all
 know what I am talking about.
 Send it to me and I will see
 my caseworker get it notarize
 and send it back fast as I
 can. So tell all the family
 my letters are being read coming
 in and going out. Hell we
 don't have anything to hide
 so please send me new ones
 fast as you can so I can get
 it back to you all

Michael





Home



Offender Detail Listing
Information current as of 04/08/2011 03:00 PM

NOTICE: Inmate data newer than 120 days might not have been finalized.

Offender Information

Name: ABNER, MICHAEL A
 Inmate SPN/ID: 83679 / 207751
 Facility:
 Age: 48
 Race: White
 Gender: Male
 Eye Color: Green
 Hair Color: Gray or Partially Gray
 Height: 5' 07"
 Weight: 150lbs.
 Inst Start Date: 01/11/2010



207751

----- Offender Photo -----

Aliases

No aliases found for this offender.

Conviction Information

Offense Number 1	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 001 KRS Code: 139.3401 Felony Class: X Sentence Length: 0999 years 09 months 09 days

24

Offense: MURDER - H8455
Offense Number 2

Indictment #: 10-CR-0006 Crime Date: 01/12/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 001 KRS Code: 139.3401 Felony Class: X Sentence Length: 0999 years 99 months 99 days
---	---

Offense: MURDER - H8455
Offense Number 3

Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 001 KRS Code: 139.3401 Felony Class: X Sentence Length: 0999 years 99 months 99 days
---	---

Offense: MURDER - H8455
Offense Number 4

Indictment #: 10-CR-0006 Crime Date: 01/12/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 003 KRS Code: 511.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
---	--

Offense: BURGLARY, 1ST DEGREE
Offense Number 5

Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 003 KRS Code: 511.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
---	--

Offense: BURGLARY, 1ST DEGREE
Offense Number 6

Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 004 KRS Code: 513.020 Felony Class: A Sentence Length: 0020 years 00 months 00 days
---	--

Offense: ARSON IN THE 1ST DEGREE
Offense Number 7

Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 002 KRS Code: 515.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
---	--

Offense: ROBBERY, 1ST DEGREE
Offense Number 8

Indictment #: 10-CR-0006 Crime Date: 01/12/2010	Indictment Count: 002 KRS Code: 515.020
--	--

25.

Conviction Date: 04/27/2010 Conviction County: Pulaski	Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	
Offense Number 9	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 002 KRS Code: 515.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	

Parole Information

No parole information found for this offender.



Send comments and suggestions to KOOA.Resource@ky.gov

Copyright © 2004 Commonwealth of Kentucky
All rights reserved.

26

April 15, 2010



Abner gets life for triple homicides ([http://somerset-](http://somerset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)



Michael Abner, 47, of Eubank, admitted in Pulaski Circuit Court Wednesday that he killed Jack Roerink, 79, and — more than 20 years ago — Marnie Mercer, 80, and Mae Stringer, 88. Pulaski Circuit Judge Jeffrey T. Burdette sentenced Abner to life in prison without the possibility of parole.

[kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides](http://somerset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)

local news

By HEATHER PYLES, CJ Staff Writer
(<http://somerset-kentucky.com>)

Somerset — SOMERSET—A man accused of killing no fewer than three people pleaded guilty to murder and other charges in court yesterday.

Family and friends of Jack Roerink, Marnie Mercer and Mae Stringer crowded into the Pulaski County Circuit Courtroom Wednesday morning to hear Michael Andrew Abner, 47, plead guilty in the killings of the three victims.

"I'm just glad it's over," said Andy Mercer, grandson of Marnie Mercer, who Abner admitted to killing more than 20 years ago.

Abner appeared to be fighting tears Wednesday morning as he, several law enforcement officials, several attorneys and onlookers waited for a hearing that would last no more than 20 minutes.

Abner appeared with his attorney, Jim Cox, before Pulaski Circuit Judge Jeffrey T. Burdette Wednesday for the pleadings. He was originally scheduled to appear for an arraignment today, but those plans were moved up once a plea deal was met.

Abner was arrested on Tuesday, Jan. 12 after authorities discovered he'd broken into the home of Jack Roerink, who was 79 at the time of his death.

Authorities discovered Roerink's body in his home in Eubank and Abner, who reportedly knew Roerink, was found a short while later after officers traced Roerink's missing truck to Abner's ex-wife's home. Investigators said Abner stabbed Roerink multiple times with a kitchen knife during the incident before taking several items and fleeing with some of Roerink's property, including his truck.

<http://somerset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides>

4/17/2011

27.

Once he was in custody, Abner told law enforcement officials that he'd killed twice before.

Mamie Mercer's body was discovered in her South Hart Road home in the Saline community on Wednesday, Oct. 12, 1983 in her bed, a victim of strangulation, and Abner was questioned during an investigation by Kentucky State Police. He was never arrested, and the case remained open and unsolved throughout the years until Abner's arrest this year.

"When something like this happens, and it goes so long, people start looking at other people in the community," Andy Mercer said about the murder that sent him and the rest of his family reeling.

Commonwealth's Attorney Eddy F. Montgomery, reading from evidence received from authorities outlining Abner's confessions, said Abner entered Mamie Mercer's home while another woman, who lived with Mercer, was in the shower and strangled Mercer, unbeknownst to the other female.

"You learn to live with this, but it's never forgotten," Andy Mercer said.

Mercer said his grandmother, who was a religious woman and could be seen walking everywhere for her health, bought fire wood from Abner.

"It rocked the neighborhood," Andy Mercer said about the murder.

Mamie Mercer was 80 years old at the time of her death, and Abner was 20 years old at the time of the incident.

"This brings closure to all of that," Andy Mercer added.

Abner strangled 83-year-old Mae Stringer in 1988, when he was 25 years old.

Stringer's family and investigators believed she had perished in a house fire on Dec. 2, 1988, but investigators said Abner stated he strangled the 83-year-old woman to death in her home on Ringgold Road before setting the house on fire.

Montgomery, reading from statements received from the authorities, said Abner poured perfume over Stringer's body and set fire to the home.

"There's been three victims that we've talked about here, and there's been more than 30 days in between the murders of each of these victims," Burdette stated to Abner during the hearing. "You've had an opportunity between the first and second victims to ... admit, to offer some peace of mind to the family of the first victim, but after 30 days and after that time period, you did kill again.

"Another 30 days or more passed, matter of fact, years," Burdette continued. "(You had) an opportunity ... to redeem, or to talk to the families or the authorities to admit your wrongdoings, but you did not."

During Wednesday's hearing, Montgomery and Cox stated that it was revealed during a competency hearing that Abner's IQ was over 70, which means he qualified for the death penalty if he'd been found guilty through trial of the charges he faced.

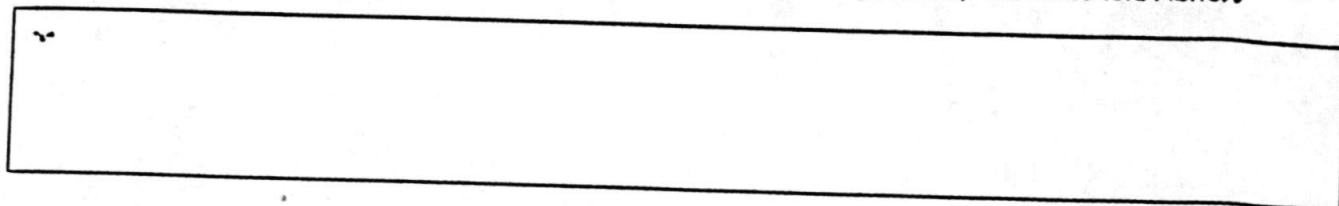
Abner had been indicted on one charge of murder, one charge of first-degree robbery and one charge of first-degree burglary in connection with Roerink's death. He was also indicted on one count of murder and one count of first-degree robbery in connection with Mercer's death, and he was indicted by a grand jury on one count of murder, one count of first-degree robbery, one count of first-degree burglary and one count of first-degree arson in connection with Stringer's death.

28

Abner pleaded guilty Wednesday to those same charges. Montgomery recommended that he receive life in prison without the possibility of parole for each of the murder charges, 20 years in prison for each of the burglary charges, 20 years in prison for each of the robbery charges, and 20 years in prison for the arson charge.

Burdette accepted that recommendation after Montgomery stated that he'd spoken to the relatives of Roerink, Stringer and Mercer and received their approval of the plea and the sentences.

"I believe that you deserve to be incarcerated for the remainder of your life," Burdette told Abner.



Commonwealth Journal 110-112 E. Mt. Vernon St. Somerset, KY 42501

(3). Proffer Testimony of Michael Andrew Abner

The testimony of Michael will show from the letter that was written to Lynn Ward in October 2011 that he had something to do with the Jody Lynn Ward case and that Jody will go home when he tells it; The testimony from reasonable inference is that he did in fact pay Wilford Brown and Elton Rutledge Jr. to kill "Murder for Hire" Petitioner, Jody Lynn Ward.

Difference in the outcome of the case

Had the first trial jury heard this later-discovered evidence there's a reasonable probability that the result would have been different because it raises reasonable doubt of Petitioner's guilt.

(4). PROFFER TESTIMONY OF LYNN WARD

That on or about October 2011 she received a letter to her P.O. Box 923 addressed from Michael Abner to her.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(5). PROFFER TESTIMONY OF ASHTON J. WARD

That on or about October 2011 he went to his grandmothers and she told him that she had a letter from Michael Abner which

he took and opened and his testimony will be that the Fortier Exhibit envelope and the letter was in fact the letter that was inside the envelope whenever it was opened.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael A. Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(6). PROFFER TESTIMONY OF WESLEY LOCKLAIR

That on or about March 2004 he conducted an interview via/telephone with Michael A. Abner whether he had involvement with Jody Lynn Ward and at that he denied having any involvement with the case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

(7). PROFFER TESTIMONY OF MARGARET ANN KNEECE

That on or about March 2004 she conducted a interview via/telephone with Michael A. Abner whether he had anything to do with my (2) alleged murders and at that time he denied having any involvement with my case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

SWORN AFFIDAVIT OF
ASHTON WARD

I, Ashton Jody Ward hereby swear
this statement to be true to the best
of my knowledge that I opened a
letter that was addressed to my
grandmother from Michael Almer and
read it.

[Large area of the document is crossed out with a wavy line.]

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 30 DAY OF April, 2012
Ellen T. Hansen
NOTARY PUBLIC
MY COMM. EXPIRES May 11, 2014

I AM, Ashton Jody Ward
Ashton Jody Ward
Ashton Ward
dated 4/30, 2012

47.

FILED
GEORGETOWN COUNTY, S.C.

2012 MAY 16 PM 2:42

ALMA Y. WHITE
CLERK OF COURT

SWORN AFFIDAVIT OF
JODY LYNN WARD

I hereby, Jody Lynn Ward, 300644 acting as a pro se litigant swear that the affidavit I'm about to give herein is true and correct to the best of my ability.

On or about October 2011 I was contacted by my son, Ashton J. Ward and was informed that Michael A. Abner had written a letter that was addressed to my mother Lynn Ward, and that she called him and that he came over and at that time he opened the letter and forwarded a copy to me. I'm filing under the Due Diligence for After-Discovered Evidence. I herein state that this evidence involves whether I'm innocent of the charges of (2) alleged murders vs. my guilt.

Michael A. Abner stabbed me five times on or about December 14, 2000. Before my trial of 2004 my two trial attorney's Margaret Ann Kneece; and Wesley Locklair did a interview with michael A. Abner and at that time he denied having any involvement in the case.

It's just been recently that he went back and confessed to two murders dating back to 1983 and 1988 2when he was arrested for murdering a man in Kentucky on or about January 2010.

My uncle Rondie J. Ward informed me that Michael A. Abner called him and told him that he did in fact pay my (2) two alleged victims to kill me and my first Trial Jury never heard this information.

I meet all (5) criteria for After-Discovered Evidence; and I could not have discovered the evidence by exercise the exercise if Due-Diligence, see State v. DeAngelis, cited as; 182 S.E.2d. 732 (1971).

Respectfully Submitted,

Jody L. Ward, 300644

~~Jody L. Ward 300644~~
Jody L. Ward, 300644
Lieber C.I. E-B
P.O. Box 207
Ridgeville, S.C.
29472

SWORN AND SUBSCRIBED Before me

On This 7th day of May 2012

Sylvia Jones
Notary Public for South Carolina

My Commission Expires 1/24/2018

Jody Lynn Ward, #300644
Lieber Corr. Inst. E-B-29
P.O. BOX 205
Ridgeville, S.C. 29472

November 17, 2014

S.C. court of Appeals
Clerk's office
Ms. Jenny Abbott Kitchings, Clerk
P.O. BOX 11629
Columbia, S.C. 29211

Re: Case No. 2012-213222 State of S.C. V. Jody Lynn Ward, #300644
Filing of Motion for Rehearing En Banc Pursuant to S.C.A.C.R.
Rule 219 (a) (1); (2).

Dear Ms. Kitchings Please find here above reference and hereto
attached Motion for rehearing en banc. Please file it, thank you
for your time and help with this matter.

CERTIFICATE OF SERVICE

I do hereby certify that I have sent a true and correct copy
of (1) Motion for rehearing en banc on the below named respondent
by way of placing it in the U.S. postal service postage prepaid.
On this 18th Day of November, 2014

Office of the Attorney General
Mr. William Edgar Salter III
P.O. BOX 11549
Columbia, S.C. 29211-1549

Respectfully Submitted

/s/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Petitioner pro-se

RECEIVED
NOV 20 2014
SC Court of Appeals