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12-7-14

DEC 10 2014

S.C. SUPREME COURT

Dear Mr. Shearouse

I hope this letter reaches you in good health. I have enclosed a pro se petition in support of Writ of Certiorari to be submitted to the courts. I know it has alot of pages and in the eyes of the Court it may be to long but the issues are very important and so is my chance to get my freedom and get out of an unjust prison sentence. I am not an attorney or even close to being an attorney so could you ask the Courts to keep that in mind. I just want a chance to have my case properly brought before the Courts and to bring forth the truth and establish my innocence. I pray that this petition is viewed and read in its full context and I just one chance at a fair Court proceeding

With kind regards
Casey Jenkins

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DEC 10 2014

S.C. SUPREME COURT

State of South Carolina

In The Supreme Court

Casey Jenkins 349382
Petitioner

Brief In Support of

vs

Petition For Writ
of Certiorari

State of South Carolina
Respondent

The Grand Jury of Berkeley County South Carolina True Billed on indictment against petitioner for Trafficking Cocaine in excess of 200grams. When the case was called to a guilty plea hearing, the petitioner pled guilty to Trafficking Cocaine 28grams but less than 100grams rather than the Trafficking Cocaine in excess of 200grams.

The trial court accepted the guilty plea and sentenced the petitioner to eight (8) years imprisonment. The petitioner appeals arguing the trial court lacked subject matter jurisdiction to accept the guilty plea and conviction.

Exhibits

- #1 SC Judicial Department Calender
- #2 Letter and response from clerk of court
Concerning a special term of court
- #3 Letter and response from clerk of court
Concerning general sessions court on Sep. 10, 2008
- #4 Indictment
- #5 Sentencing Sheet
- #6 Grand Jury Report
- #7 Plea OFFER

ARGUMENT I

The jurisdiction of a court over the subject matter of a proceeding is determined by the Constitution, the laws of the state, and is fundamental. State v. Heyward, 564 SE 2d 379 (SC App 2002) (citing Anderson v. Anderson, 299 SC 110, 115, 382 SE 2d 897, 900 (1989) (emphasis added)). Subject matter jurisdiction may not be waived even with consent of the parties, and may be raised at any time. Brown v. State, 343, SC 342, 540 SE 2d 846 (2001). And no indictment may be true billed by the grand jury when the circuit court lacks jurisdiction, since grand jurys jurisdiction is coextensive with criminal jurisdiction of the court in which it is impaneled and for which it is to make inquiry. State v. McClure, 277 SC 432, 289 SE 2d 158 (SC 1982) and State v. Funderburk, 259 SC 256, 191 SE 2d 520 (1972), State v. Wheeler 259 S.C. 571, 193 SE 2d 515 (1972). The petitioner now humbly contends that the trial court lacked subject matter jurisdiction to entertain and adjudicate his case when the indictment were invalid.

The statutory code 14-9-210 mandates the only process for a lawful true billed indictment. The statute 14-9-210 provide in pertinent part that: The county Solicitor shall prepare and through the presiding judge of the Court of General Sessions submit to the grand jury while in attendance upon the Court of General Sessions, bills of indictments in all cases pending in the County Court in which punishment may exceed a fine of one hundred dollars or imprisonment for thirty days, when such cases have not been previously acted on by the grand jury. The grand jury shall act there on, and shall report its actions to the presiding judge of the Court of General Sessions and said judge shall direct the Clerk of Court of General Sessions to report the same to the presiding judge of the County at its next ensuing term. The primary purpose of interpreting statutes is to ascertain the intent of the legislature, Hodges v. Rainey, 341 S.C. 79, 85, 533 SE 2d 578, 581 (2000), State v. Martin 293, SC 46, 358 SE 2d 697 (1987).

When a statute's terms are clear on their face, there is no room for statutory construction

(0) (4)

and a Court must apply the statute according to its literal meaning. Carolina Power & Light Co v. City of Bennettsville, 314 SC 137, 139, 442 S.E. 2d 177, 179 (1994). And words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. Bryant v. City of Charleston 295 SC 408, 368 SE 2d 899 (1998). Moreover, penal statutes must be construed strictly against the State and in favor of defendant. State v. Blackmon, 304 SC 270, 403 SE 2d 660 (SC 1991).

The petitioners bill of indictment prints that it was returned "at a Court of General Sessions Convened on September 10, 2008 the Grand Jurors of Berkeley County present upon their oath. The indictment is signed by the Assistant Solicitor and true billed stamped. Further the title page of States indictment prints that it was published at a Court of General Sessions term as convened on September 2008, The terms of the Court of General Sessions for Berkeley County are fixed by S.C. Code Ann. 14-5-740 and which does not

offer provisions for a court to be open on September 10, 2008. Thus, the State could not have lawfully returned its indictment at a court of General Sessions convened on September 10, 2008 as falsely alleged in the states indictment. The first piece of evidence in the states false condition is the information contained in a Freedom Of Information Act request to the Berkeley County Clerk of Court (Mary P. Brown) and her response Note - There was not a General Sessions Court held on September 10, 2008. Another piece of evidence in this matter is the response from the clerks office in reference to was there a special term of court and the response was, one day September ~~20~~ 2008 and this establishes no court of General Sessions was convened on September 10, 2008 under the provisions of either Section 14-5-410, Section 14-5-910, or Section 14-5-920. The South Carolina Judicial Department Calender for the 9th Circuit proves beyond doubt that no Court of General Sessions was convened on September 10, 2008 as falsely printed in petitioners indictment. The legislature enactment 14-9-210 limits the manner in which indictments are true billed and the enactment also evinces the intent

(4)(6)

that it shall not be done another way and since the court utilized an unlawful mode of procedure not allowed under section section 14-9-210, the state lacked the required jurisdiction to complete return of the petitioners true billed indictment. The SC Supreme Court has stated that a criminal defendant has a constitutional and statutory right to have the indictment issued by a legally constituted grand jury. See State v. Means, Op No. 26105 (SC Supreme Court filed February 6, 2006), Evans v. State, 363 SC 495, 611, SE 2d 510 (2005), State v. Williams, 263 SC 290, 210 SE 2d 298 (1974) SC Constitution Article 1 § 11 and Article V § 22 SC Code Ann. 14-9-210. The mandatory provisions of section 14-9-210 clearly establishes that the state had no jurisdiction to issue return of petitioners true billed indictment because no Court of General Sessions was lawfully convened to oversee the grand jury process and the acts taken outside those statutory restrictions by necessity are null and void. Our Supreme Court has already determined that NO indictment may be true billed by a grand jury when the Court lacks jurisdiction

(8) (7)

The grand jury must be impaneled under the jurisdiction of the court of General Sessions before lawful return of indictment can take place. See State v. McClure 277 SC 432, 289 SC 2d 158 (sc 1982) and State v. Funderburk, 259 SC 256, 191 SE 2d 520 (1972). State v. Wheeler, 259 SC 571, 193 SE 2d 515 (1972). A failure to comply with statutory law jurisdictional in nature deprives the court of subject matter jurisdiction. See State v. Lee, 564 SE 2d 372 (sc App 2002), State v. Brown, 570 SE 2d 559 (ct. App 2002), State v. Felder, 437 SE 2d 43 (sc 1993). In recognizing the jurisdictional requirements set forth in section 14-9-210 mandating the only process for a lawful indictment and the evidence presented it becomes apparent that the petitioner was indicted outside the jurisdiction of the Court of General Sessions by a process that was unlawful. Therefore since no court of General Sessions was convened on the date September 10, 2008 in which the petitioners indictment was allegedly true billed, the grand jury proceedings would therefore

by necessity be held invalid and its illegally issued indictment null and without binding legal effect. The petitioner has established the courts did not have a valid indictment which is a prerequisite to the courts jurisdiction. In making the requirement of an indictment jurisdictional and in holding the petitioner to answer for such a crime without indictment or presentment by a grand jury the courts exceeded its jurisdiction over the petitioner who in the absence of a knowing waiver could be prosecuted only by indictment. The U.S. Supreme Court has made it clear the actions of a court without jurisdiction are void, and or nugatory and a defendants 14th Amendment rights are violated when a court entertains a case without jurisdiction. See Burnham vs. Superior Court of California, 495 U.S. 604 110 S.Ct, 2105 (1990)
See pages 2109-2110. The proceedings at which the petitioners indictment were true billed was invalid and therefore the indictment is null and the courts lacked subject matter jurisdiction.

The petitioner also argues the evidence shows that there was a court of common pleas being held at the time the indictment against the petitioner was true billed. The petitioner argues it should be noted that the Court of Common pleas is vested with NO authority to take any action on matters pertaining to return of true-bill criminal indictments. The court is made up of the Court of Common Pleas which hears civil actions and the Court of General Sessions which hears criminal cases.. See *Dove v. Gold Kist Inc*, 314 SC 235, 442 S.E. 2d 598, 600 (SC 1994) see also SC Constitution Article V § 1. Thus, there is no grant of concurrent jurisdiction, and therefore NO true bill criminal indictments can be lawfully issued through grand jury proceedings held before a court of Common Pleas. Lastly it should also be noted that a Circuit Court Judge retains NO authority on his own standing to conduct and oversee grand jury proceedings outside the bounds of a lawfully convened Court of General Sessions.

ARGUMENT II

The petitioner argued at the PCR hearing on January 13, 2014, the Circuit court lacked subject matter jurisdiction because the charge he pled guilty to was not legally a lesser included offense of the indicted charge. The petitioners indictment states Trafficking Cocaine in excess of 200grams. The petitioner was allowed to plea to 28 grams but less than 100grams as the lesser included offense. The prosecutor stated at the PCR hearing that the petitioner was indicted under the general trafficking statute. The section 44-53-370(a) which the legislature enacted under the same code states "The offense of possession with intent to distribute described in Section 44-53-370(a) is a lesser included offense to the offenses of trafficking based upon possession. The code specifically states that PWID of a controlled substance is a lesser included offense of trafficking in a controlled substance based upon

possession, the South Carolina Supreme Court, in Matthews v. State, 300 S.C. 238, 387 S.E.2d 258 (1990) set forth the rationale. The legislature intent was clear from the language of the two statutes. The legislature enacted both PWID and trafficking in the same section of the statute and in doing so the legislature intended to establish penalties for possession of controlled substances which are directly related to the amount of the controlled substance possessed by a defendant. Therefore PWID is a lesser included offense of trafficking based upon possession and the defendant cannot be convicted for both offenses. In allowing or accepting a guilty plea by the petitioner to the lesser amount as the lesser included offense the court committed reversible error because it allowed the state to convict petitioner of a different uncharged offense. Trafficking Cocaine in an amount of cocaine contained within a lesser sentencing level than that alleged in the indictment may be proper

Where the amount involved is in controversy
See State v Gosnell 535 s.e.2d 453 (s.c.a.2000).

In Campbell v. State 535 s.e.2d 928 (s.c.a.2000)
the defendant was convicted in the Circuit
Court, Aiken County of committing a lewd
act on a child under the age of sixteen.
The petitioner was indicted for first degree
Criminal Sexual Conduct with a minor. Committing
a lewd act on a child under the age of
sixteen is not a lesser - included offense
of first degree Criminal Sexual Conduct
with a minor. Therefore the trial court
was without jurisdiction to accept
petitioners plea to a unindicted charge.
Relief was granted. The State appealed and
the Supreme Court held that the trial
court lacked subject matter jurisdiction to
accept a guilty plea to an unindicted
charge, In this case relief was granted
Campbell v. State 535 s.e.2d 928. The offense
to which the petitioner pled guilty is not the
lesser included offense of the indicted charge
and no indictment was prepared for the

the offense to which the petitioner pled guilty and therefore the petitioner was sentenced in the absence of subject matter jurisdiction.

(10) (14)

ARGUMENT III

The petitioner was indicted by the Berkeley County Grand Jury for trafficking cocaine in excess of 200 grams and pled guilty to trafficking cocaine 28 grams but less than 100 grams rather than the original indicted charge and the trial court accepted his guilty plea. According to the sentencing sheet the petitioner pled guilty under indictment 2008-GS-08-1833, which included only the charge of trafficking cocaine in excess of 200 grams, the indictment was never amended to charge petitioner with trafficking cocaine 28 grams but less than 100 grams. The sentencing sheet expressly refers, however, to trafficking cocaine 28 grams but less than 100 grams as the crime to which petitioner pled guilty and for which he was sentenced. The petitioner asserts that because no indictment charging him with trafficking cocaine 28 grams but less than 100 grams was ever prepared, without a waiver of presentment to the

Berkeley County Grand Jury it was insufficient to confer subject matter jurisdiction upon the trial court to accept his plea of guilty to that charge. The South Carolina Constitution Article I Section 11 "No person may be held to answer for any crime the jurisdiction over which is not within the magistrates court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed... The General Assembly may provide for the waiver of an indictment by the accused. Compliance with Section 17-23-130 and 140 is mandatory.

Odom v State, 350 S.C. 300, 302, 566 S.E. 2d 528, 529 (2002). Case law describes the existence of a sufficient true billed indictment or valid waiver of presentment as a prerequisite to valid guilty plea. Except for certain minor offenses, the circuit court does not have jurisdiction to hear a guilty plea unless there has been an indictment, a waiver of presentment, or unless the charge is a lesser included offense of

the Crime Charged in the indictment. Failure of petitioner, indicted for trafficking cocaine in excess of 200grams to sign a waiver of indictment invalidated his guilty plea to trafficking cocaine 28 grams but less than 100grams. Sections 17-23-130 and 140 make a written waiver of presentment of indictments not presented to the grand jury mandatory before the trial judge can accept the plea. Phillips v. State, 314 S.E. 2d 313 (S.C. 1984). See also Odum, 350 S.C. at 302, 566 S.E. 2d 529 (in the absence of an indictment, there must be a valid waiver of presentment for the trial court to have subject matter jurisdiction of the offense). Here no indictment was prepared stating the offense of trafficking cocaine 28 grams but less than 100grams. Nor was the indictment charging petitioner with trafficking cocaine in excess of 200grams amended to charge the petitioner with trafficking cocaine 28 grams but less than 100grams. Because trafficking cocaine 28 grams but less than 100grams is not a lesser included

Offense of trafficking cocaine in excess of 200grams as stated in Section 44-53-370(a). The inquiry is confined to whether an effective waiver of presentment can occur when no indictment charging the relevant offense was prepared. The plain language of Section 17-23-130 and 140, viewed in conjunction with case law governing acceptance of guilty pleas, requires preparation of a formal indictment as a condition precedent to a valid waiver of presentment. See City of Columbia v. ACLU of S.C., Inc., 323 S.C. 384, 387-88, 475 S.E. 2d 747, 749 (1996). As no indictment was prepared charging petitioner with trafficking cocaine 28grams but less than 100grams as required by Statute, no valid written waiver of presentment to the Berkeley County Grand Jury could have been accomplished and in turn, the trial court was without subject matter jurisdiction to accept the guilty plea. See Summeral v. State 278 S.C. 255, 256, 294 S.E. 2d 344 (1982).

By their plain language Sec. 17-23-130 and 140 make a written waiver of presentment of indictment not presented to a grand jury mandatory before the trial judge can accept plea. Because parties cannot confer subject matter jurisdiction by consent the petitioners signature on the sentencing sheet was insufficient absent an indictment charging him with trafficking cocaine 28 grams but less than 100grams. State v. Grim 341 SC 63, 66, 533 S.E.2d 329, 330 (2000).

ARGUMENT IV

Pursuant to State v. Gosnell, a defendant was convicted in the circuit court, Greenville County of Conspiracy to Trafficking in Cocaine in the amount of at least 200g, but less than 400g. The defendant appealed. The court of Appeals held that a defendant indicted for conspiracy to traffic in cocaine 400g or more could not be convicted of conspiracy to traffic in cocaine in the amount of at least 200g but less than 400g as a lesser-included offense. The conviction was reversed. See State v. Gosnell 535 S.E.2d 453 (S.C. App 2000). The petitioner submits that there is no South Carolina law which directly answers the question of whether the graduated Sentencing Categories based upon quantity of cocaine are lesser offenses. Although the statute provides a graduated structure of increasing penalties for trafficking in larger amounts of cocaine. The statute is triggered by committing one of the prescribed acts with regard to ten (10)g or more. Raffaldt, 318 S.C. at 117, 456 S.E. 2d at 394

Thus, our Supreme Court has ruled that an indictment charging Trafficking in Cocaine, is sufficient to confer subject matter jurisdiction Granger v. State 333 S.C. 2, 507 S.E. 2d 322 (1998). In Granger v. State, the Supreme Court ruled that an indictment which alleged that the defendant trafficked in cocaine of a specific amount limited the jurisdiction to the court over that specific scenario.

Conversely, Our Supreme Court has also ruled that an indictment which does charge a specific sentencing parameter by designating an amount within a particular sentencing level cannot be amended before trial pursuant to S.C. Code § 17-19-100 (1985) to charge an amount an increased sentencing level because to do so changes the nature of the offense Clair v. State, 324 S.C. 144, 478 S.E. 2d 54 (1996). In State v. Raffaldt supra, The Court noted without commit that the trial court had charged lower sentencing category amounts as included within the

Charged offense, but the court did not rule on the propriety of that portion of the lower Courts charge. In Mathews v. State 300 S.E. 238, 241, 387 S.E. 2d 258, 260 (1990). The Supreme Court Concluded that the legislature intended possession with intent to distribute to be a lesser-included offense of trafficking based upon possession.

In view of these legal principle, by allowing a guilty in the lesser amount as a lesser included offense, the court committed reversible error because it allowed the State to convict petitioner of a different, uncharged offense. Trafficking Cocaine in an amount of cocaine contained within a lesser sentencing level than that alleged in the indictment may be proper where the amount involved is in controversy. The Conviction Cannot stand and the petitioner was sentenced in the absence of subject matter jurisdiction.

ARGUMENT V

The offense of trafficking has many variations, with different offense amounts passed carries different penalties. An essential element of trafficking is its quantity because the Fourth Circuit as well as other circuits held that threshold drug quantity is an element of trafficking. See United States v. Cotton, 122 S.Ct. 1781 (2002).

When the Prosecution had petitioner to plead guilty to an offense whereas the amounts alleged had been changed, it constitutes as a material variance. Facts as well as law contrary to both Cotton, Gosnell that threshold drug quantity which was so altered constitutes as a material variance. State v. Gunn, 313 S.C. 124, 437 S.E. 2d 75 (1993)

The threshold drug quantity was alleged then the Prosecution changed the amount, all Federal Courts and our own State Supreme Court have continuously held that a Circuit Court cannot impose sentence for a crime over which it does not even have jurisdiction to try a defendant Brown v. State, 540 S.E. 2d 846 (2001). The Supreme Court explained in both

Apprendi v. New Jersey supra, United States v. Cotton, supra, as follows

"The Judges role in sentencing is constrained at its outer limits by the facts alleged in the indictment and found by the jury."

Apprendi v. New Jersey, United States v. Cotton

Once the Prosecution altered what was found by the Grand Jury the circuit court no longer retained jurisdiction under Apprendi, Cotton this violated Petitioners constitutional rights. "No person shall be held to answer in any court for an alleged crime or offense, unless upon an indictment by a grand jury." S.C. Constitution Article I Section 11, S.C. Code Ann. Section 17-19-10

ARGUMENT VI

The petitioner now humbly contends that the court proceeding at which his indictment was true-billed was court held outside of the jurisdiction and the terms of court for Berkeley County to hold general sessions court. The petitioners indictment states "At a Court of General Sessions convened on September 10, 2008 the Grand Jurors of Berkeley County present upon their oath. The terms of court for the holding of general sessions court are contained under Statue 14-5-740 section (2). The statue states 14-5-740 Term of Court in the Ninth Circuit The courts of the ninth judicial circuit shall be held hereinafter.

Berkeley County - The court of general sessions for Berkeley County shall be held at Moncks Corner on the second Monday in May and the second Monday in October in each case for one week. In this statue the General Assembly

did not make a provision in S.C. Code Ann 14-5-740 Sec(2) for a court term in Berkeley County to be held in September. The ninth circuit consist of Charleston and Berkeley County and under this statute it calls for Charleston County to hold a term of general sessions court in September. The terms of Circuit court are fixed by legislative law and if the term has expired the judge has no power by order to continue its existence, convene it at another time and proceed to the trial of cases, The Courts therefore by right cannot sit at anytime but that fixed by legislature except in extra or special session, See Ex parte Lilly 7 S.C. 372, 1876 WL 5977 S.C. 1876; State v. Henderson 136 S.C. 363, 134 S.E. 364 (S.C. 1926). The petitioner now argues that the individuals who are officers of the Court met at a time when the Court was not allowed or required to sit and the Judge, Solicitor, Clerk of court, and the grand jury organized themselves as the Court with the usual procedure attending it the acts of

the court to indict the petitioner are without legal force. The acts of the grand jury to true bill the petitioners indictment are void because the acts of this grand jury under the jurisdiction of this court are void because they were without right and power under the laws of this state. This was not a special term of court as the evidence in the affidavit from the Clerk of Court (Mary P. Brown) confirms and it was not a extra term of court. The proceeding by which this court true-billed the petitioners indictment giving the general sessions Court jurisdiction came from a court without lawful authority to be a legal court and the acts as such must be regarded as coram non iudice. The petitioner was sentenced without lawful authority and under the sentence of a court acting as such without due power by law to control his person. The petitioner was sentenced in the absence of subject matter jurisdiction.

See Ex parte De Hay S.C. 564, 1872 WL 4888

State v. Gossett 117 S.C. 76 108 S.E. 290 S.C. 1921

The petitioner retained J. Mitchell Lanier as Counsel in his case. The petitioner asserts his case was never properly presented to the courts or himself by counsel. Trial counsel never gave the petitioner a complete Motion of Discovery and never acknowledged the state lacked crucial evidence. Trial counsel failed to investigate and relied on hearsay evidence to represent the petitioner. Trial counsel allowed petitioner to be convicted on false and invalid documents and fear of corrupt police officers. Trial counsel failed to establish what actually happened and that the petitioner never possessed any drugs. Trial failed to establish the petitioners innocence but instead gave false statements under oath to help the state convict the petitioner. The petitioner clearly had ineffective in the assistance of counsel J. Mitchell Lanier.

(~~200~~) (28)

ARGUMENT I

In that trial counsel failed to advise the petitioner that he could appeal his sentence and also failed to perfect an appeal, pursuant to Rules 235/602 SCACR trial counsel did not get an order from a Chief Administrative Judge relieving counsel of his duties to appeal. The petitioner has the procedural right to one fair bite at the apple and that is a right to file a direct appeal and one PCR application. In the case of Roc-vs-Flores Ortega, 120 S.Ct. 1029, it emphasized the importance of the First appeal; as of right: or The Bite at the Apple; being a first appeal as of right. Further in the cases of Whitehead and Austin, one being an appeal of a PCR, the other, being an appeal straight from the general Sessions court, in either case, counsel neglected and failed to do such, thusly only amounting to nothing less than ineffective assistance of Counsel.

ARGUMENT II

The petitioners right to effective assistance of counsel as guaranteed by the Sixth Amendment to the United States Constitution and South Carolina law was violated as a result of counsels failure to allow the petitioner to view the evidence against him in the States case. Trial counsel failed to properly present the petitioners case and give the prosecutions case the adversarial testing of an effective counsel. Trial counsel was ineffective when counsel elicited hearsay evidence from the Solicitor and the police officers that was false and damaging to the petitioners case in which he was the petitioners Counsel. Trial counsel was ineffective when counsel failed to establish if the police officers had the proper authorization and approval to record the supposed conversation as South Carolina Statutory laws 17-30-70, 17-30-75, 17-30-80, 17-30-85 and 17-30-105 provide the only process by which police

officers can get the judges approval. Trial counsel was ineffective when he failed to establish that a recording does not exist of the petitioner and the confidential informant. Trial counsel was ineffective when he spoke of hearing the recording at the plea hearing and knowing there was not a recording of a conversation between the petitioner and a confidential informant and the transcript of the proceeding somehow state that it was reported to him what was on the supposed recording. Trial counsel failed to establish that the affidavit lacked probable cause. Trial counsel failed to establish that officer D. Mitchum omitted the facts and circumstances in the affidavit. Trial counsel failed to establish that the affidavit did not establish that there was a confidential informant involved and it also did not establish the credibility and reliability of the confidential

informant. See Illinois v. Gates 462, U.S. 213
103 S.Ct. 2317, 76 L. ED. 2d 527 (1983). State v.
Robinson 408 S.C. 268, 758 S.E. 2d 725 (2014)
Fiallo v. State 523 S.E. 2d 355 (1999). Trial Counsel
failed to establish that Officer D. Mitchum's
failure to provide the issuing information about
the informant's reliability left no basis on
which the judge could determine probable
cause. Trial Counsel was ineffective when he
allowed petitioner to plea to the charge knowing
the petitioner was coerced into the plea and
also through the illegal and unethical acts
of the police officers involved with the
petitioner's case. Trial Counsel failed to establish
that Officer D. Mitchum and the other officers
were fired or demoted and the illegal acts
they were involved in WAS being investigated
by the Federal Authorities and this was
explained to Counsel numerous times and
the petitioner tried to explain or state
these facts at the plea hearing. Trial
Counsel were ineffective when Counsel
gave false testimony in Court about the

the recording which is false evidence and the prosecutor allowing this false testimony about the false evidence to go uncorrected.

Giglio v. U.S., 405 U.S. 150, 92 S.Ct. 763 U.S. 1972

Naupre v. People of the State of Illinois
Trial Counsel failed to establish if there was a recording it was never given to Counsel and the recording is exculpatory evidence and this recording is material to the case and this recording is favorable to the petitioners case. Trial Counsel failed to establish if the recording existed and the State withheld the recording this is a violation of the Brady disclosure which is grounded in the petitioners fundamental right to a fair trial mandated by the Due Process Clause of the Fifth and Fourteenth Amendment

Brady v. Maryland, 373 U.S. 83, 83 S.Ct 1194, 10 L.ED, 2d 215 (1963). Trial counsel failed to establish if there was no proper authorization to record the supposed conversation between the petitioner and the informant any

any information derived from the recording would violate the Fruit of the Poisonous Doctrine.

The petitioner was without effective counsel in his case and the case has still not been properly brought before the court. The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with a crime, he is incapable generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge to adequately prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him

Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence *Powell v. Alabama* 287 U.S. 45, 68, 53 S. Ct. 55, 64 77 L. ED 2d 158 (1932). The petitioner was allowed to be convicted on a indictment that was invalid and evidence that does not exist and with counsel that violated his Sixth Amendments, Due process of law and the petitioner was without Equal Protection of the law and it is clear Counsel was extremely ineffective in representing the petitioner

(~~20~~) (35)

The PCR courts dismissed the petitioners application without complying with the Uniform Post-Conviction Relief Act and 17-27-80 as this statute requires the courts to make specific findings of fact and conclusions of law. Did the PCR courts failure to comply with the statute 17-27-80 deny the petitioner the right to appellate review and adjudication on the issues.

ARGUMENT

The petitioner humbly contends that the PCR courts dismissed the application without making findings of fact and conclusions of law relating to each issue raised. The S.C. Code Ann 17-27-80 requires that the PCR court make specific findings of fact and state expressly its conclusions of law relating to each and every issue presented. The petitioner raised issues concerning the lesser-included offense, subject matter jurisdiction, ineffective assistance of counsel, and a few other issues. The petitioners order for dismissal does not address all issues in the application instead it dismisses the application on the allegation of ineffective assistance of counsel. In the absence of findings of fact, it was improper for the post-conviction relief court to deny the petitioners application for relief on his allegation of ineffective assistance of counsel where 17-27-80 requires that the PCR court make specific findings of fact and conclusions of law.

McCray v. State 408 S.E. 2d 241 (1991); Pruitt v. State 423 S.E. 2d 127 (1992). The PCR courts conclusions regarding ineffective assistance of counsel are insufficient for appellate review and fail to meet the standard set forth in the statute 17-27-80 and Rule 52(a). The Supreme has stated in Garner v. State that a order granting post-conviction relief that did not address all claims was not final order subject to certiorari review. Garner v. State 636 S.E. 2d 860. It is clear from this ruling that all issues must be addressed to be a final order. The petitioner argues that the states failure to comply with statute 17-27-80 deprived him of the right to appeal and to a full adjudication of the issues presented in the application which is a procedural error Austin v. State 409 S.E. 2d 395. Further the petitioners desire to appellate review should be granted to correct the unjust procedural defect of PCR counsel and PCR Court further the petitioner would respectfully assert before this court that there would

not have been any basis had the findings of fact and conclusions of law been addressed and fully adjudicated on the merit in the original petition and proceedings. The order also contains language contradictory to the statute in stating "As to any and all allegations that were raised in the application and not specifically addressed in this order, this court finds the applicant failed to present any argument or testimony regarding such allegations. Accordingly, this court finds the applicant waived such allegations. Therefore, they are hereby denied and dismissed. This language does not constitute any specific findings of fact and conclusions of law to any issue and this language is in direct contradiction of statute 17-27-80 and the Uniform Post-Conviction Relief Act. The petitioner would also like to inform the court that in his first meeting with Attorney Charles T. Brooks III at the Courthouse I asked him to file this Rule 59(e) motion and after I returned from the PCR hearing I wrote Mr. Brooks a letter

asking Mr. Brooks to file the Rule 59(e) motion
I sent a copy of this letter to the office
of Appellate Defense in which Attorney Carmen
V. Ganjehsani acknowledged receiving the
letter. The petitioner would like to ask the
court in Mr. Brooks refusing to file the motion
should he be held responsible for this blatant
disregard of Mr. Brooks. In Mr. Brooks representation
he was not truthful about information I asked
him to get concerning my case and he spent
no time reviewing my case and issues I wanted
him to raise he refused to raise. The petitioner
would like to ask the court to please remand
this case for a new hearing or a hearing a
before the PCR judge to make proper findings
of fact and conclusions of law. The petitioner
has not had adequate counsel at any stage
and the petitioner just wants the case properly
presented and get one FAIR BITE OF THE
APPLE.

(~~36~~) (40)

Conclusion

The interpretation of statutes, our sole function is to determine and, within constitutional limits give effect to the intention of the legislature, with reference to the meaning of the language used and the subject matters and purpose of the statute. A basic presumption exist that the legislature when later statutes are passed on a related subject. Furthermore, penal statutes must be construed strickly against the State in favor of the petitioner. The circuit court lacked subject matter jurisdiction in the absence of an indictment, no valid waiver of presentment, and the charge petitioner pled guilty to was not legally a lesser included offense of the indicted charge, and the petitioners indictment was a invalid indictment. Petitioner prays that this court uphold case laws, statutes, and the Equal Protection of the Law. The trial court lacked subject matter jurisdiction to accept his guilty plea and sentence, and his conviction cannot stand. Sentence and conviction must be vacated for violations of his rights.

The acts of perjury and fraud upon the court in this case is evident here. The petitioners indictment is clearly a document with false information and this misconduct of the officers of the court to true bill the petitioners indictment and allow this document to be presented in court was clear fraud upon the court and perjury.

The S.C. Code Ann § 16-9-10 "perjury and subornation of perjury" states in pertinent part A(2) It is unlawful for a person to willfully give false, misleading, or incomplete information on a document, record, or report, or form required by the laws of this state.

(c) A person may be convicted under this section if he commits perjury by his own act, consent, or agreement. The facts and evidence in this case are very clear and show that the petitioners state indictment is a perjured document and it was used to secure a conviction against the petitioner. The petitioner hopes and prays that the acts of perjury and criminal conspiracy cannot stand in this case in the name of justice.

(42) (42)

September ▼ 2008 ▼ Go To Date

Terms of Circuit and Family Court September 2008

Holiday:
Mon Sep 01, Labor Day

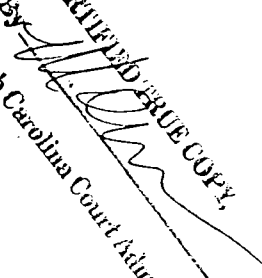
Indictment week

Circuit Number	9/1/2008	9/8/2008	9/15/2008	9/22/2008	9/29/2008
9	Common Pleas Non-Jury Dennis, R.	Common Pleas Non-Jury/PCR Cole, J.	Common Pleas Charleston Dennis, R.	Common Pleas Non-Jury Goldsmith, Brooks	Common Pleas Non-Jury 29, 30 Berkeley Watson, Robert
	GARRISON	BURNS	GARRISON	CROSS	
	Common Pleas Charleston Young, Roger	Common Pleas Charleston Dennis, R.	Common Pleas Charleston Milling, John	General Sessions Charleston Hughston, Thomas	Common Pleas Non-Jury 1 Young, Roger
	HAFFENDEN 1, 2, 3, 4 NO CR NEEDED 5	GARRISON Common Pleas Berkeley James, George	HAFFENDEN General Sessions Charleston Nicholson, J.	COOLEY Common Pleas Charleston Jefferson, Deadra	HAFFENDEN 1 Common Pleas Non-Jury 3 Young, Roger
	Common Pleas Charleston Harrington, Kristi	SULLIVAN Administrative Week Young, Roger	COOLEY General Sessions Charleston Welmaker, G.	GARRISON 22 BURNS 23, 24, 25, 26	NO CR NEEDED 3
	COOLEY General Sessions 5 Charleston Dennis, R.	HAFFENDEN General Sessions 8 Charleston Scarborough, Mikell	BURNS General Sessions 15, 16, 17 Berkeley Harrington, Kristi	General Sessions Charleston Young, Roger HAFFENDEN 22, 23, 24 GARRISON 25 HAFFENDEN 26	
	NO CR NEEDED 5	NO CR NEEDED 8 Common Pleas 11, 12 Charleston Jefferson, Deadra	CROSS 15, 16, 17 am NO CR NEEDED 17 pm	Common Pleas Non-Jury Harrington, Kristi	
		MEYER 11, 12		MEYER	

SC Judicial Department

	General Sessions 12 Charleston Scarborough, Mikell NO CR NEEDED 12		General Sessions 25 Berkeley Watson, Robert SULLIVAN 25 General Sessions 26 Berkeley Harrington, Kristi MEYER 26	
Family Court Charleston Creech, Wayne M. RUEGER 1, 2, 3, 4 NO CR NEEDED	Family Court Charleston Creech, Wayne M. RUEGER Family Court Charleston Segars-Andrews, Frances P. JONES 8, 9, 10, 11 NO CR NEEDED 12	Family Court Charleston Segars-Andrews, Frances P. JONES 15, 16, 17, 18 NO CR NEEDED 19 Family Court Berkeley Garfinkel, Paul W. BRITT 15, 16 MEYER 17 BRITT 18, 19 Family Court Berkeley Smoak, Gerald C. PYE 15 NO CR NEEDED 16 PYE 17, 18, 19 Family Court Charleston Landis, Jack A. RUEGER Family Court Berkeley Cate, Jocelyn B. DANNER	Family Court Charleston Segars-Andrews, Frances P. JONES 22 NO CR NEEDED 23, 24 JONES 25, 26 Family Court Charleston Smoak, Gerald C. DANNER Family Court Berkeley Johnson, Alvin D. DUPREE Family Court Charleston Landis, Jack A. BROWN Family Court Charleston Jenkinson, Gordon B.	Family Berke Creec M. DUPRE Family 29 Charle Segar Franc JONES Family 30 Charle Cate, DANNE Family 1 Charle Segars France JONES Family 2 Charle McMa
Family Court Berkeley Garfinkel, Paul W. DUPREE	Family Court Berkeley Garfinkel, Paul W. DUPREE	Family Court Berkeley Garfinkel, Paul W. DUPREE	Family Court Charleston Smoak, Gerald C. DANNER	Charle Segar Franc JONES
Family Court Charleston Brown, Wesley L. JONES 1, 2, 3, 4 NO CR NEEDED 5	Family Court Berkeley Garfinkel, Paul W. DUPREE	Family Court Berkeley Smoak, Gerald C. PYE 15 NO CR NEEDED 16 PYE 17, 18, 19	Family Court Berkeley Johnson, Alvin D. DUPREE	Charle Cate, DANNE
Family Court Berkeley Landis, Jack A. BRITT	Family Court Charleston Landis, Jack A. BRITT	Family Court Charleston Landis, Jack A. RUEGER	Family Court Charleston Landis, Jack A. BROWN	Family 1 Charle Segars France JONES
	Family Court Berkeley Cate, Jocelyn B. DANNER	Family Court Berkeley Cate, Jocelyn B. DANNER	Family Court Charleston Jenkinson, Gordon B.	Family 2 Charle McMa

	Charleston Brown, Timothy L.	NYE	L.
Family Court Charleston Bromell Holmes, Jan B.	BEST	Family Court Berkeley Spratt, W. Thomas	RUEGER Family 3
WRIGHT	Family Court Charleston Cate, Jocelyn B.	NO CR NEEDED 22 BRITT 23 NO CR NEEDED 24 BRITT 25, 26	Charle: Segars France JONES :
	DANNER		
	Family Court Charleston Jenkinson, Gordon B.	Family Court 24, 25, 26 Charleston McMahon, Judy L.	Family 3 Charle: Garfink W.
	DUPREE		
		RUEGER 24, 25, 26	BROWN

CERTIFIED TRUE COPY
 By 
 South Carolina Court Administration

Feb 1, 2014

Hon. Mary P. Brown
P.O. Box 219
Moncks Corner, SC 29461

FILED
FEB 05 2014
CASE NO. MARY P. BROWN, CLERK OF COURT
BERKELEY COUNTY, SC

received
2/5/14 CJ

Dear Mrs. Brown CJ

I first want to thank you and your office for all your help and patience with all my letters inquiring information. I am again writing to inquire about some very important information concerning my legal matter. I am writing to ask Did the chief administrative judge issue an order for a special term of General Sessions Court for Berkeley County for September 2008. I want to again thank you greatly.

With Kind Regards
Casey Jenkins

Did the Chief Administrative Judge issue a special order for a special term of General Sessions Court for Berkeley County for September 2008.



FILED
2014 FEB -5 PM 3:40
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY

MARY P. BROWN
CLERK OF COURT

General Sessions Court
Post Office Box 219
MONCK'S CORNER, SOUTH CAROLINA 29461-0219
843-719-4400 843-567-3136 843-723-3800
Fax: 843-719-4511

DATE: 2/5/14

TO: Casper Jenkins

FROM: Berkeley County Clerk of Court

RE: Special Term of Court

The above referenced document(s) is being returned for the following reason(s):

- (1) Order needs to be sent to Berkeley County General Sessions Administrative Judge for signature.
- (2) Copy - must file original
- (3) Requires original signature
- (4) Contact Court Administration for transcript at the following address:
1015 Sumter Street, Columbia, SC 29201
- (5) Attached is requested information.
- (6) We do not do criminal records check.
- (7) Other one day Sept 26, 2008

SIGNED: [Signature]

BERKELEY COUNTY

Clerk of Court

Post Office Box 219
Moncks Corner, SC 29461

11/18/2013

Mr. Casey Jenkins Inmate # 349382
Allendale Corrections F-2 B21
PO Box 1151
Fairfax SC 29827

RE: FOIA Request #W000182-111813 dated 11/04/2013

Dear Casey Jenkins, Inmate # 349382:

I am writing in response to your Freedom of Information Act Request dated 11/18/2013, wherein you requested the following:

Per letter requesting from the Clerk of Court information that was a Court of General Sessions held in Berkeley County on September 10, 2008 and if a Court of General Sessions was held on September 10, 2008. I would like to know who was the Presiding Judge that was seated in that Court of General Sessions. Note-There was not a General Sessions Court held on September 10, 2008.

The purpose of this letter is to respond to your letter dated November 4, 2013. You state that your letter is a Freedom of Information Act ("FOIA") request; however, if you will review the statute, you will find that FOIA essentially makes certain meetings open to the public and makes certain records available to the public for inspection and copying. In contrast, your letter requests that the County create documents. As a result, your request is not a FOIA request. It more along the line of interrogatories used in litigation. While it is the County's goal to accommodate public inquiries, due to budgetary restrictions the County as a general rule does not re-assign personnel to create responses to interrogatory-type questions outside the litigation process.

With the exception of executive sessions, the meetings of the County Council and the County's boards, commissions and committees are open to the public and you are welcome to attend. If there are records that you would like to inspect or copy, please let me know and I will make arrangements to accommodate you for all non-exempt records.

If you have questions, please contact me.

Sincerely,
Mary P. Brown

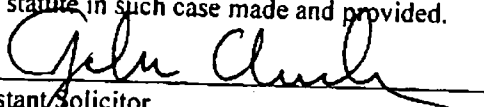
STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

INDICTMENT FOR
TRAFFICKING IN COCAINE

At a Court of General Sessions, convened on September 10, 2008 the Grand Jurors of Berkeley County present upon their oath:

That Casey Jenkins did in Berkeley County on or about the 4th day of May, 2008, knowingly traffic, sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did provide financial assistance or otherwise aid, abet, attempt, or conspire to traffic, sell, manufacture, cultivate, deliver, purchase, or bring into this State; or was knowingly in actual or constructive possession or knowingly attempted to become in actual or constructive possession of a controlled substance analogue, to wit: Cocaine in excess of 200 grams. This is in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Assistant Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Berkeley VS. STATE

Casey Jenkins

AKA:

Race: BLACK Sex: M Age: 42

DOB: 09-05-1969 SS#:

Address: Chisolm Road

City, State, Zip: Johns Island, SC 29455

DL#: 008800386 SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Trafficking in cocaine, 28--100 g, 1st offense

IN THE COURT OF GENERAL SESSIONS

7000000 and \$50,000

INDICTMENT/CASE#: 08GS081833

A/W#: 1729660

Date of Offense: 5/4/2008

S.C. Code §: 44-53-0370(e)(2)(a)1

CDR Code #: 0278

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 44-53-0370(e)(2)(b)1 of the S.C. Code of Laws, bearing CDR Code # 2359

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Benjamin T. Shelton SC Bar# 77207 Defendant; J. Mitchell Lawrie SC Bar# 3128 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered Total: \$ plus 20% fee: \$

Payment Terms: Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$6.90, TOTAL \$236.90

PTUP days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date: 1/18/12

Handwritten signatures and dates: R. Miller, 2/20/12, 1/18/12

GRAND JURY REPORT ON INDICTMENTS
BERKELEY COUNTY
WEDNESDAY, SEPTEMBER 10, 2008

FILED
2008 SEP 10 PM 12:00

BY OUR SIGNATURE HERETO, AT LEAST TWELVE (12) OF THE EIGHTEEN (18) GRAND JURORS
CONCURRED IN THE FINDINGS IN THEIR REPORT WHICH IS ATTACHED HERETO.

- | | |
|------------------------------------|--------------------------------|
| 1. <u>Bruce Kord</u>
FOREPERSON | 10. <u>Rae Coors</u> |
| 2. <u>Debra Lyons</u> | 11. <u>Thomas M. Bannister</u> |
| 3. <u>Carl F. Cassiri</u> | 12. <u>Larry Kover</u> |
| 4. <u>Sandra Morales</u> | 13. <u>Donna Mc</u> |
| 5. <u>Raymond Bryson</u> | 14. <u>Miriam S. Hunter</u> |
| 6. <u>[Signature]</u> | 15. <u>Phyllis M. Horvath</u> |
| 7. <u>Mary Coors</u> | 16. <u>Pats A Lambert</u> |
| 8. <u>M. B. Hill</u> | 17. _____ |
| 9. <u>[Signature]</u> | 18. _____ |

Emmett Faulkner - Excused

GRAND JURY REPORT ON INDICTMENTS

FILED

BERKELEY COUNTY

2008 SEP 10 PM 12: 00

WEDNESDAY, SEPTEMBER 10, 2008

MARY R. DOWD
CLERK OF COURT

- I. THE GRAND JURY OF BERKELEY COUNTY MET ON THE 10th DAY OF September, 2008 AND THE FOLLOWING INDICTMENTS ARE REPORTED AS TRUE BILLS.

<u>INDICTMENT NUMBER</u>	<u>DEFENDANT'S NAME</u>
1. 2008-GS-08- <u>1773</u>	<u>Alicia Anastasia Varner</u>
2. 2008-GS-08- <u>1687</u>	<u>George Salisbury</u>
3. 2008-GS-08- <u>1074</u>	<u>George Salisbury</u>
4. 2008-GS-08- <u>1688</u>	<u>George Salisbury</u>
5. 2008-GS-08- <u>1759</u>	<u>Stephen A Mercer</u>
6. 2008-GS-08- <u>1786</u>	<u>Jawon Lampkin</u>
7. 2008-GS-08- <u>1787</u>	<u>Jawon Lampkin</u>
8. 2008-GS-08- <u>1821</u>	<u>Michael Willson</u>
9. 2008-GS-08- <u>1814</u>	<u>Yusuf A Alston</u>
10. 2008-GS-08- <u>1810</u>	<u>Beth Leeson</u>
11. 2008-GS-08- <u>1748</u>	<u>Scott Hunt</u>
12. 2008-GS-08- <u>1743</u>	<u>Bobby Lanard Gadsden</u>
13. 2008-GS-08- <u>1753</u>	<u>Oshae Pierre King</u>
14. 2008-GS-08- <u>1761</u>	<u>Joseph Page</u>
15. 2008-GS-08- <u>1762</u>	<u>Joseph Page</u>
16. 2008-GS-08- <u>1888</u>	<u>Robert Patrick Walsh</u>
17. 2008-GS-08- <u>1889</u>	<u>Robert Patrick Walsh</u>
18. 2008-GS-08- <u>1684</u>	<u>William Salvatore Marchese</u>
19. 2008-GS-08- <u>1686</u>	<u>Donald Malachia McNeil</u>
20. 2008-GS-08- <u>1847</u>	<u>Sharif Jamal Jefferson</u>
21. 2008-GS-08- <u>1848</u>	<u>Sharif Jamal Jefferson</u>
22. 2008-GS-08- <u>1891</u>	<u>Joseph Jerome Limehouse Jr</u>
23. 2008-GS-08- <u>1892</u>	<u>Joseph Jerome Limehouse Jr</u>
24. 2008-GS-08- <u>1893</u>	<u>Joseph Jerome Limehouse Jr</u>
25. 2008-GS-08- <u>1894</u>	<u>Joseph Jerome Limehouse Jr</u>

GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

26.	2008-GS-08-	<u>1895</u>	<u>Joseph Jerome Limehouse Jr</u>
27.	2008-GS-08-	<u>1896</u>	<u>Joseph Jerome Limehouse Jr</u>
28.	2008-GS-08-	<u>1897</u>	<u>Joseph Jerome Limehouse Jr</u>
29.	2008-GS-08-	<u>1898</u>	<u>Joseph Jerome Limehouse Jr</u>
30.	2008-GS-08-	<u>1899</u>	<u>Joseph Jerome Limehouse Jr</u>
31.	2008-GS-08-	<u>1900</u>	<u>Joseph Jerome Limehouse Jr</u>
32.	2008-GS-08-	<u>1890</u>	<u>Joseph Jerome Limehouse Jr</u>
33.	2008-GS-08-	<u>1864</u>	<u>Lawrence Alfred Smith</u>
34.	2008-GS-08-	<u>1865</u>	<u>Lawrence Alfred Smith</u>
35.	2008-GS-08-	<u>1866</u>	<u>Lawrence Alfred Smith</u>
36.	2008-GS-08-	<u>1867</u>	<u>Lawrence Alfred Smith</u>
37.	2008-GS-08-	<u>1790</u>	<u>Anthony Butler</u>
38.	2008-GS-08-	<u>1766</u>	<u>Christopher William Potter</u>
39.	2008-GS-08-	<u>1853</u>	<u>William C Butler</u>
40.	2008-GS-08-	<u>1854</u>	<u>William C Butler</u>
41.	2008-GS-08-	<u>1877</u>	<u>Ronald Harrell Cates</u>
42.	2008-GS-08-	<u>1878</u>	<u>Ronald Harrell Cates</u>
43.	2008-GS-08-	<u>1879</u>	<u>Ronald Harrell Cates</u>
44.	2008-GS-08-	<u>1876</u>	<u>Ronald Harrell Cates</u>
45.	2008-GS-08-	<u>1870</u>	<u>William Kenneth Russell</u>
46.	2008-GS-08-	<u>1849</u>	<u>Adam Chase Buhle</u>
47.	2008-GS-08-	<u>1852</u>	<u>Adam Chase Buhle</u>
48.	2008-GS-08-	<u>1851</u>	<u>Adam Chase Buhle</u>
49.	2008-GS-08-	<u>1776</u>	<u>Daguan Wilson</u>
50.	2008-GS-08-	<u>1802</u>	<u>Joseph Leonard Johnson</u>
51.	2008-GS-08-	<u>1803</u>	<u>Joseph Leonard Johnson</u>
52.	2008-GS-08-	<u>1850</u>	<u>Paul Jewell Johnson</u>
53.	2008-GS-08-	<u>1839</u>	<u>Kanesha Thomas</u>
54.	2008-GS-08-	<u>1739</u>	<u>Daguan Keyon Epps</u>
55.	2008-GS-08-	<u>1740</u>	<u>Monterio Epps</u>
56.	2008-GS-08-	<u>1768</u>	<u>Mary Jo Rabon</u>
57.	2008-GS-08-	<u>1767</u>	<u>Mary Jo Rabon</u>
58.	2008-GS-08-	<u>1731</u>	<u>Randolph Bryan</u>
59.	2008-GS-08-	<u>1785</u>	<u>Christopher James Smalls</u>
60.	2008-GS-08-	<u>1783</u>	<u>Christopher James Smalls</u>

GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

- | | | | |
|-----|-------------|-----------------------------|--|
| 61. | 2008-GS-08- | <u>1784</u> | <u>Christopher James Smalls</u> |
| 62. | 2008-GS-08- | <u>1855</u> | <u>John Whitney Lumber</u> |
| 63. | 2008-GS-08- | <u>1775</u> | <u>Steven Anthony Withers</u> |
| 64. | 2008-GS-08- | <u>1685</u> | <u>William Salvatore Marchese</u> |
| 65. | 2008-GS-08- | <u>1797</u> | <u>Priscilla Nelson Deveaux</u> |
| 66. | 2008-GS-08- | <u>1822</u> | <u>Carl James Lee Ebert Jr</u> |
| 67. | 2008-GS-08- | <u>1778</u> | <u>Latoya Ballard Wigfall</u> |
| 68. | 2008-GS-08- | <u>1738</u> | <u>Shamonic Rashawn Dent</u> |
| 69. | 2008-GS-08- | <u>1845</u> | <u>Thomas Allen Pendarvis</u> |
| 70. | 2008-GS-08- | <u>1844</u> | <u>Thomas Allen Pendarvis</u> |
| 71. | 2008-GS-08- | <u>1733</u> | <u>Rashawn Leroy Champaigne</u> |
| 72. | 2008-GS-08- | <u>1734</u> | <u>Rashawn Leroy Champaigne</u> |
| 73. | 2008-GS-08- | <u>1763</u> | <u>Terrence Patton Jr.</u> |
| 74. | 2008-GS-08- | <u>1764</u> | <u>Terrence Patton Jr.</u> |
| 75. | 2008-GS-08- | <u>1755</u> | <u>Joshua E Lawrence</u> |
| 76. | 2008-GS-08- | <u>1756</u> | <u>Joshua E Lawrence</u> |
| 77. | 2008-GS-08- | <u>1757</u> | <u>Leroy McNeil Jr</u> |
| 78. | 2008-GS-08- | <u>1758</u> | <u>Leroy McNeil Jr</u> |
| 79. | 2008-GS-08- | <u>1826</u> | <u>Audrey M. Williams</u> |
| 80. | 2008-GS-08- | <u>1827</u> | <u>Audrey M. Williams</u> |
| 81. | 2008-GS-08- | <u>1828</u> | <u>Audrey M. Williams</u> |
| 82. | 2008-GS-08- | <u>1825</u> | <u>Clarence E. Hush</u> |
| 83. | 2008-GS-08- | <u>1824</u> | <u>Clarence E Hush</u> |
| 84. | 2008-GS-08- | <u>1823</u> | <u>Clarence E. Hush</u> |
| 85. | 2008-GS-08- | <u>1833</u> | <u>Coscy Jenkins</u> |
| 86. | 2008-GS-08- | <u>18403</u> | <u>Christopher J. Porter</u> |
| 87. | 2008-GS-08- | 1875 <u>1862</u> | Christopher J. Porter <u>Paul A. Mazyek</u> |
| 88. | 2008GS-08- | <u>1861</u> | <u>Paul A Mazyek</u> |
| 89. | 2008-GS-08- | <u>1772</u> | <u>Marion Kenneth Smalls Sr</u> |
| 90. | 2008-GS-08- | <u>1871</u> | <u>Lawanda Dec Johnson</u> |
| 91. | 2008-GS-08- | <u>1886</u> | <u>John Corey Mavis</u> |
| 92. | 2008-GS-08- | <u>1887</u> | <u>John Corey Mavis</u> |
| 93. | 2008-GS-08- | <u>1874</u> | <u>Kenneth D. Campbell</u> |
| 94. | 2008-GS-08- | <u>1875</u> | <u>Kenneth D. Campbell</u> |
| 95. | 2008-GS-08- | <u>1884</u> | <u>Chasity Rodgers</u> |

GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

96.	2008-GS-08-	<u>1885</u>	<u>Chasity Rodgers</u>
97.	2008-GS-08-	<u>1880</u>	<u>Daniel L. Martin</u>
98.	2008-GS-08-	<u>1881</u>	<u>Daniel L. Martin</u>
99.	2008-GS-08-	<u>1882</u>	<u>Daniel L. Martin</u>
100.	2008-GS-08-	<u>1774</u>	<u>Fred A. Walters</u>
101.	2008-GS-08-	<u>1858</u>	<u>John Lewis</u>
102.	2008-GS-08-	<u>1819</u>	<u>Derrick Blower</u>
103.	2008-GS-08-	<u>1837</u>	<u>Kryselle Pringle</u>
104.	2008-GS-08-	<u>1836</u>	<u>Kryselle Pringle</u>
105.	2008-GS-08-	<u>1820</u>	<u>Marcus Duberry</u>
106.	2008-GS-08-	<u>1840</u>	<u>Jerry Pringle</u>
107.	2008-GS-08-	<u>1841</u>	<u>Jerry Pringle</u>
108.	2008-GS-08-	<u>1815</u>	<u>Simmerick Salley</u>
109.	2008-GS-08-	<u>1816</u>	<u>Simmerick Salley</u>
110.	2008-GS-08-	<u>1817</u>	<u>Simmerick Salley</u>
111.	2008-GS-08-	<u>1856</u>	<u>William Davis</u>
112.	2008-GS-08-	<u>1857</u>	<u>William Davis</u>
113.	2008-GS-08-	<u>1736</u>	<u>Ronald W. Daniels</u>
114.	2008-GS-08-	<u>1722</u>	<u>Amy A. Blanton</u>
115.	2008-GS-08-	<u>1863</u>	<u>Lowanda Collins</u>
116.	2008-GS-08-	<u>1732</u>	<u>Tim McNeil Cannon Jr</u>
117.	2008-GS-08-	<u>1829</u>	<u>Carrie T. Nicholls</u>
118.	2008-GS-08-	<u>1830</u>	<u>Carrie T. Nicholls</u>
119.	2008-GS-08-	<u>1831</u>	<u>Carrie T. Nicholls</u>
120.	2008-GS-08-	<u>1832</u>	<u>Carrie T. Nicholls</u>
121.	2008-GS-08-	<u>1834</u>	<u>Phyllis Wiltse</u>
122.	2008-GS-08-	<u>1835</u>	<u>Phyllis Wiltse</u>
123.	2008-GS-08-	<u>1859</u>	<u>Lori M. Morris</u>
124.	2008-GS-08-	<u>1860</u>	<u>Lori M. Morris</u>
125.	2008-GS-08-	<u>1789</u>	<u>William Michael Borden</u>
126.	2008-GS-08-	<u>1771</u>	<u>Sophia Simmons</u>
127.	2008-GS-08-	<u>1770</u>	<u>Jayson Lee Roundtree</u>
128.	2008-GS-08-	<u>1769</u>	<u>Jayson Lee Roundtree</u>
129.	2008-GS-08-	<u>1818</u>	<u>Jeremy Deon Thompson</u>
130.	2008-GS-08-	<u>1846</u>	<u>Devann Smallwood</u>

GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

131.	2008-GS-08-	<u>1794</u>	<u>Michael Gene Williams</u>
132.	2008-GS-08-	<u>1795</u>	<u>Thomas Kendall Williams</u>
133.	2008-GS-08-	<u>1750</u>	<u>Richard D. Johnson</u>
134.	2008-GS-08-	<u>1751</u>	<u>Richard D Johnson</u>
135.	2008-GS-08-	<u>1752</u>	<u>Richard D. Johnson</u>
136.	2008-GS-08-	<u>1799</u>	<u>Leroy Whitfield Jr</u>
137.	2008-GS-08-	<u>1800</u>	<u>Leroy Whitfield Jr</u>
138.	2008-GS-08-	1730 <u>1749</u>	Steven Edward Brown <u>Richard D. Johnson</u>
139.	2008-GS-08-	<u>1801</u>	<u>Steven Christopher Cline</u>
140.	2008-GS-08-	<u>1455</u>	<u>Leonard Guyton Craven III</u>
141.	2008-GS-08-	<u>1595</u>	<u>Paul Burton Faircy</u>
142.	2008-GS-08-	<u>1869</u>	<u>Jonathan E Wareham</u>
143.	2008-GS-08-	<u>1180</u>	<u>Craig Russell Browder</u>
144.	2008-GS-08-	<u>1181</u>	<u>Craig Russell Browder</u>
145.	2008-GS-08-	<u>1737</u>	<u>Sam DeLuca IV</u>
146.	2008-GS-08-	<u>1745</u>	<u>Anthony Lee Gelzer</u>
147.	2008-GS-08-	<u>1754</u>	<u>Brandon Joshua Lee Kirby</u>
148.	2008-GS-08-	<u>1781</u>	<u>Jeremy Holman</u>
149.	2008-GS-08-	<u>1780</u>	<u>Jeremy Holman</u>
150.	2008-GS-08-	<u>1779</u>	<u>Jeremy Holman</u>
151.	2008-GS-08-	<u>1792</u>	<u>Michael L. Warren</u>
152. *	2008-GS-08-	<u>1793</u>	<u>Dennis P. Ruff</u> *
153.	2008-GS-08-	<u>1791</u>	<u>Michael G. Williams</u>
154.	2008-GS-08-	<u>1746</u>	<u>Carl Jerome Hamilton</u>
155.	2008-GS-08-	<u>1747</u>	<u>Carl Jerome Hamilton</u>
156.	2008-GS-08-	<u>1735</u>	<u>Kevaron Sebastian Clark</u>
157.	2008-GS-08-	<u>1777</u>	<u>Derran Jay Wright</u>
158.	2008-GS-08-	<u>1782</u>	<u>mark Luther Connor</u>
159.	2008-GS-08-	<u>1726</u>	<u>Cynthia Denise Booth</u>
160.	2008-GS-08-	<u>1725</u>	<u>Cynthia Denise Booth</u>
161.	2008-GS-08-	<u>1724</u>	<u>Cynthia Denise Booth</u>
162.	2008-GS-08-	<u>1723</u>	<u>Cynthia Denise Booth</u>
163.	2008-GS-08-	<u>1727</u>	<u>Cynthia Denise Booth</u>
164. *	2008-GS-08-	<u>1793</u>	<u>Dennis P Ruff</u> - Duplicate
165.	2008-GS-08-		

GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

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GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

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GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

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GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

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GRAND JURY REPORT ON INDICTMENTS

BERKELEY COUNTY

WEDNESDAY, SEPTEMBER 10, 2008

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GRAND JURY REPORT ON INDICTMENTS
BERKELEY COUNTY
WEDNESDAY, SEPTEMBER 10, 2008

II. THE FOLLOWING INDICTMENTS WERE FOUND TO BE NO BILLS:

- 1. STATE V. Christopher J. Porter INDICTMENT #2008-GS-08 1842
- 2. STATE V. Steven Edward Brown INDICTMENT #2008-GS-08 1730
- 3. STATE V. _____ INDICTMENT #2008-GS-08 _____
- 4. STATE V. _____ INDICTMENT #2008-GS-08 _____
- 5. STATE V. _____ INDICTMENT #2008-GS-08 _____
- 6. STATE V. _____ INDICTMENT #2008-GS-08 _____
- 7. STATE V. _____ INDICTMENT #2008-GS-08 _____
- 8. STATE V. _____ INDICTMENT #2008-GS-08 _____
- 9. STATE V. _____ INDICTMENT #2008-GS-08 _____
- 10. STATE V. _____ INDICTMENT #2008-GS-08 _____

GRAND JURY REPORT ON INDICTMENTS
BERKELEY COUNTY
WEDNESDAY, SEPTEMBER 10, 2008

III. THE GRAND JURORS WHOSE SIGNATURES APPEAR BELOW DID NOT PARTICIPATE IN OR VOTE ON THE INDICTMENTS.

- 1. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 2. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 3. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 4. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 5. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 6. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 7. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 8. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 9. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____
- 10. INDICTMENT #2008-GS-08-_____ : SIGNATURE _____

The State of South Carolina



Solicitor, Ninth Judicial Circuit

SOLICITOR

SCARLETT A. WILSON

CHARLESTON AND BERKELEY COUNTIES
300-B CALIFORNIA AVENUE
MONCK'S CORNER, SC 29461
TELEPHONE: (843) 719-4496
(843) 723-3800 EXT. 4529
(843) 567-3136 EXT. 4529
FAX: (843) 719-4588
www.scsolicitor9.org

TO: Mitch Lanier, Esquire
FROM: Jacki Dixon, Assistant Solicitor
RE: Plea Offer for Casey Jenkins
DATE: February 23, 2010

Charges: Trafficking Cocaine 200-400 grams

Offer: Plead guilty to Trafficking 29-100 grams 1st offense with no recommendations or negotiations.

Offer Expires: This offer will expire on March 31, 2010.

Please notify me of your client's acceptance or rejection of this offer. If you have any questions or would like to further discuss this offer, please feel free to contact me at (843) 719-4496 or dixonj@scsolicitor9.org.

From: Casey Jenkins 349382
Allendale Correctional Inst
F4 A56
P.O. Box 1151
Fairfax S.C. 29827

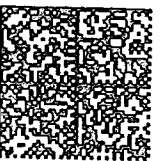
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Legal Mail

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Daniel Shearman, Clerk of Court
P.O. Box 11330
Columbia S.C. 29211



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