

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Greenville County

S.C. Supreme Court

G. Edward Welmaker, Circuit Court Judge

CHRISTOPHER JOHNSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000592

APPENDIX

JOHN STROM
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

KAREN RATIGAN
Senior Assistant Deputy Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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) COURT OF GENERAL SESSIONS

) Case No(s) : 2011GS2300544

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B E F O R E:

A P P E A R A N C E S:

CHRISTOPHER POSEY, Esquire
Attorney for the Defendant

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STATE EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 9th day of April, 2012 at approximately 2:59 p.m.)

THE CLERK: Your Honor, this is 2011-GS-23-545, Christopher Johnson indicted for Possession of Methamphetamine with Intent to Distribute pleading to the same. It is a true bill.

2011-GS-23-544 indicted for Trafficking Heroin. Pleading to the same. And it is a true bill.

MR. POSEY: Judge, he is entering this plea pursuant to North Carolina versus Alford.

THE COURT: All right. All right. Very well.

THE CLERK: Will you raise your right hand?
(WHEREUPON, the defendant is first duly sworn.)

THE COURT: All right. Mr. Johnson, you are here today to enter a plea to two charges, Trafficking in Heroin that carries 7 to 25 years and Possession with the Intent to Distribute Methamphetamine that carries up to 15. Is that your understanding?

MR. JOHNSON: Yes, ma'am.

THE COURT: All right. Now, an Alford plea means that you are conceding that the State likely

1 has the evidence to convict you at trial. However,
2 you are not necessarily admitting your guilt. Is
3 that your understanding?

4 MR. JOHNSON: Yes, ma'am.

5 THE COURT: You understand that an Alford
6 plea has the same force and effect as if you were
7 entering a guilty plea?

8 MR. JOHNSON: Yes, I do.

9 THE COURT: In other words, it will be on
10 your criminal record. I'll sentence you just as if
11 you've entered a guilty plea. You understand that?

12 MR. JOHNSON: Yes, ma'am.

13 THE COURT: How old are you?

14 MR. JOHNSON: I'm 38, just turned 38.

15 THE COURT: All right. How far did you go
16 in school?

17 MR. JOHNSON: I graduated high school in
18 about two and a half years.

19 THE COURT: Okay.

20 MR. JOHNSON: Got technical school.

21 THE COURT: Okay.

22 MR. JOHNSON: Some computer training.

23 THE COURT: All right. Are you under the
24 influence of drugs or alcohol here today?

25 MR. JOHNSON: No.

1 THE COURT: Has anybody forced you to plead
2 guilty?

3 MR. JOHNSON: No.

4 THE COURT: Has anybody promised you
5 anything to get you to plead here today?

6 MR. JOHNSON: Absolutely not.

7 THE COURT: During this whole thing, if I
8 say to you something about pleading guilty, I'm
9 talking about entering a plea under Alford.

10 MR. JOHNSON: Yeah, I understand.

11 THE COURT: Okay. Uh, you happy with the
12 services of your attorney?

13 MR. JOHNSON: Yes, ma'am.

14 THE COURT: Has he done everything you've
15 asked him to do?

16 MR. JOHNSON: Yes, ma'am.

17 MR. POSEY: Judge, for the record, I've only
18 been his attorney for about a week and a half now.

19 MR. JOHNSON: But the questions I've had in
20 the couple of weeks, he's answered them for me.

21 MR. POSEY: Uh, this is the case you
22 actually continued off the trial docket for next
23 week ---

24 THE COURT: Okay.

25 MR. POSEY: --- because I was recently

Guilty Plea

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1 appointed.

2 THE COURT: Okay.

3 MR. POSEY: And -- but in my discussions
4 with my client, he decided to enter his plea. So
5 we effected that today.

6 THE COURT: Okay. Very good. Very good.
7 Okay. I do -- seems like I do remember that his
8 previous attorney had a conflict of some sort.

9 MR. POSEY: Yes.

10 THE COURT: Or had a problem of some sort.
11 Okay.

12 MRS. MONTS: Your Honor, if I may, in fact,
13 that they made the motion to have his previous
14 attorney relieved.

15 THE COURT: All right. Okay. And then you
16 got appointed.

17 MR. POSEY: And it was already on the trial
18 docket.

19 THE COURT: All right. All right. Okay.
20 All right. Uh, when you enter a plea of guilty,
21 you give up certain constitutional rights. One is
22 your right to remain silent about these charges.
23 Do you understand how?

24 MR. POSEY: Yes, ma'am.

25 THE COURT: You also give up your right to

1 a jury trial on these charges. And it's my
2 understanding there's a jury trial scheduled for
3 next week on this. But by entering this plea, you
4 give up your right to that trial. At that trial,
5 your attorney could call witnesses for you, could
6 ~~cross-examine witnesses against you.~~ But when you
7 ~~plead guilty,~~ you give up your right to that trial.
8 Do you know that?

9 MR. JOHNSON: Yes, ma'am.

10 THE COURT: You have 10 days from today's
11 date to appeal this plea but you must do so in
12 writing to this court if you so choose. All right.
13 Yes, ma'am.

14 MRS. MONTS: May it please the Court, Your
15 Honor, this incident occurred on or about October
16 7th of 2010. Officers with the Greenville County
17 Sheriff's Office were assisting Greer PD. They did
18 learn there was a fugitive from justice who was
19 located at the La Quinta Inn on Woodruff Road here
20 in Greenville county. Officers did go and observe
21 at that location. They did identify the fugitive,
22 Joyce Edwards, as being in a hotel room at that
23 location. They did go to that room.

24 Once they got to that room, the defendant was
25 also in that room. In plain view, they did find

1 needles and white powder substance. So they did
2 get a search warrant and executed the search
3 warrant in that hotel room. The defendant was
4 handcuffed and he was mirandized.

5 In his pockets was found 11.71 grams of black
6 tar heroin and 8.16 grams of methamphetamine. He
7 also had \$1492 in cash. The pill bottle that the
8 heroin and methamphetamine were in did contain the
9 defendant's name. Your Honor, the person who was
10 wanted that was in the room had obviously ingested
11 drugs. She was basically bouncing off the walls in
12 the room from the drugs that she had taken. The
13 defendant was arrested at that time.

14 Your Honor, Investigator Parrish is here on
15 behalf of the Sheriff's Office as this case was in
16 preparation for trial and the Sheriff's Office did
17 want you to know of how concerned they were about
18 this. I can tell you anything further about that
19 at the appropriate time.

20 **THE COURT:** All right. Does the officer
21 want to say anything at this point?

22 **OFFICER PARRISH:** Not at this point.

23 **THE COURT:** All right. I appreciate you
24 being here.

25 **OFFICER PARRISH:** Yes, ma'am.

1 **THE COURT:** Does he have a prior record?

2 **MRS. MONTES:** Yes, Your Honor. In Ohio, in
3 1994, in federal court, Car jacking and False
4 Information to Acquire a Firearm. In Arizona, in
5 2001, Driving under Suspension; 2005, in federal
6 court, Bank Robbery; 2007, the supervised release
7 for the bank robbery was revoked and he did go
8 serve time at that time.

9 **THE COURT:** All right. And I assume because
10 it's off the trial docket, there's no
11 recommendation?

12 **MRS. MONTES:** That's correct, Your Honor.
13 There had -- we had been trying to, uh, work this
14 out prior. The recommendation had been for 15
15 years. Based on the fact that the defendant would
16 never had pled regardless, we are asking for more
17 than that.

18 **THE COURT:** All right. All right. Anything
19 else from the State at this time?

20 **MRS. MONTES:** Your Honor, one other thing,
21 the amount of -- black heroin is -- we don't see
22 much of that in Greenville county. Laura Campbell
23 was the first officer on that case. She was just
24 out of town today. That's why Investigator Parrish
25 is here. But she did want me to put on the record

1 that this amount of black tar heroin was the
2 largest amount of this type of heroin that they
3 have seen in Greenville county. The defendant had
4 come from Arizona with this on his person is my
5 understanding. The county just wanted you to know
6 what a tremendous impact this would have had on
7 Greenville county if that had gotten out.

8 **THE COURT:** All right. All right. I
9 appreciate you passing that along.

10 Mr. Posey?

11 **MR. POSEY:** Uh, Judge, one, I think Mr.
12 Johnson wants to read a statement to you. It's --
13 I'm going to be kind of brief cause I think he's
14 going to cover most everything I would say to you.
15 I would say this, Judge, he did tell me that he had
16 purchased the drugs after he came here.

17 **THE COURT:** Okay.

18 **MR. POSEY:** They were not brought in from
19 out of state. He purchased them from here. So
20 apparently he knew the fugitive from justice that
21 they were originally looking for. He came to
22 assist her to get out of -- back to Arizona with
23 him. Did get drugs to help provide for her. He
24 said, I think in my conversations, she had like a
25 \$500 a day habit. He was, uh, buying for her.

1 Judge, I have not had a long time to get to
2 know him. He is very intelligent. He is -- I
3 think he's fully understood the situation he's in.
4 I think decisions he's made has been intelligent --
5 intelligently made. Judge, it is a pretty hefty
6 mandatory minimum he's facing. He understands the
7 consequences of it being violent and the non-
8 parole. We went over that. I would ask you to
9 consider imposing somewhere near the minimum
10 sentence which I think is a very significant amount
11 of jail time for anyone to serve. With that, I
12 won't --

13 **THE COURT:** All right.

14 **MR. POSEY:** He has a statement he has
15 prepared to read, Your Honor.

16 **THE COURT:** All right. Thank you, Mr.
17 Posey.

18 Yes, sir.

19 **MR. JOHNSON:** Yeah, I did prepare a
20 statement. But based on the amount of people in the
21 courtroom, I'm going to try to make it as concise
22 as possible. I didn't get a chance to go through.
23 This is the rough draft I created this weekend.

24 **THE COURT:** I understand.

25 **MR. JOHNSON:** I'll try to make it as concise

1 as I can ---

2 THE COURT: All right.

3 MR. JOHNSON: --- and get everybody moving.

4 Uh, I stand before this court charged with single
5 counts of both trafficking heroin and possessing
6 methamphetamine with the intent of distributing it.
7 Without this statement from me, my input on this
8 case, as well as the events leading up to the
9 event, and a brief glimpse into my background, a
10 person basing their opinion of this case solely on
11 the official version of events couldn't help but to
12 condemn me. I freely admit it. On the surface, the
13 prosecutorial version of events, coupled with
14 evidence that appears forthright airtight and
15 intact, along with my arrest record, fairly scream
16 my culpability. Very neat, simplistic and black
17 and white.

18 The law and the punishment it prescribes for
19 each infraction thereof is also black and white.
20 Do this or else. Don't do this or else. Again,
21 it's neat and simplistic.

22 Unfortunately, life itself, because of its
23 very nature, can not always be confined or
24 restrained to black and white parameters. Real
25 life is colorful. Real life is color. That's

1 precisely why it's life.

2 If every situation that could possibly arise
3 could be fairly judged on all of its individual
4 merits by an existing law and prescribed an
5 appropriate punishment, you would never have
6 neither an upward enhancement of a sentence nor the
7 downward departure from one because the abstracts
8 of aggravating factors and mitigating circumstances
9 wouldn't exist.

10 In the philosopher Foucault's discourse
11 Discipline and Punish, the movement in the so-
12 called modern age of society from individual
13 punishment to a paradigm of generalized punishment
14 is bewailed because it heralds the end of
15 punishments fitting the crimes. He understand that
16 a difference in circumstances in a criminal's
17 actual motivation could allow for disparity in the
18 way they were sentenced or in the length of the
19 sentence itself, even if the sentence was identical
20 in every fashion to everyone else that'd broken the
21 exact same law.

22 For example, if three men were all given five
23 years in prison for theft, who deserves their
24 sentence more: the man who has been a kleptomaniac
25 his entire life and cannot control his compulsion,

1 the man who stole a loaf of bread to feed his
2 starving child or the banker who stole the savings
3 of customers that trusted and relied upon him?

4 **THE COURT:** So are you saying that you had
5 this or you possessed this because you had some
6 sort of compulsion? I mean, are you trying to say
7 that you are --

8 **MR. JOHNSON:** I was attempting to feed
9 somebody else's habit and keep them placated. That
10 weekend, we were arrested. It's in the arrest
11 record. Joyce Evelyn Edwards and I were arrested
12 on October the 7th. Her birthday was October the
13 10th. She wanted to hang out in Greenville versus
14 go back to Phoenix with me until her mother had had
15 a chance to come down from Pennsylvania to visit
16 with her for her birthday weekend.

17 **THE COURT:** I got you. I got you.

18 **MR. JOHNSON:** It doesn't take a law
19 professor to recognize what is an obvious
20 disparity. The State of South Carolina versus
21 Christopher Shannon Johnson has just such a
22 disparity. The crimes I am charged with do not fit
23 the crimes I may have committed. I'm not
24 ~~trafficker of narcotics despite any assertions to~~
25 the contrary. If anything, I'm much more closely

1 related to bread thief with his criminal motive
2 than anything and my brief personal history will
3 most certainly quantify that.

4 As I've already asserted, I'm no narcotics
5 trafficker and especially not of heroin. In fact,
6 I'm an ex-junkie, a former heroin addict that very
7 nearly died using it. Being forced to go cold
8 turkey was no picnic either. For the three weeks
9 it took, I was a crying, screaming, miserable
10 little mess. I eventually got through the worse of
11 it, thanks in no small part to an excellent,
12 caring, concerned team of medical professionals
13 that took an extreme interest in my particular case
14 and recovery.

15 It was a little harder for me to kick my habit
16 because unlike most junkies, I never shot up,
17 sniffed or smoked my heroin, nor did I ever spend a
18 dime on it. Instead, my regular dope fix was
19 delivered straight to my blood stream, free of
20 charge and several times a day through the
21 umbilicus. I inherited my habit.

22 I was a junkie born to a junkie on March 16th,
23 1974. Actually, I was the second of two junkies
24 born to a junkie teenage prostitute that day. My
25 sister, Catherine Elise, preceded me from the womb

1 by about eight minutes and like myself was named,
2 not by our mother who couldn't be bothered to do
3 it, but by the hospital staff trying to save our
4 lives.

5 I kicked heroin on April 11th, 1974. My
6 fraternal twin sister who was always known to me by
7 her nickname Cat followed behind me by two days on
8 April the 13th, 1974. Once we left the neonatal
9 ICU, we were placed at an emergency foster home
10 until a suitable relative could be found.

11 On April 16th, we went to the home of our
12 maternal great-grandmother -- maternal grandmother,
13 Gertrude. For producing the conditions under which
14 we were born, my mother received 90 days in jail.
15 Upon her release, my mother came and collected us
16 despite my grandmother's efforts to stop her. And
17 from there, we went to live with her and her pimp,
18 Marvin Meyers, Sr. Because of my mother's
19 profession and the fact that we weren't the progeny
20 of Marvin Meyers, Cat and I were what are known
21 colloquially as trick babies, the almost always
22 unwanted, almost always unplanned bastard
23 offsprings of prostitutes and their Johns.

24 For a man not known for hyperbole, it would
25 but the utmost in understatement to forward that

1 life for Cat and I was difficult. It would be fair
2 to say that we lived in a hell that Dante Alighieri
3 couldn't have imagined or described had he lived 20
4 lifetimes. Our day-to-day existence was marked and
5 marred by sadistic, ritualistic tortures, abuses
6 and depravities that a psychologist could base and
7 entire career on. And still, no hyperbole.

8 I would venture to guess that by the age of
9 three, when my sister and I had our earliest, lucid
10 memories of sexual abuse, we were every bit as
11 familiar with the salty-sweet taste of semen as we
12 were the taste of Kool-Aid, Cheerios or macaroni
13 and cheese, the other staples in our lives. In
14 actuality, that sexual act was usually the catalyst
15 for us to be able to get to the Kool-Aid, Cheerios
16 and macaroni and cheese.

17 My sister and I were granted a reprieve from
18 our nightmarish existence in 1981, when Marvin
19 Meyers, Sr. went to jail for nearly beating a man
20 to death. In 1982, upon his release from jail, he
21 went home, not with our mother, but another
22 prostitute he knew, and celebrated his release by
23 raping and sodomizing her 9-year-old daughter for
24 an entire night while the mother was out selling
25 her body. He was re-arrested and jailed because,

1 unlike our mother, that woman, prostitute or no,
2 cared about her child.

3 No matter how many times Cat or I told our
4 mother about what was happening to us, her sole
5 response was always the same: life is rough. Deal
6 with it or don't. Just don't get in the way of the
7 TV, my money or my man. Although Marvin Meyers,
8 Sr., eventually got two consecutive life sentences
9 for what he did to that other child, he never
10 served a day in jail for what happened to Cat and
11 I.

12 1981 was a landmark year for another reason.
13 It was the year I got my first job working for two
14 of my uncles, Ritchie and Michael. All four of my
15 mother's brothers were involved in the narcotics
16 trade. Two of them were so-called kingpins and the
17 other two took care of the day-to-day street
18 activities. In spite of child labor laws and
19 regulations regarding hazardous occupations and
20 workplaces, my uncles had no qualms about putting
21 me to work pedaling narcotics up and down the
22 street for as many hours as they could seven days a
23 week. During school, I was at school. But as soon
24 as that bus dropped me off, I was on the clock so
25 to speak, usually until 10:00 or 11:00 p.m.

1 And when I say pedaling, I mean quite
2 literally as in riding up and down the street,
3 drugs stuffed in my handlebars making deliveries.
4 Not peddling. I was never made to sell anything,
5 only to insure its safe delivery.
6 I was also given, as a deterrent to any would-
7 be thieves, a 9-shot, snub nosed .22 Smith and
8 Wesson revolver with two instructions: don't ever
9 tell where I got the gun should I be caught with
10 it, to say I found it at a park or a playground and
11 if someone ever tried to take my bike when
12 something was in the handlebars to point the gun
13 and shoot them as many times as I could because I
14 was too young to go to jail anyway. They were
15 absolutely right. I was 7.

16 Although I didn't know it then, the same
17 uncles who put me to work also introduced our
18 mother to heroin. Granted, they were all just kids
19 when they started, but they ignited a wildfire in
20 my family, not only did they get all but one of
21 their siblings hooked, but also Cat and I and
22 almost all of my cousins, quite a few of our
23 neighbors and, in general, anyone with a few bucks
24 to spend.

25 They were also very instrumental in

1 introducing crack cocaine in northeastern Ohio,
2 specifically places like Cleveland, Youngstown,
3 Akron, Canton and Massillon where I was born.

4 **THE COURT:** All right. This is probably the
5 stuff we can kind of pare down a little bit there.

6 **MR. JOHNSON:** Okay. I'll skip it.

7 **MR. POSEY:** You can pass it up and she'll
8 put it in the record, if you want to do that.

9 **MR. JOHNSON:** Yeah, I'll give it to her
10 afterwards.

11 **MR. POSEY:** I would do about a minute more.

12 **MR. JOHNSON:** Okay. In 2010, I got a call
13 from Joyce Evelyn Edwards asking me to come to
14 Greenville county, South Carolina to help her out.
15 She told me that she was on the verge of selling
16 her body for drugs. My sister, Cat, the one I
17 mentioned, eventually grew up to become a teenage
18 prostitute herself. In 1994, she was murdered by
19 one of her boyfriends. She was beaten to death --
20 she was beaten, suffered a head injury that caused
21 her to drown in a tub of water afterwards. The guy
22 ended up getting off with Assault and Battery.

23 So when Joyce gave me the call that she might
24 be, you know, two or three days from selling her
25 own body, those were like magic words to me. Okay.

1 Anybody that I'm that close to telling me that they
2 were that desperate would have brought me running.
3 Okay.

4 The conversation took place on September 30th.
5 I was in Greenville by Monday, October the 4th..
6 Uh, when I got to the bus station, I didn't
7 recognize Ms. Edwards. Uh, she was maybe 15 feet
8 ahead of me. She was so skinny, emaciated, you
9 know, all bones and ankles. I didn't recognize
10 her. When I last seen her in March of the same
11 year, 2010, she was about 145 pounds. When I came
12 to Greenville, she was about 95 pounds.

13 Okay. On the way to my hotel, Joyce filled me
14 in on exactly how bad her situation was. She was
15 shooting about \$500 a day in heroin and meth and
16 owed almost \$2000 to various drug dealers around
17 the Greenville area. Some of them that she owed
18 money to, she had also stolen drugs from them.
19 They were also looking for her.

20 I told Joyce I only had a limited amount of
21 cash on me. In Phoenix, I was working as a taxi
22 driver, so I did have access to pretty decent
23 amounts of cash. Phoenix is the fifth biggest city
24 in the country.

25 **THE COURT:** I was there last week.

1 MR. JOHNSON: What's that?

2 THE COURT: I was there last week.

3 MR. JOHNSON: All right. That's where I
4 was. Anyway, I put aside some money for her habit
5 and for hotel rooms, I didn't expect to be here
6 until October 10th. I thought I was coming and we
7 were turning around. I had enough money on me in
8 case we had to take a flight even though I wasn't
9 sure if I would be able to keep her placated that
10 long. But I did have money for a flight with no
11 advance warning, no advance purchase or we could
12 have gotten on the road on the Greyhound and, you
13 know, winged it that way.

14 I tried to make some overtures to Joyce's drug
15 dealers here in the area. They didn't want to do
16 anything except get their money. They didn't want
17 to work anything out with me to where I would be
18 able to cover her habit from here. So what I did
19 was I made a call to somebody I knew in Phoenix,
20 somebody I had done time with in the '90s. He made
21 a call to somebody in Anderson, South Carolina.
22 Okay.

23 I'm a Spanish speaker. You have some Spanish
24 element in your community that deal in tar heroin.
25 So once I connected, I called Joyce. She came and

1 she started doing heroin at my hotel room. I
2 wouldn't give it to her. I didn't sell any of it
3 to any of her buddies. I gave it to her. I dove
4 it out in quantities to her so she can take care of
5 her habit with methamphetamine and do what she felt
6 like she had to do.

7 Uh, the day we got busted, all I know is I
8 went and picked her up at some cemetery in Greer,
9 South Carolina. She had run from the Greer police
10 the night before. I brought her back to the hotel.
11 One of her buddies wanted to party with her and
12 wanted some of the drugs that I had procured for
13 her, that I turned down, he was the person that
14 turned us in. I mean, I'm under no illusions.
15 That's why we were here though. That's why I was
16 here was to take her out of the community. I knew
17 she was a fugitive from justice. I just wanted to
18 see her get better.

19 **THE COURT:** Uh-huh.

20 **MR. JOHNSON:** When she was in Phoenix with
21 me, she was fine. She smoked a lot of marijuana
22 out there. But that was, you know, that was the
23 basic, you know, extent of it.

24 All my life, I lived between the Scylla and
25 the Charybdis, the proverbial rock and a hard

1 place. In the years since my childhood, I've
2 developed largely on my own a strong sense of civic
3 duty and social responsibility. I have a moral
4 compass that serves me well. However, just as a
5 magnetic compass sometimes indicates a bearing
6 other than due north or due east, a moral compass
7 sometimes steers someone in a direction other than
8 absolute right or absolute wrong, hence the
9 expressions less of two evils and the greater good.

10 Quite often, the question I found myself
11 attempting to answer is: is this as wrong as that?
12 Sometimes it's been is this better than doing
13 nothing at all? Inaction has never felt like an
14 option for me. Sitting idly by watching situations
15 resolve themselves just feels wrong. Personally, I
16 owe too many people too much, not only those that
17 caught me when I was falling but also the ones who
18 slipped through my fingers like wisps of smoke,
19 people like my sister, Catherine Elise Johnson,
20 Barrett Shane Fairweather who was a child that I
21 helped to raise -- he was an ex-girlfriend's son.
22 He committed suicide when I got violated in 2007.
23 I was attempting to get him into a rehab. He
24 didn't make it. He shot himself and killed himself
25 -- and Tony Costas who was a good friend of mine

1 that was murdered. He asked me to help keep a
2 visual at his house cause he was having problems
3 with some guy threatening him. We thought the
4 coast was clear. He was supposed to be going to
5 Vegas on a weekend in 2009. During that same week,
6 he was murdered in his own home.

7 The 32th chapter and the 9th verse of the book
8 of Job says "Great men are not always wise..." that
9 said, then how much less so than nobody in
10 particular, the mere or diminutive man? There have
11 been plenty of instances where I've failed to act
12 in a fashion that was socially or legally
13 acceptable. I've seldom failed or been afraid to
14 act in the greatest capacity I could.

15 Joyce Evelyn Edwards is a perfect illustration
16 of that point. Assisting a fugitive is a crime.
17 Purchasing them drugs is a crime. Trying to get
18 her somewhere safe to a place she can clean up and
19 avoid or eliminate the associations that are
20 killing her isn't. Attempting to help her avoid
21 falling into a life of prostitution in exchange for
22 drugs isn't. It's basic humanitarianism. It's
23 compassion.

24 As I sit in this courtroom awaiting a
25 judgement that could very well send me away for the

1 remainder of my fairly turbulent life, I know that
2 Joyce is right here in Greenville slowly poisoning
3 herself to death. Off of parole and free to do as
4 she pleases, she's gotten back into her habit at an
5 accelerated pace. And in the company of the same
6 people that turned us in no less. With that
7 knowledge arming me, a lot of mornings, I wake up
8 feeling like everyday since October 7th, 2010 has
9 been an exercise in either futility or vanity, but
10 I've never been able to determine which.

11 However, when I think about how a habit took
12 away my sister as well as a child I loved, I also
13 know that I still wouldn't hesitate to try and help
14 again if the situation arose. Of course, I would
15 change a lot of details, but the core of my actions
16 would remain the same. Were I to be called, I
17 would come and render any and all assistance that I
18 could.

19 Criminal tinge notwithstanding my altruism
20 intrinsic to my nature is what has kept me from
21 moving into behaviors that are more insidious or
22 malicious in their essences. I do what I do when I
23 can because I don't want anyone to experience the
24 ~~pains and adversities I've already suffered~~
25 through.

1 Personally, I loathe drug dealers. Although
2 I've kept a few random associations during the
3 course of my lifetime. Quite often, it's been
4 because of a blood tie somewhere along the line.

5 **THE COURT:** Uh-huh.

6 **MR. JOHNSON:** Still, I class them with pimps
7 and pederasts. As such, I could never join their
8 ranks. Nearly everyone and everything I've ever
9 loved has somehow been dirtied, damaged or
10 destroyed by one or more of these monsters. To me,
11 deriving profit or pleasure from the innocence or
12 misery of another person is the epitome of evil.

13 All I can ask of this court is to be rendered
14 a Solomonian judgement versus a summary one. To
15 consider the facts of my past in conjunction with
16 the facts contained in the search warrant and the
17 lab results, statements made and the physical
18 evidence simply don't add up, especially not to the
19 charge of drug trafficking.

20 I'm a man, one that accepts his
21 responsibilities and repercussions from his actions
22 as opposed to flees from them. Had I been
23 correctly charged or felt that I was correctly
24 charged, this case could have been disposed of well
25 over a year ago. I'm not trying to duck

1 punishment. I'm just trying to be punished
2 accordingly.

3 I've decided to take the Alford plea because
4 my charges, mishandled and misrepresented evidence,
5 the inability to garner the legal materials
6 necessary to facilitate an attempt at my own
7 defense and deceptive, indifferent and craven
8 nature of my former counsel, a no-contest plea is
9 the only one that fits the specifics of my
10 circumstances. I'm asking for a decision that fits
11 the dynamics of my actions.

12 And because I didn't get a chance to get into
13 it, when I did rob the banks in Phoenix, I robbed
14 more than one. I robbed seven in 14 days. And it
15 was because I had a child that was having a -- my
16 son had a lung condition. And when my Cobra ran
17 out, my medical, you know, from the second job was
18 no longer covering that. And the state funded
19 medical coverage wouldn't cover him because I had
20 two jobs prior. I flipped. I snapped. I went and
21 robbed banks.

22 I ended up with 33 months which in federal
23 court is unheard up. But I was able to produce
24 receipts that showed I purchased medications and
25 purchased treatments for my child, breathing

1 treatments for my child. I never committed a crime
2 simply for the sake of committing a crime. I have
3 had some scrapes with the law.

4 The car jacking in 1994, that was my sister's
5 vehicle. Her boyfriend, the same guy that
6 ~~two years eventually murdered her, had beaten her,~~ knocked
7 her teeth out and took her vehicle from her using
8 brass knuckles. I found the guy at a Wendy's
9 parking lot maybe two miles from where the
10 ambulance picked my sister up and I pistol whipped
11 him probably within an inch of his life and wound
12 up with 30 months in federal court for that which
13 is another unheard of sentence. The US Attorney
14 acting on that case, Sal Dominguez said he couldn't
15 in good conscious sentence me to more time than the
16 guy was probably likely to serve in the state which
17 is where his charges of assault were levied from.

18 So, if you got to throw the book at me, I'm
19 okay with that. I mean --

20 **THE COURT:** I won't throw the book at you.

21 **MR. JOHNSON:** I mean, I broke the law but it
22 wasn't because I was here to terrorize the
23 citizenry of Greenville county, South Carolina.

24 **THE COURT:** Uh-huh.

25 **MR. JOHNSON:** I never even knew this town

1 existed prior to Joyce Evelyn Edwards coming to
2 this town. If it hadn't been for her, I still
3 wouldn't know this town ever existed.

4 **THE COURT:** Like I said, I'm not intending
5 on throwing the book at you. I appreciate your
6 statement. It's clear from your statement that you
7 are an extremely intelligent person. Uh, I'm going
8 to accept your plea as being freely and voluntarily
9 made with the advice of extremely competent counsel
10 with whom you say you are well satisfied though you
11 both acknowledge that he's not been your attorney
12 for that long. He's answered all your questions.

13 **MR. JOHNSON:** Uh-huh.

14 **THE COURT:** Uh, anything else from the
15 State? Is there anything you need to add?

16 **MRS. MONTS:** Your Honor, I just wanted to
17 mention that this is almost four times the four
18 gram inference of heroin and a little over two
19 grams from the mandatory 25.

20 **THE COURT:** Uh-huh. Whatever the reasons
21 that you were in that hotel room that day with this
22 amount of heroin, uh, unfortunately and
23 unfortunately based on your life circumstances, uh,
24 I've got to punish the conduct. I've got to punish
25 the conduct. I think that 15 years is an

1 appropriate sentence. That's the sentence of the
2 Court on each but I'll run them concurrent. Best
3 of luck to you.

4 MR. POSEY: Thank you, Your Honor.

5 MRS. MONTS: Thank you.

6

7 (WHEREUPON, the proceedings conclude at

8 approximately 3:30 p.m.)

9

10

11

12

FORM 5

STATE OF SOUTH CAROLINA)

County of Greenville)CHRISTOPHER S. JOHNSON *350430)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2012-CP-23-

03757

APPLICATION FOR

POST-CONVICTION RELIEF

FILED-CLERK OF COURT
GREENVILLE CO S.C.
PAID 8.00 W/RECEIPT
2012 JUN -7 AM 11:27INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention KIRKLAND RECEPTION AND EVALUATION CENTER, UNIT C-2, A-K
4344 BROAD RIVER RD., COLUMBIA SC, 29210
2. Name and location of Court which imposed sentence 13TH JUDICIAL CIRCUIT (GENERAL
SESSIONS), 305 E. NORTH ST., GREENVILLE, S.C. 29601
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) CASE # 01-10-156378 / I-483350 / TRAFFICKING - HEROIN
 - (b) CASE # 01-10-156378 / I-483351 / PWID - METHAMPHETAMINE

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 04.09.12 / PWID - METHAMPHETAMINE / 15 YEARS
- (b) 04.09.12 / TRAFFICKING - HEROIN / 15 YEARS
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- ☒ after a plea of nolo contendere BOTH CHARGES
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. N/A
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) GIVEN THE SCOPE OF POLICE (AND OTHERWISE 'OFFICIAL')
MISCONDUCT INVOLVED IN THIS CASE PLUS SOME MALPRACTICE

- (c) BY MY ATTORNEY, I FELT IT BEST TO FIGHT 15 YEARS FROM AN 'AL
10. State concisely the grounds on which you base your allegation that you are being held in ^(CONT.) QUESTION #1
custody unlawfully:
- (a) AGENTS OF THE GREENVILLE COUNTY SHERIFF'S OFFICE (G.C.S.O.)
UNLAWFULLY ENTERED A HOTEL ROOM (AT 31 OLD COUNTRY RD.,
#107, GREENVILLE, S.C. 29607) LOOKING FOR (AND NOT PURS
11. State concisely and in the same order the facts which support each of the grounds set out ^(CONT.) QUESTION #1
in (10):
- (a) "AGENTS OF THE GREENVILLE COUNTY SHERIFF'S OFFICE (G.C.S.O.)
UNLAWFULLY ENTERED..." BOTH AGENT CRAIG HAWKINS AND
AGENT JOHNNY BROWN (THE FIRST TWO DEPUTIES THROUGH THE
12. Prior to this application have you filed with respect to this conviction: ^(CONT.) QUESTION #1
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) NONE OF THEM HAVE BECAUSE THIS IS MY FIRST ATTEMPT
 - (b) AT RELIEF, AND THE CONVICTIONS ARE JUST 30 DAYS
 - (c) OLD (AS OF TODAY, MAY 11, 2012).

17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? NO ARRAIGNMENT REP. / CHRIS POSEY AT CHANGE OF PLEA.
 - (b) your trial, if any? N/A
 - (c) your sentencing? YES; CHRIS POSEY
 - (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 - (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NO

18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
 - i. CHRIS POSEY (REPLACING CAROLINE HORLBECK)
c/o PUBLIC DEFENDER'S OFFICE (13th CIRCUIT) 305 E. NORTH ST. GREENVILLE, SC 29601
 - ii. _____
 - iii. _____
 - (b) the proceedings at which each such attorney represented you:
 - i. CHRIS POSEY AT CHANGE OF PLEA / SENTENCING ON APRIL 9, 2012.
 - ii. _____
 - iii. _____

19. State clearly the relief you seek in filing this application:

I WOULD LIKE MY CONVICTIONS THROWN OUT OR REVERSED, AND MY
RECORD EXPUNGED (AT GREENVILLE COUNTY'S ~~EXPENSE~~ EXPENSE), LIBERTY REST
ED, FAILING THAT I WOULD ASK THAT MY SENTENCES BE SERIOUSLY REDUCED.

20. Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA)

VERIFICATION

County of GREENVILLE)

I, CHRISTOPHER SHANNON JOHNSON, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

05.23.12

SWORN to and subscribed before me this 23rd
 day of May, 2012.

[Signature] (L.S.)
 Notary Public

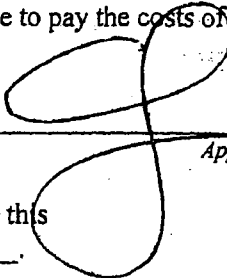
My Commission Expires

My Commission Expires: October 8, 2014

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

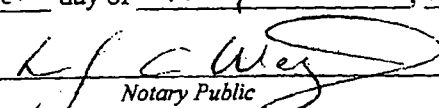
I, CHRISTOPHER SHANNON JOHNSON #350430, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.



Applicant 05-23-12

SWORN or affirmed to and subscribed before me this
23rd day of May, 2012.



Notary Public

My Commission Expires
My Commission Expires: October 8, 2014

QUESTION #9 CONT.

-ORD' PLEA THAN TO HAVE MY PLEA THROWN OUT AND BE FORCED IN A JURY TRIAL, WHERE I COULD HAVE FACED A MAXIMUM SENTENCE OF 40 (FORTY) YEARS. QUITE SIMPLY, I WAS SCARED. NOT OF THE CIRCUMSTANCES AND FACTS, BUT BY MY REPRESENTATION AND MY LACK OF FAITH IN THEIR ABILITY TO OVERCOME THE CAST OF CONSPIRATORS OPPOSING ME.

QUESTION #10 CONT.

(A) -ING") JOYCE E. EDWARDS, WHICH, BECAUSE SHE WAS NOT THE ROOM'S REGISTRANT OR CO-REGISTRANT, WAS LEGALLY A THIRD-PARTY RESIDENCE (ALBEIT A TEMPORARY ONE) OF CHRISTOPHER SHANNON JOHNSON, IN VIOLATION OF THE FOURTH AND NINTH AMENDMENTS TO THE U.S. CONSTITUTION.

(B) AGENTS OF G.C.S.O. LIED ABOUT PROBABLE CAUSE IN ORDER TO OBTAIN A SEARCH WARRANT, IN FURTHERANCE OF A CRIMINAL CONSPIRACY, HOPING TO LOCATE A LARGER 'STASH' OF NARCOTICS WHICH WOULD ALLOW THEM TO CONCEAL THEIR UNLAWFUL ACTIONS, RENDERING SEARCHES (BOTH) UNLAWFUL.

(C) WHEN NO LARGER DRUG 'STASH' WAS FOUND AFTER PROCURING A SEARCH WARRANT, AGENTS ATTEMPTED TO CHANGE THE BASIS FOR THEIR ALLEGED PROBABLE CAUSE (LIKELY BECAUSE THERE WAS NO OTHER WAY FOR THEM TO RECONCILE THEIR ORIGINAL ASSERTION WITH THE ACTUAL EVIDENCE ON HAND), COMMITTING PERJURY.

(D) AGENTS OF G.C.S.O. DELIBERATELY AND KNOWINGLY IGNORED THE FEDERAL "KNOCK AND ANNOUNCE" STATUTE IN ORDER TO EXECUTE THEIR UNLAWFUL SEARCH AND SEIZURE OF CHRISTOPHER S. JOHNSON, HIS PROPERTY, PAPERS, AND PREMISES, AS WELL AS ANY EVIDENCE AGAINST HIM.

QUESTION #10 CONT.

- (E) THE SEARCH AND SEIZURE OF CHRISTOPHER S. JOHNSON, HIS PROPERTY, PAPERS, PREMISES, AS WELL AS ANY EVIDENCE AGAINST HIM, WAS UNLAWFUL AND INVALID BECAUSE IT WAS NOT INCIDENT TO (LAWFUL) ARREST, IN FLAGRANT VIOLATION OF THE FOURTH, FIFTH, AND NINTH AMENDMENTS.
- (F) THE SEARCH, SEIZURE, AND ARREST OF CHRISTOPHER S. JOHNSON, HIS PROPERTY, PAPERS, PREMISES, AS WELL AS ANY EVIDENCE AGAINST HIM, WERE MADE WITHOUT A WARRANT WHERE THE OPPORTUNITY FOR THE ISSUANCE OF A WARRANT EXISTED, MAKING THE EVIDENCE 'FRUIT OF THE POISON TREE'
- (G) THE SEARCH OF THE HOTEL ROOM WITHOUT A WARRANT WAS UNLAWFUL, AS WERE ANY ITEMS SEIZED PURSUANT TO THE SEARCH, THEREBY NULLIFYING THEIR VALUE IN ESTABLISHING PROBABLE CAUSE.
- (H) THE "BREACH" OF MY HOTEL ROOM (EVEN IF IT WAS OSTENSIBLY TO APPREHEND MS. EDWARDS) WAS THE BEGINNING OF A SEARCH AND TAKEN UNDER COLOR OF OFFICE. WHETHER IT HAD BEEN GRANTED IN SUBMISSION TO AUTHORITY (VERSUS BEING DEMANDED BY DINT OF ARMED INTRUSION) OR NOT, THERE CAN BE NO INFERENCE OF AN UNDERSTANDING, KNOWING, AND INTENTIONAL WAIVER OF A CONSTITUTIONAL RIGHT.
- (I) AFTER THE INITIAL "BREACH" (ITSELF ILLEGAL) FAILED TO YIELD "PLAIN SIGHT" EVIDENCE FOR A "LAWFUL" SEARCH, AGENTS OF G.C.S.O. (PARRISH, HAWKINS, ETAL.) CONSPIRED TO FABRICATE SWORN TESTIMONY AND EVIDENCE, WITHHOLD EXCULPATORY EVIDENCE, FAISELY AD-

QUESTION #10 CONT.

(7) - REST, AND MALICIOUSLY PROSECUTE CHRISTOPHER S. JOHNSON.

(8) G.C.S.O. USED COERCION TO GET ME TO IMPLICATE MYSELF, AFTER THE NARCOTICS WERE LOCATED, THEN TRIED TO MAKE IT APPEAR THAT I SPOKE TO THEM VOLUNTARILY (AFTER BEING 'MIRANDIZED'), WHEN I HAD, IN FACT, INVOKED MY RIGHTS TO REMAIN SILENT, SPEAK TO AN ATTORNEY, AND HAVE ONE PRESENT DURING ANY INTERROGATION(S).

(9) THE 13TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE, ALONG WITH THE 13TH JUDICIAL CIRCUIT PUBLIC DEFENDER'S OFFICE, ACTED UNLAWFULLY AND UNETHICALLY IN DENYING ME 'BRADY' MATERIAL (IN THE FORM OF PHOTOGRAPHIC EVIDENCE) TAKEN FROM (AND OF) MY HOTEL ROOM.

(10) THE 'TIPS' FROM G.C.S.O.'S INFORMANTS WERE INSUFFICIENT TO MERIT THE SEARCH AND SEIZURE OF CHRISTOPHER S. JOHNSON, HIS PROPERTY, PAPERS, PREMISES, AS WELL AS ANY EVIDENCE AGAINST HIM, TAKEN PURSUANT TO SAME SEARCH AND SEIZURE, ABSENT EARLIER, CORROBORATIVE EVIDENCE.

(11) I WAS DENIED MY RIGHT TO DUE PROCESS AND TO ASSIST (MEANINGFULLY) IN MY OWN DEFENSE BY BOTH OF MY COURT APPOINTED ATTORNEYS, IN VIOLATION OF BOTH THE FIFTH AMENDMENT AND ARTICLE ONE, SECTION FOURTEEN OF SOUTH CAROLINA'S BILL OF RIGHTS.

(12) THE 13TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE, AS WELL AS G.C.S.O., FAILED TO DISCLOSE THE MISCONDUCT OF G.C.S.O.'S AGENTS (UNDER THE DUE PROCESS RULE OF 'BRADY V. MARYLAND', 373 U.S. 83; 1963) THEREBY DENY-

QUESTION #10 CONT.

(N) - ING CHRISTOPHER S. JOHNSON HIS FIFTH AMENDMENT GUARANTEES.

QUESTION #11 CONT.

(A) HOTEL DOOR) DESCRIBE IN THEIR REPORTS HOW THEY FORCED THEIR WAY INTO MY HOTEL ROOM AS I WAS OPENING THE DOOR AND EXITING. THE AGENTS HAD PERMISSION FROM NO ONE (HOTEL OWNER(S), STOCKHOLDERS, MANAGER, COMPANY AGENT, OR MYSELF) TO ENTER ROOM #107, NOR DID THEY HAVE A VALID SEARCH WARRANT, FOR MY PERSON, PROPERTY, PAPERS, OR PREMISES AT THAT TIME.

DUE TO THE FACTS THAT: (1) THERE WAS ONLY ONE ENTRY/EXIT; (2) THEIR PRESENCE WAS CLEARLY AND COMPLETELY UNKNOWN TO EITHER MYSELF OR MY GUEST (JOYCE EVELYN EDWARDS); (3) AGENTS OF G.C.S.O. (DESPITE THEIR CLAIM OF HAVING WITNESSED MS. EDWARDS ENTER AND EXIT MY HOTEL ROOM AT LEAST TWO TIMES) MADE NO ATTEMPT TO MAKE THEIR PRESENCE KNOWN ANTECEDING THEIR UNLAWFUL "RAID"; (4) MS. EDWARDS WAS A NON-VIOLENT OFFENDER (WANTED FOR A RELATIVELY COMMONPLACE PAROLE VIOLATION AND NOT A CAPITAL, OR EVEN NEW OFFENSE); AND (5) G.C.S.O. HAS NEVER LAID CLAIM TO HAVING WITNESSED ANY CRIME, FELONY OR MISDEMEANOR, IN ACTUAL COMMISSION; IT IS A SOMEWHAT SAFE ASSUMPTION THAT, AT THAT PARTICULAR POINT IN TIME, NO "HOT-PURSUIT", "LIFE-OR-DEATH", OR OTHERWISE "EXIGENT" CIRCUMSTANCES EXISTED, EXCEPT, PERHAPS, IN THE FERTILE IMAGINATIONS OF SOME FECKLESS DODGERS.

QUESTION #11 CONT.

(A) NARCOTICS AGENTS LOOKING TO MAKE AN UNLAWFUL 'BUST' WITH OR WITHOUT THE 'INCONVENIENCE' OF A SEARCH WARRANT.

THE ADDITIONAL FACTS THAT: (1) I HAD SUPPLIED A ROOM WITH A DVD PLAYER AND APPROXIMATELY 18 DVD MOVIES; (2) I HAD PURCHASED SEVERAL DAYS' WORTH OF CIGARETTES, SNACKS AND SODA; (3) I HAD BROUGHT SUFFICIENT CLOTHING FOR SEVERAL WEEKS' STAY; (4) I HAD A FAIR AMOUNT OF UNCERTAINTY AS TO A SPECIFIC DEPARTURE DATE FROM, OR RELINQUISHMENT OF, A HOTEL ROOM; (5) HOTEL ROOMS ARE, BY THEIR VERY NATURE, PLACES WHERE PEOPLE GO EXPECTING REASONABLE PRIVACY, OR TO ENJOY THE COMFORTS OF 'HOME' WHEN THEY ARE FORCED TO BE AWAY FROM IT; ALL FAIRLY DEMAND THAT, AT THE TIME IN QUESTION, THAT ROOM #107, LOCATED AT 31 OLD COUNTRY RD, GREENVILLE, SOUTH CAROLINA, 29607 (THE LA QUINTA INN), BE RECOGNIZED AS A RESIDENCE FOR THE SOLE AND SINGULAR PERSON OF CHRISTOPHER S. JOHNSON (AS MS. EDWARDS RESIDED AT 326 MT. LEBANON CHURCH RD. GREER, SOUTH CAROLINA, 29651), WHETHER TEMPORARY OR NOT.

BECAUSE OF THESE FACTS, AND MINUS CONSENT TO SEARCH, 'HOT PURSUIT', 'LIFE-OR-DEATH', OR 'EXIGENT' CIRCUMSTANCES, POLICE MAY NOT ENTER THE HOME OF A THIRD PERSON. (STEAGALD V. UNITED STATES, 451 US 204, 216, 101 S CT 1642, 68 L ED 2D 38 (1981)); (JOHNSON V. UNITED STATES, 92 LED 436, 333 US 10-17 / ARGUED 12.18.47. DECIDED 02 02 1101)

QUESTION #11 CONT.

(B) AGENTS OF G.C.S.O. LIED ABOUT PROBABLE CAUSE IN ORDER TO... IN THE APPLICATION FOR A SEARCH WARRANT (SUBMITTED BY CLAUDE TODD, BUT "GHOST" AUTHORED BY JOSEPH PARRISH) THE DECEPTION TO THE COURT WAS TWOFOLD: NOT ONLY DID THE AFFIANT (AGENT TODD) CLAIM THAT MS. EDWARDS WAS APPREHENDED IN "HOT PURSUIT"-STYLE CIRCUMSTANCES, BUT THAT THERE WERE DRUGS AND PARAPHERNALIA "IN PLAIN SIGHT." BOTH CLAIMS ARE HANDILY DEBUNKED.

FIRSTLY, THE FICTIVE CONTENTION THAT MS. EDWARDS "DARTED BACK INTO THE ROOM" AFTER BEING "CONFRONTED" IS DIRECTLY CONTRADICTED BY THE POLICE REPORTS OF BOTH CRAIG HAWKINS AND JOHNN BROWN (THE FIRST TWO OFFICERS THROUGH THE DOOR), WHO NOT ONLY ADMIT TO INITIATING THE "RAID" BUT CLAIMED THEY WENT IN AS THE DOOR WAS OPENING AND I WAS EXITING. AGENT HAWKINS' REPORT STATES PLAINLY: "I HAD MY SERVICE WEAPON AT THE LOW READY WHEN I SAW THE DOOR TO ROOM #107 OPEN FROM SOMEONE ON THE INSIDE. I RUSHED THE DOOR..."

AT NO TIME DOES THE AGENT (WHO TAKES RESPONSIBILITY FOR INITIATING THE UNLAWFUL "RAID") DESCRIBE THE DELIBERATELY DECEPTIVE ACCOUNT OF "HOT PURSUIT" SO CAREFULLY CRAFTED AND SUBMITTED TO A MAGISTRATE IN ORDER TO ACQUIRE A SEARCH WARRANT.

AS A MATTER OF FACT, THE FUGITIVE (EDWARDS)

QUESTION #11 CONT.

(13) IS RECOUNTED AS BEING "ON THE OTHER SIDE OF THE ROOM" BY HAWKINS, IN A ROOM WITH TWO KING-SIZED BEDS. AGENT BROWN ALSO PLACES EDWARDS "ON THE OTHER SIDE OF THE BED." IT IS HIGHLY UNLIKELY THAT A WELL-CONDITIONED ATHLETE, MUCH LESS A HIGH HEROIN USER, COULD'VE COVERED SUCH A DISTANCE, WITH SIMILAR OBSTACLES IMPEDING THEIR WAY (INCLUDING MYSELF), WITHOUT THE COPS (ALLEGEDLY MERE FEET BEHIND HER IN THEIR "HOT-PURSUIT") HAVING TO ACCOMPLISH A LIKE "FEAT" IN ORDER TO CAPTURE HER. AT A BARE MINIMUM, AN ACCOUNT OF HER "FEAT" WOULD HAVE BEEN MENTIONED, HAD A "HOT-PURSUIT" OCCURED.

MOREOVER, IT IS ALSO HIGHLY SUSPECT THAT ALL OF THE AGENTS INVOLVED IN THE UNLAWFUL RAID HAVE, TO THIS DAY, NEGLECTED TO MENTION THAT THE LA QUINTA INN USES, KEY-CARD ACCESS SYSTEM, AND THAT MS. EDWARDS DID NOT POSSESS ONE. I WAS THE ROOM'S SOLE REGISTRANT, AND WAS ARRESTED WITH THE ROOM'S ONLY CARD IN MY POCKET.

MS. EDWARDS, ONCE OUTSIDE OF THE ROOM, COULD ONLY HAVE "DARTED" DIRECTLY INTO A LOCKED STEEL DOOR, BECAUSE SHE HAD TO BE LET IN EACH TIME SHE EXITED. EVEN IF SHE HAD POSSESSED A KEY CARD, ROOM ACCESS STILL ISN'T INSTANTANEOUS: ASSUMING THE CARD IS SWIPED CORRECTLY ON A FIRST ATTEMPT, THERE IS A SLIGHT DELAY OF APPROXIMATELY TWO SECONDS BEFORE THE DOOR "UNLOCKS" ITSELF. ANOTHER "SECOND" TO ACTUALLY TURN THE KNOB, AND IT IS REASONABLE TO ASS-

QUESTION #11 CONT.

(B) - UME THAT AGENTS, IN "HOT-PURSUIT", WOULD HAVE BEEN ABLE TO APPREHEND THEIR FUGITIVE - OUTSIDE.

JUST PRIOR TO THE DECISION TO "BREACH" MY ROOM THE ONLY PERSON CAPABLE OF READILY ACCESSING ROOM #107 (WITHOUT USING PHYSICAL FORCE) WAS MYSELF AND I WAS INSIDE THE ROOM.

SECONDLY THE "PLAIN VIEW" DRUGS AND PARAPHERNALIA ARE ALSO 'PROBLEMATIC' (TO SAY THE LEAST).

AGENT TODD SWORE IN HIS AFFIDAVIT (FOR THE SEARCH WARRANT) THAT A "QUANTITY" OF HEROIN WAS OBSERVED "IN PLAIN VIEW" ALONG WITH SOME PARAPHERNALIA THE "BROWNISH-BLACK SUBSTANCE" ALLEGED TO HAVE BEEN "IN PLAIN VIEW" WAS POSITIVELY IDENTIFIED AS HEROIN AFTER BEING SUBJECTED TO A FIELD TEST, PRESUMABLY BY AN AGENT 'QUALIFIED' TO USE A FIELD TEST KIT AND INTERPRET ITS RESULTS.

AT MY "CHANGE OF PLEA / SENTENCING" ON APRIL 9, 2012, ASST. SOLICITOR JOYCE K. MONTS IDENTIFIED THE 'PARAPHERNALIA' AS SYRINGES (IN THE PLURAL, ALTHOUGH ONLY A SINGLE SYRINGE WAS RECOVERED OR BOOKED INTO EVIDENCE) AND ALLUDED THAT SOME "POWDERS", THAT WERE ALLEGED TO HAVE BEEN "IN PLAIN VIEW", WERE EITHER PART OF THE TWELVE GRAMS OF HEROIN I'M CHARGED WITH, OR THAT "QUANTITY" OF "PLAIN VIEW" HEROIN A SIGNIFICANT PORTION OF THEIR PROBABLE ~~E~~ CAUSE HAD TO HAVE BEEN PREDICATED UPON.

PROBLEMS IMMEDIATELY MANIFEST THEMSELVES IN

QUESTION #11 CONT.

(B) LIGHT OF THAT ALLUSION, ESPECIALLY GIVEN THE FA THAT A SUBSTANTIAL AMOUNT OF NARCOTICS (THE "PLAIN EW" QUANTITY OF HEROIN) APPEARS TO 'VANISHED'; EITHER INTO THIN AIR, OR BACK INTO THE IMAGINATIONS OF THE AGENTS OF G.C.S.O. (FROM WHENCE IT CAME).

IN REALITY, A SINGLE SYRINGE WAS RECOVERED, AFTER A SEARCH OF MS. EDWARDS' PURSE, AND BOOKED INTO EVIDENCE. AGENT CAMPBELL'S POLICE REPORT SUBSTANTIATES THIS CLAIM. AGENT TODD IS NEVER SPECIFIC.

THE PILLS THAT WERE RECOVERED (ZOLPIDEM TART-RATE OR 'AMBIEN') WERE REMOVED FROM A PILL BOTTLE AND COULDN'T BE DISCERNED NOR DEEMED 'CONTRABAND' BY A CASUAL GLANCE SIMPLY BECAUSE OF WHAT AND WHERE THEY WERE: PRESCRIPTION PILLS IN A CLOSED AND SEALED PRESCRIPTION BOTTLE. LAURA CAMPBELL IS VERY CAREFUL TO OMIT THIS FACT IN HER REPORT, SAYING THAT THE PILLS WERE "RECOVERED BY INVESTIGATOR PARRISH FROM THE HOTEL ROOM TABLE", AN ILLEGITIMATE ALLUSION THAT PURPOSELY ATTEMPTS TO PLACE THE PILLS 'IN PLAIN VIEW' FOR THE EXCLUSIVE INTENT TO DECEIVE THE COURT.

THIS LEAVES ONLY THE 'BAGGIES' AND THE SCALES. AGENT PARRISH CLAIMS THE DISCOVERY OF THE PLASTIC BAGS UPON A SEARCH, ELIMINATING THE POSSIBILITY THAT THEY WERE RECOVERED "IN PLAIN VIEW."

THESE BAGGIES WERE ACTUALLY BROUGHT INTO THE ROOM BY THE AGENTS THEMSELVES, AFTER THE RAID, BECAUSE THEY WERE IN MS. EDWARDS' BLACK BAG/PURSE WHICH HAD BEEN OUTSIDE THE ROOM PRIOR TO THE

QUESTION #11 CONT.

(B) THE "BREACH" AND OUR ARRESTS (SEE CRAIG HAWKINS POLICE REPORT, PG. 2). THEY HAVE TO BE DISCOUNTED AS THE "PLAIN VIEW" EVIDENCE (ALONG WITH THE SYRINGE BECAUSE THEY WERE BROUGHT BACK INTO THE ROOM, BEFORE THEY YIELDED ANY CONTRABAND, BY THE AGENTS THEMSELVES. THIS ALSO NULLIFIES THE VALUE OF EITHER IN ESTABLISHING PROBABLE CAUSE.

THIS LEAVES THE SCALES, WHICH AGENT CAMPBELL'S REPORT ASSERTS WERE FOUND, AGAIN "IN PLAIN VIEW" BY AGENT PARRISH, ON "THE HOTEL ROOM TABLE". THIS IS ALSO A COMPLETE FABRICATION. THE SCALES, IN ACTUALITY WERE THE FRUIT OF THE UNLAWFUL SEARCH OF MY BACKPACK, WHICH WAS "ZIPPED" AND LOCATED UNDER THE HOTEL ROOM'S DINING ROOM TABLE, UP UNTIL THE MOMENT MS. EDWARDS WAS "TAKEN DOWN" IN THE SAME AREA, AND THE AGENTS RELOCATED IT TO THE TOP OF THE TABLE, POSSIBLY BECAUSE, FOR A BRIEF MOMENT, THE "UNCONTROLLED" BOTTOM HALF OF MS. EDWARDS WAS ALSO UNDER THAT SAME TABLE, AND SPACE WAS NEEDED TO GAIN A CHECK ON HER LEGS. IN ANY EVENT, AGENT PARRISH NEVER DISCLOSES THE ORIGINS OF THE SCALES, EITHER IN HIS REPORT OR AS A WITNESS TO THE SEARCH WARRANT'S INVENTORY/RETURN PORTION (ALTHOUGH HE WAS SO METICULOUS IN DETAILING THE ORIGINS OF EVERYTHING ELSE). THEREFORE MY ASSERTION OF THEIR (THE SCALES) LOCATION (UNABLE TO BE CONTRADICTED BY VIRTUE OF THE SEARCH WARRANT AFFIDAVIT OR POLICE REPORTS THEM-

QUESTION #11 CONT.

(B) - SELVES (AGENT CAMPBELL CANNOT BE A CORROBORATING WITNESS, SINCE MUCH OF HER REPORT IS BASED ON INFORMATION THAT WAS RELATED TO HER, BUT NO WITNESSED BY HER)) IS THE ONLY ASSERTION THAT CAN BE RELIED UPON.

AS THE ONLY ITEM THAT HAD EVEN A REMOTE CHANCE OF WITHSTANDING REAL SCRUTINY AS ALLEGED OF SUPPOSED 'PLAIN VIEW' EVIDENCE, THE SCALES THEMSELVES ARE INSUFFICIENT TO WARRANT A SEARCH BECAUSE THEY DON'T MEET THE STANDARDS FOR A PRO ER SHOWING OF PROBABLE CAUSE.

CALLING THE SCALES (AS A SINGULAR ITEM, AND NOT IN THE IMMEDIATE VICINITY AND OBVIOUS PRESENCE OF OTHER ITEMS THAT ARE OF AN ALLEGED 'NEFARIOUS' NATURE, THAT, WHEN COUPLED OR GROUPED FORM 'INSIDIOUS INTENT') EVIDENCE OF DRUG TRAFFICKING AND THEREFORE PROBABLE CAUSE IS NO DIFFERENT THAN CALLING A SOLITARY LENGTH OF ROPE, WITH NO CORROBORATING EVIDENCE, OR EVEN A SPECIFIC CRIME TO ATTACH IT TO, AND INDICATOR OF RAPE. ESPECIALLY WHEN EITHER ITEM IS AVAILABLE FOR LEGAL PURCHASE IN THE COMMUNITY AT ANY NUMBER OF RETAIL LOCATIONS, AND THERE IS NO EVIDENCE, RESIDUAL OR OTHERWISE ACTUAL, TO TIE EITHER ITEM TO A CRIME. IT BEARS MENTIONING THAT NEITHER THE SCALES, BAGGIES, NOR THE SYRINGE WERE SUBMITTED FOR FURTHER, LABORATORY TESTING, BECAUSE FIELD TESTS HAD ALREADY DETERMINED THERE WAS NO TRACE EVIDENCE OF NARCOTICS ON THEM (SEE THE ITEMS SUBMITTED TO THE LAB).

QUESTION #11 CONT.

(B) AS FOR THE "PLAIN VIEW" QUANTITY OF HEROIN, IT NEVER EVEN EXISTED, AT LEAST IN ANY LEGAL SENSE; THIS ALSO TRUE OF ANY LEGITIMATE PROBABLE CAUSE. THIS CLAIM IS SUBSTANTIATED BY THE SEARCH WARRANT RETURN/INVENTORY ITSELF WHICH ATTRIBUTES ALL OF THE NARCOTICS (IN POLICE CUSTODY AND EVIDENCE) DIRECTLY TO MY PERSON. INSTEAD OF THREE AMOUNTS OF DRUGS ALLEGED IN THE AFFIDAVIT (INCLUDING ONE USED TO ESTABLISH AND SHOW PROBABLE CAUSE YOU SUDDENLY HAVE TWO.

WITH THE AGENTS THEMSELVES ADMITTING THAT THESE TWO AMOUNTS OF DRUGS' (THE 'QUANTITY' OF HEROIN AS WELL AS THE METHAMPHETAMINE) DISCOVERY WERE THE DIRECT RESULT OF A SEARCH OF A (CLOSED AND SEALED) PRESCRIPTION BOTTLE THAT WAS YIELDED DURING A "PAT DOWN" (CONDUCTED DURING MY PROTRACTED AND UNLAWFUL DETENTION) AND NOT A "PLAIN VIEW" FINDING, A TRUE SHOWING OF PROBABLE CAUSE VANISHES. THE MATH IS SIMPLE: IF AND WHEN THE QUALIFIERS FOR A SEARCH-AND-SEIZURE OF A PERSON'S PROPERTY, PAPERS, PREMISES, OR CORPOREAL SELF 'DISAPPEARS', THEN SO HAS ANY CLAIM OF ANY LEGITIMATE PROBABLE CAUSE. ANY EVIDENCE DERIVED AS THE RESULT OF THAT UNLAWFUL SEARCH-AND-SEIZURE IS "FRUIT OF THE POISON TREE."

MY ALLEGATION OF INSUFFICIENT (NOTWITHSTANDING ITS DUBIOUS AND FALSE NATURE) PROBABLE CAUSE IS FURTHER BOLSTERED BY THE FACT THAT NO SECOND QUANTITY OF HEROIN WAS EVER SUBMITTED FOR TESTING TO THE GREENVILLE COUNTY DEPARTMENT OF PUBLIC SAFETY/CRIME LABORATORY. THE

QUESTION #11 CONT.

(B) ABSENCE OF THIS CRITICAL PIECE OF EVIDENCE 'SUGGESTS', FEW LIKELY EXPLANATIONS, ALL OF WHICH MERIT A REVERS OF MY CONVICTIONS (OR DISMISSAL), AS WELL AS A FINDING 'OFFICIAL' OR POLICE MISCONDUCT: (1) THE PROBABLE CAUSE, BASED ON FABRICATION, IN FURTHERANCE OF AN ILLEGAL INVASION OF PRIVACY, FOR THE PURPOSE OF CONDUCTING A FOURTH AMENDMENT-REPUGNANT GENERAL EXPLORATORY SEARCH FOR MATERIALS TO CONNECT ME TO A CRIME. (GO-BART IMPRISONING CO. V. UNITED STATES, 282 US 344, 75 LED 374, 51 S Ct 153); (UNITED STATES V. LEFKOWITZ, 285 US 452, 76 LED 877, 52 S Ct 420, 82 ALR 775); (HARRIS V. UNITED STATES, 331 US 145, 91 LED 1399, 67 S Ct 1098); (AGNELLO V. UNITED STATES, 269 US 20, 33, 70 LED 145, 149 46 S Ct 4, 51 ALR 409). IF POLICE CLAIM TO FIND, TEST, AND CONFIRM A NARCOTIC SUBSTANCE, LEADING TO FURTHER SEARCH, SEIZURE, AND ARREST, THEN 'CONVENIENTLY' FORGET TO INVENT ORY THAT CRITICAL PIECE OF EVIDENCE (SUGGESTING CORRUPTION OR MALFEASANCE), THE PROBABLE CAUSE HAS TO BE VIEWED AS FATALLY AND IRREVOCABLY FLAWED. AS SUCH, ALL EVIDENCE SEIZED SUBSEQUENT TO THAT PROBABLE CAUSE, OR ANY WARRANTS DERIVED THEREOF, HAS TO BE CONSIDERED 'FRUIT OF THE POISON TREE'; (2) THE AGENTS OF G.C.S.O. REMOVED THE ALLEGED 'PLAIN VIEW' HEROIN FROM THE SCENE OF ARREST TO PAY THEIR TWO INFORMANTS (MENTIONED BRIEFLY IN AGENT CAMPBELL'S REPORT) WITH. AS TROUBLING AND DISTURBING AS THIS SCENARIO IS, IT IS NOT UNHEARD OF. IT WOULD ALSO SATISFACTORILY EXPLAIN THE ABSENCE OF THE ORIGINAL, 'PLAIN VIEW', SO.

QUESTION #11 CONT.

(B) - CALLED 'QUANTITY' OF HEROIN (WHICH, SINCE THE EXA
SAME ADJECTIVE WAS USED TO DESCRIBE THE ENTIRE T
ELVE GRAMS ALLEGED TO HAVE COME FROM MY PERSON, I
DICATES A SIGNIFICANT AMOUNT OF NARCOTICS TO 'LOSE
'MISPLACE', OR 'MISHANDLE') AS WELL AS A SECOND AMO
NT OF CURRENCY (\$1000.00, THE 'DISPOSITION' OF WHICH
IS CURRENTLY BEING INVESTIGATED BY STEVEN PERRO
OF G.C.S.O.'S 'NORTHERN COMMAND') THAT FAILED TO 'MA
ERIALIZE' AFTER MY ARREST (ALTHOUGH I INFORMED THE
AGENTS OF ITS EXISTENCE AND LOCATION WHILE STILL ON
THE SCENE), AND TWO CELL PHONES THAT I WITNESSED AG
ENT DARIUS HALL REMOVE FROM MY HOTEL ROOM, THAT
ALSO HAVE (AS OF THIS WRITING) FAILED TO BE ACCOUNT
ED FOR; OR, (3) THAT THE AGENTS OF G.C.S.O. INTENT
IONALLY MIXED WHAT THEY BELIEVED TO BE 'HEROIN'
(BUT WAS ACTUALLY 'CRANK' METHAMPHETAMINE) WITH TH
'TAR' HEROIN, IN ORDER TO PUSH THE ORIGINAL WEIGHT OF
OF 'TAR' HEROIN WELL PAST THE MAXIMUM THRESHOLD FOR A
CHARGE OF POSSESSION WITH INTENT TO DISTRIBUTE AND INTO
THE REALM OF TRAFFICKING.

THIS IS ALSO A LIKELY SCENARIO GIVEN THE FOLLOWING
FACTS: (I) EDWARDS HAD APPROXIMATELY EIGHT GRAMS OF 'CR
ANK' METHAMPHETAMINE IN HER BLACK BAG/PURSE JUST
PRIOR TO ARREST THAT HAVE, TO DATE, FAILED TO MATERIAL
IZE; (II) WHEN THE AGENTS ASKED ME TO IDENTIFY THE 'CRANK'
(WHICH I DID), THEY STILL CONTENDED IT WAS 'HEROIN' AND PR
CEEDED TO MIX AND WEIGH IT ALONGSIDE THE 'TAR' HEROIN
AND (III) THE CRIME LAB RESULTS INDICATE THAT THE 'TAR' HEROIN

QUESTION #11 CONT.

(B, III) I WAS CONVICTED OF TRAFFICKING IS ALSO METHAMPHETAMINE (SEE THE DRUG ANALYSIS REPORT). THIS FACT INDICATES THAT EITHER THE AGENTS USED A 'GENERAL PURPOSE'-STYLE FIELD-TEST KIT, WHICH MERELY INDICATED THE PRESENCE OF A NARCOTIC SUBSTANCE WITHOUT DISTINGUISHING IT (THUS ALLOWING 'CRANK' TO BE MISTAKEN FOR 'HEROIN'), OR, IF THE TEST WAS MORE DISCRIMINATING, THAT AN UNKNOWN AMOUNT OF METHAMPHETAMINE WAS SUBSEQUENTLY INTRODUCED INTO THE 'TAR' HEROIN, WHICH RENDERS THE EVIDENCE INADMISSIBLE. IF SOMETHING AS FUNDAMENTAL TO A CASE, THE CHAIN OF CUSTODY OR THE INTEGRITY OF EVIDENCE HAS BEEN COMPROMISED, SO HAS THE REST OF THE CASE, IF IT IS RELIANT ON THAT SAME EVIDENCE. FURTHERMORE, IF PROBABLE CAUSE CANNOT BE ACCURATELY, OR EASILY, DESCRIBED AT THE TIME A WARRANT IS APPLIED FOR, LEGALLY IT MUST NOT EXIST.

(C) "WHEN NO LARGER DRUG STASH WAS FOUND AFTER THE RAID... BOTH CRAIG HAWKINS AND JOSEPH PARRISH ALLEGE ON THE DAY AFTER THE RAID (IN THEIR RESPECTIVE POLICE REPORTS) THAT I WAS QUESTIONED AS TO THE LOCATION OF THE 'ILLEGAL STUFF' IN MY HOTEL ROOM, AT WHICH POINT I (AN OBVIOUSLY) UNSEARCHED AND UNIDENTIFIED SUSPECT), CASUALLY REACH INTO MY POCKET AND PRODUCE A PILL BOTTLE LADEN WITH NARCOTICS, THEREBY SATISFYING THE PROBABLE CAUSE REQUIREMENT FOR THEM. THIS 'INCREDIBLE' AND ALTOGETHER DIFFERENT VERSION OF EVENTS IS NOT ONLY PRESENTED AS TRUE AND FACTUAL, BUT IS FURTHERMORE ALLEGED TO HAVE (AT THE BEGINNING OF THE RAID) OCCURRED IN A

QUESTION #11 CONT.

(c) ROOM FULL OF 'ADRENALINE-CRAZED' COPS, ONE OF WHICH WAS JOCKEYING FOR A VANTAGE POINT FROM WHICH TO SHOOT MS. EDWARDS (BECAUSE SHE WOULDN'T PRODUCE HER HANDS — SEE AGENT TODD'S REPORT). NEVERMIND THE FACT THAT I WAS FACE-DOWN ON A HOTEL BED, KNEES ON THE GROUND, WITH AGENT HAWKINS' PISTOL ON (AND NOT SIMPLY AIMED AT) THE BACK OF MY HEAD, AND AGENT PARRISH ABOUT TWO FEET AWAY, AIMED AT THE LEFT SIDE OF MY FACE, OR, BECAUSE I HAD NEVER (ALLEGEDLY) IDENTIFIED THE 'ILLEGAL STUFF', I COULD HAVE BEEN REACHING FOR A COMPACT, OR SUB-COMPACT, HIGH-CALIBER PISTOL. OR A GRENADE. OR STOLEN CREDIT CARDS.

THIS 'ALTERNATIVE' VERSION OF THE PREVIOUSLY SWORN 'FACTS' NOT ONLY DIRECTLY CONTRADICTS THE AFFIDAVIT FROM A DAY PRIOR, BUT MAKES IT APPEAR NON-SENSICAL AND NEEDLESSLY CONVOLUTED. AFTER ALL, WHY WOULD A VETERAN DRUG AGENT (TODD) ATTEMPT TO SHOW PROBABLE CAUSE WITH A BUNCH OF RIGAMOROLE ABOUT DRUGS AND PARAPHERNALIA, "IN PLAIN VIEW" NO LESS, WHEN HE COULD JUST AS EASILY SAY SOMETHING ALONG THE LINES OF, "DURING THE ARREST OF A FUGITIVE MR. JOHNSON WAS QUESTIONED AS TO WHETHER HE POSSESSED ANY CONTRABAND ON HIS PERSON. AFTER HE PRODUCED AND IDENTIFIED SUBSTANCES THAT WERE FIELD-TESTED AND CONFIRMED AS HEROIN AND METHAMPHETAMINE, HE WAS ARRESTED AND ADVISED OF HIS 'MIRANDA RIGHTS'. SOMETHING, ANYTHING, ALONG THOSE LINES WOULD BE MUCH SIMPLER AND TO THE POINT — WERE IT A

QUESTION #11 CONT.

(c) REAL OCCURENCE. BUT SINCE IT WASN'T, BOTH AGENT PARRISH AND HAWKINS ATTEMPTED AN UNLAWFUL, UNETHICAL, AND EX POST FACTO VERSION OF WHAT IS KNOWN ON PLAYGROUNDS AS A "DO-OVER". ALL OF A SUEN THE SEARCH HAD TO BE JUSTIFIED BY THE ARREST, AND THE ARREST BY THE SEARCH. IN A 'POLICE-STATE' IT IS MAY BE PERMISSIBLE. BUT IN THE UNITED STATES, BECAUSE OF THE FOURTH AMENDMENT, THIS CANNOT DO. A AGENT OF THE LAW, SEIZING CONTROL OF, GAINING, OR DEMANDING ACCESS TO, PRIVATE LIVING QUARTERS (WHETHER RENTED, LEASED, OR OWNED) UNDER COLOR OF HIS OFFICE, AND OF LAW, WHICH HE (OR SHE) PERSONIFIES, MUST HAVE SOME VALID BASIS, IN LAW, FOR THAT INTRUSION. ANY OTHER RULE UNDERMINES THE FOURTH AMENDMENT AND LAYS WASTE TO ONE OF THE MOST FUNDAMENTAL DISTINCTIONS BETWEEN A DEMOCRATIC SOCIETY, WHERE OFFICERS ARE SUBJECT TO THE LAW AND A FASCIST, OR 'POLICE-STATE', WHERE THEY ARE THE LAW.

THIS EXECRABLE ATTEMPT (UNLAWFUL SEARCH, SEIZURE, AND RESULTANT COVER-UP) AT DEPRIVING ME OF MY RIGHTS UNDER THE FOURTH, FIFTH, SIXTH, EIGHTH, NINTH, AND FOURTEENTH AMENDMENTS COULD ALMOST BE DISMISSED BY THE PROSECUTION AS A SIMPLE MISCOMMUNICATION BETWEEN AGENTS PARRISH, HAWKINS, AND TODD, HAD PARRISH NOT SO OBVIOUSLY 'GHOST-AUTHORED' THE AFFIDAVIT PORTION OF THE SEARCH WARRANT APPLICATION SUBMITTED BY AGENT TODD. THE FANTASTIC

QUESTION #11 CONT.

(c) AND WHOLLY IMAGINED ACCOUNT OF EDWARDS ATTEMPTING TO "DART" BACK INTO MY HOTEL ROOM (AFTER BEING CONFRONTED BY COPS) WHICH WAS UNIQUE TO THE AFFIDAVIT AND AGENT PARRISH'S POLICE REPORT, THE "PLAIN VIEW" EVIDENCE THAT WAS COMPLETELY BOGUS, THE SINGULAR AND REPEATED USE OF THE WORD "QUANTITY" IN THE AFFIDAVIT AND AGENT PARRISH'S POLICE REPORT AND THE FACT THAT AGENT TODD ADMITS IN HIS OWN POLICE REPORT THAT HE LEARNED OF EDWARDS' ALLEGED ATTEMPT TO "DART" BACK INTO THE HOTEL LATER AND AT SOME UNSPECIFIED POINT (THOUGH HE FAILED TO MENTION THAT TIDBIT OF INFORMATION TO THE MAGISTRATE), ALL CLEARLY INDICATE AGENT PARRISH WAS THE 'TRUE' AUTHOR OF THE AFFIDAVIT.

ACCORDINGLY, IF THERE TRULY WAS "PLAIN VIEW" EVIDENCE, IT WOULD HAVE BEEN MENTIONED IN AGENT PARRISH'S POLICE REPORT AND G.C.S.O. CERTAINLY WOULD NOT HAVE HAD TO ASCERTAIN ITS LOCATION FROM ME, AS IT WOULD HAVE BEEN READILY APPARENT.

(BUT SINCE IT WASN'T, AND G.C.S.O. OPENED A CLOSED AND SEALED PRESCRIPTION BOTTLE, WITHOUT A VALID SEARCH WARRANT, PROBABLE CAUSE, OR UNLIMITED PERMISSION TO SEARCH MY PERSON, PAPERS, PROPERTY, OF PREMISES, THE EVIDENCE OBTAINED THROUGH THAT UNLAWFUL, WARRANTLESS SEARCH IS "FRUIT OF THE POISON TREE.")

THIS MUST ALSO BE THE CASE, BECAUSE IT TOO WOULD HAVE MADE A FAR SIMPLER QUALIFIED IND

QUESTION #11 CONT.

(c) A SHOWING OF GOOD PROBABLE CAUSE THAN THE TWISTED, INTRICATE AND ALTOGETHER SHAM AFFIRMATION PRESENTED TO THE MAGISTRATE. THIS SIMPLISTIC LOGIC, COUPLED WITH MY AVOWAL THAT G.C.S.O. NEVER HAD MY CONSENT TO SEARCH, STATED OR IMPLIED, CEMENTS THE ARGUMENT FOR "FRUIT OF THE POISON TREE".

AGENT HAWKINS ALSO STATES THAT AGENT PARRIS "FOUND" THE BOTTLE OF NARCOTICS IN MY POCKET, VERSUS ME HANDING IT TO HIM. THIS MAKES FOR A MUCH MORE 'PLAUSIBLE' OCCURRENCE, GIVEN BOTH THE FIREARMS POINTED AT VARIOUS SIDES OF MY HEAD, AND THE ANXIOUS, NEAR "FRENZIED" STATE OF THE AGENTS. THIS ALSO MEANS THAT THE ONLY WAY HE COULD POSSIBLY HAVE DETERMINED IT CONTAINED NARCOTICS, MUCH LESS SPECIFIC ONES, IS TO HAVE OPENED IT (WITHOUT A SEARCH WARRANT OR CONSENT, WHICH G.C.S.O. DOESN'T EVEN CLAIM TO HAVE HAD), THEN TESTED THE CONTENTS. THIS FORMED THE BASIS FOR AN UNLAWFUL SEARCH AND SEIZURE OF MY PERSON AND PROPERTY.

ALTHOUGH THE SUPREME COURT HAS UPHOLD THE SEARCH OF A CLOSED CONTAINER PURSUANT TO A SUSPECT'S UNRESTRICTED CONSENT, THE OFFICER IN THAT CASE INDICATED HE WAS SEARCHING FOR NARCOTICS, WHEREAS G.C.S.O. DID NOT, NOR DID THE OFFICERS IN 'STATE V. SARGENT' (ME NO ARO 09 344; 12.17.09)

(d) AGENTS OF G.C.S.O. DELIBERATELY AND KNOWINGLY IGNORED THE FEDERAL "KNOCK..." BY THEIR ADMISSION AGENTS HAWKINS AND BROWN INITIATED AN ILLEGAL "RAID"

QUESTION #11 CONT.

(D) OF MY HOTEL ROOM IN FULL DEFIANCE OF THE FEDERAL "KNOCK AND ANNOUNCE" STATUTE (18 USC. § 3109) WHICH SETS OUT CERTAIN PROCEDURAL REQUIREMENTS BEFORE POLICE MAY ENTER A SUSPECT'S DWELLING PURSUANT TO A VALID SEARCH WARRANT.

BEFORE FORCIBLY ENTERING A DWELLING, THE STATUTE REQUIRES THE OFFICERS TO FIRST: ANNOUNCE THEIR IDENTITY, ANNOUNCE THE PURPOSE OF THEIR VISIT, AND WAIT TO BE REFUSE ADMITTANCE TO THE DWELLING. AND THIS IS STIPULATED FOR THE SEARCH OF A SUSPECT'S DWELLING IN CONJUNCTION WITH A VALID SEARCH WARRANT, TO SAY NOTHING OF A THIRD-PARTY DWELLING AND WITHOUT A SEARCH WARRANT. DUE TO THE FACTS THAT MS. EDWARDS' LEGAL ADDRESS AND RESIDENCE WAS IN GREER, SOUTH CAROLINA, AND I WAS THE SOLE REGISTRAR OF ROOM #107, IT CAN ONLY BE CONSIDERED MY RESIDENCE, AND THEREFORE A THIRD-PARTY DWELLING.

THE FEDERAL STATUTE DOES ALLOW FOR SOME EXCEPTION "OFFICERS NEED NOT KNOCK WHEN THE CIRCUMSTANCES SHOW THAT COMPLIANCE WOULD BE A USELESS GESTURE." (MILLET V. UNITED STATES, 357 US 301, 310, 78 S CT 1190, 2 LED 2D 1332 (1988)), OR WHEN THERE ARE 'EXIGENT' CIRCUMSTANCES "EXCUSING COMPLIANCE, SUCH AS WHEN THE DEFENDANTS MAY BE DESTROYING EVIDENCE, OR ARE IN THE PROCESS OF FLEEING" ("SEE" KER V. CALIFORNIA, 374 US 23, 40, 83 S CT 1623, 10 LED ~~726~~ (1963)). IT IS A 'GIVEN' AND WELL-ESTABLISHED THAT THE "KNOCK AND ANNOUNCE" STATUTE APPLIES TO OFFICERS EXECUTING ARREST WARRANTS AS WELL AS SEARCH WARRANTS. (SABATH V. UNITED STATES, 391 US 585, 588 & N2, 88 S CT 1755, 20 LED 2D 828 (1968)).

QUESTION #1 CONT.

(D) BOTH OF THE AGENTS THAT INITIATED THE 'RAID' CLAIM THAT WHEN THE DOOR TO MY HOTEL ROOM OPENED, THEY RUSHED IN YELLING 'GREENVILLE COUNTY SHERIFF'S OFFICE!!', 'GET DOWN GET DOWN!!', AND 'GET DOWN ON THE BED!!'. THIS IS AN UNLAWF ACTION, BECAUSE IT DOES NOT KEEP WITHIN THE SPECIFIED PARAMETERS OF THE FEDERAL STATUTE. THE 'ANNOUNCEMENT' ~~THEIR IDENTITY CAME SUBSEQUENT TO THE UNLAWFUL ENTR~~ AND AT NO TIME DID THEY ANNOUNCE THEIR PURPOSE FOR THE ENTRY, A FACT SUBSTANTIATED BY THEIR OWN POLICE REPORTS. ADDITIONALLY, AND BY THEIR OWN ADMISSION, THEY ALSO DID NOT 'WAIT' TO BE REFUSED ADMITTANCE.

OBVIOUSLY THERE CAN BE NO CLAIM OF 'EXIGENT' CIRCUMSTANCES BECAUSE: (1) AT NO TIME PRIOR TO THE 'RAID' DID THE AGENTS HAVE ANY SOLID AND FACTUAL EVIDENCE OF NARCOTICS ACTIVITY (ELIMINATING A CLAIM OF 'SAVING EVIDENCE FROM DESTRUCTION'); (2) THE AFFIANT SWORE THAT "...MEMBERS OF THE SHERIFF'S OFFICE AND GREER POLICE TOOK A POSSESSION [SIC] ON THE ROOM WHILE A SEARCH WARRANT WAS OBTAINED..." WHICH CLEARLY INDICATES A LACK OF 'EXIGENT' CIRCUMSTANCES, AND WHICH WAS THE LIKELY CATALYST FOR THE BOGUS 'HOT-PURSUIT' CLAIM THAT FOLLOWED. MY UNTIMELY EXIT FOILED THEIR PLANS; (3) MS. EDWARDS WASN'T THE ROOM'S REGISTRANT OR CO-REGISTRANT; (4) MS. EDWARDS' SOLITARY ESCAPE ROUTE WAS THE FRONT DOOR (NO 'RISK OF FLIGHT') AND INTO G.C.S.C. AND SEVERAL PAIRS OF HANDCUFFS; AND (5) NO CLAIMS OF A WEAPON BEING SPOTTED (FACILITATING A NEED FOR 'ELEMENT OF SURPRISE') WERE MADE PRIOR TO OR AFTER THE 'RAID', NOR WERE ANY RECOVERED IN ITS 'WAKE'

QUESTION #11 CONT.

(E) "THE SEARCH AND SEIZURE OF CHRISTOPHER S. JOHNSON, HIS PROPERTY PAPERS..." SINCE I WAS NOT ARRESTED FOR THE ALLEGED "PLAIN VIEW" EVIDENCE (PRIMARILY BECAUSE THERE WAS NONE), AND SINCE MY ARREST WAS MADE WITHOUT A WARRANT, IT COULD ONLY BE LAWFUL IF IT WAS FOR A CRIME THAT WAS COMMITTED IN THE PRESENCE OF THE ARRESTING OFFICER (WHO, IN THIS CASE, WOULD BE AGENT CAMPBELL), OR FOR A FELONY OF WHICH HE (OR SHE) HAD REASONABLE CAUSE TO BELIEVE ME GUILTY.

ONCE MS. EDWARDS WAS IN CUSTODY, THE AGENTS SHOULD HAVE LEFT THE SCENE WITH THEIR FUGITIVE. THEY HAD NO PROBABLE CAUSE TO DETAIN OR IMPEDE ME, BECAUSE THERE WAS NO EVIDENCE OF CRIMINAL ACTIVITY, ESPECIALLY OF FELONIOUS NATURE, "IN PLAIN VIEW." THIS IS, OF COURSE, SUBSTANTIATED BY AGENTS HAWKINS AND PARRISH THEMSELVES WHO ASSERTED I WAS ASKED "WHERE THE ILLEGAL STUFF WAS." AGAIN, WERE IT READILY APPARENT, THERE WOULD HAVE BEEN NO NEED TO ASK. ("SEE" STATE V. SYMES, 20 WASH. 484, 55 P 626); (STATE V. LINDSEY, 19 WASH. 356, 73 P2D 738); (STATE V. KRANTZ, 24 WASH. 2D 350, 164 P2D 453); (STATE V. ROBBINS, 25 WASH. 2D 110, 169 P2D 246); (UNITED STATES V. DIRE, 332 US 581, ANTE 210, 68 S CT 222, DECIDED 01-05-48); (JOHNSON V. UNITED STATES, 92 LED. 436, 333, US 10-17).

(F) "THE SEARCH, SEIZURE, AND ARREST OF CHRISTOPHER S. JOHNSON, HIS PROPERTY..." IF THE ORIGINAL VERSION OF EVENTS FOUND IN THE AFFIDAVIT WERE FACTUAL AND TRUE THEN G.C.S.O. HAD THE OPPORTUNITY TO ARREST AND

QUESTION #11 CONT.

(F) - TAIN ME FOR THE "PLAIN VIEW" EVIDENCE, THEN GET A SEARCH WARRANT THAT WOULD HAVE COVERED MY PERSON, PROPERTY, PAPERS, AND PREMISES. THIS WASN'T THE CASE BECAUSE I WAS ARRESTED ONLY AFTER THE CLOSED AND SEALED PILL CONTAINER ALLEGEDLY YIELDED A PAIR OF SUBSTANCES THAT WERE DETERMINED TO BE NARCOTICS. ADDITIONALLY, I HAVE NEVER BEEN CHARGED WITH ANY PARAPHERNIA-RELATED CRIMES, LENDING CREDIBILITY TO MY ASSERTION THAT THERE WAS NOTHING "IN PLAIN VIEW" TO GIVE OFFICERS PROBABLE CAUSE. ALSO, IF THE ORIGINAL VERSION OF EVENTS IS TO BE BELIEVED, A "QUANTITY" OF HEROIN IS MISSING.

IF THE SECOND, ALTOGETHER DIFFERENT VERSION OF EVENTS LATER OFFERED BY AGENTS HAWKINS AND PARRISH IS TO BE CONSIDERED 'FACTUAL', THE CHANCE TO SECURE A SEARCH WARRANT STILL EXISTED.

HAD I, IN FACT, DECLARED THAT I WAS IN POSSESSION OF SOMETHING ILLEGAL, AND ALLUDED IN SOME FASHION THAT IT COULD BE NARCOTIC IN NATURE, AND/OR CONCEALED IN A CLOSED AND SEALED CONTAINER, A TRAINED AND "CERTIFIED" NARCOTICS DOG ("NERO") WAS JUST OUTSIDE THE ROOM AND COULD HAVE BEEN UTILIZED TO 'SNIFF', AND POSSIBLY DETECT NARCOTICS WITHIN, THE CLOSED AND SEALED CONTAINER. AN 'ALERT' BY THE DOG, IN CONJUNCTION WITH MY ALLUSION, WOULD HAVE BEEN SUFFICIENT TO ESTABLISH PROBABLE CAUSE. I THEN COULD HAVE BEEN DETAINED FOR A REASONABLE AMOUNT OF TIME, TO GIVE THE AGENTS TIME TO ACQUIRE A SEARCH WARRANT.

QUESTION #11 CONT.

(F) THIS DIDN'T HAPPEN EITHER. THE SHORT EXPLANATION IS THAT THE AGENTS KNEW AFOREHAND THAT THEY WERE THERE (AT THE HOTEL) ON AN ILLEGAL 'FISHING EXPEDITION', THAT MS. EDWARDS' CAPTURE HAD BEEN RELEGATED TO A SUB-PRIME OBJECTIVE (DEMONSTRATED BY THE FACT THAT THEY WATCHED MS. EDWARDS ENTER AND EXIT THE ROOM AT LEAST TWO TIMES WITHOUT A EVEN HALF-HEARTED ATTEMPT AT APPREHENSION), AND MY CONSTITUTIONAL RIGHTS WERE TO BE DAMNED, SO LONG AS THEY GOT TO MAKE THEIR UNLAWFUL SEARCH. HAD THEIR CONTINUED PRESENCE, UPON THE CAPTURE OF MS. EDWARDS, BEEN LAWFUL, A WARRANT COULD HAVE, AND SHOULD HAVE, BEEN PROCURED. (CARROLL V. UNITED STATES, 267 US 132, 69 L ED 543, 45 S CT 280, 39 ALR 790); (TAYLOR V. UNITED STATES 286 US 1, 76 L ED 951, 52 S CT 466); (HARRIS V. UNITED STATES 331 US 145, 91 L ED 1399, 67 S CT 1098).

(G) "THE SEARCH OF THE HOTEL ROOM (SUBSEQUENT TO THE CAPTURE," BECAUSE G.C.S.O. HAD NO LAWFUL REASON TO DETAIN ME, AND I HAD ALREADY WILLINGLY PROVIDED THEM WITH THE LOCATION OF MY I.D. (A JACKET OVERHANGING A CHAIR), THE "LINGERING ABOUT OF AGENTS IN ORDER TO RUMMAGE (ILLEGALLY) THROUGH MY POSSESSIONS AND EFFECTS WAS UNCONSTITUTIONAL AND A CLEAR VIOLATION OF THE FOURTH AMENDMENT.

ALTHOUGH MY IDENTITY HAD BEEN ESTABLISHED AND MY I.D. RETURNED ("SEE" AGENT HAWKINS POLICE REPORT, PAGE 2, SENTENCE 18 — "I PULLED A LARGE AMOUNT OF CASH OUT, AND LAYED [SIC] IT ON THE BED ALONGSIDE HIS I.D."), THE AGENTS STILL KEPT ME DETAINED HANDCUFFED AND RESTRIC...

QUESTION #11 CONT.

(b) ON A BED, QUITE OBVIOUSLY AGAINST MY WILL, IN FURTHERANCE OF THEIR UNLAWFUL 'FISHING EXPEDITION', ALSO A VIOLATION OF THE FOURTH AMENDMENT.

THE PURPOSE OF THE FOURTH AMENDMENT, WHICH OFTEN IS NOT GRASPED BY ZEALOUS AGENTS, IS NOT THAT IT DENIES LAW ENFORCEMENT THE SUPPORT OF THE TYPICAL INFERENCES MEN DRAW FROM EVIDENCE USING THEIR REASONING SKILLS, EDUCATION AND COMMON SENSE. ITS PROTECTION LIES IN REQUIRING THAT THOSE INFERENCES BE DRAWN BY A NEUTRAL, DETACHED, AN UNBIASED MAGISTRATE, INSTEAD OF BEING JUDGED BY THE SAME OFFICERS AND AGENTS ENGAGED IN THE OFTEN 'COMPETITIVE' ('COPS' V. 'ROBBERS') BUSINESS OF CRIME DETECTION.

ANY ASSUMPTION BY POLICE THAT EVIDENCE SUFFICIENT TO SUPPORT A MAGISTRATE'S DISINTERESTED DETERMINATION TO ISSUE A SEARCH WARRANT WILL JUSTIFY THE AGENTS IN MAKING A SEARCH WITHOUT A WARRANT REDUCES THE FOURTH AMENDMENT TO NOTHINGNESS, AND LEAVES THE PEOPLE'S HOMES SECURE SOLELY AT THE WHIM, DISPOSITION, AND DISCRETION OF POLICE OFFICERS.

CRIME, EVEN IN THE PRIVACY OF ONE'S DWELLING, IS, OF COURSE, OF SERIOUS CONCERN TO SOCIETY, AND THE LAW ALLOWS SUCH CRIME TO BE REACHED — UPON PROPER SHOWING. THE RIGHT OF AGENTS TO 'THRUST' THEMSELVES INTO A HOME IS ALSO A CONCERN, A GRAVE ONE, NOT ONLY IN REGARD TO THE INDIVIDUAL, BUT TO A SOCIETY WHICH CHOOSES TO DWELL IN REASONABLE SECURITY AND FREEDOM FROM SURVEILLANCE AND INTRUSION. WHEN THE RIGHT OF PRIVACY IS SUPPOSED TO BE REASONABLY YIELDED TO THE RIGHT OF SEARCH

QUESTION #11 CONT.

IS, AS A RULE, TO BE DETERMINED BY A JUDICIAL OFFICER AND NOT BY A POLICEMAN OR GOVERNMENT ENFORCEMENT AGENT.

THERE ARE EXCEPTIONAL CIRCUMSTANCES IN WHICH, ON BALANCING THE NEED FOR EFFECTIVE LAW ENFORCEMENT AGAINST THE RIGHT OF PRIVACY, IT MAY BE CONTENDED THAT A MAGISTRATE'S WARRANT FOR SEARCH MAY BE DISPENSED WITH. BUT THIS IS NO SUCH CASE.

NO REASON IS OFFERED FOR FAILING TO OBTAIN A SEARCH WARRANT (PRIOR TO THE UNLAWFUL SEARCH), SO IT MUST BE ASSUMED, AND REASONABLY SO, THAT THE INCONVENIENCE TO THE AGENTS, AND SOME SLIGHT DELAY NECESSARY TO PREPARE PAPERS AND PRESENT THEM TO A MAGISTRATE, MUST BE THE REASON. AND THIS IS WITHOUT THE IMPLICATION THAT AGENTS WERE ENGAGED IN ACTIONS OF A MORE SINISTER OR TREACHEROUS NATURE.

INCONVENIENCE AND DELAYS BECAUSE OF PAPERWORK ARE NEVER CONVINCING REASONS AND, IN THESE CIRCUMSTANCES, CERTAINLY NOT ENOUGH TO BY-PASS THE CONSTITUTIONAL REQUIREMENT. NO SUSPECT WAS FLEEING OR LIKELY TO ESCAPE THEIR 'PERIMETER'. THE SEARCH WAS OF A FIXED AND PERMANENT HOTEL PREMISES, NOT A MOVING VEHICLE, NOR A MOVABLE ONE. THERE CAN BE NO ARGUMENT OR CLAIM THAT THE NARCOTICS THEMSELVES WERE IN JEOPARDY OF BEING DESTROYED OR REMOVED BECAUSE THE AGENTS HAD NO EVIDENCE OF THEIR EXISTENCE PRIOR TO THE UNLAWFUL SEARCH. IF THE THE OFFICERS IN THIS CASE WERE EXCUSED FROM THEIR CONSTITUTIONAL DUTY OF PRESENTING THEIR EVIDENCE TO A MAG

QUESTION #11 CONT.

(G) - I STRATE, IT IS DIFFICULT TO THINK OF A CASE IN WHICH IT IS TO BE REQUIRED. BECAUSE OF THIS, ANY EVIDENCE OBTAINED AS A RESULT OF THE UNLAWFUL SEARCH IS OF NO PROBATIVE VALUE, CANNOT BE USED TO SHOW CAUSE, AND IS OF ABSOLUTELY NO LEGAL OR PROSECUTORIAL VALUE. (*SEE WEEKS V. UNITED STATES, 232 US 383, 58 LED 652, 345 CT 341, LRA 1915B 83 ANN CAS 1915C 1177); (GO-BART IMPORTING CO. V. UNITED STATES, 282 US 344, 75 LED 374, 51 S CT 153); (AGNELLO V. UNITED STATES, 269 US 20, 70 LED 145, 46 S CT 4, 51 ALR 409, (*SEE BYARS V. UNITED STATES, 273 US 28, 71 LED 520, 41 S CT 248); (UNITED STATES V. LEFKOWITZ, 285 US 452, 464, 76 LED 877, 882, 52 S CT 420, 82 ALR 775).

(H) "THE BREACH OF MY HOTEL ROOM (EVEN IF IT WAS" G.C.S. ACTED UNLAWFULLY IN INITIATING AND CONTINUING A WARRANTLESS SEARCH, ILLEGALLY SEARCHING AND SEIZING MY PERSON AND PROPERTY.

EVEN IF I HAD GRANTED THE AGENTS OF G.C.S.O. ENTRY TO THE HOTEL ROOM IN ORDER TO APPREHEND MS. EDWARDS I HAD THE RIGHT TO REFUSE THEM THE PERMISSION TO SEARCH THE ROOM'S CONTENTS, MY PERSON, PROPERTY, AND PAPERS, THE RIGHT TO LIMIT THE SCOPE OF, AND SET THE PARAMETERS ON, A SEARCH, SO LONG AS NO EVIDENCE OF A CRIME, OR OF CRIMINAL ACTIVITY, WAS READILY APPARENT. SIMPLY BECAUSE AGENTS OF THE LAW CAN USE (OR ABUSE) THEIR OFFICE TO FURTHER AN AGENDA, DOES NO MEAN THAT THEIR ACTIONS, OR THE 'FRUITS' THEREOF, ARE INDEED, LAWFUL. BEING GRANTED ENTRY IN ACQUIESCENCE IS STILL NOT THE SAME AS VOLUNTARILY SUBMITTING.

QUESTION #11 CONT.

(H) OR FOREGOING A CONSTITUTIONAL PROTECTION. THIS IS EVEN MORE MANIFEST WHEN A SEARCH IS TAKEN BY FORCE UNDER COLOR OF OFFICE, AND OF LAW, AND NO CONSENT WAS SOUGHT OR GIVEN. (CF. AMOS V. UNITED STATES, 255 US 313 65 LED 654, 41 S CT 266); (JOHNSON V. UNITED STATES, 92 ED 436, 333 US 10-17).

(I) "AFTER THE INITIAL 'BREACH' FAILED TO YIELD 'PLAIN VIEW EVIDENCE' ONCE G.C.S.O. HAD TAKEN CUSTODY OF MS. EDWARDS (CAPTURED DURING THE COMMISSION OF AN UNLAWFUL INVASION OF PRIVACY), AND I HAD GIVEN THEM THE LOCATION OF MY I.D., THERE WAS NO LEGITIMATE REASON FOR G.C.S.O. TO CONTINUE TO DETAIN ME. YET THEY PERSISTED IN ORDER TO FURTHER THEIR AGENDA, THE UNLAWFUL 'FISHING EXPEDITION' CONDUCTED IN ROOM #107.

AGENTS PARRISH AND TODD CRAFTED AN ALTOGETHER FALSE APPLICATION FOR A SEARCH WARRANT THAT WAS PRESENTED THEREAFTER TO A MAGISTRATE, IN AN ATTEMPT TO LOCATE FURTHER CONTRABAND. THE AGENTS WERE AWARE THAT SIMPLY CLAIMING TO HAVE SEARCHED ME AND A CLOSED AND SEALED PRESCRIPTION BOTTLE (THAT YIELDED NARCOTICS) WOULD REQUIRE A SHOWING OF PROBABLE CAUSE THEY DIDN'T HAVE AT THAT TIME.

UTILIZING A FICTIVE AFFIDAVIT TO SECURE A SEARCH WARRANT, THE AGENTS THEN PROCEEDED TO CONDUCT A THOROUGH PROBE OF MY PERSON, PAPERS, POSSESSIONS, AND PREMISES. AGENT TODD KNEW WHEN HE APPLIED FOR THE WARRANT (OR VERY SHORTLY THEREAFTER) THAT NO "PLAIN VIEW" DRUGS EXISTED, BECAUSE HE WITNESSED THE SEARCH

QUESTION #11 CONT.

(D) WARRANT/RETURN INVENTORY AND WOULD HAVE RECOGNIZED (SINCE HE HAD JUST RETURNED FROM THE MAGISTRATE'S OFFICE THAT A SIGNIFICANT AND CRITICAL PIECE OF HIS (SUPPOSEDLY, LAWFUL) PROBABLE CAUSE WAS ABSENT, THIS, OF COURSE, BEING THE "PLAIN VIEW" QUANTITY OF HEROIN. ANY CLAIM BY AGENT TODD TO BEING 'UNAWARE' OF ANY DISCREPANCIES IN THE AFFIDAVIT HAVE TO BE DISMISSED HANDILY BECAUSE, IF HE WAS NOT INTIMATE TO THE FACTS, HE SHOULD NOT HAVE ASSUMED THE ROLE OF AFFIANT, WHICH, BY ITS VERY NATURE IMPLIES THAT THE PERSON SWEARING THE OATH IS ABLE TO TESTIFY (IF NECESSARY) TO FACTS, NOT HEARSAY (ALTHOUGH HE DID ANYWAY, AND ADMITTED TO AS MUCH BY WAY OF HIS OWN POLICE REPORT—"I LATER LEARNED THAT THE EDWARDS SUBJECT HAD... ATTEMPTED TO RETREAT... INTO THE ROOM

THE FOLLOWING DAY (AFTER THE SEARCH WARRANT FAILED TO YIELD ADDITIONAL NARCOTICS) BOTH AGENTS HAWKINS AND PARRISH AUTHORED POLICE REPORTS THAT 'MIRRORED' EACH OTHER, BUT NOT THE EVENTS OF THE PREVIOUS DAY, WHICH AGENT PARRISH CONVEYED TO AGENT TODD, AND WHICH HAD BEEN SWORN TO IN A COURT OF LAW. THE ONLY PLAUSIBLE EXPLANATION FOR THIS IS THAT THE AGENTS WERE COMPELLED TO CHANGE THE PREVIOUS 'OFFICIAL' VERSION OF EVENTS, THE ONE THAT WAS SUBMITTED TO THE MAGISTRATE, IN ORDER TO 'SHOEHORN' THE ARREST INTO THE EVIDENCE SEIZED AND VICE VERSA.

AFTER THEIR FAILURE TO PRODUCE SUFFICIENT ADDITIONAL NARCOTICS TO MAKE THAT FIRST, PHANTOM, 'PLAIN VIEW' QUANTITY APPEAR (AND THEREBY 'SAVE' THEIR ASSERTION OF

QUESTION #11 CONT.

(I) PROBABLE CAUSE) THE AGENTS CREATED AN 'ALTERNATIVE' CHAIN OF EVENTS, AND PUSHED FORWARD WITH THEIR UNLAWFUL PROSECUTION OF CHRISTOPHER S. JOHNSON.

THE ACTIONS AND SUBTERFUGE OF THESE THREE AGENT ALONE IS INDICATIVE OF AN ACTIVE CONSPIRACY AND ONE WHICH OFFENDED THE FOURTH, FIFTH, SIXTH, EIGHTH, NINTH AND FOURTEENTH AMENDMENTS IN THAT THEY: (1) FAILED TO PROVIDE ME WITH THE OPPORTUNITY OF A FAIR TRIAL FABRICATING EVIDENCE AND WITHHOLDING EXCULPATORY EVIDENCE AND INFORMATION; (2) CONSPIRED TO FALSELY ARREST AND MALICIOUSLY PROSECUTE CHRISTOPHER S. JOHNSON (3) ENGAGED IN DECEITFUL CONDUCT; (4) INTENTIONALLY INFLICTED EMOTIONAL DISTRESS; (5) ACTED NEGLIGENTLY IN PROSECUTING CHRISTOPHER S. JOHNSON; AND (6) INITIATED AND MAINTAINED A MALICIOUS PROSECUTION BY DINT OF CONCEALING THEIR OWN MISCONDUCT.

(J) "G.C.S.O. USED COERCION TO GET ME TO IMPlicate MYSELF AFTER THE..." AFTER A DRUGGED-OUT, WEEPING JOYCE EDWARDS WAS 'PARADED' IN FRONT OF ME AND TOLD THAT SHE WAS FACING ABOUT 20 YEARS IN PRISON, BECAUSE SHE WAS (ACCORDING TO STATE LAW) A "CONSTRUCTIVE" POSSESSOR OF NARCOTICS THAT I WAS CONSIDERED THE "ACTUAL" POSSESSOR OF, I RELENTED AND TOOK OWNERSHIP OF THE NARCOTICS AFTER I HAD ELICITED AN ASSURANCE FROM THE AGENTS THAT MS. EDWARDS WOULD BE ALLOWED TO ESCAPE PROSECUTION ALTOGETHER, AND THAT I COULD SMOKE CIGARETTES (HENCEFORTH I WAS "DOUBLE-CUFFED") UNTIL I WAS TRANSPORTED TO JAIL. THIS IN SPITE OF THE FACT THAT I AM IN NO

QUESTION#CONT.

(3)-ED MY 'MIRANDA' RIGHTS AND 'LAWYERED UP' IMMEDIATELY/CE AGENT PARRISH HAD UNDERTAKEN HIS UNLAWFUL SEARCH AND SEIZURE, PRONOUNCED ME UNDER ARREST, AND AGENTS HAWKINS READ ME MY 'MIRANDA' WARNINGS /RIGHTS.

THE CONTINUED AND PROTRACTED QUESTIONING (ABOUT OTHER DRUGS, THOSE SEIZED, ETC) ONCE I HAD INVOKED 'MY' RIGHTS, VIOLATED THE VERY SPIRIT OF 'MIRANDA' ITSELF, AND THE COERCION VIOLATED MY FIFTH AMENDMENT RIGHT NOT TO BE COMPELLED TO INCRIMINATE MYSELF.

MY 'ADMISSION' OF OWNERSHIP WAS GARNERED BY THREATS TO MS. EDWARDS (ALBET FOR MY 'BENEFIT' AND IN MY PRESENCE), PROMISES (HER 'IMMUNITY' FROM A DRUG-RELATED PROSECUTION AND ALL THE CIGARETTES I/WE COULD SMOKE UNTIL WE WERE TAKEN TO JAIL), AND EMOTIONAL BLACKMAIL/DURESS (THEIR MANIPULATION OF MY CLOSE AND AFFECTIONATE RELATIONSHIP TO MS. EDWARDS).

THIS CLAIM'S VERACITY IS VERIFIED BY THE FACT THAT WHILE MS. EDWARDS WAS CHARGED WITH THE SAME TRAFFICKING AND POSSESSION WITH INTENT TO DISTRIBUTE CHARGES AS MYSELF ('SEE' THE POLICE REPORTS OF AGENTS HAWKINS, PARRISH, TODD, AND BROWN), EVEN ASSIGNED THE SAME BAIL AMOUNT, HER CHARGES 'EVAPORATED'.

THE U.S. SUPREME COURT HAS RULED THAT USING COERCION, AND SIMILAR TACTICS, IS UNLAWFUL IN EVERY SENSE OF THE WORD, AND ANY STATEMENTS, OR INFORMATION, DERIVED THEREFROM, ARE INADMISSIBLE. (HOPT V. UTAH, 1884); (BRAM V. UNITED STATES, 1897); (BLACKBURN V. ALABAMA, 1960); (MIRANDA V. ARIZONA, 1966)

QUESTION #11 CONT.

(K) * THE 13TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE, ALONG WITH THE 13TH... ALTHOUGH STILL PHOTOS OF THE HOTEL ROOM WERE TAKEN BY AGENTS OF G.C.S.O. AND THEN PUT ON BT A DVD-R AND THE INTERNET (WWW.GREENVILLECOUNTY.ORG), ABSOLUTELY NO ATTEMPT WAS MADE BY ANYONE (OTHER THAN MYSELF) TO GET THIS EVIDENCE, THIS 'BRAI MATERIAL, INTO MY HANDS.

FROM THE MOMENT I RECEIVED MY 'DISCOVERY' MATERIALS AND LEARNED OF THE EXISTENCE OF THESE PHOTOS, I ATTEMPTED (UNSUCCESSFULLY, AND FROM ABOUT MAY 4, 2011 ON) TO PROCURE THEM FROM BOTH MY FIRST ATTORNEY (CAROLINE HORLBECK) AND THE SOLICITOR'S OFFICE (VIA AN 'EX PARTE' LETTER). LATER, IT WAS ALSO THE OPINION OF MY SECOND ATTORNEY, CHRIS POSEY (AT OUR BRIEF INITIAL MEETING) THAT ASSISTANT SOLICITOR MONTS COULD WITHHOLD THIS MATERIAL. I BEGGED TO DIFFER, AND SO DID THE U.S. SUPREME COURT (IN 'BRADY V. MARYLAND', 373 US 83; 1963).

SOMETHING AS CRITICAL AS PHOTOGRAPHIC EVIDENCE HAS TO BE MADE AVAILABLE TO A CRIMINAL DEFENDANT, THE PERSON WHOSE LIBERTY IS AT STAKE, AND WHO HAS HIS OWN INTIMATE KNOWLEDGE OF THE FACTS, AND THE CRIME/SCENE, IN ORDER FOR ME TO EFFECTIVELY ASSIST MY COUNSEL. WHILE IT WOULD BE REASONABLE, PRUDENT, AND ETHICAL TO WITHHOLD OR HEAVILY CENSOR SOME PHOTOGRAPHIC EVIDENCE BEFORE DISSEMINATING THEM TO A DEFENDANT (E.G. PHOTOS OF CHILD VICTIMS TO A DEFENDANT IN A CHILD-DRUG TRAFFICKING CASE...

QUESTION #11 CONT.

(K) WAS NOT A "KIDNIE-PORN" CASE, NOR DID I RECEIVE EVEN SET OF 'CENSORED' PHOTOS BUT EVEN IN SUCH AN EXTREME SET OF CIRCUMSTANCES, THE MATERIAL, IN AN UNCENSORED FASHION, STILL HAS TO BE PROVIDED TO THE DEFENDANT'S COUNSEL, WITH OR WITHOUT 'CUSTODIAL' RESTRICTIONS, SO THAT IT CAN BE SCRUTINIZED, EXAMINED, AND DISSECTED IN THE FORMULATION OF A DEFENSE, BY THE DEFENDANT.

A CRIMINAL DEFENSE CANNOT CONSIST OF AN ATTORNEY MAKING THEIR OWN DECISIONS ABOUT HOW TO ENACT A CLIENT'S DEFENSE WITHOUT CONSULTING THE CLIENT AND ALLOWING THEM THE OPPORTUNITY TO PARTICIPATE IN PROCEEDINGS AGAINST THEM, IN A MEANINGFUL SENSE, WHEN IT'S THEIR FREEDOM IN JEOPARDY.

IF A CLIENT IS SO INCOMPETENT THAT THEY CANNOT BE RELIED UPON TO INTELLIGENTLY ASSIST IN THEIR OWN DEFENSE, THEN THEY ARE TOO INCOMPETENT TO STAND TRIAL, UNTIL SUCH TIME AS THEIR FACULTIES CAN BE RESTORED.

BUT IF THEY ARE, THEN THEY ARE ENTITLED TO AN INTELLIGENT, AGGRESSIVE, AND WELL-CRAFTED DEFENSE THAT THEY HELPED TO CONSTRUCT. THAT SAID, NO DEFENSE CAN BE WELL-CRAFTED IF RECKLESS AND OVERZEALOUS PROSECUTORS, OR INDIFFERENT, CUT-RATE ATTORNEYS, MASQUERADING AS 'CRUSADERS', ARE ALLOWED TO PICK AND CHOOSE WHICH EXCULPATORY MATERIALS TO GRACE THEIR DEFENDANTS, OR CLIENTS, RESPECTIVELY, WITH.

WHEN THE SOLICITOR'S OFFICE FAILED TO PROVIDE THIS 'BRADY' MATERIAL IN A FORMAT THAT I COULD DEF-

QUESTION #11 CONT.

(K) - VIEW AND MAKE OBSERVATIONS FROM, IT ACTED IN 'BAD FAITH' AND INTENTIONALLY DEPRIVED ME OF THE OPPORTUNITY TO EFFECTIVELY ASSIST IN MY OWN DEFENSE, ITSELF A FACTOR THAT WARRANTS A REVERSAL OR DISMISSAL. FUNDAMENTAL RIGHTS UNDER THE FIFTH AND SIXTH AMENDMENTS WERE ALSO VIOLATED; (AKE V. OKLAHOMA, 1985).

BY THE PUBLIC DEFENDER'S OFFICE FAILING TO PROVIDE OR TO DEMAND THAT THE SOLICITOR PROVIDE THIS 'BRADY MATERIAL IN A FORMAT I COULD READILY PERUSE, STUDY, OR DISSECT, IN FURTHERANCE OF MY DEFENSE, THEY ALSO ACTED NEGLIGENTLY AND IN 'BAD FAITH', FAILING TO "TAKE STEPS TO ASSURE THAT [I HAD A] FAIR OPPORTUNITY TO PRESENT MY DEFENSE"; (AKE V. OKLAHOMA, 1985); (BRADY V. MARYLAND, 37 U.S. 83; 1963).

MOREOVER, THESE SAME PHOTOS ALSO COULD HAVE BEEN INSTRUMENTAL IN DISPUTING THE VALIDITY OF G.C.S.O.'S CLAIM THAT THEY APPREHENDED MS. EDWARDS IN "HOT-PURSUIT"-STYLE CIRCUMSTANCES, AFTER SHE ALLEGEDLY "DARTED" BACK INTO THE HOTEL ROOM WITH G.C.S.O. 'HOT' ON HER HEELS.

GIVEN THE FACT THAT THE HOTEL ROOM CONTAINED A PAIR OF KING-SIZED BEDS, AND THAT MS. EDWARDS WAS TAKEN ON THE FAR SIDE OF THE BED FURTHER FROM THE DOOR, THERE WAS NO WAY FOR HER TO GET THERE WITHOUT BOTH SHE AND G.C.S.O. RUNNING DIRECTLY INTO ME AN EVENT NEITHER AGENT HAWKINS NOR BROWN (THE FIRST TWO AGENTS THROUGH THE DOOR) DESCRIBED. THE PHOTOS WOULD HAVE BEEN INSTRUMENTAL IF NOT PROVEN

QUESTION #11 CONT.

(K) IN BOLSTERING MY CLAIM OF UNLAWFUL SEARCH AND SEIZURE.

(L) "THE 'TIPS' FROM G.C.S.O.'S INFORMANTS WERE INSUFFICIENT TO MERIT THE..." RELIANCE SOLELY UPON THE WORD OF AN INFORMANT (OR TWO) IS NOT SUFFICIENT CAUSE TO WARRANT THE SEARCH AND SEIZURE OF THE HOTEL ROOM, ITS OCCUPANTS, AND/OR ITS CONTENTS. MINUS SOLID, IRREFUTABLE EVIDENCE OF WRONGDOING, G.C.S.O. UNLAWFULLY DETAINED, ARRESTED, SEARCHED, AND SEIZED THE PERSON AND PROPERTY OF CHRISTOPHER S. JOHNSON. ('SEE' UNITED STATES V. LEE, (CCA 2D NY) 83 F 2D 195); (UNITED STATES V. KAPLAN (CCA 2D NY) 89 F 2D 869); (ALVAU V. UNITED STATES (CCA 9TH WASH) 33 F 2D 467); ('SEE' WEEKS V. UNITED STATES, 232 US 383, 58 LED 652, 34 S CT 341, LRA 1915 B 834, ANN CAS 1915 C 1177).

(M) "I WAS DENIED MY RIGHT TO DUE PROCESS AND TO..." EVEN THOUGH I HAD ASSERTED MY RIGHT TO A PRELIMINARY HEARING REGARDING MY NARCOTICS CHARGES, MY RIGHT TO THAT HEARING WAS (UNBEKNOWNST TO ME) WAIVED (VERSUS POSTPONED OR RESCHEDULED) BY MY FORMER ATTORNEY CAROLINE HORLBECK.

ALTHOUGH I HAD REPEATEDLY QUESTIONED HER AS TO WHAT HAPPENED TO MY 'DAY IN COURT', SHE REPEATEDLY FEIGNED IGNORANCE, ONLY TO FINALLY COME CLEAN ABOUT HER "SCHEDULING CONFLICT" IN MID-JANUARY 2012, APPROXIMATELY FIFTEEN MONTHS AFTER MY ARREST, AND ABOUT FOURTEEN MONTHS AFTER SHE KILLED, IN EFFECT, ANY CHANCE I HAD TO EXAMINE THE EVIDENCE AND OBJECT

QUESTION #11 CONT.

(M) THE WITNESSES, AGAINST ME, PRIOR TO TRIAL, THIS ALSO ELIMINATED ANY CHANCE OF ME CATCHING THE DETECTIVES PERJURING THEMSELVES, AND BEING ABLE TO IMPEACH THEIR TESTIMONY, PRIOR TO A TRIAL.

SUBSEQUENTLY, AT THE HEARING WHERE I ENTERED AN 'ALFORD' PLEA, MY NEWLY-APPOINTED COUNSEL, CHRIS POSEY, INSISTED THAT I "HURRY UP!" MY PREPARED STATEMENT TO THE COURT, WHICH, AT THAT TIME, WAS THE LAST PART OF DUE PROCESS STILL AVAILABLE TO ME, PRIOR TO SENTENCING.

NOT WANTING TO UPSET OR DISRUPT THE DECORUM OF A COURT AT SUCH A CRITICAL TIME AS MY OWN SENTENCING, I WAS FORCED TO CAPITULATE, AND MY SOLE CHANCE TO ATTEMPT TO MITIGATE MY CIRCUMSTANCES (WERE I ALLOWED TO CONTINUE) WAS EFFECTIVELY 'GUTTED', IN THE INTEREST OF 'SAVING TIME'. THIS, IN FULL VIOLATION OF, AND, WITH BLATANT DISREGARD TO, ARTICLE ONE, SECTION FOURTEEN OF SOUTH CAROLINA'S BILL OF RIGHTS, WHICH STATES CLEARLY "ANY PERSON CHARGED WITH AN OFFENSE SHALL ENJOY THE RIGHT... TO BE FULLY HEARD IN HIS DEFENSE BY HIMSELF OR BY HIS COUNSEL OR BY BOTH." THIS STATEMENT WAS MY ONLY ATTEMPT AT A DEFENSE, AND AS SUCH, WAS SUPPOSED TO BE HEARD, IN ITS ENTIRETY. I WAS NOT FULLY HEARD BY THE COURT, AND THE JUDGE OVERSEEING MY CASE ERRED BY NOT INSISTING I BE ALLOWED TO ASSERT AND IMPLEMENT THAT RIGHT.

LASTLY, CAROLINE HORLBECK FAILED TO GET EVIDENCE DISQUALIFIED, PRIOR TO TRIAL (FOR EXACT SAME REASON)

QUESTION #11 CONT.

(M) SET FORTH IN THIS APPLICATION FOR POST-CONVICTION RELIEF), ANOTHER DUE PROCESS VIOLATION, ALTHOUGH THE FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 41(E), ALLOWS FOR A "MOTION TO DISMISS" (AT WHICH TIME EVIDENCE CAN BE DISCUSSED, DISQUALIFIED, OR ADMITTED AT ANY TIME PRIOR TO TRIAL. THIS "MOTION TO DISMISS" COULD HAVE PARTIALLY OR COMPLETELY COMPENSATED FOR THE DAMAGE DONE WHEN SHE WAIVED MY RIGHT TO A PRELIMINARY HEARING. (GOULED V. UNITED STATES, 255 US 298, 65 LED 647, 415, CT 261).

(N) "THE 13TH JUDICIAL CIRCUIT SOLICITOR'S OFFICE, AS WELL AS G.C.S.O." IN 'BRADY V. MARYLAND' (1963), THE SUPREME COURT HELD THAT: "THE SUPPRESSION BY THE PROSECUTION OF EVIDENCE FAVORABLE TO AN ACCUSED, UPON REQUEST, VIOLATES DUE PROCESS WHERE THE EVIDENCE IS MATERIAL EITHER TO GUILT OR PUNISHMENT, IRRESPECTIVE OF THE GOOD FAITH OR BAD FAITH OF THE PROSECUTION."

ON FEBRUARY 8, 2018, THE U.S. COURT OF APPEALS FOR THE 11TH CIRCUIT TOOK THAT RULING ONE STEP FURTHER WHEN IT ADOPTED THE OPINION, IN TOTO, THAT: "BECAUSE A CORRUPT OFFICER IS PART OF THE PROSECUTION TEAM, HIS KNOWLEDGE OF HIS OWN MISCONDUCT COULD BE IMPUTED TO THE TEAM AS A WHOLE."

THIS RULING MEANT THAT THE CRIMES, MISDEEDS, AND/OR ETHICAL VIOLATIONS BY A SINGLE MEMBER, OR ALL OF THE MEMBERS, OF AN INVESTIGATIVE/PROSECUTORIAL TEAM CONSTITUTE MATERIAL EXCULPATORY INFORMATION THAT A PROSECUTOR IS ADJUDICATING.

QUESTION #11 CONT.

(N) TO A DEFENDANT, EVEN IF IT IS NOT DISCOVERED UNTIL AFTER A TRIAL.

BY NOT DISCLOSING THE G.C.S.O.'S CRIMINAL CONSPIRACY TO FABRICATE SWORN TESTIMONY, FABRICATE EVIDENCE AGAINST, THEN FALSELY ARREST, WITHHOLD EXCULPATORY MATERIAL FROM, AND MALICIOUSLY PROSECUTE CHRISTOPHER S. JOHNSON, THE 13TH JUDICIAL CIRCUIT SOLICITOR'S OF ICE DENIED ME 'BRADY' MATERIAL, VIOLATING MY FIFTH AMENDMENT RIGHT TO DUE PROCESS.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

AFFIDAVIT

Personally appeared before me, one MD C. J. Todd *452/431 who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Heroin, Methamphetamine, Paraphernalia, Papers, Monies, and Effects related to the use, distribution, and packaging of Heroin and/or

Methamphetamine. Any items of personal property tending to identify subject(s) in control of room to be searched.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

31 Old Country Rd. (La Quinta Inn) Room #107 Greenville, SC 29607. Further described as a multiple story multiple room motel.

The room to be searched is on the right hand side of the building and is on the bottom floor. The room is clearly marked #107 on a sign to the right of the door to the room. Any vehicles belonging to the occupants of the room.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

* THIS IS THE BOGUS "HOT-PURSUIT" ALLEGATION THAT ATTEMPTS TO JUSTIFY THE WARRANTLESS SEARCH.

SIMPLE ARITHMETIC

IF X = QUANTITY, AND QUANTITY = 12,

THEN QUANTITY $\times 2$ (2X) = 24

THEREFORE HEROIN MUST BE MISSING OR BOGUS

THIS TERM ("QUANTITY") IS USED TO DESCRIBE AT LEAST ONE 1 GRAM PORTION OF HEROIN. IF IT USED TWICE IN DESCRIPTION, IT IS REASONABLE TO ASSUME THAT THE OTHER PORTION WOULD BE OF LIKE OR SIMILAR SIZE.

On 10-07-10 members of the Greenville County Sheriff's Office assisted members of the Greer City Police in locating a wanted individual out of their (Greer Police) agency as well as Pennsylvania. During the investigation information was received that the subject sought, Joice Evelyn Edwards (W/F 10-10-82 SS #215-17-0742), was located within room #107 at the La Quinta Inn located at 31 Old Country Rd. Members of both the Sheriff's Office and Greer Police responded to the area where a female subject matching the description of Edwards was seen. Officers remained in the area and Edwards was seen multiple times walking in and out of room #107. The Affiant positively identified Edwards from a photograph of her. Members of the Sheriff's Office and Greer Police took a possession on the room to cover the room while a search warrant was obtained for the room. At this point Edwards tried to exit the room and when confronted she darted back into the room. Officers entered the room and secured Edwards as well as a second subject later identified as Christopher Shannon Johnson (B/M 03-16-74). Paraphernalia was observed in plain view in the room as well as a quantity of brownish black substance that did field test positive as Heroin. During a pat down of Johnson's person he was found to be in possession of a quantity of black substance which did field test positive as Heroin and a crystal substance which did field test positive as Methamphetamine. It is the Affiant's belief that further contraband will be located within the described room.

Sworn to and Subscribed before me

this 7 day of OCT 20 10
 Signature of Judge Garrison (L.S.)

MD C. J. Todd *452/431

Address 666 Perimeter Rd.

Greenville, SC 29605

Phone (864) 271-5210

** THIS IS ALSO PROOF POSITIVE THAT AGENTS KNEW THAT NO 'EXIGENT' CIRCUMSTANCES EXISTED, AND THAT A SEARCH WARRANT WAS APPROPRIATE, IF A WARRANT WAS NECESSARY. THEN SO WAS THE "KNOCK AND ANNOUNCE" STIPULATED BY FEDERAL STATUTE. THE BOGUS "HOT-PURSUIT" ATTEMPTS TO HIDE THE VIOLATION BY

AGENTS HAWKINS AND BROWN, BUT THEIR OWN POLICE REPORTS UNCOVER IT AGAIN.

RETURN

I received the attached Search Warrant October 7, 19 2010, and have executed it as follows:

On October 7, 19 2010 at 2015 HRS 8:15 o'clock P. M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with Christopher Johnson
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

JP 1 Crystal like substance from Christopher Johnson's person (7.3 gm)
JP 2 Black Tar like substance from Christopher Johnson's person (12.0 gm)
JP 3 Plastic orange pill bottle. CVS label from Christopher Johnson's person
JP 4 \$1492.00 from Christopher Johnson's person
JP 5 Miscellaneous small clear plastic bags
JP 6 Hypodermic Needle
JP 7 12 10mg peach pills
JP 8 ProScale III, black scale

This inventory was made in the presence of J. Parrish

AND C. Todd

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 13th

day of October

2010

E. M. O'Brien

Signature of Judge

(L.S.)

[Signature]

(Signature of Officer Executing Warrant)

S THE AFFIANT AND A WITNESS ON THE
INVENTORY, AGENT TODD HAD TO HAVE KNOWN
MOST IMMEDIATELY THAT THERE WAS A SERIOUS
PROBLEM WITH THE PROBABLE CAUSE, INSTEAD
OF DOING THE ETHICAL THING AND INFORMING
THE MAGISTRATE, HE KEPT QUIET WHILE OTHER
AGENTS CONSIDERED TO COVER THE FACT.

GREENVILLE COUNTY SHERIFF'S OFFICE

Incident Report

Agency I.D.
SC0230000

Offense

SLED
Sub-Code

RTA

EC5 10/13/2010 11:22:45

Case Number

Adults/In

10000156378

[illegible]

Agency I.D.
SC0230000

EC5 10/13/2010 11:22:45

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number
10000156378

4 OF 11

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type S193 - Serve Warrant/Other Papers (RTA)						
☒ Supplemental Report	☐ Other Report	☒ Additional Defendants	☐ Additional Recovered Property	Patrol District 03	Page 1 of 2 Pages					
I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle) JOHNSON, CHRISTOPHER SHANNON			Victim Relationship To Subject	Ethnicity	Residence	Sex	Age	Date of Birth
	☐ Victim									
	☒ Subject #2				City PHOENIX	State AZ	Zip Code 85020	Patrol District OJ20	Day Phone	Evening Phone
	☐ Runaway				Height 600	Weight 192	Hair Blk	Eyes Bro	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Possessions, Etc.	
	☐ Wanted				Victim No. 1	Victim Injury ☐ Yes ☒ No	Complaint of any Non-Visible Injuries ☐ Yes ☒ No	Victim Using Alcohol ☐ Yes ☒ No ☐ Unk	Two-Man Veh ☐ One Man Veh ☐ ALONE ☐	Detective ☐ Other ☐ ASSISTED ☐
	☒ Arrest				Explainer	Subject No. 2	Using Alcohol ☐ Yes ☒ No ☐ Unk	Using Drugs ☐ Yes ☒ No ☐ Unk	☒ Arrested on Current Offense	
	☐ Missing								☐ Unk ☐ Cleared By Arrest on Prior Offense	
	☐ Jail								☐ On View Arrest ☐ Summoned ☐ Custody	
	☐ Other									
	Arrestee Armed ☐ Yes ☒ No		Weapon Type							
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority										
Arrest Location 31 OLD COUNTRY Rd GREENVILLE 29607										

Overflow:

EDWARDS, JOICE/JOYCE EVELYN: Subject 1
Subject Types: Suspect, Wanted Arrest

DL STATE/NUMBER: SC/ [REDACTED] DOB: [REDACTED]

JOHNSON, CHRISTOPHER SHANNON: Subject 2
Subject Types: Suspect, Arrest

SSN: [REDACTED]
DL STATE/NUMBER: AZ/ [REDACTED] DOB: [REDACTED]

Narrative:

UNITS ON SCENE: HAWKINS (533), BROWN (544), CANNON (K-10), SGT. HALL (401), CAMPBELL (D-26), TODD (431), PARISH (437), BASH (503 GREER P.D.)

ON TODAY'S DATE I RECEIVED INFORMATION FROM INV. BASH WHO WORKS WITH GREER POLICE DEPARTMENT THAT THERE WAS A FUGITIVE BY THE NAME OF JOYCE EDWARDS POSSIBLY STAYING AT THE INCIDENT LOCATION IN ONE OF THREE ROOMS. I NOTIFIED SGT. HALL WHO RESPONDED OUT WITH HIS TEAM TO ASSIST. DURING THE BRIEFING WE WERE ADVISED THAT EDWARDS WAS WANTED OUT OF HARRISBURG PA. FOR A PAROLE VIOLATION AND WAS FURTHER HEAVILY USING DRUGS. WHILE DOING SURVEILLANCE, DEP. PARISH ADVISED THAT HE SAW THE FUGITIVE (EDWARDS) COME OUT OF ROOM #107 AND PLACE A BLACK BAG OUTSIDE THE DOOR AND WAS THEN PULLED BACK INTO THE ROOM BY AN UNKNOWN BLACK MALE. MYSELF, DEP. BROWN AND DEP. CAMPBELL PULLED TO THE SIDE OF THE ROOM AS TO NOT BE SEEN AND TOOK UP A POSITION JUST OUTSIDE OF THE DOOR. KNOWING THE SUBJECT WAS NOW IN ROOM #107 A UNIT WENT TO THE FRONT DESK TO OBTAIN A ROOM KEY FOR ENTRY. I HAD MY SERVICE WEAPON AT THE LOW READY WHEN I SAW THE DOOR TO ROOM #107 OPEN FROM SOMEONE ON THE INSIDE. I RUSHED THE DOOR YELLING "GREENVILLE COUNTY SHERIFF'S OFFICE..GET DOWN, GET DOWN, GET DOWN". I WAS MET BY A BLACK MALE AT THE DOOR WHO I LATER IDENTIFIED AS CHRISTOPHER JOHNSON. I HAD MY LEFT HAND UP IN HIS CHEST WHILE FORCING HIM BACK INTO THE ROOM AND MY WEAPON POINTED AT HIM. JOHNSON FELL BACK ONTO THE BED AT WHICH TIME MYSELF AND SGT. HALL HANDCUFFED HIM FOR OUR SAFETY. DEP. BROWN AND DEP. CAMPBELL TOOK JOYCE EDWARDS INTO CUSTODY ON THE OTHER SIDE OF THE ROOM. I ASKED CHRISTOPHER JOHNSON IF HE WAS ALRIGHT AND HE REPLIED "YES". NO ONE WAS INJURED DURING THIS ARREST. I ASKED HIM IF HE HAD ANYTHING ILLEGAL ON HIS PERSON AND HE REPLIED "YES". I MANDRIZED JOHNSON AND ASKED HIM WHERE THIS ILLEGAL STUFF WAS AND HE REPLIED "IT'S IN MY POCKET". I ASKED HIM WHAT IT WAS AND HE STATED "JUST LOOK.. YOU'LL FIND IT" *I PULLED A LARGE AMOUNT OF CASH OUT OF HIS RIGHT POCKET AND LAYED IT ON THE BED ALONGSIDE HIS I.D. . A PILL

THIS CLEARLY PLACES THE SYRINGE WHICH WAS ATTRIBUTED TO MS. EDWARDS' PURSE AND ALLE EDLY 'PLAIN VIEW' EVIDENCE, OUTSIDE THE ROOM BEFORE TH RA

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial #/ OAN	Value
ADMIN	Subject Identified ☒ Yes ☐ No		Subject Located ☒ Yes ☐ No		☐ Active ☐ Admin Closed ☐ Unfounded		☐ Arrested Under 18 ☒ Arrested 18 and Over ☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest							
	Reporting Officer(s)	Date	Unit/Star	Approving Officer	Date	Unit/Star		
	HAWKINS, CRAIG	10/08/2010	533 / 00834	EUBANKS, DENNIS	10/11/2010	501 / 00119		
	IPB			Follow Up Investigation ☐ Yes ☒ No				

- ADMITS TO DISREGARDING THE FEDERAL "KNOCK AND ANNOUNCE" STATUTES PROTOCOLS AND PARAMETERS.

*EVEN AFTER MY IDENTITY WAS ESTABLISHED THEY STILL HELD ME 'HOSTAGE' AT GUNPOINT.

RE: 10/13/10

Agency I.D.
SC0230000

EC5 10/13/2010 11:22:45

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number
10000156378

83
5091

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>S193 - Serve Warrant/Other Papers (RTA)</u>							
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>03</u>	Page <u>2</u> of <u>2</u> Pages						
I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)			Victim Relationship To Subject	Vehicle	Residence	Room	Sex	Age	Date of Birth
	☐ Victim	Address			City	State	Zip Code	Patrol District	Day Phone	Evening Phone	
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Possessions, Etc.					
	☐ Runaway	☐ Victim No. _____		☐ Visible Injury ☐ Yes ☐ No		☐ Complaint of any Non-Visible Injuries ☐ Yes ☐ No		☐ Victim Using Alcohol ☐ Yes ☐ No ☐ Unk		☐ Two-Man Veh ☐ One Man Veh ☐ ALONE ☐	
	☐ Wanted	Explain:				☐ Drugs ☐ No ☐ Yes Type:		☐ Detective ☐		☐ Other ☐ ASSISTED ☐	
	☐ Arrest	Subject No. _____		Using Alcohol ☐ No ☐ Yes ☐ Unk		☐ Arrested on Current Offense					
	☐ Missing			Using Drugs ☐ No ☐ Yes Type:		☐ Unk		☐ Cleared By Arrest on Prior Offense			
	☐ Jail					☐ On View Arrest		☐ Summoned		☐ Custody	
	☐ Other										
	Arrestee Armed: ☐ Yes ☒ No		Weapon Type								
Juvenile Disposition: ☐ Handled Released ☐ Referred To Other Authority											
Arrest Location											
BOTTLE WAS FOUND IN HIS LEFT POCKET BY DEP. PARISH. I WAS ADVISED THE PILL BOTTLE CONTAINED BLACK TAR HEROIN AND METHAMPHETAMINE. I SECURED THE ROOM WHILE DEP. TODD OBTAINED A SEARCH WARRANT. ONCE THE SEARCH WARRANT WAS SIGNED I BROUGHT THE TWO SUBJECTS OUT OF THE ROOM AND LET THEM HAVE A SEAT OUTSIDE WHILE DEPUTIES AND K-9 DID THE SEARCH. THE TEN MINUTE HIT FOR EDWARDS WAS SENT AND THE HIT WAS CONFIRMED OUT OF PENNSYLVANIA. I TRANSPORTED EDWARDS TO DETENTION WHERE I OBTAINED A FUGITIVE FROM JUSTICE WARRANT AND A WAIVER OF EXTRADITION WAS SIGNED BY THE SUBJECT. JOHNSON WAS TRANSPORTED BY UNIFORM PATROL DEP. BENDIG. EDWARDS WAS PLACED INTO DETENTION IN GOOD CONDITION. ALL OTHER CHARGES WERE PLACED ON CHRISTOPHER JOHNSON AND WARRANTS WERE OBTAINED BY DEP. TODD. (SEE SUPPLEMENTAL REPORTS) DURING THIS ARREST I WAS WEARING PLAIN CLOTHES WITH MY RAID VEST THAT WAS CLEARLY MARKED "SHERIFFS OFFICE" ALONG WITH ALL ISSUED EQUIPMENT. ALL MONIES AND DRUGS WERE PLACED INTO P-E BY DEP. CAMPBELL. NO FURTHER.											
NARRATIVE	ADVISED BY WHOM? THERE IS NO MENTION OF A FIELD TEST. THIS IS A CLEAR-CUT INDICATOR THAT SOMEONE HAD ALREADY TOLD THE AGENTS ABOUT WHAT THEY MIGHT FIND IF THEY CONDUCTED A 'RAID'. NO AGENT, NOT EVEN A 'SUPER' AGENT LIKE PARRISH, CAN SAY CONCLUSIVELY WITHOUT BENEFIT OF A CHEMICAL TEST, WHAT A FOREIGN SUBSTANCE IS. THIS ALSO IS PROOF THAT AGENT PARRISH CONDUCTED A WARRANTLESS SEARCH OF MY PERSON AND THE PRESCRIPTION BOTTLE.										
PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / QAM	Value			
ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18		
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over		☐ Ex-Cleared 18 and Over		
	Reason For Exceptional Clearance		☐ Offender Death		☐ No Prosecution		☐ Victim Declines Cooperation		☐ Extradition Denied ☐ Juvenile No Arrest		
	Reporting Officer(s)		Date	Unit/Star#	Approving Officer		Date	Unit/Star#			
	HAWKINS, CENNS		10/08/2010	533 / 00834	EUBANKS, DENNIS		10/11/2010	501 / 00119			
IPB				Follow Up Investigation ☐ Yes ☒ No							

(22) 10/15/10

Agency I.D.
SC0230000

EC5 10/15/2010 07:52:20

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental ReportCase Number 60P
10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type TRAFFICKING HEROIN (RTA)
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District 03 Page 1 of 3 Pages

I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)		Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	☒ Victim #1	(STATE OF SOUTH CAROLINA)									
	☐ Subject	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	☐ Runaway	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Peculiarities, Etc.					
	☐ Wanted	Visible Injury		Complaint of any Non-Violent Injuries	Victim Using Alcohol	Two-Man Veh		One Man Veh	ALONE		
☐ Arrest	☒ Victim No. 1	☐ Yes ☒ No	☐ Yes ☒ No	Drugs	☐ No ☐ Yes	Type:	Detective		Other		
☐ Missing	Explain:										
☐ Jail	Subject No.	Using Alcohol	☐ No ☐ Yes	Unit			☐ Arrested on Current Offense				
☐ Other	Using Drugs	☐ No ☐ Yes	Type:			☐ Unk ☐ Cleared By Arrest on Prior Offense					
Arrested Armed		☐ Yes ☐ No		Weapon Type			☐ On View Arrest		☐ Summoned ☐ Custody		
Juvenile Disposition		☐ Handled Released ☐ Referred To Other Authority									
Arrest Location				Gang Annotation: NG - Not Gang-Related							

NARRATIVE	Overflow:									
	INCIDENT TYPE: PWID METHAMPHETAMINE OFFENSE COMPLETE: Y, FORCED ENTRY: N, PREMISE TYPE: 14 - Hotel/Motel/Etc., UNITS ENTERED: 0									
	INCIDENT TYPE: S105 - Fugitive From Justice, OFFENSE COMPLETE: N, FORCED ENTRY: N, PREMISE TYPE: 14 - Hotel/Motel/Etc., UNITS ENTERED: 0									

	HAWKINS, CRAIG A: Complainant; 1									
	RACE: White, Caucasian, SEX: Male, RESIDENT: Resident of South Carolina 4 MCGEE St GREENVILLE 29601 CJ11 (Greenville City)									

	EDWARDS, JOICE/JOYCE EVELYN: Subject 1									
	Subject Types: Suspect, Wanted, Arrest									
	ADDRESS: [REDACTED] GREER SC 29651 03A, RESIDENT: S, RACE: W, SEX: F, AGE: 27, DOB: [REDACTED], SSN: [REDACTED]									
DL STATE/NUMBER: SC/[REDACTED]										
Physical Description										
HAIRCOLOR: Blond, EYES: Green, HEIGHT: 505, WEIGHT: 100, VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Yes,										
Drugs: ARREST ON CURRENT OFFENSE, ON VIEW ARREST, ARREST LOCATION: 31 OLD COUNTRY Rd GREENVILLE SC 29607 03,										
Charges										
CHARGE 1: SUBJ#1) FUGITIVE FROM JUSTICE WARRANT #: I-483349 BOND AMOUNT: NO BOND										
CHARGE 2: SUBJ#2) TRAFFICKING HEROIN WARRANT #: I-483350 BOND AMOUNT: \$50,000										
CHARGE 3: SUBJ#2) PWID METHAMPHETAMINE WARRANT #: I-483351 BOND AMOUNT: \$30000										

JOHNSON, CHRISTOPHER SHANNON: Subject 2										
Subject Types: Suspect, Arrest										
ADDRESS: 9836 N CENTRAL AV PHOENIX AZ 85020 B 0J20 (Out of State), RESIDENT: O, RACE: B, SEX: M, AGE: 36, DOB: 03/16/1974, SSN: 289-72-5161,										
DL STATE/NUMBER: AZ/D01320384										
Physical Description										
HAIRCOLOR: Black, EYES: Brown, HEIGHT: 600, WEIGHT: 192, VISIBLE INJURY: No, NON-VISIBLE INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, ARREST ON CURRENT OFFENSE, ON VIEW										

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value
	Std	10 - Drug/Marijuana	8.1		000	METHAMPHETAMINE 8.1 GRAMS		800
	Std	10 - Drug/Marijuana	12		003	TAR HEROIN 12 GRAMS		1200
	Std	10 - Drug/Marijuana	18		022	18 UNKNOWN PILLS (10 MG EACH)		18
	Std	20 - Money	1492		015			1492

ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18 ☐ Ex-Cleared Under 18	
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over ☐ Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest							
	Reporting Officer(s)		Date	Unit/Star#	Approving Officer		Date	Unit/Star#
	BROWN, JOHNNY		10/11/2010	544 / 00582	ELBANKS, DENNIS		10/11/2010	501 / 00119
				Follow Up Investigation ☐ Yes ☒ No				

(E) K.S. 10/16/10

Agency I.D.
SC0230000

EC5 10/15/2010 07:52:20

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental ReportCase Number 7 of
10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type TRAFFICKING HEROIN (RTA)			
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District 03	Page 2 of 3 Pages		

I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)		Victim Relationship To Subject		Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	☐ Victim	Address		City		State	Zip Code	Patrol District	Day Phone	Evening Phone		
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Peculiarities, Etc.						
	☐ Runaway	Visible Injury		Complaint of any Non-Moleable Injuries		Victim Using Alcohol		Two-Wheel Veh		One-Wheel Veh		ALONE
☐ Wanted	Victim No.		Yes		No		Unk		Detective		Other	
☐ Arrest	Explain:		Subject No.		Using Alcohol		No		Yes		Link	
☐ Missing	Using Drugs		No		Yes		Type:		Unk		Arrested on Current Offense	
☐ Jail	Subject No.		Using Alcohol		No		Yes		Link		Cleared By Arrest on Prior Offense	
☐ Other	Using Drugs		No		Yes		Type:		Unk		On View Arrest	
Arrested Armed		Yes		No		Weapon Type		On View Arrest		Summoned		Custody
Juvenile Disposition		Handled Release		Referred To Other Authority								
Arrest Location								Gang Affiliation		NG - Not Gang Related		

ARREST, ARREST LOCATION: 31 OLD-COUNTRY Rd GREENVILLE SC 29607 03

Narrative:
 UNITS ON SCENE: HAWKINS (533), BROWN (544), CANNON (K-10), SGT. HALL (401), CAMPBELL (D-26), TODD (431), PARISH (437), BASH (503) GREER P.D.)

ON 10/08/10, R/O WAS NOTIFIED BY DEP. C. HAWKINS (UNIT 533), HAD BEEN CONTACTED BY INV. JASON BASH OF GREER PD, AND HAD INFORMATION THAT A WHITE FEMALE BY THE NAME OF JOYCE EDWARDS (SUBJECT #1) HAD AN ACTIVE WARRANT WITH GREER PD AND WAS A FUGITIVE FROM JUSTICE (SEE DEP. C. HAWKINS ORIGINAL REPORT FOR FURTHER) AND WAS STAYING WITH AN UNKNOWN MALE AT THE LAQUINTA INN ON WOODRUFF. INV. J. BASH WITH GREER PD HAD INFORMATION THAT THERE WOULD BE A LARGE QUANTITY OF NARCOTICS IN THE ROOM, SO DEP. C. HAWKINS NOTIFIED SGT. D. HALL (UNIT 401) WITH VICE/NARCOTICS TO PROVIDE ASSISTANCE. UPON STAGING UNITS' AND FINDING OUT THAT SUBJECT WAS #1 WAS STAYING IN ROOM 107, WHICH WAS OBSERVED BY DEP. PARISH (UNIT 437) WHO SAW SUBJECT #1 COME OUT OF ROOM AND THEN WAS PULLED BACK IN ROOM 107 BY AN UNKNOWN BLACK MALE. THIS WAS ALL RELAYED TO UNITS BY RADIO. DEP. C. HAWKINS POSTED BY ROOM 107 AND MYSELF AND K-10 DEP. A. CANNON WERE AT CORNER OF BUILDING AS NOT TO BE SEEN. R/O HEARD LOCK ON ROOM 107, DOOR CLICK AS IT WAS OPENING AND DEP. C. HAWKINS PUSHED DOOR, WHICH WAS HALFWAY OPEN, SEEING UNKNOWN BLACK MALE AND POINTING HIS SERVICE WEAPON AT HIM, TELLING HIM "GREENVILLE COUNTY SHERIFF'S OFFICE", AND THEN STATED "GET DOWN ON THE BED". R/O SAW SUBJECT #1 STANDING ON THE OTHER SIDE OF THE BED, IDENTIFIED HER AS SUBJECT #1 AND INV. J. BASH HAD SHOWN R/O'S A PICTURE AND WHO WAS A FUGITIVE FROM JUSTICE. SUBJECT #1 WAS SCREAMING AND STANDING IN ONE PLACE, JUMPING FROM ONE FOOT TO THE OTHER, REPEATEDLY. R/O HAD TASER ON SUBJECT #1 AND TOLD HER, "SHOW MY YOUR HANDS" AND "GET ON THE FLOOR". SUBJECT #1 DID NOT COMPLY AND R/O AGAIN STATED FOR SUBJECT #1 TO GET ON THE FLOOR. R/O THEN GRABBED SUBJECT #1'S RIGHT WRIST AND PUSHED SUBJECT #1 TO THE BED BUT SUBJECT #1 CAME OFF THE BED AND STARTED TO STRUGGLE WITH R/O. R/O, STILL HOLDING SUBJECT #1'S RIGHT WRIST, PUSHED SUBJECT #1 TO BED AGAIN AND SUBJECT #1 FELL TO EDGE OF BED AND ONTO FLOOR WHERE R/O STRUGGLED TO GET SUBJECT #1'S HANDS BEHIND HER BACK. DEP. PARISH SAW R/O WAS STRUGGLING WITH SUBJECT #1, RAN OVER TO SUBJECT #1 AND PUT HIS LEFT KNEE ACROSS HER RIGHT SHOULDER. AS R/O WAS PULLING SUBJECT #1'S HANDS BEHIND HER BACK, DEP. L. CAMPBELL (D-26) HANDCUFFED SUBJECT #1. SUBJECT #1 WAS STILL KICKING AND THRASHING AROUND, SO R/O RESTED R/O'S RIGHT FOOT ON THE BACK OF SUBJECT #1'S KNEES. DEP. L. CAMPBELL TALKED WITH SUBJECT #1 AND CALMED HER DOWN. R/O WAS NOTIFIED BY DEP. L. CAMPBELL, THAT SUBJECT #1 HAD JUST "SHOT UP" HEROIN. A SEARCH WARRANT WAS OBTAINED BY VICE, AND ROOM WAS PHOTOGRAPHED, AND INVENTORIED BY R/O'S OUT ON SCENE. SUBJECT #1 WAS TRANSPORTED BY DEP. C. HAWKINS, WHO OBTAINED FUGITIVE FROM JUSTICE WARRANT ON SUBJECT #1. SUBJECT #2 WAS

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAM	Value

ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18	
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over		☐ Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance		☐ Offender Death		☐ No Prosecution		☐ Victim Declines Cooperation		☐ Extradition Denied	
	Reporting Officer(s)		Date		Unit/Star		Approving Officer		Date	
BROWN, JOHNNY		10/11/2010		544 / 00582		EURANKS, DENNIS		10/11/2010		501 / 00119
						Follow Up Investigation		☐ Yes ☒ No		

* THIS ACCOUNT BY THE SECOND OFFICER THROUGH THE DEER VERIFIES THAT G.C.S.O. CONDUCTED A WARRANTLESS SEARCH DIDN'T MEET THE FEDERAL STANDARD

E.K.S. 10/16/10

OF

AGENCY I.D.
SC0230000Greenville County Sheriff's Office
SUPPLEMENTAL REPORT

PAGE NUMBER

80P15

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☐ ORIGINAL REPORT	☐ STATUS CHANGE	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	INCIDENT TYPE	Narcotics Investigation / Search Warrant
☒ SUPPLEMENTAL REPORT	☐ OTHER	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL RECOVERED PROPERTY	PATROL DISTRICT	03
				PAGE	01
				OF	01
				PAGE	01
Subject #1: Edwards, Joyce/Joyce Evelyn				W/F	Greer, SC 29651
Subject #2: Johnson, Christopher Shannon				B/M	35020

Units on Scene: Special Deputy Hawkins (533), Special Deputy Brown (544), Deputy Cannon (K-10), Sgt. Hall (401), Deputy Campbell (D26), Master Deputy Todd (431), Investigator Parrish (437), and Investigator Bash (503 Greer P.D.)

On 10/08/10 the Greenville County Sheriff's Office received information from Investigator Bash, who is employed by the Greer Police Department, that a fugitive by the name of Joyce Edwards may possibly be staying at the La Quinta Inn located at 31 Old Country Road, Greenville, SC 29607. Sgt. Hall of the Greenville County Sheriff's Office Vice/Narcotics Unit was informed by Special Deputy Hawkins and units from the Vice/Narcotics Unit were requested to respond. A briefing was held at an undisclosed location where I was shown a photograph of Joyce Edwards. I then went to the La Quinta Inn with two Confidential Informants (CI) to determine which room Joyce Edwards was staying in. The CIs believed the room may either be 107 or 109. The CIs further stated that Joyce Edwards was most likely in the hotel room with an unidentified male. After the possible suspect room had been identified, Investigator Parrish and Master Deputy Todd responded to the La Quinta Inn to survey rooms 109 and 107. Shortly thereafter a female matching the description of Joyce Edwards exited room 107 (see Investigator Parrish and Master Deputy Todd Supplemental). After the female had been identified and the room number verified I responded to the hotel in an attempt to obtain a hotel key from the front desk employee. Myself and Master Deputy Todd attempted to locate an employee of the hotel, however, were unable to do so. While we were in the front lobby of the hotel we were advised via radio traffic that Special Deputy Hawkins and Special Deputy Brown had made contact with Joyce Edwards as she exited room 107. I immediately responded to assist. As I was entering the room behind Master Deputy Todd I took the handcuffs from the back of Master Deputy Todd, passed Christopher Johnson, who had been secured on the first bed and assisted Special Deputy Hawkins handcuff Joyce Edwards who had been assisted to the floor beside the second bed. Once she was secured I assisted Joyce Edwards to a seated position and maintained custody and control of her until Master Deputy Todd obtained a search warrant for the hotel room.

Once the search warrant had been obtained I was tasked with recording any and all evidence obtained. The following items were found and seized:

Sort of sounds like an acknowledgment that the evidence was all located pursuant to a search and not in plain view.

JP1: Crystal-like substance located within a CVS prescription bottle bearing the name "Chris Johnson" (8.1 gm) field tested positive for methamphetamine; recovered by Investigator Parrish from Christopher Johnson's person

JP2: Black tar-like substance located within a CVS prescription bottle bearing the name "Chris Johnson" (12.0 gm) field tested positive for heroin; recovered by Investigator Parrish from Christopher Johnson's person

JP3: 1, plastic orange CVS prescription bottle bearing the name "Chris Johnson"; recovered by Investigator Parrish from Christopher Johnson's person

JP4: One thousand four hundred ninety two dollars (\$1,492.00); recovered by Investigator Parrish from Christopher Johnson's person

5, one hundred dollar bills (\$500.00)

49, twenty dollar bills (\$980.00)

2, five dollar bills (\$10.00)

2, one dollar bills (\$2.00)

P5: Miscellaneous small clear plastic bags; recovered by Investigator Parrish from the hotel room table

P6: 1, orange and white hypodermic needle; recovered by Master Deputy Todd from Joyce Edwards purse between hotel beds

P7: 18, unknown peach color, 10 mg pills; recovered by Investigator Parrish from the hotel room table

P8: 1, black ProScale III measuring scale; recovered by Investigator Parrish from the hotel room table

*- THESE WERE TAKEN FROM A CLOSED AND ZIPPED BACKPACK; ALSO NOT 'PLAIN VIEW' EVIDENCE.

After the search of the hotel room was complete I took custody and control of the aforementioned items until I placed them into Property and evidence for storage and analysis. Items JP1, JP2 and JP7 were submitted for laboratory testing.

PARRISH SAYS THESE SAME BAGGIES WERE FOUND UPON A SEARCH, NOT IN PLAIN VIEW ON A HOTEL TABLE.

**OMITS THE EXACT LOCATION; A SEALED PILL BOTTLE SITTING ON THE HOTEL TABLE*

then responded to the Greenville County Detention Center where both subjects had been transported by members of the Greenville County Sheriff's Office Uniform Patrol Division. I obtained warrant #I-483350 for Trafficking Heroin and warrant #I-486651 for Possession with intent to Distribute Methamphetamine from Judge Garrison against Christopher Johnson. After obtaining the aforementioned warrants Master Deputy Todd served them to Christopher Johnson prior to transferring custody of him to detention center personnel.

his case is cleared by arrest - 18 and over.

SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMN. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEARED UNDER 18	
☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☒ ARRESTED 18 AND OVER		☐ EX-CLEARED 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ VICTIM/DECLINED COOPERATION ☐ EXTRADITION DENIED ☐ JUVENILE NO ARREST									
REPORTING OFFICER(S)		DATE		UNIT NO. / STATION		APPROVING OFFICER		DATE	
L.A. Campbell *1218		10/07/10		D26		Sgt. D. Hall *152		10/07/10	
						FOLLOW-UP INVESTIGATION		☐ YES ☒ NO (OFFICER)	
								UNIT NO. / STATION	
								401	

Agency I.D.
SC0230000

EC5 10/15/2010 08:02:44

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental ReportCase Number 90P1
10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type K-9 DEPLOYMENT USAGE # 283								
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District 03A	Page 1 of 1 Pages							
I.D. OVERFLOW	☐ Complaint	Subject's Name (Last, First, Middle)			Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth	
	☐ Victim	Address			City	State	Zip Code	Patrol District	Day Phone	Evening Phone		
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Identification, Etc.						
	☐ Runaway	Visible Injury			Complaint of any Non-Visible Injuries		Victim Using Alcohol		Two-Man Veh		One Man Veh	ALONE
	☐ Wanted	Explains:			Drugs		Type		Detective		Other	ASSISTED
☐ Arrest	Subject No.			Using Alcohol	Type		Arrested on Current Offense					
☐ Missing	Using Drugs			Type		On View Arrest		Summons		Custody		
☐ Jail												
☐ Other												
Arrested Armed ☐ Yes ☐ No ☐ Weapon Type												
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Agency												
Arrest Location												
Gang Affiliation: NG - Not Gang Related												

NARRATIVE	Narrative: USAGE # 283 INCIDENT LOCATION: LA QUINTA INN, 31 OLD COUNTRY RD. ROOM 107 DRUG BUILDING SNIFF & WARRANT SERVICE ON 10-7-10 I MET WITH VICE AND OUR FUGITIVE TASK FORCE BEHIND THE MOVIE THEATRE ON WOODRUFF RD. TO BRIEF ON THE SERVICE OF A WARRANT AT THE ABOVE LOCATION. WE RECEIVED INFO THAT A JOYCE EDWARDS WAS STAYING IN ROOM 107 AT THE LA QUINTA INN. JOYCE WAS WANTED OUT OF PA FOR DRUG CHARGES, WE ALSO RECEIVED INFO THAT A LARGE AMOUNT OF DRUGS WERE INSIDE THE ROOM AS WELL. WE ARRIVED AT THE MOTEL AND I RETRIEVED K-9 NERO FROM MY PATROL VEHICLE FOR HANDLER PROTECTION AND TO DETER THE FUGITIVE FROM FLEEING ON FOOT. WE MADE CONTACT WITH TWO OCCUPANTS INSIDE THE ROOM, ONE BEING SUSPECT JOYCE EDWARDS AND I COMMANDED NERO TO BARK AS THE DOOR OPENED. * AFTER BOTH SUBJECTS WERE SECURED A SEARCH WARRANT WAS OBTAINED FOR THE ROOM DUE TO DRUGS BEING OUT IN PLAIN VIEW AND I COMMANDED NERO TO SNIFF INSIDE THE MOTEL ROOM. NERO GAVE A SERIES OF BEHAVIOR CHANGES WHILE INSIDE THE ROOM WHICH IS INDICATIVE OF HIM BEING IN ILLEGAL DRUG ODOR. K-9 NERO SUBSEQUENTLY GAVE A POSITIVE ALERT IN THE FOLLOWING AREAS INSIDE THE ROOM: -SMALL BLACK POUCH ON T.V. STAND -ON BLACK BAG WITH CLOTHES INSIDE (PARAPHERNALIA) 1 -LARGE BLACK SUITCASE WITH CLOTHES INSIDE LEFT OF TABLE -CENTER NIGHT STAND (PARAPHERNALIA) 1 -BACK TABLE (BLACK TAR HEROIN WAS SITTING) ** IT OBVIOUSLY COULDN'T HAVE BEEN IN MY POCKET AND ON THE BACK TABLE AT THE SAME TIME. SO EITHER THERE NEVER WAS ANYTHING IN "PLAIN VIEW", AND THIS WAS STAGED, MAYBE FOR THIS PARTICULAR COPS BENEFIT, OR THE AGENTS TOOK THOSE DRUGS. -CENTER NIGHT STAND W/ BAG ON TOP (1- NEEDLE) -BLACK BOOK BAG ON LEFT BED NERO IS CERTIFIED THROUGH NAPWDA AS A CERTIFIED PATROL CANINE WHICH INCLUDES NARCOTICS DETECTION. * IF THIS IS TRUE, THEN WHERE ARE THE "PLAIN VIEW" DRUGS? THIS OFFICER SEEMS TO HAVE BEEN DUPED, PROBABLY BECAUSE HE'S NOT A FULL-FLEDGED NARCOTICS OFFICER. IT WOULD APPEAR HE WAS GIVEN THE "INITIAL" "OFFICIAL" STORY, BUT WASN'T "IN" ON THE RE-WRITE.											

PROPERTY	Status	Property Type	Quantity	Property Status	Color	Description	Serial # / QAN	Value			
ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed ☐ Unfounded		☐ Arrested Under 18 ☒ Arrested 18 and Over		☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over		
	☐ Yes ☒ No		☐ Yes ☒ No								
	Reason For Exceptional Clearance		Offender Death		No Prosecution		Victim Declines Cooperation		Extradition Denied		Juvenile No Arrest
	Reporting Officer(s)		Date	Unit/Star#	Approving Officer		Date	Unit/Star#			
CANNON, JAMES		10/12/2010	K-10 / 00632	KELLETT, MICHAEL		10/12/2010	K02 / 00193				
				Follow Up Investigation		☐ Yes ☒ No					

10-15-10

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GREENVILLE CO SHERIFF

PAGE 000002

Agency I.D.
SC0230000GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number 10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>S193 - Serve Warrant/Other Papers</u>								
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>03</u>	Page <u>1</u> of <u>3</u> Pages							
I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)			Victim Relationship to Subject		Ethnicity	Residence	Room	Sex	Age	Date of Birth
	☒ Victim #1	(STATE OF SOUTH CAROLINA)										
	☐ Subject	Address			City		State	Zip Code	Police District	Day Phone	Evening Phone	
	☐ Runaway	Height			Weight	Age	Sex	Facial Mark. Scars, Tattoos, Closures, Clothing, Physical, (Handwritten, etc.)				
	☐ Wanted	☒ Victim No. <u>1</u>			☐ Visible Injury ☐ Yes ☒ No		☐ Complaint of any Non-Visible Injuries ☐ Yes ☒ No		☐ Victim Using Alcohol ☐ Yes ☒ No ☐ Unk		☐ Two-Man Veh ☐ One Man Veh ☐ ALONE	
	☐ Arrest	Explainer			☐ Drugs ☐ No ☐ Yes Type:		☐ Detective ☐ Other ☐ ASSISTANT					
	☐ Missing	Subject No. <u> </u>			☐ Using Alcohol ☐ No ☐ Yes ☐ Unk		☐ Arrested on Current Offense					
	☐ Jail	☐ Using Drugs ☐ No ☐ Yes Type:			☐ Unk		☐ Cleared By Arrest on Prior Offense					
	☐ Other	Arrestee Armed ☐ Yes ☐ No			Weapon Type		☐ On View Arrest ☐ Summoned ☐ Custody					
	Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority											
Arrest Location			Gang Affiliation: <u>NG - Not Gang Related</u>									

Overflow:
INCIDENT TYPE: TRAFFICKING HEROIN, OFFENSE COMPLETE: Y, FORCED ENTRY: N, PREMISE TYPE: 14 - Hotel/Motel/Etc., UNITS ENTERED: 0
INCIDENT TYPE: PWID METHAMPHETAMINE, OFFENSE COMPLETE: Y, FORCED ENTRY: N, PREMISE TYPE: 14 - Hotel/Motel/Etc., UNITS ENTERED: 0

HAWKINS, CRAIG A: Complainant 1

RACE: White, Caucasian, SEX: Male, RESIDENT: Resident of South Carolina
4 MCGEE ST GREENVILLE 29601 C311 (Greenville City)

EDWARDS, JOICE/JOYCE EVELYN: Subject 1

Subject Types: Suspect, Wanted, Arrest

ADDRESS: [REDACTED] GREER SC 29651 03A, RESIDENT: S, RACE: W, SEX: F, AGE: 27, DOB: [REDACTED]

NUMBER: SC [REDACTED]

Physical Description

HAIRCOLOR: Blond, EYES: Green, HEIGHT: 505, WEIGHT: 100, VISIBLE INJURY: No, NON-VISIBLE

INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Yes,

Drugs, ARREST ON CURRENT OFFENSE, ON VIEW ARREST, ARREST LOCATION: 31 OLD COUNTRY Rd

GREENVILLE SC 29607 03,

Charges

CHARGE 1: SUBJ#1) FUGITIVE FROM JUSTICE WARRANT #: I-483349 BOND AMOUNT: NO BOND

CHARGE 2: SUBJ#2) TRAFFICKING HEROIN WARRANT #: I-483350 BOND AMOUNT: \$50,000

CHARGE 3: SUBJ#2) PWID METHAMPHETAMINE WARRANT #: I-483351 BOND AMOUNT: \$30000

JOHNSON, CHRISTOPHER SHANNON: Subject 2

Subject Types: Suspect, Arrest

ADDRESS: 9836 N CENTRAL AV PHOENIX AZ 85020 B 0320 (Out of State), RESIDENT: O, RACE: B,

SEX: M, AGE: 36, DOB: 03/16/1974, SSN: 289-72-5161,

DL STATE/NUMBER: AZ/D01320384

Physical Description

HAIRCOLOR: Black, EYES: Brown, HEIGHT: 600, WEIGHT: 192, VISIBLE INJURY: No, NON-VISIBLE

INJURY: No, USING ALCOHOL: Unknown, USING DRUGS: Unknown, ARREST ON CURRENT OFFENSE, ON VIEW

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / QAN	Value
Std	10 - Drugs/Heroin	4.1		000	METHAMPHETAMINE 0.1 GRAMS		600
Std	11 - Drugs/Heroin	12		003	TAR HEROIN 12 GRAMS		1200
Std	13 - Drugs/Heroin	18		022	18 UNKNOWN PILLS (10 MG EACH)		18
Std	20 - Money	1492		010			1492

Subject Identified		Subject Location		☐ Active	☐ Admin Closed	☐ Arrested Under 18	☐ Ex-Cleared Under 18
☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded		☒ Arrested 18 and Over	☐ Ex-Cleared 18 and Over
Reason For Exceptional Clearance		☐ Offender Death	☐ No Prosecution	☐ Victim Declines Cooperation		☐ Extradition Denied	☐ Juvenile No Arrest
Reporting Officer(s)		Date	Unit/Star#	Approving Officer		Date	Unit/Star#
PARUSH, JOSEPH		10/08/2010	127 / 01089	Sgt. Hall			101 / 00152
			/	Follow Up Investigation ☐ Yes ☒ No			

10/29/2010 15:01

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GREENVILLE CO SHERIFF

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Agency I.D.

GREENVILLE COUNTY SHERIFF'S OFFICE

Case Number 110P

SC0230000

Supplemental Report

10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>S193 - Serve Warrant/Other Papers</u>			
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>03</u> Page <u>2</u> of <u>3</u> Pages			

I.D. OVERFLOW	☐ Complaint	Subject's Name (Last, First, Middle)		Victim (Relationship To Subject)		Enrol Day	Residence	Race	Sex	Age	Date of Birth	
	☐ Victim	Address		City		State	Zip Code	Patrol District	Day Phone	Evening Phone		
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Features, etc.						
	☐ Runaway	☐ Victim No.	Visible Injury		Complaint of any Non-Visible Injuries		Victim Using Alcohol		Two-Man Vch		One Man Vch	ALONE
☐ Wanted	Explain:		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Unk	
☐ Arrest	Subject No.		Using Alcohol		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Unk	
☐ Missing	Using Drugs		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Unk	
☐ Jail	Arrested on Current Offense		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Unk	
☐ Other	Cleared By Arrest on Prior Offense		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Yes ☐ No		☐ Unk	

Arrested Armed	☐ Yes ☒ No	Weapon Type			☐ On View Arrest	☐ Summoned	☐ Custody
Juvenile Disposition	☐ Handled Released ☐ Referred To Other Authority						
Arrest Location					Gang Affiliation	NG - Not Gang Related	

ARREST-ARREST LOCATION: 31 OLD COUNTRY RD GREENVILLE SC 29607 03,
Charges
CHARGE 1: Trafficking, Heroin WARRANT #: I-483350 BOND AMOUNT: 50,000
CHARGE 2: PWID Methamphetamine WARRANT #: I-483351 BOND AMOUNT: 30000

Narrative:
 UNITS ON SCENE: HAWKINS (533), BROWN (544), CANNON (K-9), SGT. HALL (401), CAMPBELL (D-26), TODD (431), PARISH (437), BASH (503 GREER P.D.)
 ON October 7, 2010 I met with Deputies Hawkins and Brown to assist with the arrest of a fugitive by the name of JOYCE EDWARDS. I was advised that the subject was possibly staying at the LaQuinta Inn located at 31 Old Country Lane Greenville, SC. I was shown a picture of the subject and told she was staying in either room 109 or 107 and may have an unidentified male in the room with her. Myself and Investigator Todd responded to the LaQuinta and were advised by hotel personnel that room 109 was empty. We were also told that a white female with blond hair and a ring through her lip, matching the description of EDWARDS, was seen in the hotel lobby shortly before our arrival. Investigator Todd and I then surveyed room 107 from the parking lot and observed a person matching the description of EDWARDS exit the room then enter the room two times. The second time EDWARDS exited the room she was pulled back into the room by a black male. I observed Deputies Hawkins and Brown approach the room and as EDWARDS exited the room a third time she encountered Deputy Hawkins and fled back into the room. Deputies Hawkins and Brown followed and were joined by Investigator Todd, Deputy Campbell, Sgt Hall, K-9 Unit Cannon and Detective Bash. When I entered the room I observed EDWARDS and JOHNSON both secured in handcuffs. I heard Deputy Hawkins ask JOHNSON if he had anything illegal on his person, and JOHNSON said "yes". Deputy Hawkins then advised JOHNSON of his rights. Deputy Hawkins then asked where the illegal stuff was located and JOHNSON responded with "it's in my pocket". JOHNSON then reached into his front left pocket, while still double cuffed behind his back, and pulled at a prescription bottle with a CVS label affixed to the side with the name CHRIS JOHNSON printed on the label, and handed me the bottle. Inside the pill bottle I found a black tar substance, (that later field tested positive for heroin and weighted 12 grams), and 8.1 grams of a crystal like substance, (that later field tested positive for methamphetamine). Taken out of JOHNSON's right front pocket by Deputy Hawkins was one thousand four hundred and ninety two dollars (\$1492.00) of U.S. currency.

The room was secured and once a search warrant was obtained by Investigator Todd I assisted with the search. During the search I found several empty small plastic bags, that from

PROPERTY

ADMIN

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GREENVILLE CO SHERIF

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Agency I.D.

GREENVILLE COUNTY SHERIFF'S OFFICE

Case Number

SC0230000

Supplemental Report

10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>S193 - Serve Warrant/Other Papers</u>
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>03</u> Page <u>3</u> of <u>3</u> Pages

I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)		Victim Relationship To Subject		Ethnicity	Residence	Race	Sex	Age	Date of Birth	
	☐ Victim	Address		City	State	Zip Code	Parcel District	Day Phone	Evening/ Home			
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Particulars, Etc.						
	☐ Runaway	☐ Victim No.	Visible Injury	☐ Yes ☐ No	Complaint of any Non-Visible Injuries	☐ Yes ☐ No	Victim Using Alcohol	☐ Yes ☐ No ☐ Unk	Two-Wheel Veh	☐ One Man Veh	☐ ALONE	
	☐ Wanted	Explain:	Using Alcohol	☐ No ☐ Yes ☐ Unk	Using Drugs	☐ No ☐ Yes ☐ Type:	Drugs	☐ No ☐ Yes ☐ Type:	Two-Wheel Veh	☐ One Man Veh	☐ ALONE	

☐ Arrest	☐ Missing	☐ Jail	☐ Other	☐ Arrested on Current Offense	☐ Unk	☐ Cleared By Arrest on Prior Offense
Arrested Armed	☐ Yes ☒ No	Weapon Type	☐ On View Arrest	☐ Summoned	☐ Custody	
Juvenile Disposition	☒ Handled Released	☐ Referred To Other Authority	Gang Affiliation: <u>NG - Not Gang Related</u>			
Arrest Location						

experience I recognized as to be bags that are commonly used for the distribution of controlled substances. I also found 18 unidentifiable pills in a pill bottle with Chris JOHNSON printed on the label (for a complete list of items seized see Campbell supplemental). All items seized were placed in P&E.

The suspected illegal substance found in JOHNSON's pocket were of such quantity, along with the small plastic bags found in the room, to show that JOHNSON is involved in the distribution and trafficking of controlled substance. For this reason the money found in JOHNSON's possession was seized as actual proceeds of narcotic trafficking activity. JOHNSON refused to sign a consent forfeiture.

* THIS IS THE ROGUS "HOT-PURSUIT" ACCOUNT OF EVENTS THAT WAS USED TO "JUSTIFY" THE WARRANTLESS SEARCH. THIS ONLY APPEARS IN THE AFFIDAVIT (LIKE THE WORD "QUANTITY") AND IN AGENT PARRISH'S REPORT. IT IS CURIOUSLY ABSENT FROM THE REPORTS OF BOTH AGENTS HAWKINS AND BROWN, WHO, GIVEN THEIR ROLES IN INITIATING THE "RAID" AND BEING THE PRIMARY AND SECONDARY (RESPECTIVELY) OFFICERS IN THE DOOR, WOULD HAVE HAD TO HAVE WITNESSED THE SAME THING. UNLESS OF COURSE THEY "RAIDED" MY ROOM WEARING BLINDFOLDS. ALTHOUGH AGENT TODD MAKES A BRIEF MENTION OF THE "HOT-PURSUIT" IN HIS POLICE REPORT, HE ADMITS TO HAVING BEEN TOLD ABOUT IT, VERSUS BEING A WITNESS TO IT (SINCE HE WAS IN THE HOTEL LOBBY AT THE INITIATION OF THE "RAID").

THIS IS THAT "MAGIC" WORD THAT IS UNIQUE TO AGENT PARRISH'S REPORT AND THE SEARCH WARRANT AFFIDAVIT. BASIC RATIOCINATION SHOWS THAT PARRISH WAS THE GHOST AUTHOR OF THE AFFIDAVIT, IN SPITE OF WHO PROCURED IT.

** BOTH THE BAGGIES AND PILLS ARE ELIMINATED AS 'PLAIN VIEW' PARAPHERNALIA BECAUSE THE SAME AGENT CLAIMING DISCOVERY OF THEM ADMITS TO HAVING RECOVERED BOTH DURING SEARCH. THE NEEDLE WAS LOCATED IN MS. EDWARDS' PURSE.

Seizure	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

Subject Identified	Subject Located	☐ Active ☐ Admin Closed	☐ Arrested Under 18	☐ Ex-Cleared Under 18
☒ Yes ☐ No	☒ Yes ☐ No	☐ Unfounded	☒ Arrested 18 and Over	☐ Ex-Cleared 18 and Over
Reason For Exceptional Clearance	☐ Offender Death	☐ No Prosecution	☐ Victim Declines Cooperation	☐ Extradition Denied
☐ Juvenile No Arrest				
Reporting Officer(s)	Date	Unit/Star#	Approving Officer	Date
PARRISH, JOSEPH	10/09/2010	427 / 01005	Sgt Hall	101 / 00152
Follow Up Investigation		☐ Yes ☒ No		

NARRATIVE

Agency I.D.
SC0230000

EC5 10/15/2010 08:54:38

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

Case Number 130P1
10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type S193 - Serve Warrant/Other Papers (RTA)							
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District 03 Page 1 of 2 Pages							
I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)			Victim Relationship To Subject	Residence	Race	Sex	Age	Date of Birth	
	☒ Victim #1	(STATE OF SOUTH CAROLINA)									
	☐ Subject	Address			City	State	Zip Code	Patrol District	Day Phone	Evening Phone	
	☐ Runaway	Height			Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical Description, Etc.			
	☐ Wanted	☒ Victim No. 1			☐ Visible Injury	☐ Complaint of any Non-Visible Injuries	Victim Using Alcohol		☐ Yes ☐ No ☐ Unk		
	☐ Arrest	☐ Yes ☒ No			☐ Yes ☒ No	Drugs		☐ No ☐ Yes Type:			
	☐ Missing	Explains			Two-Man Veh ☐ One-Man Veh ☐ ALONE ☐		Detective ☐ Other ☐ ASSISTED ☐				
	☐ Jail	Subject No. 1			Using Alcohol	☐ No ☐ Yes ☐ Unk	Arrested on Current Offense		☐ Unk ☐ Cleared By Arrest on Prior Offense		
	☐ Other	Using Drugs			☐ No ☐ Yes Type:						
	Arrested Armed ☐ Yes ☒ No					Weapon Type		On View Arrest ☐ Summoned ☐ Custody ☐			
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority											
Arrest Location					Gang/Amateur: NG - Not Gang Related						

OVERFLOW:
INCIDENT TYPE: **TRAFFICKING HEROIN**, OFFENSE COMPLETE: **Y**, FORCED ENTRY: **N**, PREMISE TYPE: **14 - Hotel/Motel/Etc.**, UNITS ENTERED: **0**
INCIDENT TYPE: **PWID METHAMPHETAMINE**, OFFENSE COMPLETE: **Y**, FORCED ENTRY: **N**, PREMISE TYPE: **14 - Hotel/Motel/Etc.**, UNITS ENTERED: **0**

HAWKINS, CRAIG A: Complainant 1
RACE: **White, Caucasian**, SEX: **Male**, RESIDENT: **Resident of South Carolina**
4 MCGEE St GREENVILLE 29601 CJ11 (Greenville City)

EDWARDS, JOICE/JOYCE EVELYN: Subject 1
Subject Types: **Suspect, Wanted, Arrest**
ADDRESS: **[REDACTED] GREER SC 29651 03A**, RESIDENT: **S**, RACE: **W**, SEX: **F**, AGE: **27**, DOB: **[REDACTED]**, SSN: **[REDACTED]**
DL STATE/NUMBER: **SC/[REDACTED]**
Physical Description
HAIRCOLOR: **Blond**, EYES: **Green**, HEIGHT: **505**, WEIGHT: **100**, VISIBLE INJURY: **No**, NON-VISIBLE INJURY: **No**, USING ALCOHOL: **Unknown**, USING DRUGS: **Yes**,
Drugs: **ARREST ON CURRENT OFFENSE, ON VIEW ARREST, ARREST LOCATION: 31 OLD COUNTRY Rd GREENVILLE SC 29607 03,**
Charges
CHARGE 1: **SUBJ#1) FUGITIVE FROM JUSTICE WARRANT #: I-483349 BOND AMOUNT: NO BOND**
CHARGE 2: **SUBJ#2) TRAFFICKING HEROIN WARRANT #: I-483350 BOND AMOUNT: \$50,000**
CHARGE 3: **SUBJ#2) PWID METHAMPHETAMINE WARRANT #: I-483351 BOND AMOUNT: \$30000**

JOHNSON, CHRISTOPHER SHANNON: Subject 2
Subject Types: **Suspect, Arrest**
ADDRESS: **[REDACTED] 85020 B 0320 (Out of State)**, RESIDENT: **O**, RACE: **B**, SEX: **M**, AGE: **36**, DOB: **[REDACTED]**, SSN: **[REDACTED]**
DL STATE/NUMBER: **AZ/[REDACTED]**
Physical Description
HAIRCOLOR: **Black**, EYES: **Brown**, HEIGHT: **600**, WEIGHT: **192**, VISIBLE INJURY: **No**, NON-VISIBLE INJURY: **No**, USING ALCOHOL: **Unknown**, USING DRUGS: **Unknown**, ARREST ON CURRENT OFFENSE, ON VIEW

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value
	Szd	10 - Drug/Marijuana	8.1		000	METHAMPHETAMINE 8.1 GRAMS		800
	Szd	10 - Drug/Marijuana	12		000	TAR HEROIN 12 GRAMS		1200
	Szd	10 - Drug/Marijuana	18		022	18 UNKNOWN PILLS (10 MG EACH)		18
	Szd	20 - Money	1492		015			1492
ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed ☐ Arrested Under 18 ☐ Ex-Cleared Under 18		☐ Arrested 18 and Over ☐ Ex-Cleared 18 and Over	
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Unfounded			
	Reason For Exceptional Clearance		☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest					
	Reporting Officer(s)		Date	Unit/Star#	Approving Officer		Date	Unit/Star#
	TODD, CLAUDE		10/12/2010	431/00452	HALL, DARIUS		10/12/2010	401/00152

10-15-10

Agency I.D.
SC0230000

EC5 10/15/2010 08:54:36

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental ReportCase Number
10000156378

☐ Original Report	☐ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type S193 - Serve Warrant/Other Papers (RTA)			
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District 03	Page 2 of 2 Pages		

I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)		Victim Relationship To Subject		Ethnicity	Residence	Race	Sex	Age	Date of Birth	
	☐ Victim	Address		City	State	Zip Code	Patrol District	Day Phone	Evening Phone			
	☐ Subject	Height	Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.						
	☐ Runaway	☐ Victim No.	Visible Injury ☐ Yes ☐ No	Complaint of any Non-Visible Injuries ☐ Yes ☐ No	Victim Using Alcohol ☐ Yes ☐ No ☐ Unk	Drugs ☐ No ☐ Yes Type:	Two-Man Veh ☐ One Man Veh ☐ ALONE ☐	Detective ☐ Other ☐ ASSISTED ☐				
	☐ Wanted	Subject No.		Using Alcohol ☐ No ☐ Yes ☐ Unk	Using Drugs ☐ No ☐ Yes Type:	☐ Arrested on Current Offense						

Arrestee Armed ☐ Yes ☒ No	Weapon Type	☐ On View Arrest ☐ Summoned ☐ Custody
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority		
Arrest Location	Gang Affiliation: NG - Not Gang Related	

ARREST, ARREST LOCATION: 31 OLD COUNTRY RD GREENVILLE SC 29607 03

Narrative:

On 10-07-10 I assisted with surveillance at 31 Old Country Rd. (La Quinta Inn) in reference to attempting to locating a Joyce Edwards. I was shown a photo of the suspect and advised that she was possibly in room #107 at the La Quinta Inn. The fugitive task force along with members of Greer Police Dept. were looking for the subject in reference to her being on NCIC and having active arrest warrants from Greer City. I was also advised that information had been given that a male subject was in the room with her and that he was in possession of a large quantity of illegal narcotics. Myself and Inv. Parrish (437) were set up on the room and were watching to see anyone coming or going from the room. I had been shown a photo of the suspect. I observed the suspect walk out of the room and back into the room several times. At this time, members of the Sheriff's Office set up on the room. I entered the lobby area and attempted to obtain a key to the room from the staff. I then heard several people yelling Sheriff's Office and I came around the corner to see members of the Sheriff's Office entering the room. I later learned that the Edwards subject had opened the door and upon seeing officers attempted to retreat back into the room. I entered the room and observed two officers placing a male subject into custody and I observed an officer wrestling with the female subject on the floor of the room. I had entered the room with my service weapon drawn and when I observed that the female was not complying with orders to show her hands and stop resisting I pointed my service weapon at her. The female suspect had her hands under her where I could not see them and I did not know if she was attempting to obtain a weapon she had on her person. The female then pulled her hands out and at that time myself and other officers were able to control her hands. I holstered my service weapon and assisted in securing her at that time.

Upon entering the room there was paraphernalia in plain view and during the detainment of the male suspect, Christopher Johnson, he was found to be in possession of both Heroin and Methamphetamine. I then responded to the detention center where I obtained a search warrant for the room from Judge Gibson. I then returned with the signed search warrant and turned it over to Dep. Campbell (026) who was conducting the scribe for the search warrant. Please refer to her supplemental report in reference to items seized from the residence.

I then responded to the detention center where I assisted in obtaining arrest warrants for Johnson and placing him in the detention center.

***IT IS AT THIS SAME TIME THAT I AM ALLEGED TO HAVE JUST REACHED INTO MY POCKET AND PRODUCED A 'QUANTITY' OF HEROIN, THEN HANDED IT TO THE AGENTS.**

****THE HEROIN AGENT TODD SWORE TO JUST DAYS EARLIER HAS NOW DISAPPEARED, EVEN THOUGH IT WAS TESTED AND CONFIRMED, OR SO HE TOLD THE MAGISTRATE.**

THIS IS THE ADMISSION THAT AGENT TODD SWORE OUT AN AFFIDAVIT ON HEARSAY VERSUS 'EYE BALL EVIDENCE'

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

Subject Identified ☒ Yes ☐ No	Subject Located ☒ Yes ☐ No	☐ Active ☐ Admin Closed	☐ Arrested Under 18	☐ Ex-Cleared Under 18
		☐ Unfounded	☒ Arrested 18 and Over	☐ Ex-Cleared 18 and Over
Reason For Exceptional Clearance ☐ Offender Death	☐ No Prosecution	☐ Victim Declines Cooperation	☐ Extradition Denied	☐ Juvenile No Arrest
Reporting Officer(s)	Date	Unit#Star#	Approving Officer	Date
TODD, CLAUDE	10/12/2010	431 / 00452	HALL, DARIUS	10/12/2010
			Follow Up Investigation ☐ Yes ☒ No	

THIS SHOWS THAT THE G.C.S.O. OBVIOUSLY DIDN'T BELIEVE THIS APPREHENSION ROSE LEVEL OF AN EMERGENCY, AND THAT MS. EDWARDS WAS NO MENACE TO SOCIETY OR PUBLIC NUMBER ONE - TYPE THAT REQUIRED A WARRANTLESS SEARCH AND SEIZURE IN AND UNDER EXIGENT CIRCUMSTANCES. RE EMERGENCIES BY THEIR VERY NATURE.

10-15-10



County of Greenville

"...At Your Service"

DEPARTMENT OF PUBLIC SAFETY

~~Page 1 of 1~~

DRUG ANALYSIS REPORT

Department: Greenville Sheriff's Office
Officer: Parrish, J.
Campbell, L.
Subject: Johnson, Christopher

Case Number: 01-2010-156378
Report Number: 1
Incident Date: 10/07/2010
Received From: Property & Evidence
Received Date: 12/03/2010

This is an official report of the Greenville County Department of Public Safety Crime Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no examinations of evidence submitted in this case have been or will be conducted by any other laboratory or agency.

James M. Dorriety, Assistant County Administrator
Department of Public Safety

EXAMINATIONS CONDUCTED

☒ CHEMICAL TEST ☐ MICROSCOPIC ☐ INFRARED SPECTROSCOPY
☐ ULTRAVIOLET SPECTROSCOPY ☒ GAS CHROMATOGRAPHY ☒ MASS SPECTROSCOPY

ITEMS OF EVIDENCE:

Item JP1: Rock substance

Results: Methamphetamine found, 8.16 grams C-II

Item JP2: Plastic with black substance

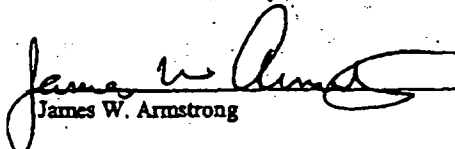
Results: Heroin (C-I) and Methamphetamine (C-II) found, 11.71 grams

THE TRAFFICKING CHARGE STEMS FROM A
MIXTURE OF HEROIN AND METHAMPHETAMINE
AND NOT JUST HEROIN.

Item JP7: Eighteen tablets

Results: Zolpidem indicated C-IV

I am a Criminalist employed by Greenville County to perform chemical and physical examinations on evidence submitted by law enforcement agencies in criminal cases, and to testify in courts of record in the state of South Carolina on such examinations.


James W. Armstrong

12/07/2010

-2 JAN 2011 13 55

05.21.2011

TO WHOM IT MAY CONCERN,

ENCLOSED IS A MOTION FOR POST-CONVICTION RELIEF FOR CHRISTOPHER S. JOHNSON, CASE # 01.10.156378. IT IS COMPRISED OF A TOTAL OF SIXTY (60) PAGES, OF THREE (3) GROUPS:

- (A) APPLICATION FOR POST-CONVICTION RELIEF (FORM 5);, TOTAL OF SEVEN (7) PAGES.
- (B) SUPPLEMENTARY ANSWER SHEETS FOR QUESTIONS 9, 10, 11; A TOTAL OF THIRTY-EIGHT (38) PAGES, ALL IN ORDER.
- (C) POLICE REPORTS (WITH OBSERVATIONS AND NOTES ADDED), A TOTAL OF FIFTEEN (15) PAGES.

ONCE THIS PACKET IS RECEIVED, PLEASE SEND ME AN ACKNOWLEDGEMENT OF RECEIPT, AS WELL AS A DATED AND TIME-STAMPED COPY OF THE SAID AND ENCLOSED MOTION TO THE FOLLOWING ADDRESS:

CHRISTOPHER S. JOHNSON #350430
KIRKLAND RECEPTION AND EVALUATION/C2-12
4344 BROAD RIVER RD.
COLUMBIA, SC. 29210

THANK YOU FOR YOUR ATTENTION IN THIS MATTER.

TRULY,

CHRIS JOHNSON

2

**Jrklund Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210**

ANTI ROOM

MAY 29 1962

ATTN: CLERK OF COURT
305 E. NORTH ST.
GREENVILLE, SC 29601

LEGAL MAIL ONLY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. No. 2012-CP-23-3757
COUNTY OF GREENVILLE	)	
	)	
Christopher S. Johnson,	)	
S.C.D.C. No. 350430,	)	
	)	
Applicant,	)	
	)	RETURN AND PARTIAL MOTION TO DISMISS
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

In response to the post-conviction relief application filed June 7, 2012, the Respondent would show this Court:

I.

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Greenville County Clerk of Court's orders of commitment. The Greenville County Grand Jury indicted the Applicant at the August 2011 term of General Sessions for trafficking heroin (2011-GS-23-0544) and possession with intent to distribute (PWID) methamphetamine (2011-GS-23-0545). Christopher T. Posey, Esquire represented the Applicant.

On April 9, 2012, the Applicant pled guilty. The Honorable Letitia H. Verdin sentenced the Applicant to concurrent terms of fifteen years for trafficking heroin and fifteen years for PWID methamphetamine. The Applicant did not appeal.

Attached herewith and incorporated herein by reference are the records of the Greenville County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina Department of Corrections. The plea transcript will be forwarded upon receipt.

II.

In his application for post-conviction relief the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
2. Prosecutorial misconduct.
3. Brady violation.
4. Invalid search and seizure.

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel.

First, the applicant must prove counsel's performance was deficient. Under this prong, attorney

performance is measured by its "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

The Applicant alleges the prosecution and law enforcement engaged in misconduct in order to resolve this case. The Applicant, however, has not met his burden of proving there was any prosecutorial misconduct in his case. See Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989) (finding the burden is on the defendant to prove actual vindictiveness). As such, the allegation must be dismissed.

V.

The Respondent submits several allegations raised in the PCR application (such as those relating to search and seizure issues) are not cognizable in a PCR action. Rather, these allegations raise direct appeal issues that are procedurally barred by S.C. Code Ann. § 17-27-

20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). The Applicant could have raised these issues on appeal. The failure to do so has waived these allegations as grounds for relief.

The Respondent denies each allegation not expressly admitted, qualified or explained.

VII.

WHEREFORE, having made its Return, the Respondent requests that: (1) a hearing be held on the issues related to ineffective assistance of counsel, (2) that all other issues be dismissed, and (3) that counsel be appointed to represent the Applicant on the ineffective assistance of counsel claims.

Respectfully submitted,

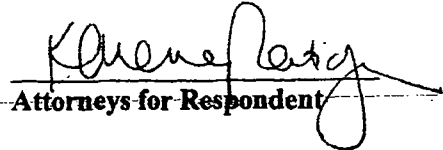
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

KAREN C. RATIGAN
Assistant Deputy Attorney General
P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for Respondent

August 31, 2012

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

CHRISTOPHER JOHNSON,

2012-CP-23-03757

PLAINTIFF,

-VS-

DECEMBER 18, 2013

STATE OF SOUTH CAROLINA,

TRANSCRIPT OF RECORD

DEFENDANT.

BEFORE:

THE HONORABLE G. EDWARD WELMAKER, JUDGE

APPEARANCES:

BRIAN JOHNSON, ESQUIRE
ATTORNEY FOR THE PLAINTIFF

KAREN RATIGAN, ESQUIRE
ATTORNEY FOR THE DEFENDANT

DANETTE P. HANKS
CIRCUIT COURT REPORTER

Christopher Johnson -vs- State of South Carolina (2012-CP-23-03757)

2

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1

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Christopher Johnson -vs- State of South Carolina (2012-CP-23-03757)
Exhibit List

3

PLAINTIFF'S EXHIBITS

NO	DESCRIPTION	ID	EV
	(NONE)		

DEFENDANT'S EXHIBITS

	(NONE)		

COURT'S EXHIBITS

	(NONE)		

1 **DECEMBER 18, 2013**

2 (WHEREUPON, court convened with all parties
3 present and the following proceedings were had.)

4 THE COURT: Ms. Ratigan.

5 MS. RATIGAN: Thank you, Your Honor. May it
6 please the court. This is the case of Christopher
7 Johnson versus the State of South Carolina. The docket
8 number is 2012-CP-23-3757. Mr. Johnson was indicted
9 for trafficking heroin and possession with intent to
10 distribute methamphetamines. He was represented by Mr.
11 Posey.

12 On April 9th of 2012, he pled guilty pursuant to
13 Alford before Judge Verdin. He received concurrent
14 sentences of fifteen years for trafficking heroin and
15 fifteen years for PWID methamphetamines. He did not
16 file an appeal and the state is ready to proceed.

17 THE COURT: Mr. Johnson.

18 MR. JOHNSON: Thank you, Your Honor.

19 Before we go forward, I think it would assist the
20 court to tailor the issues that will be presented.
21 Your Honor, my client is proceeding on ineffective
22 assistance of counsel. My client is alleging that his
23 plea counsel, that Mr. Posey -- that his defense
24 counsel -- excuse me, Your Honor -- failed to subject
25 the state's case to protesting. He would have liked to

1 challenge the state's evidence. He also would have
2 liked his co-defendant to hcv been investigated. He
3 \would have liked for counsel to have challenged the
4 search associated with the case. My client is also
5 alleging that he was misadvised as to parole
6 eligibility of the trafficking charge. And he also is
7 alleging that plea counsel was ineffective as he
8 interfered with his plea allocution, his statement
9 given in mitigation of the sentence, Your Honor.

10 THE COURT: What was the last one again?

11 MR. JOHNSON: He was ineffective because he
12 interfered with his plea allocution, the statement that
13 he offered in mitigation ---

14 THE COURT: Okay. Mitigation ---

15 MR. JOHNSON: Yes, sir. Yes, sir.

16 THE COURT: All right. You may call your
17 first witness.

18 MR. JOHNSON: Thank you. Applicant calls
19 Christopher Johnson.

20 THE CLERK: Mr. Johnson, please place your
21 left hand on the bible and raise your right hand as
22 best you can.

23 You do solemnly swear or affirm that the testimony
24 you're about to give in this case will be the truth,
25 the whole truth and nothing but the truth, so help you

Christopher Johnson -vs- State of South Carolina (2012-CP-23-03757)
Christopher Johnson - Direct Examination by Mr. Johnson

6

1 God?

2 THE WITNESS: Yes, ma'am.

3 THE CLERK: Thank you. You may be seated.

4 Please state your full name for the record.

5 THE WITNESS: Christopher Shannon Johnson.

6 CHRISTOPHER SHANNON JOHNSON,

7 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

8 DIRECT EXAMINATION

9 BY MR. JOHNSON:

10 Q. All right. Mr. Johnson, do you know why we're
11 here today?

12 A. Yes, sir.

13 Q. Can you please portray to the court why you filed
14 your application for post conviction relief?

15 A. I filed the application because I believed that
16 there were issues that weren't brought to the court's
17 attention prior to my plea. I believe I was armed with
18 faulty information going into the plea. I believe that
19 there was a reversible error in regard to the
20 allocution. And I believe I was subjected to a
21 selective prosecution because I was arrested with
22 somebody else. And under a ruling and under state --

23 South Carolina state law, I was similarly situated with
24 somebody that was not prosecuted, although we had the
25 same charges, the same bail, and the person never was a

1 state witness against me. Counsel failed to
2 investigate that.

3 Q. Now, with regards to Mr. Posey, was he the only
4 counsel with this case or did you have any previous
5 counsel?

6 A. No. I had a prior counselor. Caroline Horlbeck
7 was my original counsel. I fired her about fifteen
8 months into my case. Or actually -- let me take that
9 back. I filed a complaint with the court, a letter to
10 the court, approximately January of 2012, alleging that
11 she had been deceptive, that she had waived a
12 preliminary hearing. And after I had asked repeatedly
13 every time I talked to her or talked to her legal
14 assistance, you know, I was always told, you know what
15 I'm saying, it's still scheduled, it's still scheduled.
16 I find out in January of 2012 that it had actually been
17 waived without my consent or my knowledge. And based
18 on that, plus the difficulties I had been having
19 getting straight answers out of Carolina Horlbeck, I
20 wrote a letter to the court and asked for her to be
21 relieved from the case.

22 Q. Now, at some point in time you were appointed Mr.
23 Posey; is that correct?

24 A. I believe it was March 16th, 2012 that the
25 hearing took place. About two weeks, maybe three weeks

1 subsequent to that, Mr. Posey visited me at the
2 Greenville County Detention Center.

3 Q. Is that the point in time that you had learned
4 that he had been appointed as your counsel?

5 A. That was.

6 Q. And that was, as you stated, two weeks, two or so
7 weeks ---

8 A. Two to three weeks after the 16th. I fired
9 Caroline on my birthday, so I remember that date. I
10 believe Chris Posey saw me at the county jail on or
11 about April the 2nd, something like that.

12 Q. And do you remember the date of your plea?

13 A. The plea was the 9th of April.

14 Q. Okay. Now, the -- what were the circumstances of
15 your case at that time? Were you in the negotiation
16 phase or had you received discovery or were you in the
17 trial phase?

18 A. I had discovery. There were no negotiations. I
19 was not interested in a plea. I wanted to go to trial.
20 Trial was scheduled for about -- matter of fact, it was
21 the week following the 9th. It was supposed to start
22 the 16th. I think that was jury selection.

23 Q. Okay. So jury selection was supposed to start
24 the 16th?

25 A. April 16th. On or about.

1 Q. So at the point in time that Mr. Posey came to
2 see you, were you -- what did you discuss?

3 A. We discussed the facts of the case, the issues I
4 believed were relevant. We discussed the possible
5 penalties. We discussed the plea offer that had been
6 offered by the solicitor's office, which I wasn't
7 interested in. Different types of pleas. And whether
8 or not the crimes that I was charged with were, under
9 any circumstances, parole eligible.

10 Q. Now, one of your claims as far as ineffective
11 assistance is you have complaints with regards to Mr.
12 Posey's investigation or attempt to investigate the
13 case?

14 A. Right.

15 Q. Can you please portray to the court what your
16 issues are there?

17 A. Basically I believe that everything on my case
18 hinged upon a fourth amendment violation.

19 Q. Can you please elaborate?

20 A. I was the subject of a warrantless search. I was
21 a registered guest at a motel room. Agents from the
22 Greenville County Sheriff's Office and an agent from
23 the Greer Police Department entered my hotel room
24 without a warrant, without knocking or announcing. As
25 I was exiting they pushed themselves in at gunpoint and

Christopher Johnson -vs- State of South Carolina (2012-CP-23-03757)
Christopher Johnson - Direct Examination by Mr. Johnson

10

1 searched my belongings until they found incriminating
2 evidence.

3 Q. So based upon those facts and circumstances, what
4 did you discuss with Mr. Posey as far as an action?

5 A. That I wanted something basically along the times
6 of a *Franks* hearing or a preliminary hearing to
7 determine -- or have the court determine as to whether
8 or not the search was legitimate, whether it was legal.
9 Because, if not, then everything else was basically
10 subject to the exclusionary rule.

11 Q. And you discussed this with him?

12 A. Absolutely.

13 Q. Now, as far as -- also as far as the case, as I
14 understand it, another basis for your claim of
15 ineffectiveness is you wanted him to investigate
16 something?

17 A. Absolutely. I wanted him to not only investigate
18 that, but the idea that there was a possible selective
19 prosecution at work. At the time of my arrest, I was
20 arrested with a female, a white female subject, that
21 when we were taken to the county jail, she was also
22 charged with trafficking. She was charged with PWID
23 methamphetamine. We had identical bails. She was
24 never prosecuted. She was never offered any type of, I
25 guess, a negotiation within the solicitor's office in

1 order to turn state's evidence against me. Her case
2 basically evaporated. And, you know, it was something
3 that he wasn't willing to pursue.

4 Q. Now, you discussed this at your initial visit?

5 A. Absolutely.

6 Q. When was the next time that you saw Mr. Posey?

7 A. The day I entered the plea.

8 Q. Now, in the conversations at the initial visit,
9 did you discuss that you were going to plea or was that
10 decision made later?

11 A. It was made later. I mean, I wanted a trial. I
12 wanted either a trial or I wanted the *Franks* hearing.
13 I wanted the court to look at the facts and the
14 circumstances because I believed at that time, as much
15 as I believe today, that, like I said, everything
16 hinged upon a fourth amendment violation.

17 Q. Now, Mr. Johnson, for the record, you have been
18 referring to a *Franks* hearing. Can you please portray
19 to the court what you ---

20 A. It's basically a determination by the court
21 whether or not there was a fourth amendment violation,
22 whether the case can proceed. And if it's determined
23 at that hearing to -- where they look at the
24 circumstances behind the warrantless search or a search
25 warrant itself, you know, it's -- the idea is to

1 determine whether or not the magistrate, before they
2 issued the warrant, was armed with sufficient
3 information. Or in the case of a warrantless search,
4 whether enough probable cause existed at that time for
5 the police to act on.

6 Q. Okay. Now, you were transported, I suppose, on
7 the -- let me look to be specific -- on the 9th for the
8 purposes of a guilty plea?

9 A. I was transported here to talk to Chris Posey.
10 After our first meeting when we had discussed the
11 different, the different penalties I could basically be
12 subjected to if I didn't plea, or whether I did plea,
13 you know, it was put to me, hey, look, you've got a
14 trial in a couple of weeks. You know, we can possibly
15 see this judge on this day if you enter this plea. And
16 if not, you know what I'm saying, there'll be a trial
17 the week afterwards. I hadn't been called to the court
18 or the courthouse. We never went to a courtroom. I
19 met him on one of the, I guess, interview rooms or
20 whatever you call those things here, visitation rooms.

21 Q. And this conversation was held when you got here
22 or during the first meeting?

23 A. It was between both meetings. We discussed the
24 possible penalties here. But the decision wasn't made
25 to plea until the day of.

1 Q. Now, with regards to the plea itself, were you --
2 before you made the decision to plead guilty, were you
3 -- what was the understanding you had as far as what
4 the charges carried, parole eligibility, et cetera?

5 A. All right. I was told on the PWID
6 methamphetamine that the possible penalty was zero to
7 fifteen years. It was supposed to be looked at by the
8 courts as a non-violent charge, be sentenced as a non-
9 violent charge. The trafficking heroin I was told
10 carried anywhere from seven to twenty-five years. That
11 if I took it to the box and lost -- took it the jury
12 and lost, that I was not eligible for parole. Whereas,
13 if I pled guilty, then there was parole eligibility.

14 Q. So you portrayed to the court it was your
15 understanding that if you went to trial you were not
16 parole eligible, but if you went -- if you pled guilty,
17 you would be parole eligible?

18 A. That's right. And to me it made sense because I
19 had two prior cases that went to the federal court
20 system and they had something similar in place. The
21 rationale there was if a person takes a plea, they give
22 you the recommended -- the sentence, it falls to within
23 whatever the guidelines recommend. And those are
24 usually far shorter than the statutory maximum. Like
25 when I was convicted of bank robbery in 2005, my

1 statutory maximums on the bank robberies were twenty
2 years apiece. They could be run consecutive. And the
3 fact that I had a pistol when I was arrested would have
4 added about five years. If I had taken it to trial, I
5 would possibly -- probably gotten the forty-five years
6 or I would have gotten forty years plus five concurrent
7 for the pistol. Whereas, when I took my plea I
8 received thirty-three months. It was the same
9 situation in 1993 when I pled guilty to another crime
10 and instead of getting twenty years, I received two and
11 a half years because I pled and was subjected to the
12 guidelines versus the statutory maximums.

13 Q. Now, so your understanding of South Carolina
14 parole rules had to do with your conversation with Mr.
15 Posey or had to do on your own research?

16 A. No. That was Mr. Posey, because at that time I
17 hadn't had any access to any type of legal books or
18 legal materials at Greenville County jail. It wasn't
19 until I got to Lieber Correctional Facility and had
20 what they call an annual review or classification
21 review that I found out I wasn't parole eligible.

22 Q. When you say classification review, what do you
23 mean?

24 A. Once a year, around the date that you were
25 entered into the Department of Corrections, they have a

1 security classification review which determines whether
2 or not your security level is going to drop, whether
3 you're going to be sent to a lower security prison,
4 whether or not you're going to have to stay at the
5 prison you're at. Determines what programs you're
6 eligible for.

7 Q. Mr. Johnson, do you remember when you -- when
8 initially you gained access to this system that would
9 tell you this information?

10 A. I got the information April of this year. The
11 department of corrections determined sometime in June
12 of last year what my classification level was going to
13 be while I was at the Kirkland Receiving and Evaluation
14 Center.

15 Q. If I give you a document produced by SCDC, would
16 it refresh your recollection to the extent you would be
17 able to be specific?

18 A. Yeah, absolutely.

19 MR. JOHNSON: Your Honor, I've handed him a
20 document I believe is already in the record, the
21 printout from SCDC.

22 A. Yeah, this comes out -- my classification was
23 reached on 6/21/12 and I became aware of the
24 information in April of this year, around April 11th of
25 this year.

1 Q. Now, what's the significance of the document with
2 regards to your testimony on parole eligibility?

3 A. I'm not eligible for parole ever.

4 Q. Okay. And that's the point in time when you
5 learned this fact?

6 A. This was when they determined it, and I learned
7 of it this year in April when I had my first review. I
8 went to SCDC about April 11th of last year, about two
9 days after I got sentenced. And like I said, on this
10 date is when they determined what my classification was
11 going to be, what prison I was going to go to. But I
12 didn't become aware of any of this until I had my first
13 review with the case managers. And that's when they put
14 one of these in my hand. When I asked when am I up for
15 parole.

16 Q. Now, you stated that you made the decision to
17 plead on the 9th?

18 A. Yes.

19 Q. And you pled before Judge Verdin?

20 A. Yes, sir.

21 Q. Okay. Now, was there anything with regards to
22 the circumstances of the plea that also leads to your
23 claim of Mr. Posey being ineffective?

24 A. Well, I mean, besides the failure to investigate
25 the circumstances with my co-arrestee, he basically

1 told me that I wasn't going to be represented on the
2 issues, that I wasn't going to get the hearing, the
3 Franks hearing, I wasn't going to get a preliminary
4 hearing. And that my best chance with him was if we
5 went to trial, we went in front of a jury, to try to
6 muddle the issues and hope for a mistrial.

7 Q. Now, during your plea you answered all the
8 questions to the judge; is that right?

9 A. Yes.

10 Q. And the judge eventually accepted your plea?

11 A. Yes.

12 Q. Now, at the point in time she accepted your plea,
13 did you offer a statement to the court?

14 A. I attempted to offer a statement to the court and
15 probably about a third of the way into it, the court
16 told me to pare it down.

17 Q. Okay. The court told you to pare it down?

18 A. Yes.

19 Q. At what point -- now, what happened after the
20 court told you to pare it down?

21 A. I followed the court's instruction. I mean, I'm
22 at my sentencing basically. Or I'm at the point to
23 where I'm about to get sentenced.

24 Q. How long had you been speaking before the court
25 told you to pare it down?

1 A. Time frame, I'm not sure. I was about one-third,
2 I would imagine, through my statement to the court.

3 Q. And the statement that you were offering was in
4 mitigation requesting leniency?

5 A. Right. Which I believe was absolutely critical.
6 If the solicitor's office had eighteen months to vilify
7 me, at that point, you know, based on my conversation
8 with Mr. Posey and, you know, the other circumstances
9 at work, I felt that was the only defense I still had
10 left, was the opportunity to argue my circumstances in
11 front of the court.

12 Q. Now, with regards to that specific instruction
13 from the court to pare it down, did Mr. Posey convey
14 anything to you or to the court that led you to believe
15 the circumstances of your statement in mitigation would
16 still be covered?

17 A. He offered to give it to the court after I was
18 sentenced, to like enter the statement, the written
19 statement, into the record. But during the time
20 subsequent to the court asking me to pare it down, he
21 then himself issued an instruction to keep it within
22 under a minute. And it's on the record. I mean, it's
23 in the transcript.

24 Q. So you're saying this conversation is in the
25 transcript?

1 A. It's in the transcript. It was said in the same
2 microphone I was talking into.

3 Q. I hand you the court's guilty transcript that
4 you're referring to. If you don't mind saying who's
5 saying what if you'll please portray that situation
6 that you're referring to to the court?

7 A. On page twenty-one, line four, the court says:
8 All right. This is probably the stuff we can kind of
9 pare down a little bit there. I say, okay, I'll skip
10 it. Mr. Posey says, you can pass it up and she'll put
11 it in the record if you want to do that. I say, yeah,
12 I'll give it to her afterwards. Then Mr. Posey says, I
13 would do it about a minute more -- I could do about a
14 minute more.

15 Q. And what is your understanding of that
16 conversation meaning?

17 A. It was basically, let's, you know, get to the
18 next case.

19 Q. Did you feel like you were being advised to give
20 up further opportunity to speak to the court with
21 regards to mitigation?

22 A. It's clear-cut. I absolutely felt like I was
23 getting the short shrift. But at the same time, I
24 mean, I can't argue with the person that's about to
25 pronounce sentence either.

1 Q. Mr. Johnson, other than the issues you've already
2 covered, is there anything else that you believe Mr.
3 Posey -- any other way that you believe Mr. Posey to
4 have been ineffective?

5 A. Those were the big ones. I mean, like I said,
6 the investigation, the fact that, you know, he wasn't
7 interested in doing an investigation before trial. I
8 mean, we had a week. In the record -- it says in the
9 transcripts, I've known this guy about a week and a
10 half. So without my input, there's no way he can
11 adequately represent me. Okay? And if the one thing
12 I'm doing to affirm my own defense is to speak on the
13 record, you know, to offer my allocution before the
14 pronouncement of sentence is interrupted, I mean, what
15 more can I do? All I could do is try to keep within
16 the decorum of the court and do what I was instructed
17 to do.

18 MR. JOHNSON: Your Honor, I have no further
19 questions at this time for this witness.

20 MS. RATIGAN: I have no cross examination,
21 Your Honor.

22 THE COURT: All right. Thank you. You can
23 step down, sir.

24 MR. JOHNSON: Your Honor, that's the
25 applicant's case.

1 THE COURT: Anything from the state?

2 MS. RATIGAN: Yes, Your Honor, we call Mr.
3 Posey.

4 THE CLERK: Mr. Posey, you do solemnly swear
5 or affirm that the testimony you're about to give in
6 this case will be the truth, the whole truth and
7 nothing but the truth, so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Thank you. You may be seated.

10 CHRISTOPHER TODD POSEY,

11 HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

12 DIRECT EXAMINATION

13 BY MS. RATIGAN:

14 Q. Mr. Posey, you were here for Mr. Johnson's
15 testimony?

16 A. Yes.

17 Q. And Mr. Johnson testified you were appointed like
18 less than a month before the plea. Does that sound
19 accurate?

20 A. Yes.

21 Q. Did you file discovery motions or did you get
22 those materials from his prior attorney?

23 A. Prior attorney actually. I probably received
24 from the court, the solicitor office and Ms. Horlbeck
25 all within a few days of each other. Apparently, from

1 my understanding of events, Mr. Johnson did not want
2 Ms. Horlbeck to be his attorney and filed a motion for
3 Judge Stilwell to hear the case. It was set for trial
4 at that time. Judge Stilwell allowed him to -- allowed
5 Ms. Horlbeck to be relieved as counsel because I
6 believe he had filed a grievance against her and in
7 doing so signed an order that his case would be on the
8 April 16th trial docket without continuance for any
9 reason.

10 Q. And did you discuss that order with Mr. Johnson
11 when you met with him?

12 A. Yes.

13 Q. Did you review with him the state's evidence, the
14 discovery?

15 A. Yes. Everything I was given.

16 Q. Did you review with him the elements of the
17 charges?

18 A. Yes.

19 Q. The possible penalties?

20 A. Yes.

21 Q. Did he tell you his version of what had happened
22 that day?

23 A. Yes. Pretty much the same day that was on the --
24 that he allocuted at the plea.

25 Q. Did you discuss with him this white female who

1 had been arrested at the same time as he?

2 A. We discussed and I explained to him that
3 apparently she was prepared to testify against him
4 according to the information that was given to me by
5 Ms. Monts who was the prosecutor of the case. He
6 wanted to know -- he kept wanting to know what was
7 going to happen to her charges? And I said, basically
8 she's either going to get a sweet deal or they're going
9 to dismiss her charges. It was pretty evidence they
10 were going to give her a break for testifying against
11 him or being prepared to testify against him. That
12 that result would not be known until after his case was
13 completed.

14 Q. And Mr. Johnson is alleging that you should have
15 somehow argued selective or malicious prosecution. Is
16 that a motion or argument you felt would be proper in
17 this case?

18 A. No. Because it was basically prosecutorial
19 discretion at that point in time how they wanted to
20 proceed with the co-defendant, how they wanted to treat
21 the co-defendant. They didn't do anything malicious or
22 out of line or against Mr. Johnson.

23 Q. Did you explain that to him?

24 A. Yes.

25 Q. Now, the case was on the trial docket and Mr.

1 Johnson has testified he, in fact, wanted a trial. Is
2 that something that he told you?

3 A. We discussed it. We discussed, you know, what
4 would happen if he was convicted at trial versus
5 entering a plea. You know, I told him I felt if he
6 went to trial, based on his prior record, if he lost at
7 trial, he probably would receive a more substantial
8 sentence than he would if he took responsibility and
9 the judge gave him the benefit for pleading guilty.

10 Q. So when did Mr. Johnson decide that he wanted to
11 plead guilty; do you recall?

12 A. He raised the possibility that first meeting that
13 he discussed when we went to the jail. That's the
14 reason he was brought to court on the 9th. I explain
15 to him my court dates were on Mondays and the next
16 available plea date would be on the 9th if he -- he's
17 the one who said, well, bring me up and I'll decide.
18 We talked again probably for another hour, hour and a
19 half that morning, and then he made the decision to
20 enter the plea under *Alford*.

21 Q. And did you explain to him kind of the concept
22 behind *Alford*?

23 A. Yes.

24 Q. Did you -- strike that. Did you ever discuss
25 with him what Ms. -- did you ever discuss with Mr.

1 Johnson what he was alleging was a fourth amendment
2 violation and a warrantless search?

3 A. We discussed the merits of it. I told him that
4 would be a hearing we would have before the trial. If
5 he would like to go to a jury trial, that's a motion we
6 would argue prior to trial.

7 Q. He testified you told him that he was never going
8 to get that *Franks* hearing. Is that something you
9 recall telling him?

10 A. No. That would be a standard motion you would
11 argue prior to trial.

12 Q. Mr. Johnson has testified you informed him
13 regarding the trafficking charge that it would not be
14 parole eligible if he went to trial but that it would
15 be parole eligible if he pled. Is that something that
16 you told him?

17 A. No. I think it's clear on the record in the
18 transcript where I stated that he fully understood that
19 the charge was violent and was non-paroleable.

20 Q. Did Mr. Johnson ever tell you that he was
21 pleading guilty in part because he believed he would be
22 parole eligible?

23 A. No.

24 Q. Did Mr. Johnson tell you prior to the plea that
25 he had prepared kind of a mitigation statement he

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1 wanted to read?

2 A. He told me he prepared a statement. He came
3 nowhere near telling me how long this statement was.

4 Q. And it's clear from the record that you told him
5 to shorten it; would that be fair to say?

6 A. I think I told him that after Judge Verdin had
7 gave a clear indication that she had heard about all
8 she wanted to hear. I think the statement at that
9 point was almost fifteen to twenty pages long on the
10 transcript.

11 Q. In your opinion did truncating that statement in
12 mitigation affect the dispositioning or outcome of the
13 case?

14 A. Not at all.

15 Q. Did Mr. Johnson ever ask you to investigate
16 anything in particular about the evidence in the case?

17 A. He never asked me to go out and investigate
18 anything. He and I discussed the case thoroughly.
19 Went over his version of events. I spent several hours
20 with him the first time we met and again another hour
21 and a half plus the day he pled before he decided to
22 enter the plea.

23 MS. RATIGAN: That's all I have, Your Honor.

24 THE COURT: Any cross examination?

25 MR. JOHNSON: Yes, sir, Your Honor.

1 **CROSS EXAMINATION**

2 **BY MR. JOHNSON:**

3 Q. Mr. Posey, with regards to the *Franks* or the
4 challenging of the search, you stated that you did
5 speak with Mr. Johnson about that. Is that true?

6 A. We discussed it during the course of our
7 conversation, yes.

8 Q. And you told him that you would do it -- you
9 would challenge it right before trial?

10 A. I thought it was usually properly done at the
11 beginning of trial, any motions argued before the trial
12 judge and he would make a ruling at that time.

13 Q. Is it also true that he wanted a motion or he
14 wanted it addressed before trial or before the day of
15 trial?

16 A. I don't recall him ever demanding it be done
17 before trial.

18 Q. Now, with regards to the co-defendant, as I
19 understand, she was prepared to testify?

20 A. That was my understanding from Ms. Monts.

21 Q. Now, with regards to her testimony, do you know
22 whether or not she was promised leniency or anything
23 with regards to her sentence?

24 A. As I would have told Mr. Johnson, I'm sure she
25 was. I don't know whether she was made a specific

1 promise or anything that could be brought out on cross
2 examination. I had not been informed of anything at
3 that point. And of course, I don't think it was within
4 the time frame where they actually had to inform me of
5 that deal. They were gradually approaching it. But
6 I'm sure she was offered some leniency. I have no
7 doubt about that. And we discussed that, as well.

8 Q. So at the point in time when you discussed the
9 co-defendant with Mr. Johnson, you did not, at that
10 point in time, know whether or not the co-defendant was
11 promised something?

12 A. I made an assumption that if she was prepared to
13 testify against him that she was probably being offered
14 some kind of leniency at some point in time.

15 Q. All right. At that point in time, did you -- had
16 you made any motion to reveal the deal or otherwise or
17 something of that nature to find out what, if anything,
18 she had been promised?

19 A. I think when I first met with Mr. Johnson, I had
20 only been appointed the case for about thirty-six
21 hours. So, no, I had not.

22 Q. Now, with regards to the parole eligibility, as I
23 understand, you discussed these -- you discussed parole
24 eligibility in the same conversation that you discussed
25 what Mr. Johnson might get if he went to trial as

1 opposed to if he accepted responsibility before trial?

2 A. I believe we discussed the general terms of those
3 things and parole eligibility. And I clearly stated it
4 on the record again that it was not parole eligible.

5 Q. Okay. Do you admit that essentially you advised
6 Mr. Johnson that if he exercised his constitutional
7 right to a trial that he might be penalized?

8 A. I don't know if I said he would be penalized if
9 he went to trial. I said he could be given -- I think
10 he would be given somewhat of a break if he decided to
11 enter his plea, I think is the way I put it.

12 Q. Now, with regards to the plea allocution, the
13 statement he was offering in mitigation, you stated
14 that you knew that he had intended to do so, but you
15 didn't know how lengthy it was?

16 A. No. I was not aware of how lengthy it was going
17 to be. Because I did not advise him to prepare such a
18 lengthy statement.

19 Q. Did you discuss at all what he might should or
20 shouldn't say considering the circumstances of the
21 case? Did you discuss that with him?

22 A. You know, I think we did discuss some general
23 things about, you know, apologizing for, you know,
24 taking responsibility for your actions and things of
25 that nature. I did not know everything he was prepared

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1 and going to put in his statement. Again, I would
2 never have advised him to prepare such a lengthy
3 statement during a plea situation.

4 Q. Now, would you agree that the defendant's
5 statement offered in mitigation sometimes does
6 influence the judge's decision on sentencing?

7 A. I think it can. I think in this case he had
8 already spoken a lengthy period of time and I think
9 Judge Verdin had all the relative -- relevant facts she
10 needed to make a decision.

11 Q. Now, you had -- at this point in time, I believe
12 you've already admitted that you did not read -- you
13 did not read or you did not know what Mr. Johnson was
14 prepared to say?

15 A. No. But he -- that's when we had first discussed
16 -- in our first discussion he had said, you know, if he
17 pled would he be allowed to make a statement? And I
18 said, yes. And he said, I'll prepare one if I decide
19 to plea, which obviously he had decided to plead
20 because he prepared such a lengthy statement that was
21 presented to the court.

22 Q. Now, with regard to the limited statement, the
23 facts that Mr. Johnson would have brought out to the
24 court, the only facts that would have been considered
25 up to that point in time would have been what he had

1 already said up to the point in time that he was cut
2 short; is that right?

3 A. The only thing Judge Verdin would have heard at
4 the point would have been at that time.

5 Q. Would you admit that Mr. Johnson may have brought
6 out something that may have influenced Judge Verdin if
7 he had been allowed to continue? Is it possible?

8 A. It's possible. But I don't think likely.

9 Q. But you've admitted that you did not know what
10 Mr. Johnson was going to say and you had not read the
11 statement?

12 A. I had not, but he had went through a lot of what
13 I would consider to be the relevant information to that
14 point in his statement.

15 MR. JOHNSON: Your Honor, I have no further
16 questions for this witness.

17 THE COURT: Any redirect?

18 MS. RATIGAN: I have no redirect. And I'd
19 ask that Mr. Posey be excused and the state would rest.

20 THE COURT: No objection?

21 MR. JOHNSON: No objection.

22 THE COURT: Without objection he may be
23 excused. Thank you.

24 ~~MR. POSEY: Thank you, Your Honor.~~

25 All right. I'll read the transcript and the file.

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1 and try to issue an order in the next couple of weeks
2 or maybe a month.

3 MS. RATIGAN: Thank you, Your Honor.

4 MR. JOHNSON: Thank you, Your Honor.

5

6 [END OF REQUESTED TRANSCRIPT OF RECORD]

1 CERTIFICATE OF REPORTER

2 I, the undersigned Danette P. Hanks, Official
3 Court Reporter for the Thirteenth Judicial Circuit of
4 the State of South Carolina, do hereby certify that the
5 foregoing is a true, accurate, and complete transcript
6 of record of all the proceedings had and evidence
7 introduced in the trial/hearing of the captioned case,
8 relative to appeal, in the Court of Common Pleas for
9 Greenville County, South Carolina, on the 18th day of
10 December, 2013.

11 This transcript may contain quoted material. Such
12 material is reproduced as read by the speaker.

13 I do further certify that I am neither of kin,
14 counsel, nor interest to any party hereto.

15 July 18, 2014

16

17

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20

A handwritten signature in cursive script, reading "Susan Danette Hanks", is written over a horizontal line.

Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	C.A. No. 2012-CP-23-3757
COUNTY OF GREENVILLE	)	
	)	
Christopher S. Johnson,	)	
S.C.D.C. No. 350430,	)	
	)	
Applicant,	)	
	)	ORDER OF DISMISSAL
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

FILED CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2014 FEB 17 AM 11 34

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed June 7, 2012. The Respondent made a return and partial motion to dismiss on August 31, 2012. An evidentiary hearing was held on December 18, 2013 at the Greenville County Courthouse. The Applicant was present and represented by Brian P. Johnson, Esquire. Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's plea counsel, Christopher T. Posey, Esquire. The Court had before it the transcript of the guilty plea hearing, the Greenville County Clerk of Court records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the return.

PROCEDURAL HISTORY

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The Applicant was indicted at the August 2011 term of the Greenville County Grand Jury for trafficking heroin (2011-GS-23-0544) and possession with intent to distribute (PWID) methamphetamine (2011-GS-23-

1 

0545). He was represented by Christopher T. Posey, Esquire.

On April 9, 2012, the Applicant pled guilty pursuant to North Carolina v. Alford.¹ The Honorable Letitia H. Verdin sentenced the Applicant to concurrent terms of fifteen years for trafficking heroin and fifteen years for PWID methamphetamine. The Applicant did not appeal.

ALLEGATIONS

In his application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
2. Prosecutorial misconduct.
3. Brady violation.
4. Invalid search and seizure.

At the PCR hearing, counsel for the Applicant stated they were proceeding solely upon the following issues:

1. Ineffective assistance of counsel:
 - a. Failed to subject the case to adversarial testing.
 - b. Failed to challenge evidence.
 - c. Failed to investigate the co-defendant.
 - d. Failed to challenge the search.
 - e. Misadvised about parole eligibility.
 - f. Interfered with the Applicant's statement at the plea hearing.
 - g. Failed to challenge selective prosecution.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by

¹ 400 U.S. 25, 91 S. Ct. 160 (1970).

S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

The Applicant stated he fired his first attorney approximately fifteen months into his case and that plea counsel was appointed on March 16, 2012. The Applicant stated he met with plea counsel and discussed: the facts of the case, the issues the Applicant found relevant, the possible penalties, the types of pleas available, and whether the offenses were parole eligible. The Applicant stated he wanted plea counsel to look into whether there was selective prosecution in his case because, while he was arrested with a co-defendant, she was never prosecuted. The Applicant stated he told plea counsel that he wanted a Franks² hearing to determine if the search in his case was legal but that counsel said he would not receive such a hearing. The Applicant

² Franks v. Delaware, 438 U.S. 154, 98 S. Ct. 2674 (1978).

stated plea counsel told him that his trafficking charge would not be parole eligible if he went to trial, but would be parole eligible if he pled guilty. The Applicant stated he attempted to read a statement at the plea hearing but that the plea judge told him to shorten his statement.

Plea counsel testified he was appointed to the Applicant's case less than one month before the plea hearing. Plea counsel testified he received the discovery material from the Applicant's prior attorney and reviewed it with the Applicant. Plea counsel testified they also reviewed: the elements of the offenses, the sentencing ranges, possible defenses, and the Applicant's version of events. Plea counsel testified they also discussed the co-defendant and that she would testify against him at trial. Plea counsel testified they discussed the case thoroughly and that the Applicant never asked him to investigate anything. Plea counsel testified they discussed entering a guilty plea at their first meeting and that the Applicant decided to enter an Alford plea (after he explained the concept to him). Plea counsel testified it was not proper to argue selective prosecution in this case and that he explained this to the Applicant. Plea counsel testified they discussed the warrantless search and that a Franks motion would be something argued before a trial. Plea counsel testified it is clear from the record that the Applicant understood the trafficking charge was a no parole offense. Plea counsel testified the Applicant never said he was pleading guilty because of parole eligibility. Plea counsel testified that, while the Applicant had prepared a statement to read at the plea hearing, he did not realize how long of a statement. Plea counsel testified he told the Applicant to shorten his statement because it was clear the plea judge had heard all that she wanted to hear. Plea counsel testified that truncating the Applicant's statement did not affect the outcome of the case.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court finds the Applicant's testimony is

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not credible, while also finding plea counsel's testimony is credible. This Court further finds plea counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation. The Applicant did not dispute the State's recitation of facts at the guilty plea hearing. The Applicant also told the plea judge that he understood the trial rights he was waiving in pleading guilty, was satisfied with counsel, and had not been coerced. (Plea transcript, pp.6-8).

This Court finds the Applicant failed to meet his burden of proving plea counsel should have argued selective prosecution in his case. The Applicant stated at the PCR hearing that, while he and his co-defendant were similarly situated, the case against her "evaporated." Plea counsel testified there was no basis to pursue this claim because he could find there was no evidence that the prosecutorial discretion was based upon bias. This Court notes that, in order to prevail on a claim for selective prosecution at trial, the movant must show not only that he "had been singled out for prosecution, but that the decision to prosecute was based on unconstitutional considerations . . . such as race, religion, or his exercise of his [F]irst [A]mendment right to free speech." State v. Geer, 391 S.C. 179, 194, 705 S.E.2d 441, 449 (Ct. App. 2010). This Court finds the Applicant failed to meet his burden of proving either that there was selective prosecution or that it was incumbent upon plea counsel to argue this issue.

This Court finds the Applicant failed to meet his burden of proving plea counsel should have contested the warrantless search in his case by moving for a Franks hearing. Plea counsel testified he had explained to the Applicant that a Franks hearing would take place immediately before trial as a pre-trial motion. This Court finds plea counsel is credible on this point. This Court finds the Applicant knowingly waived the right to challenge the search in a Franks hearing when he chose to plead guilty. See State v. Tucker, 376 S.C. 412, 417, 656 S.E.2d 403, 406 (Ct.

App. 2008) (noting “[g]uilty pleas generally act as a waiver of all non-jurisdictional defects and defenses”).

This Court finds the Applicant failed to meet his burden of proving plea counsel misadvised him about parole eligibility. Plea counsel testified he discussed the nature of the charges against the Applicant, including the meaning of a statutorily violent offense. Plea counsel also testified he had no reason to believe the Applicant pled guilty for the sole reason of being parole eligible. This Court finds plea counsel’s testimony is more credible than that of the Applicant. This Court finds the Applicant was properly advised about parole eligibility in this case and has presented no credible evidence that this guilty plea was premised upon being parole eligible. This Court notes the Applicant answered “[a]bsolutely not” when the plea judge asked if he had been made any promises in exchange for his guilty pleas. (Plea transcript, p.6).

This Court finds the Applicant failed to meet his burden of proving plea counsel improperly handled his allocution. The Applicant argues plea counsel: (1) should have contested the plea judge’s decision to shorten his allocution statement and (2) not told him to shorten his statement. Plea counsel testified he had no idea how long the Applicant’s statement was going to be and that he did not believe the shortened statement affected the outcome at sentencing. At the plea hearing, plea counsel offered mitigation on his behalf. (Plea transcript, pp.11-12). The Applicant then began to read his statement and, at one point, the plea judge stated “[t]his is probably the stuff we can kind of pare down a little bit there” and plea counsel told the Applicant “I would do about a minute more.” (Plea transcript, pp.13-21). The Applicant stated he would hand his written statement to the plea judge after he concluded and then resumed reading his statement. (Plea transcript, pp.21-30). Initially, this Court notes the Applicant cannot argue the plea judge erred in this matter, as allegations of plea court error are not

cognizable in PCR. See Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997). Regardless, this Court does not find plea counsel was deficient in objecting to the plea judge's request to shorten the statement. This Court also does not find plea counsel was deficient in himself advising the Applicant to be briefer. Further, the Applicant cannot prove he was prejudiced by giving a shortened version of his allocution statement. It is clear the plea judge had the Applicant's statement before her and was adequately apprised of his mitigation argument. This Court finds the Applicant has failed to demonstrate the outcome of his plea hearing would have been different if he had been allowed to recite his entire statement to the plea judge.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by plea counsel's performance.

This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not



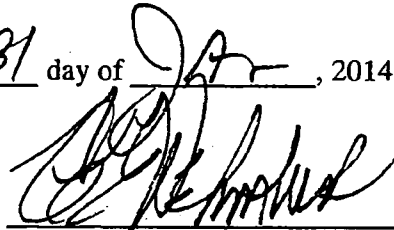
established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 31 day of Jan, 2014.



G. Edward Welmaker
Presiding Judge
Thirteenth Judicial Circuit

 South Carolina.

WITNESSES

[Signature]
Laura A. Campbell

Greenville County Sheriffs Office

10/7/2010

DOCKET NO: 2011-GS-23-
JLK

000544

The State of South Carolina

[Signature]
County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2011

THE STATE

VS.

CHRISTOPHER SHANNON JOHNSON

ARREST WARRANT NUMBER

1483350

ACTION OF GRAND JURY

TRUE BILL

[Signature]
FOREPERSON OF GRAND JURY

Foreperson of Grand Jury

VERDICT

2361

Indictment for

TRAFFICKING HEROIN

VIOLATION § 44-53-0370

Foreperson of Petit Jury

Date:

RECEIVED

FEB 11 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
TRAFFICKING HEROIN

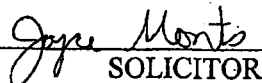
At a Court of General Sessions, convened on **AUG 16 2011**

the Grand Jurors of Greenville

County present upon their oath:

That CHRISTOPHER SHANNON JOHNSON did in Greenville County, on or about the 7th day of October 2010, knowingly sell, manufacture, deliver or bring into the State of South Carolina, or did knowingly provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver or bring into the State or was knowingly in actual or constructive possession of more than 4 grams of Heroin. 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.


SOLICITOR