

ORIGINAL

THE STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI FROM CALHOUN COUNTY
The Honorable Carmen T. Mullen, Post-Conviction Relief Court Judge
James C. Williams, Jr., Trial Court Judge

Appellate Case No: 2013-000731

WILLIE PELZER, III,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

LAURA R. BAER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense

P.O. Box 11589
Columbia, SC 29211
(803) 734-1330

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Assistant Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803)734-3727

ATTORNEYS FOR RESPONDENT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI FROM CALHOUN COUNTY
The Honorable Carmen T. Mullen, Post-Conviction Relief Court Judge
James C. Williams, Jr., Trial Court Judge

Appellate Case No: 2013-000731

WILLIE PELZER, III,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

LAURA R. BAER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense

MEGAN HARRIGAN JAMESON
Assistant Attorney General

P.O. Box 11589
Columbia, SC 29211
(803) 734-1330

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803)734-3727

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

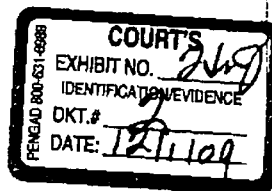
INDEX i

Court's Exhibit Number 2.....1

Main Identity

T + D ARTICLES

From: "Lee Tant" <LTant@timesanddemocrat.com>
To: <mrbanksesquire@windstream.net>
Sent: Tuesday, October 13, 2009 12:40 PM
Subject: Articles
Truck driver found shot dead in Calhoun County



T&D Staff Report

An autopsy has confirmed that a truck driver from New York state died of brain injuries from multiple gunshot wounds, Calhoun County Coroner Donnie Porth said Saturday evening.

The body of 35-year-old **Jason Rivenburg** of Fultonham, N.Y., was found at about 5 a.m. Saturday in the cab of an 18-wheel tractor-trailer parked near a closed filling station near exit 136 off Interstate 26.

Porth said **Rivenburg** might have died as early as Thursday night. That is about the time he was reported missing by his employer, Vanderveen Trucking of Delanson, N.Y., a town west of Schenectady.

Rivenburg's destination was the Food Lion distribution center in Elloree, but he did not show up to offload his cargo on Friday morning as scheduled, Porth said.

Calhoun County Sheriff Thomas Summers said someone called 911 Saturday morning and alerted authorities to the truck. He said the cab window was shot out and it appeared the driver struggled with someone during a robbery. **Rivenburg's** wallet is missing.

The trucking company's owner, Frank Vanderveen, said **Rivenburg** worked part-time with his company and must have been taking a break when he was accosted.

Porth said **Rivenburg's** death appears to be the first homicide in Calhoun County in 2009.

Pair arrested in slaying of trucker

T&D Staff Report

Calhoun County Sheriff Thomas Summers has confirmed that two arrests have been made in connection with the shooting death of New York trucker **Jason Rivenburg**.

"I'm not sure if we're finished making arrests," said Summers.

He anticipates a third person will also be charged soon.

Summers would not divulge any information regarding the those arrested, except to say they were from Calhoun County.

Summers said the arrested parties would be identified at an 11 a.m. press conference Monday.

Rivenburg, 35, of Fultonham, N.Y., died from multiple gunshots to the head, Summers confirmed. His body was discovered Saturday morning in an 18-wheeler truck.

Authorities think he may have been the victim of a robbery attempt.

However, Summers noted money was found inside the truck and on **Rivenburg's** person.

"I'm not sure if they actually got anything," Summers said. "It appears as though his body had been pilfered through."

Summers noted **Rivenburg** had a two-year-old son and that his wife is scheduled to give birth to twins any day.

"It's a sad, terrible random act of violence," Summers said.

Rivenburg stopped in Calhoun County to rest at an abandoned gas station off mile marker 136 on Interstate 26. Summers said **Rivenburg** was scheduled to deliver milk at the Food Lion Distribution

Center in Elloree on Friday.

Authorities believe the shooting took place at around 10:30 p.m. on Thursday night.

Summers said **Rivenburg** may have been talking on his cell phone when his assailant appeared.

Rivenburg was working part-time for the Delanson, N.Y.-based Vanderveen Trucking. Co-owner Donna Vanderveen described **Rivenburg** as a nice, family oriented guy.

She said **Rivenburg** used to work full-time for her company until he got a job in the construction industry.

"He was helping us out for a few weeks while a driver was out," she said.

* T&D Staff Writer Lee Tant can be reached by email at ltant@timesanddemocrat.com or by phone at 803-534-1060. Discuss this and other stories online at TheTandD.com.

Locals reach out to help family of slain trucker

By GENE ZALESKI

T&D Staff Writer

New York resident Carl "Butch" Savage has often heard about Southern hospitality, but what he has experienced the last few weeks is above and beyond anything he ever expected.

"Words don't describe how we feel about the support we are receiving from down there," said Savage, in reference to the swell of condolences and cards the family has received from The T&D Region in relation to the March 5 murder of his 35-year-old son-in-law **Jason Rivenburg**. "There are one or two bad apples that give everything a bad name but ... this shows that it is not a way of life there."

Rivenburg was found dead March 7 in the cab of an 18-wheel tractor-trailer parked near a closed service station off Interstate 26 at exit 136.

He was scheduled to deliver a shipment at the Food Lion distribution center in Elloree.

The homicide comes at a particularly emotional time for the family.

Rivenburg's wife, Hope, gave birth to twins—a boy, Hezekiah, and a girl, Logan—on March 18, just 13 days after their father was shot and killed. The couple's other son, Joshua, turns 2 next month.

In confirmation of Savage's assessment of Southern hospitality, members of the Columbia Road Bethel Church and other community members are putting their collective heads together in the kickoff of a fund-raising effort in support of **Rivenburg's** family.

"My heart just went out to her," said Marie Bozard, St. Matthews resident and retired Orangeburg County Health Department pediatric nurse. "Something just got a hold of me and it would not turn me loose. I think it was the Holy Spirit working in me to do something for this lady."

Bozard said as a mother of three and a grandmother of five she cannot imagine what **Rivenburg** is going through and the fundraiser was deemed as just a little way to offer support.

"I just feel for mothers with babies," Bozard said. "Those children ... will probably never know or remember their father. I can't imagine what she must have felt like (in giving birth) and how alone she must have felt even surrounded by family and friends."

Bozard said the fundraiser will kick off immediately with a target goal of \$3,000. Flyers are currently being made and will be distributed to Calhoun County church pastors in the St. Matthews, Swansea and Sandy Run areas about the effort under way.

Renee Bozard, co-pastor of Bethel Church with her husband Joey, says when Marie approached the church about the fund-raiser, the decision to participate was really an easy decision.

"We feel like this is what the church is called to do -- to take care of the widows and orphans and reach out to the community," Renee said.

For Renee the tragedy also hits close to home.

"I have two children -- 11 and 20 months old," Renee said. "I thought about what it must have been like for her as a mother." In the interim, Savage said the family is currently going through a lot of emotions and the outreach has helped make the ordeal a little easier.

"He was all for his family," he said, noting that he would work two jobs to help his family through these difficult economic times. "That (the fund-raiser) means a lot. She now has three children to bring up. Their father always wanted to make sure they went to college."

But emotional challenges remain.

"It is hard," he said, noting that his daughter has experienced a roller coaster ride these past few weeks -- reaching a peak this past week on the birth of the twins. He said the babies are doing well. "It is unfortunate that he was not there to see them. We will keep him alive as much as possible as we can through any means."

Savage described his son-in-law as a guy greatly loved and who will be greatly missed at the family gatherings during Christmas and Thanksgiving.

"He was the life of the party," Savage said.

Savage said in an effort to keep **Rivenburg's** memory alive and to prevent something similar from happening in the future, an online petition at www.jh1rivenburg.com has begun.

The petition is seeking to have legislators sign a bill, **Jason's Law**, that would ensure truck stops provide adequate lighting, cameras and secure waiting and unloading areas.

Through Tuesday afternoon, the Web site had 4,889 signatures.

T&D Staff Writer Gene Zaleski can be reached by e-mail at gzaleski@timesanddemocrat.com or by phone at 803-533-5551. Discuss this and other stories online at TheTandD.com

Side:
Jason Rivenburg

Memorial Fund

Individuals interested in helping with the **Jason Rivenburg** fund are asked to send donations to the:

Calhoun County Sheriff's Department

120 Mill Street

St. Matthews, SC 29135

Attn: **Jason Rivenburg** Memorial Fund

The contact number for the Sheriff's Office is 803-874-2741.

Checks may also be sent to:

Bethel Church

Attention: **Jason Rivenburg** Memorial Fund

P.O. Box 343

Orangeburg, SC 29116

Checks should be made payable to Bethel Church. Write in the memo line **Jason Rivenburg Memorial Fund**.

Woman in Calhoun, teen in Lexington killed with same type of handgun; her SUV found later near Santee

By GENE ZALESKI

Reference Article

T&D Staff Writer

SANDY RUN-Two people were found shot to death about 6 miles apart early Wednesday morning, both with multiple wounds to the upper body.

Law enforcement officials say the shootings may be connected.

The body of Azell Angnetta Barton, 37, of Columbia, was found around 6 a.m. near the westbound entrance ramp of Exit 125 off Interstate 26, Calhoun County Coroner Donnie Porth said.

Barton's body was found by a passerby on the shoulder of the roadway near the intersection of Livingston Road and Old Sandy Run Road.

Porth said the woman's body was discovered within hours of being dumped on the side of the road.

"The cause of death was internal bleeding," Porth said.

The woman was shot with a .40-caliber handgun.

Barton was found less than two hours after 17-year Dequan Bernard Davis of West Columbia was discovered on the side of the road in Lexington County at the U.S. Highway 321 and Highway 21 split. The location is near the Dixiana community.

Lexington County Coroner Harry O. Harman said Davis also died from injuries from a .40-caliber handgun.

Officials Wednesday say the similarity of the shootings points toward a connection, though there is no confirmation the two are linked.

"There is a possibility. We are looking into that," Calhoun County Sheriff Thomas Summers said. "They are in fairly close proximity and it was a fairly close time of day when we found them. Both also happened to be killed with the same caliber weapon."

A motive for the killings was still under investigation Wednesday. No suspects have been named.

"It appears that she was shot somewhere else and dumped out here," Summers said. "We are just processing the scene and trying to gather evidence and trying to piece the puzzle together."

Later in the day, law enforcement found Barton's vehicle, a Chevrolet Suburban, in Orangeburg County on U.S. 15 close to the Interstate 95 exit near Santee.

"We are processing that for evidence as well," Summers said.

Lexington County's Sheriff Office Major John Allard said deputies received a call about 4:08 a.m. from a passerby about a body on the eastbound travel lane of Charleston Highway near Gaston.

Allard said it appeared Davis was shot while riding a bicycle. Officials found several discharged shell casings in the roadway near the body.

Allard said in talking with witnesses, Davis was seen riding his bicycle about 30 minutes before being shot.

"We did not see any evidence that the bicycle had been struck by a vehicle," Allard said. "He was shot and killed where the body was found."

In addition to the Calhoun and Lexington County, the State Law Enforcement Division also responded to both incidents.

Wednesday's homicide was the third in Calhoun County this year.

A 35-year-old New York trucker **Jason Rivenburg** was found dead March 7 in the cab of an 18-wheel tractor-trailer parked near a closed service station off Interstate 26 at exit 136. 5

On April 12, 11-year-old Langley Emerson Rudisell IV was shot and killed at a Calhoun County residence off Old Highway Number Six.

A 12-year-old Calhoun County boy was charged with murder as a juvenile in connection with the death.

Anyone with information about Wednesday's incident should call Crimestoppers at 1-888-CRIME-SC, or e-mail a tip in to www.sccrimestoppers.com.

You can also send information in by texting "TIPSC" plus your message to CRIMES (274637).

Either way, your identity will remain anonymous, and you could be eligible for a cash reward.

n

T&D Staff Writer Gene Zaleski can be reached by e-mail at gzaleski@timesanddemocrat.com or by phone at 803-533-5551. Discuss this and other stories online at TheTandD.com

Lee Tant
Staff Writer
The Times and Democrat
PO Drawer 1766
Orangeburg, SC 29116
Email: ltant@timesanddemocrat.com
(803) 534-1060 Fax: (803) 533-5595
www.TheTandD.com

First. Best.

In Local News.