

STATE OF SOUTH CAROLINA

RECEIVED

APR 13 2015

S.C. Supreme Court

EDDIE DEAN DOGAN, Sr.,
EVANS CI. SANTEE - F-1-A-257
610 HIGHWAY - 9 - WEST
BENNETTSVILLE, S.C. 29512

AUGUST 21 2014.

HONORABLE: JIMMY HENSON #869
Post Office Box 416
PACOLET MILLS: S.C. 29373

Re: F654895, 96, 97.,

Re: SCRIFIM. PROC. RULE 1 & 2(a)(c)

DEAR HONORABLE HENSON

SIR THIS REFLECTS A WARRANT THAT WAS SIGNED AND ISSUED UPON YOUR COMMAND ON 4/25/1998. THERE WAS AN AFFIDAVIT OF RETURN ATTACHED TO THIS ORDER WITH YOUR NAME AND CODE # DN LT 869; STATING [F-654895]

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

IT APPEARING FROM THE ABOVE AFFIDAVIT THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT ON 4/25/98 defendant DOGAN, EDDIE DEAN, did violate the criminal laws of

the State of South Carolina (or ordinance of SPARTANBURG) as set forth below:

DESCRIPTION OF OFFENCE: SEX / CRIM SEX CONDUCT W/MIN < 11 YRS - 1st des

NOW, therefore you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest warrant shall be delivered to the defendant at the time of its EXECUTION, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)
Judge Code: 869
JIMMY HENSON

Judge's Address P.O. Box 416
PACOLET MILLS, S.C. 29373
Judge's Telephone: 864 974-0344
Issuing Court Magistrate

ORIGINAL

SIR THE ATTACHED DOCUMENTS SPEAKS FOR IT SELF, WHICH ALSO PROVES THAT HAD YOU REVIEWED YOUR ORDER OF RETURN OF ORDER F-654895 WARRANT / AFFIDAVIT THAT IS IN ACCORDANCE WITH YOUR DISCRETIONARY POWERS. SIR BECAUSE OF OTHER LAW ENFORCES HAVE NEGATED YOU FROM PASSING YOUR DISCRETION AS STATED ABOVE IN WARRANT HAS

ENDANGERED MY LIFE,

BY ALLOWING THE STATE [THE COURT OF GENERAL SESSION] TO PASS A SENTENCE OF 30 THIRTY YEARS FOR (CSCM) CRIMINAL SEXUAL CONDUCT WITH A MINOR [F-234895] WHEN THEY DID NOT HAVE PERSONAL JURISDICTION OVER DEFENDANT EDDIE - DEAN DOGAN, JR. BASED ON STATE V. WIMBUSH, 9 S.C. 309 (1898) & §17-28-30 - §17-28-320. Jan 1, 2009. U.S. CONST. Amend IV; B.C. CONST. ART. I §10, "[A] JUDGMENT IS VOID... IF A COURT ACTS WITHOUT [PERSONAL] JURISDICTION," SIR WITH ALL DUE RESPECT, THIS MATTER DEAL'S WITH MULTIPLE OFFICER(S) OF THE LAW HERE ARE THEIR NAME(S),

CITY PUBLIC SAFETY E. MEMBEND;
CITY DETECTIVE CHERYL ANN BOYD;
CITY DETECTIVE KAREN CHADWICK;
CITY CHIEF A. TONY FISHER;
Solicitor Holman C. Gossett Jr.,

THESE (5) FIVE OFFICERS OF THE LAWS OF SPTBG, SC. HAS DEPRIVED YOU OF CONSTITUTIONAL OBLIGATIONS TO PASS YOUR DISCRETIONARY POWER PURSUANT TO §22-5-310 THROUGH §22-5-360 IN ADDITION §17-23-160 & §22-5-710,,

WITHOUT DUE PROCESS OF NOTICE AND AN OPPORTUNITY TO BE HEARD A COURT HAS NO JURISDICTION TO ADJUDICATE SUCH PERSONAL RIGHTS MURDOCK, 526 S.E.2d AT 248,

THE DOCUMENTATION THAT IS ATTACHED TO THIS LETTER MOTION IS FOR YOUR REVIEW OF F-654895 THAT DEMONSTRATES THAT IT WAS NOT "INVESTIGATED" NOR TURNED OVER TO YOU TO PASS YOUR DISCRETION FOR JUSTICE, ALSO SEE THE LANGUAGE STATED IN THE 2014 JULY 17 NEWS PAPER ARTICLE:

WILKINS SAID THE JUDGE RULED THAT CAMPBELL'S CASE WAS PREJUDICED BECAUSE POSSIBLE "IMPEACHMENT EVIDENCE" WASN'T TURNED OVER TO THE DEFENSE IN A TIMELY MANNER AS REQUIRED.

WILKINS SAID A JUDGE SUPPRESSED THE STATEMENT OF THE ONLY EYEWITNESS AND TESTIMONY FROM THE INVESTIGATOR WHO INTERVIEWED CAMPBELL AFTER AN ALTERCATION AND THE SHOOTING.

"AS A RESULT; WE HAD NO EVIDENCE TO GO FORWARD."

IT IS MY CLAIM THAT THIS TO COULD HAVE BEEN A CASE LIKE MINE, HAD YOU REVIEWED YOUR RETURN SIR PLEASE HELP CORRECT A WRONG FOR JUSTICE SAKE AND MINE, I ALWAYS CLAIMED MY INNOCENCE, WITH YOUR DISCRETION I CAN BE SET FREE FROM THIS WRONGFUL CONVICTION

IN 1990 THRU 2012 THE ADMINISTRATIVE AGENCY PROVIDED OR DISBURSED ALL DOCUMENTS TO LAW AGENTS IN THE AGENCY, THE SOLICITORS OF EACH COUNTY PAST THAT BILL YET AFTER HOLMAN C. GOSSETT, JR. SIGNED THOSE 1,800 INDICTMENTS LESS THAN 22 SECONDS, DEPRIVING THE MAGISTRATE THE OPPORTUNITY TO PASS THEIR DISCRETIONARY POWERS AFTER THEIR CONSTITUTIONAL OATH III § 26, AS WELL AS § 22-5-320.

IN 2013 AN ARTICLE WAS PRINTED STATING THE ADMINISTRATIVE AGENCY WOULD BE CONDUCTING THE AFFAIRS THAT WAS UPON THE SOLICITOR IS NOW UPON THE ADMINISTRATIVE OF S.C. RULE 3 DISPOSITION

THE DETECTIVE BOYD STATEMENT WAS CLEAR NO INVESTIGATION OF F-654895, AN OFFICERS RELIANCE ON A WARRANT IS NOT IN GOOD FAITH WHEN THE APPLICATION SUPPORTING THE WARRANT IS SO LACKING IN INDICIA OF PROBABLE CAUSE AS TO RENDER OFFICIALS BELIEF IN [THE EXISTENCE OF PROBABLE CAUSE] ENTIRELY UNREASONABLE.

1998 - THRU 1999 HISTORY PROCEEDING

DEFENDANT WAS ARRESTED BY CITY PUBLIC 4/25/98. PRELIMINARY HEARING REQUESTED FOR F-654895 BOND SET AT \$250,000. [SATURDAY NIGHT]

4/26/98. DEFENDANT WAS CARRIED TO SHERIFF STATION TO TAKE POLYGRAPH TEST [SUNDAY MORNING]

4/27/98. DEFENDANT WAS ORDERED BY THE COURT TO PROVIDE DNA SAMPLES § 17-13-140. [MONDAY]

4/30/98. DEFENDANT WAS SERVED ANOTHER WARRANT F-834530 [PRELIMINARY HEARING NOT REQUESTED]

5/07/98. DEFENDANT WAS PROVIDED WITH PRELIMINARY HEARING FOR F-834530 AND WAS ACQUITTED. JUDGMENT PASSED BY THE HONORABLE LARRY M. HUTCHINS, ASKED WHERE WAS THE DOCTOR'S STATEMENT. A DOCTOR'S STATEMENT IS SUPPOSED TO BE PROVIDED.

10/16/98. DEFENDANT WAS SERVED ANOTHER WARRANT FOR KIDNAPPING.

3/1-2/99 I WAS FOUND GUILTY FOR [F-654895] CSCM AND SENTENCED TO 30 THIRTY YEARS TO CONSECUTIVE WITH THE KIDNAPPING 15 YEARS AND 3 YEARS FOR F-654897. BEFORE A JURY. THAT DID NOT HAVE PERSONAL JURISDICTION

THE COURT RELIED ON THIS LANGUAGE HOLDING IN ELMORE V. DZMINT, 661 F.3d 783 [2011]: HONORABLE KING, CIRCUIT JUDGE, HELD THAT FAILURE OF PETITIONERS TRIAL LAWYERS TO INVESTIGATE THE STATES FORENSIC EVIDENCE CONSTITUTED IAC, REVERSED AND REMANDED.

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

EDDIE DEAN DOGAN, JR.)
DEFENDANT)

-VS-

ED. MEMBENO, CHERYL ANN BOYD,)
KAREN CHADWICK, TONY FISHER, AND)
HOLMAN C. GOSSETT, JR.)
State officials)

F-654895
CRIMINAL CASE NUMBER
IN THE MAGISTRATES COURT

AFFIDAVIT OF DEFAULT
§ 17-13-140; § 22-5-360 &
§ 22-5-710, IV. ART 1, § 23
SCRCP 60(b)(4).

DEFENDANT EDDIE DEAN DOGAN, JR., HEREBY MOVES THE HONORABLE JIMMY HENSON #869 BY WAY OF CONSTITUTIONAL STATUTORY [L] RIGHTS TO BE INVOKED PASSING HIS CONSTITUTIONAL DISCRETIONARY POWERS THAT HE WAS HINDERED BY, DUE TO STATE OFFICIALS LISTED ABOVE CAUSING A MISSCARRIAGE OF JUSTICE AND ENDANGERING THE LIFE OF ONE SAID DEFENDANT LISTED ABOVE WITHOUT CAUSE TO BRING FORTH F-654895 TO AUTHOR OF ARREST WARRANT "REQUIREMENT" DICTATED BY THE U.S. CONSTITUTION AS WELL AS S.C. CONSTITUTION TO HONOR THE BILL PROVIDED BY LEGISLATION [LAWMAKERS],

ARREST WARRANT REQUESTED FOR 4/25/98. EXECUTED 4/25/98. SAID DEFENDANT RECEIVED ON SEPT 6, 2005. 7 SEVEN YEARS 5 FIVE MONTHS AFTER EXECUTION FOR RETURN AFFIDAVIT F-654895. DISCOVERED IN RULE 5/BRADY MOTION WHICH WAS SEEKED OUT PURSUANT TO A WRIT OF MANDAMUS, THE HONORABLE MARK HAYES RULED IN MY FAVOR IN FEB 4, 2008 IN AN ORDER STATING THAT I SHOULD HAVE HAD ACCESS TO THIS EXPLANATORY INFORMATION BEFORE ANY TRIAL. YET I STILL STRUGGLE WITH TRYING TO GET IT ADJUDICATED. IM NOW IN THE PROCESS STAGE OF A NEW STATUTE § 17-28-30, DNA APPLICATION FILED IN THE ADMINISTRATIVE COURT CASE NUMBER 2013-CP-42-2608.

YOUR DISCRETIONARY HELP WOULD BE SUPPORTIVE IN FREEING AN INNOCENCE MAN.

SIR YOUR NAME ISN'T MENTIONED SIMPLY, CAUSE THESE 5 FIVE STATE OFFICIALS ABOVE HINDERED YOU FROM YOUR OBLIGATION... THE RECORD SPEAK FOR ITSELF. IF THIS MOTION IS SUFFICIENT IN DEFAULT PLEASE SIGN AND PROVIDE COPY FOR DEFENDANT FOR FILE.

SWORN TO BEFORE ME THIS _____
DAY OF _____ 2014

MAGISTRATE OR NOTARY PUBLIC FOR
SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

Eddie Dean Dogan Jr
DEFENDANT / NAME
DATE AUGUST 21 2014.

I EDDIE DEAN DOGAN hereby Declare that I have served A true COPY of THIS MOTION TO CORRECT THIS UNPROCESS BILL of CSCMF Criminal sexual conduct in the first, THAT BILL HAS never Been Adjudicated by GRAND JURY, To Be sufficient For Good LAW, I'm sending All Parties below: for Filing:

Chief Justice Donald BEATTY
S.C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

Kenneth Richstad Clerk
S.C. Supreme Court
Post. office Box 11330
Columbia, S.C. 29211

Chief Administrative Judge
180 Magnolia Street
Spartanburg, S.C. 29306

Deputy Clerk D. Greene
180 Magnolia Street
P.O. Box 3483
Spartanburg, S.C. 29304-3483

Milope Blackley Clerk
180 Magnolia Street
P.O. Box 3483
Spartanburg, S.C. 29304-3483.

Sending by And Through Constitutional Safe Guarded RIGHTS
U.S. MAIL, SCRPC Rule 4(g).....

EXHIBIT(S)

1. DNA Application APRIL 9, 2014 /w money order COPY [A1-A-4]
2. Acquitted on Case From Alleged crime 4-25-98.
3. All CITY Related Charges [F654895, 96, 97... of 4-25-98 / B - B-8.
4. GRAND JURY Article [Solicitor Found unethical, Depriving Grand Jury of Indictment Function Rule 3(C)(1)].
5. Chief Justice BEATTY Article 2012. C D. D-12
6. Honorable J. MARK HAYES order in FAVOR of Applicant
Case No. # 2007-CP-42-2758, 2-4-2008
7. ADM. Judge HAYES Affirmed FAVOR of Applicant MAY 5, 2014
All Documents in FAVOR FOR Relief, SCACiv. Proc 60(B)(1)(4)
8. Motion to Honorable Jimmy Henson #869 DATED: 8-21-14

Eddie Dean Dogan Jr.
Respectfully Submitted

MARCH 26, 2015
TO All other Parties

STATE OF SOUTH CAROLINA
COUNTY/CITY OF SPARTANBURG)
EDDIE DEAN DOGAN, JR #256596)
APPLICANT NAME SCDC#)

IN THE ADMINISTRATIVE COURT FOR SOUTH
CAROLINA, & STATE HIGHEST COURT FOR SOUTH
CAROLINA, SUPREME COURT.

VS.

CITY OF SPARTANBURG PUBLIC SAFETY;
STATE OF SOUTH CAROLINA
RESPONDANT }

ORDER REQUESTING MOTION TO BE CORRECTED
MISFEASANCE OF JUSTICE CLAIM;
TERRITORIAL JURISDICTION §§ -
§§ 14-7-1600-1630(D) / A/W # F-654895,96,97.
SC R Crim. Proc. Rule 3 (c) (i); STATE V. -
BOSWELL; 707 S.E.2d 265 E.S.C. 2011.

IN APRIL 25, 1998 APPLICANT WAS ARRESTED BY THE SPITBG PUBLIC SAFETY DEPT. FOR THE
ALLEGED VIOLATIVE CHARGES F-654895,96,97. SEE WARRANT AFFIDAVIT & RETURN.
APPLICANT WAS EXCLUDED FROM CITY JUDGE WHOM SIGNED ARREST WARRANT AND
ITS PROMULGATE [ING] PROCEEDING PURSUANT TO ARTICLE V, § 4 OF THE
SOUTH CAROLINA CONSTITUTION; JUDGE JIMMY HENSON IS HEREBY GRANTED
PERMISSION TO PROMULGATE THE PROPOSED ADMINISTRATIVE ORDER.
IT IS SO ORDERED.

APPLICANT CONVICTED BY COUNTY WITHOUT PROBABLE CAUSE,

APPLICANT EDDIE D. DOGAN, JR. HEREBY BRING THIS UNIQUE RARE MATTER BEFORE;
THE ORIGINAL JURISDICTIONAL AGENCY AND ITS COUNTERPART THE STATES HIGHEST
COURT OF THE SEVENTH JUDICIAL CIRCUIT [SPITBG], PURSUANT TO S.C. CODE
§§ 14-7-1600 & 1630(D), THE CONTROLLING STATUTE FOR ABOVE CAPTION, WITH A
CONTROLLING CASE; CITING STATE V. BOSWELL, 707 S.E.2d 265 [S.C. 2011],

APPLICANT FILED AN INQUIRY MOTION IN THE "ADM' ADMINISTRATIVE COURT"
IN SPARTANBURG, ON JUNE 30, 2013. DEPUTY CLERK D. GREEN, CONSTRUED THE
INQUIRY TO BE AN PCRA POST CONVICTION RELIEF APPLICATION AND GAVE IT A DOCKET,
2013-CP-42-2608. ON APRIL 9, 2014, APPLICANT AMENDED A/DNA F/AJ DNA FORENSIC
APPLICATION PURSUANT TO SCRCIV. PA. 15 (A) WITH ATTACHED B \$5.00, MONEY
ORDER § 17-28-30, SEE EXHIBIT A, DIRECTED BY THE COURTESY FOR FILING, PURSUANT
TO § 8-21-310 (L)(A) (SUPP. 2004). ON OCTOBER 22, 2014 THE STATE FILED A
RETURN AND MOTION TO DISMISS; CLAIMING APPLICANT HAD (2) TWO PCRA
WHICH VIOLATED THE ORDER

APPLICANT RECEIVED NOTICE ON DECEMBER 10, 2014 AT INST.; ON DECEMBER 19, 2014
APPLICANT SERVED NOTICE OF APPEAL TO THE S.C. SUPREME COURT PURSUANT TO
SCACR 203 (a)(b)(d)(i). & RULE 237, § 17-28-30 THROUGH 230 [2009], ON
JANUARY 9, 2015. I WAS INFORMED BY THE S.C. COURT OF APPEALS THAT MY
DECEMBER 19, 2014 NOTICE OF APPEAL WAS FILED ON 1/7/15, AND TRANSFERRED TO
THE S.C. SUPREME COURT PURSUANT TO RULE 204(a); APPELLATE CASE NO. 2014-002763.
ON JANUARY 22, 2015, I WAS CONTACTED BY SCC ID.,
STATING THE S.C. SUPREME COURT HEARD MY APPEAL AND RULED IN MY
FAVOR THEN PROVIDED ME WITH AN LAWYER TO ASSIST ME, MR. BENJAMIN J. -
TRAPP, WHOM I'VE YET TO SPEAK WITH.

FINDINGS OF FACT:
1. PROCEDURAL HISTORY

THE APPLICANT, EDDIE DEAN DOGAN, JR. SOUTH CAROLINA INMATE # 00256596, IS CURRENTLY AN INMATE AT TYGER RIVER CORRECTIONAL INST. WHICH IS PART OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTION. DOGAN IS SERVING A SENTENCE OF FORTY-FIVE YEARS (45) BASED UPON HIS CONVICTION VIA JURY TRIAL IN SPTBG COUNTY GENERAL SESSIONS COURT FOR CRIMINAL SEXUAL CONDUCT FIRST, A/W-# F654895, CASE NO. # F-654895, SLED RESULT NO. # F-654895 Affidavit of ARREST §17-13-140. / F654895, [98-GS-42-35697] & CONTRIBUTING TO THE DELINQUENCY A/W# F-654897 & F-654896 [98-GS-42-35707] see EXHIBIT B-1 through B-8

WHILE DOGAN WAS AWAITING THE PRELIMINARY HEARING THAT WAS REQUESTED FOR S.C.R. Crim P. 2(C), DOGAN WAS SERVED WITH A DIRECT INDICTMENT BASED ON ALLEGED CRIME 4-25-98, ASSAULT & BATTERY A/W# F834530. A PRELIMINARY HEARING WAS HELD WITHOUT AN REQUEST. PRESIDING JUDGE WAS LARRY M. HUTCHENS WHOM ACQUITTED DOGAN, BECAUSE NO EVIDENCE OR DOCUMENTATION PRESENTED FOR ALLEGED CRIME OF 4-25-98, see MAY 07, 1998 EXHIBIT, THIS HEARING WAS SUPPOSE TO HAVE BEEN F654895, 96, 97, §17-25-50, EXHIBIT B.

THESE ALLEGED CRIMES WAS INVESTIGATED BY SPTBG CITY PUBLIC SAFETY DEPT., ED. MEMBERS #0057, and SGT. RICK PARKER #0102, ON THE INCIDENT REPORT YOU HAVE A SIGNATURE. BUT PLEASE NOTICE BOXES BELOW FOR FOLLOW UP INVESTIGATION AGENCY ID # SC0420100, CASE NO. # 04-0976-98, THE ALLEGED INCIDENT DATE WAS APRIL-25, 1998, see EXHIBIT B-2 FOR THE RECORD.

S.C.R. Crim Pro. 3(c)(b)(c)(d)(1)

1. Action on warrant, (1) Preparing an indictment for presentment to the Grand Jury; which indictment shall be filed with the clerk of court (2) assigned a criminal case number; and presented to the Grand Jury, formally dismissing the warrant, noting on the face of the warrant the action taken;

IF YOU TAKE NOTICE DOGAN NEVER WAIVED PRESENTMENT TO THE GRAND JURY. THE GRAND JURY NEVER RULED ON THEM BECAUSE WITHHELD BY SOLICITOR HOLMAN C. GASSETT JR. HE WAS DEMOTED FOR THIS CAUSE OF DENIAL OF DUE PROCESS, AND PUTTING 1,800 LIVES IN DANGER. ALL I ASK IS THAT THE RECORD BE CORRECTED AND ALLOW DOGAN HIS FAIR BITE AT THE APPLE [BILL OF RIGHTS 1791] VOID JUDGMENT, IF THE GRAND JURY NEVER HEARD RETURN EVIDENCE OR ADJUDICATED INDICTMENT THEN THE G/S DID NOT HAVE THE AUTHORITY TO CONVICT ME OR PAST ANY JUDGMENT. I'M INNOCENT!!!

CASE SHOULD BE VACATED!!!!

§14-7-1600 through 1630(D)

Following the Return of An indictment in A State Grand Jury Investigation, The Chief Justice will Assign A Circuit Court Judge to take Jurisdiction of And Preside over all Civil And Criminal cases arising out of that investigation And set terms of Court For the trial of these cases in the County where Venue is set by the Presiding Judge of the State Grand Jury. As deemed necessary by the Judge appointed for trial of Cases Arising From A Particular State Grand Jury investigation, the office of South Carolina Court Administration shall Present to the Chief Justice A Proposed Order scheduling A Special term of Court in the Appropriate County or Counties to dispose of Civil And Criminal matters Arising from An Authorized State Grand Jury Investigation.

APPLICANT CITE STATE v. OWENS 552 S.E.2d 745 E.S.C. 2001 WHERE THE COURTS HELD THIS LANGUAGE: THE SOUTH CAROLINA CONSTITUTION REQUIRES A PERSON BE INDICTED BY THE GRAND JURY BEFORE STANDING TRIAL FOR A CRIME, S.C. CONST. - ART. I, § 11. See also §§ 44-48-80, 90, and SCR Crim. PROC. 3(C)(1), CORPUS DELICTI, APPLICANT FURTHER CITES: MATTER OF JOLLY 239 S.E.2d 490 E.S.C. 1997. WHERE THIS LANGUAGE WAS UPHeld BY THE ABA / COURTS, § 17-1-20. SANCTIONS AGAINST PROSECUTOR, SOLICITOR WAS PUBLICLY REPRIMANDED FOR STAMPING 1,800 INDICTMENTES LESS THAN 22 SECONDS THE BOARD FOUND HIM TO BE UNETHICAL IN HIS CAPACITY "FOR THE PEOPLE" IN CIVIL AND CRIMINAL ACTIONS, APPLICANT WAS SENTENCED AND CONVICTED BY GENERAL SESSIONS COURT WITHOUT PROBABLE CAUSE NOR HAD ITS ELEMENTS OF CORPUS DELICTI EVER BEFORE A GRAND JURY TO BE SUFFICIENT FOR LAW PURPOSES TO WARRANT SUCH A JUSTIFIED BILL, SOLICITOR OF CASE WAS DEMOTED FOR THIS ACT, DEPRIVING THE GRAND JURY OF ITS FUNCTIONS TO HEAR AND ADJUDICATE ON SAID WARRANT / RETURN AFFIDAVIT WITH SUFFICIENT EVIDENCE TO WARRANT AN INDICTMENT FOR THE VIOLATION OF CRIMES COMMITTED IN THE JURISDICTION OF CRIME, WHETHER IT BE COUNTY / CITY, see STATE v. JENKINS 727 S.E.2d - 761 E.S.C. APP. 2012, Also see SCR Crim. PROC. 3(C)(1), EXHIBIT C
SCR Crim. PROC. 60(B)(1)(4) Surprise / void.

THE APPLICANT WAS CONVICTED BY JURY OF THESE OFFENSES ON MARCH 1-2, 1999, THE HONORABLE HENRY FLOYD PRESIDED AT THE TRIAL OF THIS CASE, THE APPLICANT WAS ALLEGEDLY ASSISTED BY P/D DONALD A. THOMPSON WHOM CLAIMED TO HAVE BEEN SICK, BASED ON THE INVESTIGATION PREPARATION FOR TRIAL, THE STATE WAS ASSISTANT WALLS PROSECUTOR FOR THE STATE, THE SOLICITOR WAS HOLMAN C. GOSSETT JR., HE WAS IN THE PROCESS STAGE OF HIS MASTER PLAN TO DECEIVE THE JUSTICE SYSTEM AND THE PEOPLE HE DID NOT SET ON AT THE TRIAL BECAUSE HE WAS BEING INVESTIGATED, FOR THE 1,800 INDICTMENT UNPROCESSED IN 22 SECONDS, WHICH HE WAS DEMOTED FOR SEE EXHIBIT C, YET APPLICANT SEEKS TO HAVE THIS CORRECTED AND VACATED BASED ON NOT LAWFUL INDICTED BY GRAND JURY, §14-7-1630(D) AND SCR Crim. PROC. RULE 3(C)(1).

PIVOTAL CLAIM

1. FIRST INSTANCE FROM 1998-2000, THERE WAS EXCULPATORY WITNESSES NEVER PRESENTED FOR GRAND JURY INVESTIGATION DEPRIVING APPLICANT HIS LIBERTY THAT WAS DICTATED BY BILL OF RIGHTS 1791, AND THE LACK OF SUFFICIENT EVIDENCE TO BE REVIEWED BY GRAND JURY HAS PUT APPLICANT LIFE IN DANGER BY ALLOWING THE GOVERNMENT TO PASS A HARSH PUNISHMENT UPON ME WITHOUT PROVING PROBABLE CAUSE, BROUGHT BY ONE OF HIS AGENTS ONE WHO HAS A HIGH STANDARD FOR UPHOLDING THE LAW FOR THE PEOPLE "DEMOED FOR DECEIVING THE S.C. - ADMINISTRATIVE COURT, ABA, S.C. SUPREME COURT - COMPARE WITH CHIEF JUSTICE DONALD BEATTY ARTICLE OF 2012.] see exhibit D, D-1.

APPLICANT RELIES ON THE CASE OF (3) THREE FACTORS, CITED BY THE COURTS FOR THIS ABOVE LANGUAGE *Mooney v. Holohan* 55 S. CT. 340 [1935]; *NAPUE v. ILLINOIS*. - 79 S. CT. 1173 [1959]; AND *UNITED STATES v. BANDO*, 244 F.2d 833 [1957].

THE COURT AUTHORITY CITE AND HOLD; THE GOVERNMENT SHOULD NOT OBTAIN A CONVICTION ON EVIDENCE WHICH IT KNEW WAS PERJURIOUS 55 S. CT 340, SUPRA, IT WOULD FOLLOW THAT THE DEFENDANT ARE ENTITLED TO INQUIRE CONCERNING ANY INVESTIGATION MADE BY THE GOVERNMENT WHICH MIGHT HAVE PUT IT ON NOTICE THAT A GOVERNMENT WITNESS WAS UNTRUTHFUL, 79 S. CT. 1173, SUPRA,

THE BEARING OF THE LIE DETECTOR TEST ON MR. DOGAN CREDIBILITY SHOULD BE DETERMINED BY THE ADMINISTRATIVE COURTS AND GRAND JURY NOT BY A COURT HEARING

2. FROM THE REQUEST OF FAVORABLE MATERIAL "EXCULPATORY TO APPLICANT DATED 4/25/98, YET RECEIVED SEVEN AND A HALF 7 1/2 AFTER. THE STATE GOVERNMENT AGENT CLAIMED THE SENTENCE TO BE CORRECT BASED ON DNA OF CSCM IN THE FIRST IN SEPT. 06, 2005, AFTER SEEKING OUT THIS PIVOTAL DNA THROUGH A WRIT OF MANDAMUS; INFORMATION THAT APPLICANT WAS LED TO BELIEVE WAS KEEPING ME CONVICTED TURNED OUT TO BE IN MY FAVOR. THE STATE A/G ASSIST KEPT INDUCING THE MINDS OF AUTHORITY THAT I HAD COMMITTED SUCH AN ACT... AND THEY PROVED IT. IN 2007 APPLICANT FILED A NEWLY DISCOVERED CLAIM BASED ON THE SAME DNA REPORT THAT WAS WITHHELD FROM ME FROM THE REQUEST OF 4/29/98 TO 9/6/05.] see ORDER OF J. MACK HAYES Feb. 8, 2008. HEARING JANUARY 18 2008 [2007-CP-42-2758] EXHIBIT E, E-1

APPLICANT ALSO RELIES ON THE STATEMENT PROVIDED BY SUZANNE H. WHITE WHOM WORK AS AN AGENT FOR THE ATTORNEY GENERAL IN S.C. SHE STATED ON RECORD IN HER BRIEF TO THE COURTS THAT IT SHOULD HAVE BEEN APPARENT TO DOGAN THAT THE STATE DID NOT USE DNA EVIDENCE TO CONVICT HIM, DOGAN SHOULD HAVE KNOWN THIS AT TRIAL OR AT LEAST HIS FIRST [PCR] "2003." WITH THIS INFORMATION CITED ABOVE APPLICANT CLAIMS THAT SHE "MS. WHITE HAS IMPEACHED THE STATE'S CLAIM OF CSCM FIRST."

§ 17-28-30

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

I, Eddie DiDomenico, 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.

Eddie DiDomenico
Signature of Applicant

SWORN to and subscribed before me this 9th
day of April, 2014

S. Outlaw (L.S.)
Notary Public

My Commission Expires: 2/24

EXHIBIT 7

EXHIBIT A - 2

2014-002763

UNITED STATES POSTAL SERVICE

POSTAL MONEY ORDER

Serial Number: 21818987616

Year, Month, Day: 2014-04-01

Post Office: 29301

U.S. Dollars and Cents: \$25.00

Amount: TWENTY FIVE DOLLARS & 00/100 *****

Pay to: Ms. Hop & Blackley

Address: 180 Magnolia St.
P.O. Box 3483

From: Betty Jo Mayfield

Address: 110 Graham Street

Memo: Spartanburg, S.C. 29304

FOCUS: 1817-28-30 3483

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SEE REVERSE WARNING - NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

21818987616

0000080021

Clerk: 00026

5 of 9

The Supreme Court of South Carolina

RE: Amendments to the South Carolina Appellate Court Rules

ORDER

§ 17-28-30

On October 21, 2008, the General Assembly overrode the Governor's veto of Senate Bill 429 relating to DNA evidence, and the Senate Bill became Act No. 413 of 2008. Based on this legislation, amendments to the South Carolina Appellate Court Rules (SCACR) are necessary.

Accordingly, pursuant to Article V, §4 of the South Carolina Constitution, the SCACR is amended as shown in the attachment to this order. These amendments shall be submitted to the General Assembly as provided by Article V, § 4A of the South Carolina Constitution.

IT IS SO ORDERED.

s/ Jean H. Toal C.J.

s/ John H. Waller, Jr. J.

s/ Costa M. Pleicones J.

s/ Donald W. Beatty J.

s/ John W. Kittredge J.

COLUMBIA, SOUTH CAROLINA
JANUARY 29, 2009

Spartanburg County

EXHIBIT A-9

2014-002763

Phone (864) 596-2591

Fax (864) 596-2239

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

October 8, 2013

Mr. Eddie Dean Dogan, Jr. #256596
Evans CI-Santee-F-I-A-257
610 Highway 9-West
Bennettsville, SC 29512

Re: Dogan v State
2013CP4202608

Dear Mr. Dogan:

In response to your inquiry regarding your PCR Case#, the filing number is 2013-CP-42-2608 which was filed on June 20th, 2013.

Yours very truly,

M. HOPE BLACKLEY
CLERK OF COURT

BY: Debbie Greene
Debbie Greene
Civil Court

EXHIBIT B

SPARTANBURG MAGISTRATE COURT
SPARTANBURG COUNTY COURTHOUSE
SPARTANBURG SOUTH CAROLINA 29306
TELEPHONE: (864) 596-2564

MAY 07, 1998

DOGAN EDDIE DEAN
530 B BRAWLEY ST
SPARTANBURG S.C. 29306

DEFENDANT

CASE NUMBER F834530

RE: THE STATE VS EDDIE DEAN DOGAN

OFFENSE: ASSAULT & BATTERY

TRIAL DATE: 05/22/98 TIME: 05:30 PM

PLACE SPARTANBURG MAGISTRATE COURT, COURT ROOM 2
COUNTY COURTHOUSE

PLEASE NOTE THE TIME AND PLACE SET FOR TRIAL OF THE
ABOVE-CAPTIONED CASE. PLEASE BE SEATED IN COURT ROOM 2
AT THE TIME SET FOR TRIAL

YOU MUST APPEAR FOR THIS TRIAL. IF YOU HAVE ANY WITNESSES WHOM YOU
WISH TO TESTIFY, THEY MUST ALSO BE PRESENT UPON REQUEST AT
LEAST FIVE DAYS BEFORE TRIAL DATE, THE COURT CAN ISSUE WITNESS SUMMONSES
IF NECESSARY, TO ASSURE THAT YOUR WITNESSES APPEAR

2010 MAR 11 PM 3:00
CLERK OF COURT
SPARTANBURG COUNTY

Dogan Eddie Dean
Name of Defendant

F 654897
Warrant/Ticket Nos.

County/Municipality of Spottsg

Charges: Carried Wdl.
J. Mean

Trial Court: General Sessions
 Magistrate
 Municipal Court

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

DIRECTIONS: Magistrates and municipal court judges must use this checklist for **ALL GENERAL SESSIONS CASES** and for **ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE**. The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections.

BAIL PROCEEDING
 FIRST APPEARANCE (Non-Bailable Offenses)

1. Form used at bail proceeding
 - a. Bond Form I (personal recognizance)
 - b. Bond Form II (surety, cash, percentage)
 - c. None (Non-Bailable Offense)

2. For cases in which bond is set, defendant was informed:
 - a. Warrant for arrest will be issued for violation of any condition of bail bond order.
 - b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
 - c. Failure to appear in court as required will result in institution of additional criminal charges. For failure to appear in connection with a felony, additional charge has penalty of fine of not more than \$5,000 or imprisonment for not more than five (5) years, or both. For failure to appear in connection with a misdemeanor, additional charge has penalty of fine of not more than \$1,000 or imprisonment for not more than one (1) year, or both.

3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
 - a. Orally
 - b. In writing

[NOTE: Defendant must be informed of right both orally and in writing]

4. Defendant was informed of the right to trial by jury.

5. In all general sessions cases and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
 - a. Charges against defendant and nature of the charges.
 - b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel
 - c. [(Optional: Local procedures may require judge to refer defendants to indigency screener. If so, note referral here) Required to appear before _____ on _____, 1998 for appointment of counsel.]

Appearance or Hearing Date: 4-27-98

James Asher
Judge's Signature

AGENCY I.D.
SC0420130

DAY OF WEEK							
S	M	T	W	T	F	S	UNK
1	2	3	4	5	6	7	8

CODE

INCIDENT REPORT

EXHIBIT B-2
CASE NUMBER

04-0976-98

ENT

EVENT
VICTIM NO. 1
SUBJECT NO. 1
VEHICLE
NARRATIVE
PROPERTY
ADMIN.

INCIDENT TYPE <u>Criminal Sexual Conduct</u>	OFFENSE COMPLETED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	FORCED ENTRIES <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PREMISE TYPE <u>Utility Bldg</u>	UNITS ENTERED	TYPE VICTIM <input checked="" type="checkbox"/> INDIVIDUAL <input type="checkbox"/> BUSINESS <input type="checkbox"/> FINANCIAL INST. <input type="checkbox"/> GOVERNMENT <input type="checkbox"/> RELIG. ORGN <input type="checkbox"/> SOC./PUBLIC <input type="checkbox"/> OTHER <input type="checkbox"/> UNKNOWN <input type="checkbox"/> POLICE OFF
---	--	---	-------------------------------------	---------------	--

INCIDENT LOCATION (SUBDIVISION, MILL VILLAGE, APARTMENT AND NUMBER, STREET NAME AND NUMBER)
580 So Church St.

ZIP CODE: 29306 WEATHER: Clear

INCIDENT DATE: 4-25-98 24 HR. CLOCK: 2025 TO: 4-25-98 24 HR. CLOCK: 2100

WEAPON TYPE: 2111 TIME ARRIVED: 2300 ZONE: 19 TRACK: 25

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): Edwards, Kevin

RELATIONSHIP TO SUBJECT: AQC RESIDENT: RACE: B SEX: M AGE: 40 ETH: N

DAYTIME PHONE: 582-6683 EVENING PHONE: 583-2580

ADDRESS: 530/7 Perreneau st. CITY: SPTBG STATE: SC ZIP CODE: 29306 ZONE: 19 TRACK: 25

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): Edwards, Cassandra R

RELATIONSHIP TO SUBJECT: AQC RESIDENT: RACE: B SEX: F AGE: 9 ETH: N

DAYTIME PHONE: 582-6683 EVENING PHONE: 582-6683

ADDRESS: 530/7 Perreneau st. CITY: SPTBG STATE: SC ZIP CODE: 29306 ZONE: 19 TRACK: 25

VISIBLE INJURY (VICT. 1) YES NO EXPLAIN -

VICTIM (NO. 1) USING ALCOHOL YES NO UNK. DRUGS: YES NO UNK. TYPE:

COMPLAINT OF ANY NON-VISIBLE INJURIES: YES NO

TWO-MAN VEH. ONE-MAN VEH. DETECTIVE/SPLASMT. OTHER ALONE ASSISTED J. THIS JURISDICTION S. STATE O. OUT OF STATE U. UNKNOWN

SUSPECT NAME (LAST, FIRST, MIDDLE): Dogan, Eddie Dean RACE: B SEX: M AGE: 35 ETH: N DATE OF BIRTH: 5/7/63 HEIGHT: 507 WEIGHT: 185 HAIR: Ba EYES: Br

RUNAWAY ADDRESS: 530 B Brawley st. CITY: SPTBG STATE: SC ZIP CODE: 29306 ZONE: 19 TRACK: 26

WANTED FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL, PECULIARITIES, ETC.

ARREST SUBJECT (NO. 1) USING ALCOHOL YES NO UNK. DRUGS: YES NO UNK. TYPE:

ARRESTED NEAR OFFENSE SCENE YES NO DATE/TIME OF ARREST: Yes

ARRESTEE ARMED YES NO WEAPON TYPE:

JUVENILE DISPOSITION: 1. HANDLED, RELEASED REFERRED TO OTHER AUTHORITY ON VIEW ARREST SUMMONED CUSTODY

CHARGES

CSC W minor

Contributing to the delinquency of a minor.

transfer absolute to A Minor

WARRANT #	TICKET #
1. <u>F65 4895</u>	
2. <u>F65 4877</u>	
3. <u>F65 4896</u>	

STOLEN TAG NUMBER: STATE: YEAR: V.I.N.

RECOVERED YEAR: MAKE: MODEL: STYLE: COLOR:

SUSPECT TAG ONLY: ADDITIONAL VEHICLE DESCRIPTION:

VICTIM

on 4-25-98 at approximately 2107 HRS I was dispatched to 530 perreneau st in reference to a criminal sexual conduct incident.

NARRATIVE CONTINUED ON SUPPLEMENT YES NO

JURISDICTION OF THEFT: JURISDICTION OF RECOVERY:

TYPE	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED: YES NO SUBJECT LOCATED: YES NO

ACTIVE AC ARRESTED UNDER 18 EX-CLEAR UNDER 18

UNFOUNDED ARRESTED 18 AND OVER EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. VICTIM/DECLINES COOPERATION 4. EXTRADITION DENIED 5. JUVENILE, NO ARREST

REPORTING OFFICER (S): Membero E DATE: 4-25-98 BADGE: 0057 APPROVING OFFICER: Sgt Rick Porter DATE: 4-25-98 BADGE: 0102

FOLLOW UP INVESTIGATION: YES NO INVESTIGATOR:

Wagon, Eddie Dean
Name of Defendant

Warrant/Ticket Nos. F65-4895

County/Municipality of Dorchester

Charges: CSC 1st

Trial Court: General Sessions
 Magistrate
 Municipal Court

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Appearance or Hearing Date:

4-27-98

[Signature]
Judge's Signature

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

EXHIBIT B4

GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

The State # 3066 2)
vs.)
Eddie Dogan)
Defendant)

CERTIFICATE OF SERVICE
F654895
F654896
F654897

Personally appeared before me, Jackie Posey, who being duly sworn, deposes and says that she is employed by the Spartanburg County Public Defender's Office, and is a person of such age and discretion as to be competent to serve papers.

That on 5/10/98, she served a copy of the Notice of Motion and Request for Disclosure of Evidence pursuant to General Sessions Court Practice Rule 5 and the defense's belief of importance in the above-captioned action on the State, by delivering a copy of same in a post-paid envelope addressed to the person hereinafter named by depositing said envelope and contents in the United States Mail at Spartanburg, South Carolina, to the following addressee:

ADDRESSEE: Chief A. Tony Fisher
Spartanburg City Police Department
145 Broad St.
Spartanburg, SC

Jackie Posey

Sworn to before me this
04 day of May, 1998

Lina Cogain
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 10-16-2000

FILED
CLERK OF COURT
SPARTANBURG, SOUTH CAROLINA
1998 MAY -4 AM 11:07
MARK HAMMOND

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

AFFIDAVIT

Personally appeared before me, one C.A. BOYD who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provi of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premissgs in this Co

DESCRIPTION OF PROPERTY SOUGHT

HEAD HAIR, PUBIC HAIR, BLOOD AND SALIVA.

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

THE PERSON OF EDDIE DEAN DOGAN, BLACK MALE, DOB 08-24-64, OF 530-B BRAWLEY STREET, SPAR BURG, SOUTH CAROLINA.

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

ON 4-25-96 THE SUSPECT COMMITTED A SEXUAL BATTERY UPON A NINE YEAR OLD JUVENILE. THIS EVIDENCE IS NEEDED TO SEND TO SLED FOR A COMPARISON WITH THE VICTIM SEXUAL ASSAULT EVIDENCE COLLECTION KIT.

FILED COURT CLERK OF COURT SPARTANBURG COUNTY 10 MAR 1 11 PM 9:01

Sworn to and Subscribed before me, this 27th day of APRIL 19 98 [Signature] (L.S.) Signature of Judge

8:40 a.m.

[Signature] Affiant

Address 145 Broad St.

RETURN

I received the attached Search Warrant April 27, 19 98, and have executed it as foli
On April 27, 19 98 at 10:40 o'clock A M, I sear
(the person) described in the warrant and (the premises)

I left a copy of the warrant with EDDIE DOGAN
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: SALIVA, HEAD HAIRS, PUBIC HAI
Blood. NOTHING ELSE TAKEN.

~~_____

_____~~

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2010 MAR 11 PM 9:01

This inventory was made in the presence of DETECTIVE CHEYL BOYD, DOCTOR CORBETT, KAREN CHADWICK
AND _____

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 27th
day of APRIL, 19 98
[Signature] (L.S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT

EXHIBIT 7

DAVID M. BEASLEY
GOVERNOR



ROBERT M. STEWART
CHIEF

Department of Forensic
 Serology and DNA Analysis
 May 27, 1998
 SLED Lab No.: L98-5442
 Your Case No.: 04-0976-98
 Incident Date: 4/25/98
 (V) Cassandra R. Edwards
 (S) Eddie D. Dogan

C A BOYD
 SPARTANBURG PUBLIC SAFETY
 145 BROAD ST
 SPARTANBURG, SC 29304

FL054895

3B

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
 South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:

RESULTS OF EXAMINATIONS:

1.	Sexual Assault Evidence Collection Kit from Cassandra Edwards		
1.4	Blood	1.4	No analysis performed.
1.5	Saliva	1.5	No analysis performed.
1.6	Smears	1.6	No spermatozoa identified.
1.7	Vaginal swabs	1.7	No semen detected.
1.8	Oral swabs	1.8	No semen detected.
1.9	Rectal swabs	1.9	No semen detected.
1.10	Suspected semen	1.10	No semen detected.
2.	Suspect Evidence Collection Kit from Eddie Dogan		
2.4	Blood	2.4	No analysis performed.



EXHIBIT - B-8

F654895

**Prosecutor: Mayor
intimidated judge**

Prosecutors say Simpsonville Mayor Perry Eichor has been indicted after he tried to influence a municipal judge to rule a certain way.

Solicitor Walt Wilkins didn't give details about the case Wednesday, but said someone in power trying to undermine a judge's impartiality affects the entire judicial system.

A grand jury indicted the 78-year-old mayor on charges of obstruction of justice, misconduct of a public official and intimidation of a court official. The intimidation charge is a felony, while the rest are misdemeanors.

Gov. Nikki Haley suspended Eichor from office Wednesday.

Eichor was elected mayor of Simpsonville in December 2011. He spent decades in federal and local law enforcement before becoming a consultant 15 years ago.

His lawyer didn't return a phone message Wednesday.

Justice aces through locket

TOM LANGHORNE
Writer

Twenty-two seconds. Actual-
slightly less than 22 seconds.
That's how much time, on
average, that Spartanburg Coun-
ty grand jurors had to devote to
each of the 1,404 cases presented
them by 7th Circuit prosecu-
tors over eight and a half hours
Tuesday.
The mass indictments come
weeks after a two-day grand
session during which Solicitor
General Holman Gossett's office pre-
sented slightly fewer than
1,800 cases for indictment,
drawing strong criticism from
Gossett's successor and a
leading legal ethics expert.
Before that session, the high-
number of charges Gossett's
office had presented for indict-
ment at any one time in the past
years had been 968.

200! ?

phone messages seeking com-
ment, as has been the case since
his June loss to Trey Gowdy in
the Republican primary.

Attempts to reach South Carolina
Attorney General Charlie
Condon were unsuccessful.

A spokesman for Gossett said
last month that mass indict-
ments were necessary in light of
Circuit Judge John Kittredge's
recent decision to fine 13th Cir-
cuit Solicitor Bob Arial for not
complying with South Carolina
Rules of Criminal Procedure.

Arial didn't comply with Rule
3(c), which states that prosecu-
tors must take action on a given
arrest warrant within 90 days
after receiving the warrant from
the clerk of court.

The fine was eventually
dropped.

Indicting thousands of old and
new cases en masse does not add
to the statistical backlog that
Gowdy will face when he takes
office in January. Unindicted
cases are already counted in the
backlog as South Carolina Court
Administration reports it.

But Gossett's mass indict-
ment strategy does create a
large pool of indicted cases that
Gowdy can't be sure have been
scrutinized first.

"It looks to me like the policy
we used to have of reviewing
cases to see if they have a basic
degree of merit before sending
them for indictment has been
abandoned," said Spartanburg

GRAND continued on A15

GRAND

Continued from page 1

attorney Andy Johnston, who
worked as an assistant solicitor
under Gossett from 1983 to 1990.

"All of a sudden they double the
number of cases they send normally
(in October), and then they do it
again within a short time," Johnston
said. "It sounds like they took all the
cases that have been lying around
and just sent them to the grand jury
instead of reviewing them and mak-
ing decisions about them."

Spartanburg Public Safety
Director Tony Fisher, who sup-
ported Gowdy in this year's cam-
paign, accused Gossett of trying to
sabotage Gowdy when his office
sought about 1,800 indictments
last month.

On Wednesday, Fisher said
"there is no way the system can
handle that many cases in a reason-
able amount of time."

"We need to be honest with the
public," he said. "We need to handle
cases as quickly as we can, and deal
with those where there is some rea-
son to question prosecutorial merit
within 60 days, instead of waiting
this period of time and then doing
this."

"We owe that to victims and the
public."

Sheriff Bill Coffey, who support-
ed Gossett in this year's campaign,
declined to answer questions about
Gossett's decision to seek thou-
sands of indictments in a matter of
weeks.

Coffey did say through a
spokesman that such questions
should be addressed to the grand
jury and the court system.

Gowdy, who will take office on
Jan. 10, said the time to decide
whether a case is prosecutable is
before indictment.

"I don't know what level of
scrutiny was given these cases
before they were submitted to the
grand jury," he said. "I know it
would be difficult for me to ade-
quately scrutinize 1,400 cases in
the period since the last grand jury
met, which was about six weeks
ago."

getting with law enforcement in
screening cases on the front end,
Gowdy vowed. "If you can't get
cases in a timely fashion, you're
contributing to a backlog that
adversely affects victims past and
present and future."

Eldon D. Wedlock Jr., a criminal
law professor and legal ethics
expert at the University of South
Carolina's School of Law, reiterated
his earlier criticism that seeking a
large number of indictments at one
time defeats the investigative pur-
pose of grand juries.

But Wedlock said grand jurors
themselves should share the blame
with Gossett.

"Their duty is to listen to the
evidence of criminal allegations pre-
sented by prosecutors and witness-
es, and to act as a screen against
vindictive prosecutions and
unfounded charges," Wedlock said.
"They're not taking that duty
seriously as they should."


Wedlock said the grand jury
foreman or a grand juror "who
have objected and said 'Wait a
minute, I want to hear some direct
evidence why the state thinks that
person has committed a crime.'"

Wedlock did not spare Gossett's
office from criticism.

"They're allowing it to go on,"
said. "They have an ethical obliga-
tion to do justice."

Wedlock said he understands
that Gossett has to be mindful of
Judge Kittredge's action against
Arial, but Gossett wouldn't be in
this position if he had been man-
aging his cases promptly along.

Tom Langhorne can be reached
at tom.langhorne@sh.com or 703-
4511, Ext. 7221.

EXHIBIT 
C

WILSON WANTS JUSTICE OFF CASES

ONLINE
Read,
Wilson's
two letters
online at
thestate.
com.



Beatty

ATTORNEY GENERAL TO ASK BEATTY TO RECUSE HIMSELF FROM CRIMINAL PROCEEDINGS.

BY NDELLA PHILLIPS
ndPhillips@thestate.com

S.C. ATTORNEY GENERAL Alan Wilson will ask Supreme Court Justice Donald Beatty to recuse himself from criminal cases because of comments the judge made during a speech earlier this year. Wilson sent a letter to 13 solicitors, who have complained about comments Beatty made during their annual conference. The letter, sent Dec. 12, cites case law that Wilson said he will use to seek Beatty's recusal from some cases. He also said he will support solicitors who ask Beatty to recuse himself from any disciplinary hearings for attorneys on their staffs. "Accordingly, with these legal principles in mind, based upon Justice Beatty's remarks, we will seek his recusal in any specific case where warrant under the law," Wilson wrote. Wilson closed the letter by saying "In summary, while we believe that Justice



JUSTICE DONALD BEATTY AND CHIEF JUSTICE JEAN TOAL ON THE COURT IN 2011

Beatty is a fine man and dedicated jurist, the solicitors were correct to question his intemperate remarks, and we agree with you that many of the remarks... were inappropriate. The attorney general in South Carolina oversees the state's prosecutors. Efforts on Friday afternoon to reach Beatty, one of five Supreme Court jurists, as well as Chief Justice Jean Toal, who is up for re-election in February, were unsuccessful. Toal, who is up for re-election in February, was asked about the controversy Nov. 5 during a Judicial Merit Selection Commission. She told a panel of legislators that she did not think anyone on the Supreme Court had prejudged anything. "I'm aware of the controversy of course," Toal answered. "I can

only tell you I believe the Court would treat any legislative enactment with the same fairness and objectivity with every decision we make. I believe my brothers and sisters on the Court would join me in saying just that." THE solicitors' push to have Beatty, a native of SPARTANBURG, recuse himself from criminal cases began in October. Fifth Circuit solicitor Dan Johnson, the lead prosecutor in Richland and Kershaw Counties, is one of the 13 solicitors to ask for Beatty's recusal. The 13 contend Beatty demonstrated a clear bias against prosecutors in his remarks at a September solicitors' gathering in Myrtle Beach and cannot be counted upon to be impartial in his rulings. In a Nov. 21 letter to the solicitors, Wilson said he reviewed a summary of Beatty's comments that were provided by three solicitors. He said as the chief prosecutor in the state: "I fully share the concerns of each of you regarding these unfortunate remarks." According to previous news reports, Beatty, elected to the Supreme Court in 2007, told the audience of prosecutors they had "been getting away with too much for too long." The court will no longer overlook unethical conduct, such as witness tampering, selective and retaliatory prosecutions, perjury and suppression of evidence, Beatty said. He added, "You better follow the rules or we are coming after you and will make an example."

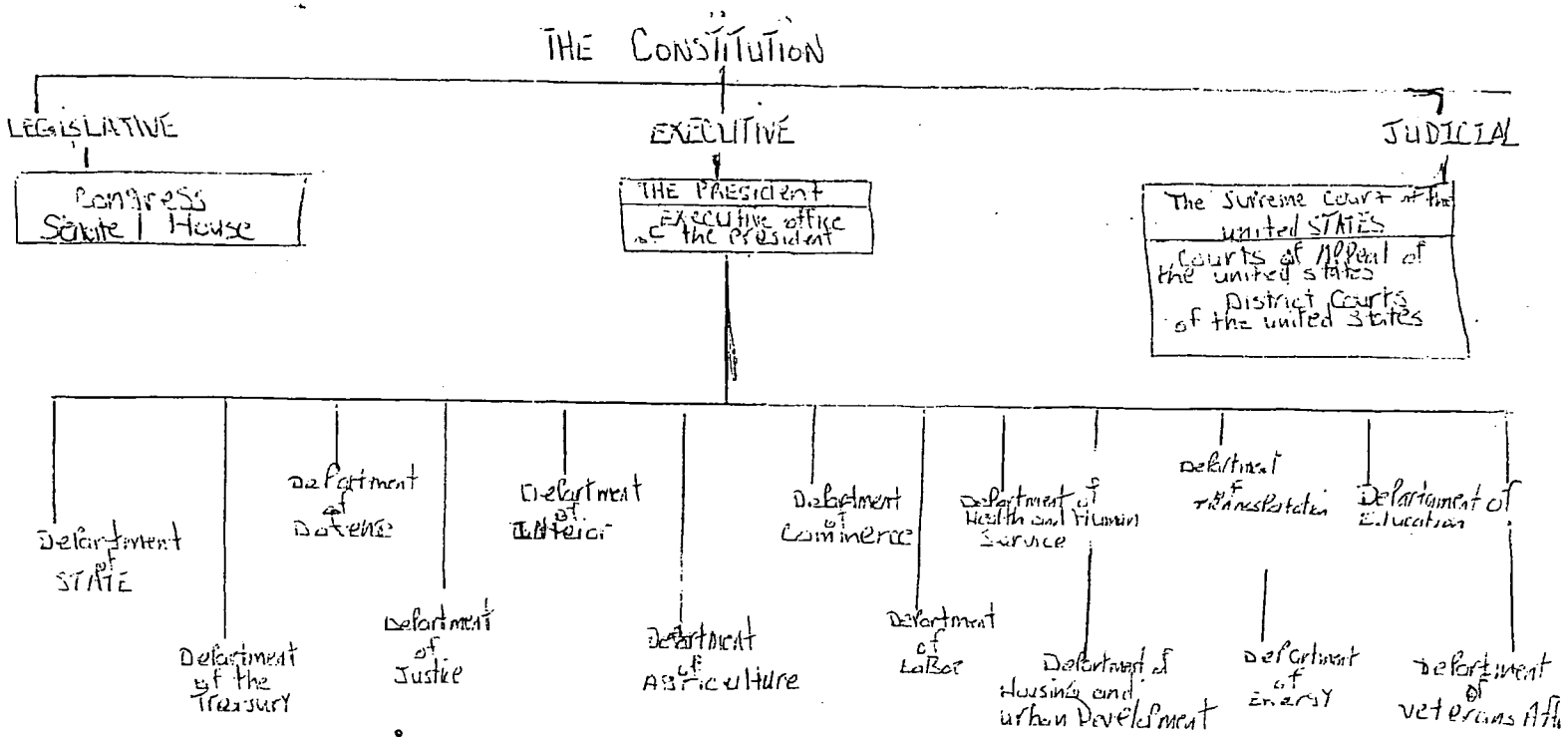


Wilson

According to a summary of his comments published earlier this year in the (Charleston) Post and Courier, "The pendulum has been swinging in the wrong direction for too long and now it's going in the other direction," the summary quotes him as saying, "Your bar license will be in jeopardy. We will take your license."

In His Dec. 12 letter, Wilson used the words "Confrontational and threatening" to describe Beatty's remarks and said the Judge's speech could have used "a far less adversarial tone". Beatty's words came across as accusing all prosecutors of using unethical tactics to win cases, the attorney general's letters said. "... Solicitors and their staffs are dedicated professionals; devoted to the difficult task of protecting the safety of their communities, securing the rights of victims, and upholding the rule of law," Wilson wrote. "Thus, for him to leave each prosecutor with the impression that he or she is facing potential disbarment or other judicial sanction cannot help but harm prosecutors' morale and discourage those who wish to make public service and prosecution their career."

Staff writer Adam Beam
Contributed to this report.
Reach Phillips at (803) 771-8307.



STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS)
FOR THE 7TH JUDICIAL CIRCUIT)

EXHIBIT E

Eddie Dean Dogan, #256596)

PLAINTIFF,)

2007-CP-42-2758)

State of South Carolina,)

RESPONDENT.)

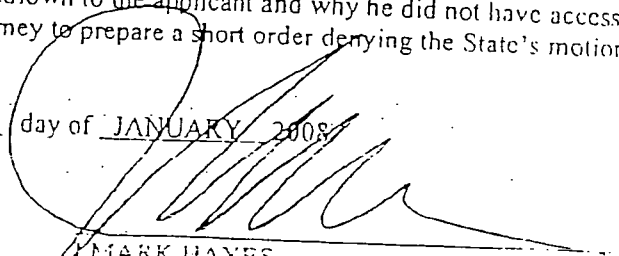
CHECK ONE

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION-DISMISSED. (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding Arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- Other _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of judgment by the Court:

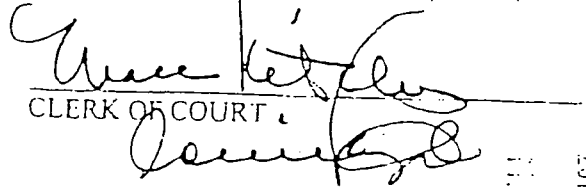
After reviewing the documents on file and the arguments presented, the Court is denying the State's motion to dismiss. Based on the information presented the Court cannot determine, as a matter of law and when viewing the information in a light most favorable to the non-moving party, that the information is not newly discovered evidence. Additionally, the record before the Court is unclear as to how the document (substance analysis document) became known to the applicant and why he did not have access to it before. The Court requests Mr. Dogan's attorney to prepare a short order denying the State's motion dismiss for the Court's signature.

Dated at Spartanburg, South Carolina, this the _____ day of JANUARY 2008



MARK HAYES
PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2008, and a copy mailed first class this _____ day of _____, 2007 to attorneys of record or to parties (where necessary) as follows:


CLERK OF COURT

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2008 FEB - 6 PM 1:11

MAILED COPY
2-11-08

2010 FEB - 9 PM 5:23

Exhibit E-1



State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
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May 5, 2014

Eddie Dean Dogan, Jr. #256596
Evans Cl-Santee F-1-A-257
610 Highway 9 West
Bennettsville, SC 29512

Dear Mr. Dogan:

I am returning your letter dated April 29, 2014 which was addressed to me as the "Administrative Judge" and the attachments thereto. Please be advised that I no longer serve as an Administrative Judge and, thus, it would be improper for me to make decisions that are reserved for an Administrative Judge.

Also, I quickly reviewed your attachments and it appears that in January 2008, I made a decision in your favor to not dismiss your case based on the State's Motion to dismiss. It appears all subsequent matters were handled by other judges. My suggestion is that you contact the attorney who last represented you to determine the status of your case and to seek proper legal guidance. Typically, it is not proper for a litigant or potential litigant to direct write to a judge. Many reasons exist for this prohibition, not the least of which is that by writing directly to a judge may lead to the judge having to disqualify himself in a later proceeding.

In advance thank you for cooperation.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Mark Hayes, II". The signature is stylized and overlaps the printed name below it.

J. Mark Hayes, II

JMHII/smw

Attachments

Wrongly convicted Henry McCollum and half-brother Leon Brown freed after 31 years on NC death row

Conviction overturned because of new DNA evidence

BY: Associated Press
POSTED: 11:00 AM, Sep 3, 2014
UPDATED: 12:27 PM, Sep 3, 2014

RALEIGH, N.C. - One of North Carolina's longest-serving death row inmates was freed from prison Wednesday, a day after a judge overturned his conviction because of new DNA evidence in the case.

Henry McCollum, 50, walked out of Central Prison in Raleigh (<http://abc11.com/news/man-freed-after-30-years-in-prison-for-child-rape-murder/292682/>), hugged his mother and father and thanked God for his release.

His half brother, 46-year-old Leon Brown (<http://abc11.com/news/judge-orders-freedom-for-men-imprisoned-for-30-years-in-child-rape-and-murder/291302/>), also had his conviction in a 1983 rape and murder overturned on Tuesday. Brown was expected to be freed later Wednesday.

McCollum spoke briefly to reporters before getting into the passenger seat of his father's car, where a reporter had to show him how to buckle the seat belt. He had never used a seat belt of that design.

McCollum said he hoped to go home and take a bath. There will be changes to which he'll need to adjust - particularly the Internet and cellphones, he said.

Superior Court Judge Douglas Sasser overturned the convictions Tuesday, saying the fact another man's DNA was found on a cigarette butt left near the body of the slain girl contradicted the case put forth by prosecutors.

The ruling was the latest twist in a notorious legal case that began with what defense attorneys said were coerced confessions from two scared teenagers with low IQs. McCollum was 19 at the time, and Brown was 15.

Defense lawyers petitioned for their release after a recent analysis from the butt pointed to another man who lived near the soybean field where Sabrina Buie's body was found in Robeson County. That man is already serving a life sentence for a similar rape and murder that happened less than a month later.

The men's freedom hinged largely on the local prosecutor's acknowledgement of the strong evidence of their innocence.

"The evidence you heard today in my opinion negates the evidence presented at trial," Johnson Britt, the Robeson County district attorney, said during a closing statement before the judge announced his decision. Britt did not prosecute the men.

Even if the men were granted a new trial, Britt said: "Based upon this new evidence, the state does not have a case to prosecute."

Minutes later, Sasser made his ruling.

The day-long evidence hearing included testimony from Sharon Stellato. The associate director of the North Carolina Innocence Inquiry Commission discussed three interviews she had over the summer with the 74-year-old inmate whose DNA matched that found on the cigarette butt. He was convicted of assaulting three other women and is now suspected of killing Buie. The Associated Press does not generally disclose the names of criminal suspects unless they are charged.

According to Stellato, the inmate said at first he didn't know Buie. But in later interviews, he said the girl would come to his house and buy cigarettes for him.

The man also told them he saw the girl the night she went missing and gave her a coat and hat because it was raining, Stellato said. He told the commission that's why his DNA may have been at the scene. Stellato said weather records show it didn't rain the night Buie went missing or the next day.

Stellato also said the man repeatedly told her McCollum and Brown are innocent.

Still, he denied involvement in the killing, Stellato said. He said the girl was alive when she left his house and that he didn't see her again. Buie was found in a rural soybean field, naked except for a bra pushed up against her neck. A short distance away, police found two bloody sticks and cigarette butts.

The DNA from the cigarette butts doesn't match Brown or McCollum, and fingerprints taken from a beer can at the scene aren't theirs either, attorneys say. No physical evidence connects them to the crime.

Both were initially given death sentences, which were overturned. At a second trial, McCollum was again sent to death row, while Brown was convicted of rape and sentenced to life.

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