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JUN 24 2015

S.C. SUPREME COURT

EXHIBIT #1

Pg. 4 of 63 of Summary Judgment

First PCR Action²

On March 23, 1994, Petitioner filed an Application for Post-Conviction Relief (1994-CP-43-177), asserting claims of ineffective assistance of counsel; he pled guilty unknowingly, unwillingly, and involuntarily; and violation of constitutional rights. (Attachment No. 4). Specifically, Petitioner asserted that his attorney was ineffective for advising him to plead guilty to the crime of manslaughter where the evidence introduced to the courts clearly showed that he was innocent of such crime. He contended that he did not understand what he was doing by pleading guilty to the charge of manslaughter and that he never planned to do so but because his attorney advised him to plead to the charge he did only because he was told that he would get a life sentence if he did not plead guilty. Petitioner also stated that he would not have pled guilty if it had not been for the errors of his attorney and that he would have instead gone to trial. See Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984); Hill v. Lockhart 474 U.S. 52, 106 S.Ct. 366 (1985) Boykin v. Alabama, 395 U.S. 238 (1969) Victory v. State, 258 S.C. 33, 186 S.E.2d 827 (1972). Petitioner also stated that he had been previously told by another attorney whom he wanted to retain that he could not be charged with the above stated charge and because he was unable to retain the attorney he was forced to accept an attorney from the public defenders' office and that attorney was ineffective.

² Respondent would note that there is no transcript of the evidentiary hearing to this first PCR Action. Our records reflect that the Office of the South Carolina Attorney General's file for that action has been missing since at least 2006. Our office contacted the Sumter County Clerk of Court regarding their file for this PCR action and we were able to obtain a copy of the plea hearing transcript and the filed documents from the Clerk's file.

EXHIBIT #2

2000 RETURN

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

Maurice Graves,
S.C.D.C. # 208580

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

2000-CP-43-186

RETURN AND MOTION TO DISMISS

Respondent (the State), making its Return and Motion to Dismiss to the Application for Post-Conviction Relief (PCR) filed March 16, 2000, would respectfully show this Court:

I.

The Applicant is presently confined in the Kershaw Correctional Institution of the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Sumter County. The Applicant was indicted at the November 1993 term of the grand jury for Sumter County for murder and robbery (93-GS-43-875). Jordan White, Esquire represented the Applicant. On December 13, 1993, the Applicant pled guilty to voluntary manslaughter and strong armed robbery. The Honorable David F. McInnis sentenced the Applicant to confinement for a period of twenty (20) years. The Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein by reference are the records of the Sumter County Clerk of Court regarding the subject convictions and the Applicant's records from the South Carolina Department of Corrections.

II.

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

1. Ineffective assistance of trial and Post-Conviction attorneys.
2. Unknowingly, unwillingly and involuntarily guilty plea.

III.

The State submits that the current application for PCR should be summarily dismissed for failure to comply with the filing procedures of the Act. S.C. Code Ann. § 17-27-10 to -160 (1976 & Supp. 1997). The Act reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

S.C. Code Ann. § 17-27-45(a) (Supp. 1998).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense(s) he challenges in this Application on December 13, 1993. The Applicant filed this Application on March 16, 2000, well after the one year statutory filing period had expired.

A motion for summary judgement may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the PCR Court to "grant a motion by either party for summary disposition of [an] application when it appears from the

pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgement as a matter of law." Therefore, the State requests that this Court summarily dismiss the Application for PCR for failure to file within the time mandated by statute.

IV.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

V.

WHEREFORE, having made its Return and Motion to Dismiss, the State requests that the Applicant's current application for PCR be summarily denied and dismissed.

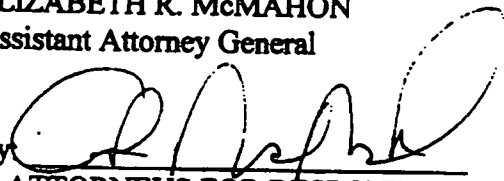
Respectfully submitted,

CHARLES M. CONDON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

B. ALLEN BULLARD, JR.
Assistant Deputy Attorney General

ELIZABETH R. McMAHON
Assistant Attorney General

By 
ATTORNEYS FOR RESPONDENT

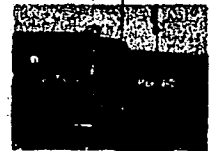
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

Columbia, South Carolina
November 8, 2001

EXHIBIT #3

2000 SUMTER COUNTY PUBLIC INDEX

Sumter County Third Judicial Circuit Public Index



[Sumter County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Maurice Graves VS State of south carolina

Case Number:	2000CP4300186	Court Agency:	Common Pleas	Filed Date:	02/16/2000
Case Type:	Common Pleas	Case Sub Type:	Post Convict Rel 500	File Type:	PCR
Status:	Dismissed	Assigned Judge:			
Disposition:	Withdrawn or Settled by Parties	Disposition Date:	01/14/2002	Disposition Judge:	King, Howard P
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the icon to show associated parties.

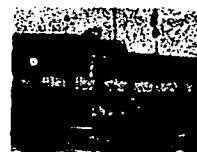
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Aptin, J Benjamin	P O BOX 50666 COLUMBIA SC 29250				Defendant Attorney		06/30/2007
State Of South Carolina					Defendant		04/13/2006
Graves, Maurice					Plaintiff		04/13/2006
Young, Kenneth R Jr	23 W CALHOUN ST SUMTER SC 29150				Plaintiff Attorney		06/30/2007
State Of South Carolina					Defendant		04/13/2006
Aptin, J Benjamin	P O BOX 50666 COLUMBIA SC 29250				Defendant Attorney		06/30/2007
Young, Kenneth R Jr	23 W CALHOUN ST SUMTER SC 29150				Plaintiff Attorney		06/30/2007

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EXHIBIT #4

2014 SUMTER PUBLIC INDEX

Sumter County Third Judicial Circuit Public Index



[Sumter County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Maurice Graves VS State Of S C

Case Number:	1994CP4300177	Court Agency:	Common Pleas	Filed Date:	03/23/1994
Case Type:	Common Pleas	Case Sub Type:	Special-Comp/Oth 699	File Type:	PCR
Status:	Dismissed	Assigned Judge:			
Disposition:	Withdrawn or Settled by Parties	Disposition Date:	10/31/1995	Disposition Judge:	Cooper, Thomas W. Jr.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Graves, Maurice					Plaintiff		04/23/2014
State Of S C					Defendant		04/13/2006

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EXHIBIT #5

Interrogatories Dated July 18, 1994

STATE OF SOUTH CAROLINA,
COUNTY OF SUMTER.

Maurice Graves, 208580, 10 11 1966

Applicant,

vs.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
DOCKET NO. 94-CP-43-177

INTERROGATORIES
TO RESPONDENT

TO: WADE S. KOLB, JR., SOLICITOR, THIRD JUDICIAL CIRCUIT; AND
TERESA A. KNOX, ASSISTANT ATTORNEY GENERAL:

Pursuant to South Carolina Code §17-27-80, and SCRPC Rules 33 and 71.1(a), the Plaintiff, through undersigned counsel, directs the Defendant, the State of South Carolina ("State"), or any entity or person that would appear on behalf of the State with the intention of presenting evidence or participating in this procedure, to answer, under oath and in writing, the following interrogatories within 30 days of the date of service:

1. List the names and addresses of all witnesses in which the State intended or would have called to testify during the trial of the Plaintiff and indicate whether a written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
2. List the names and addresses of all witnesses in which the State intends to call during the post conviction relief hearing and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
3. List the names and addresses of all fact witnesses to the crime or crimes allegedly committed by the Plaintiff that have not been previously identified in interrogatory #1 or #2.
4. For each person listed in interrogatory # 1-3, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.
5. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the State, including but not limited to the Sumter County Solicitor's Office, the Sumter County Sheriff's Department, the City of Sumter Police Department, S.L.E.D., or the Attorney General's Office, or their attorney(s) that relate to the crime or defense in the case.

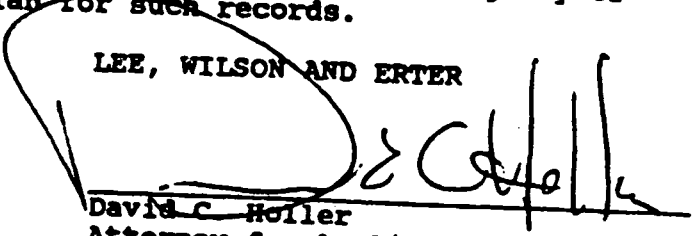
6. List the names and addresses of any expert witnesses whom the Plaintiff proposes to use as a witness at the trial of the case.

7. For each expert witness listed in response to interrogatory # 5, please give the following information:

- (a) His or her area of expertise;
- (b) His or her educational background and experience qualifying him or her as an expert in that area; and
- (c) Describe in detail his or her opinions and conclusions, and give the factual basis upon which each opinion and conclusion is based.

8. List the name and address of every agency or office of the State, including police departments, that maintain or possess a file containing any information that relates to the charge(s) against the Plaintiff and identify who within such agency or department is the custodian for such records.

LEE, WILSON AND ERTER


David C. Heller
Attorney for Applicant
126 North Main Street
Post Office Box 580
Sumter, S. C. 29151
803-778-2471

Sumter, South Carolina

July 18, 1994.

EEXHIBIT #6

Request for Production Dated November 21, 1994

STATE OF SOUTH CAROLINA,
COUNTY OF SUMTER.

IN THE COURT OF COMMON PLEAS
DOCKET NO. 94-CP-43-177

Maurice Graves,

Plaintiff,

-vs-

State of South Carolina,

Defendant.

'84 NOV 22 PM 3 52

REQUEST FOR PRODUCTION

TO: C. HAVIARD JONES, JR., ATTORNEY FOR DEFENDANT,
AND WADE S. KOLB, JR., SOLICITOR, THIRD JUDICIAL CIRCUIT

Pursuant to Rules 26, 34 and 37 of the South Carolina Rules of Civil Procedure, the Plaintiff requests that you produce the following described documents and things for inspection and copying at 126 North Main Street, Sumter, South Carolina, such to be produced within ten (10) days of the date hereof.

INSTRUCTIONS

a. Every Request for Production herein shall be deemed a continuing request, and you are to supplement your answers promptly, if and when you obtain relevant information in addition to or in anyway inconsistent with your initial response, in accordance with Rule 33(b) of the South Carolina Rules of Civil Procedure.

b. Should privilege be claimed as to any information requested herein, the answer must, in each instance, state specifically the information sought, the privilege claimed, and a ground on which the claim or privilege is based. Should the Defendant be unable, for reasons other than privilege, provide this information requested, the answer must, in each instance,

specifically indicate the information sought, the reason such information is presently unavailable, and an estimate of the time within which the information will be presented to the undersigned.

c. If you object to any portion of this request for production on the grounds that it seeks privileged information, identify all persons to whom such information has been disclosed, the nature of the privilege asserted, and the dates of any communications for which the privilege is asserted.

d. If you object to any interrogatory on the ground that it is too broad, provide such information which is relevant and available.

e. If you object to any interrogatory on the ground that to provide an answer would constitute an undue burden, provide such requested information as can be supplied without undertaking any undue burden.

f. For those portions of any interrogatory for which you object or otherwise decline to answer, state the reasons for such objection, declination or burden.

The foregoing information shall be given in sufficient detail to enable a person to whom a subpoena is directed to identify fully the document to be produced and to enable this party to determine that the document produced in response to such a subpoena is, in fact, the document itself may be provided as an alternative to providing such description.

DEFINITIONS

a. As used in this request, the term "Document" means any handwritten, typewritten, recorded or graphic matter, including all copies of the above, however produced or reproduced, in the possession, custody or control of the Defendant's counsel or law enforcement official, and whether or not claimed to be privileged, including, but not limited to, correspondence, reports, meeting minutes, memoranda, notes, schedules, photographs, ledgers, requisitions, journals, books of account, contracts, drawings, blueprints, checks and diaries.

b. "Identify" and "Identity" when used in reference to a person, means state his full name, his present or last known address, telephone number, and his present or last known position or business affiliation.

c. "Describe" or "Description" if used in reference to a person, means to identify each individual person, and when used in reference to a document, means to state the following as to each document:

1. Nature and contents;
2. Date;
3. Name, present address and position of the author or signer;
4. Name, address and position of the addressee, if any;
5. The present location, name and present address and position of the person or persons having custody.

REQUEST FOR PRODUCTION

1. All documents prepared by, or at the direction of, state or local law enforcement officers in the investigation, arrest and prosecution of the Plaintiff, Maurice Graves, and Co-Defendants, Casey Stuckey and Cedrick Williams.

2. All statements taken from the Plaintiff, Maurice Graves, or his Co-Defendants, Casey Stuckey and Cedrick Williams.

3. Statements taken from Sonya Bradley.

4. Statements taken from Susie Ann Wilson.

5. Statements taken from Franklin White.

6. Statements taken from Charles Wright.

7. Statements taken from Ruth D. Wright.

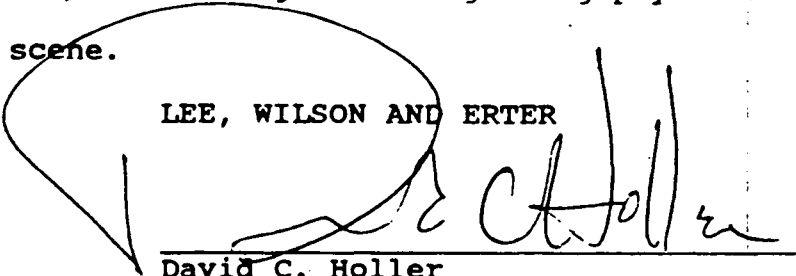
8. Statements taken from Barbara W. Fickens.

9. Statements taken from Melissa D. Fickens.

10. All photographs, diagrams and charts of the accident scene or victim, Pearly Wilson.

11. All reports and/or investigations regarding physical evidence at the crime scene.

LEE, WILSON AND ERTER



David C. Holler
Attorney for Plaintiff
126 North Main Street
Post Office Box 580
Sumter, S. C. 29151
803-778-2471

Sumter, South Carolina

November 21, 1994.

EXHIBIT #7

Request for Admission

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS
DOCKETED

Maurice Graves,

'95 APR 17 PM 12:51 DOCKET NO. 94-CP-43-177

PLAINTIFF,

vs.

State of South Carolina,

DEFENDANT.

JUR.
COURT
REQUEST FOR ADMISSIONS
COUNTY, S.C.

TO: C. HAVIARD JONES, JR., AND TERESA A. KNOX,
ATTORNEYS FOR DEFENDANT

The Plaintiff, through undersigned counsel, hereby requests that the Defendant admit or deny the genuineness of the hereinafter listed documents pursuant to South Carolina Rules of Civil Procedure, Rule 36. If objection is made to these Requests for Admission, the reasons therefor shall be stated. Such a response shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. Any denial shall fairly meet the substance of the requested admission and, when good faith requires, the party shall qualify his answer or denial. An answering party may not give lack of information or knowledge as a reason for failing to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily available by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial, may not, on that ground alone, object to the request.

PLEASE TAKE NOTICE that if the Defendant fails to admit the genuineness of any document in which the Plaintiff thereafter proves the genuineness of the document, the Plaintiff will apply to the Court for an Order requiring the Defendant to pay reasonable expenses incurred in making that proof, including reasonable attorney fees, all of which is pursuant to South Carolina Rules of Civil Procedure, Rule 37(c).

The Plaintiff requests that the Defendant admit the genuineness of the following documents:

REQUEST FOR ADMISSION AS TO GENUINENESS

1. (Attached Exhibit A) South Carolina Law Enforcement Division forensic services laboratory report, Department of Serology and DNA Analysis, addressed to Tfc. J. D. Connelly of the South Carolina Highway Patrol, dated August 6, 1993, and consisting of two (2) pages.
2. (Attached Exhibit B) South Carolina Law Enforcement Division forensic services laboratory report, Latent Print Department, addressed to Tfc. J.D. Connelly of the South Carolina Highway Patrol, dated July 21, 1993, and consisting of two (2) pages.
3. (Attached Exhibit C) Tuomey Medical Center autopsy report of Pearly Lee Wilson, dated July 14, 1993, consisting of three (3) pages.
4. (Attached Exhibit D) Letter by Harold B. Johnson, Chief of Police, City of Sumter Police Department, addressed to David C. Holler, Esquire, dated September 2, 1994, consisting of one (1) page.

5. (Attached Exhibit E) South Carolina Law Enforcement Division toxicology department, addressed to J.D. Connelly of the South Carolina Highway Patrol, dated October 10, 1993, consisting of two (2) pages, stating that Maurice Graves had no blood alcohol and that Pearly Lee Wilson had .250 percent blood alcohol.

6. (Attached Exhibit F) Emergency Room Physician's History and Physical Examination Report dated July 2, 1993, regarding Maurice Graves, Reference #10432212 and Reference #278839, time out listed as 22:45 p.m. consisting of one page.

7. (Attached Exhibit G) Tuomey Regional Medical Center Initial Triage Report for Maurice Graves, Reference #10432212 and Reference #278839 dated at 19:54 p.m. on 7/2/93 consisting of two pages.

8. (Attached Exhibit H) Radiological Report by Dr. Norman B. Clinkscales, M.D., of the Tuomey Regional Medical Center, Department of Radiology, dated July 2, 1993, for Maurice Graves, Reference #278839, consisting of a report for a chest x-ray, right arm x-ray and skull x-ray, consisting of one page.

REQUEST FOR ADMISSIONS

The Defendant requests that the Plaintiff admit the truth of the matters hereinafter asserted pursuant to SCRPC Rule 36.

1. Statement taken by law enforcement officer from Cedrick Antonio Williams regarding an incident that occurred on July 2, 1993 involving the robbery and death of Pearl Lee Wilson is either lost or destroyed. (51)

2. Photographs of the accident scene taken by law enforcement officers and in the possession of Officer Derrick on December 13, 1993, when the case against the Plaintiff was called for trial are either lost or destroyed. (52)

3. Cedrick Antonio Williams testified before the Honorable David F. McInnis, Presiding Judge of the Sumter County Court of General Sessions, on December 13, 1993, that the victim, Pearly Lee Wilson, to his knowledge was not being held by any occupants in the car at the time of his death on July 2, 1993. (63)

4. Pearly Lee Wilson, at the time of his death on July 2, 1993, according to South Carolina Law Enforcement forensic tests, had a blood alcohol level of .26 percent.

5. All statements taken from the Plaintiff Maurice Graves regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

6. All statements taken from Casey Stuckey regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

7. All statements taken from Cedrick Antonio Williams regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

8. All statements taken from Sonya Bradley regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

9. All statements taken from Susan Ann Wilson, regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or

destroyed.

10. All statements taken from Franklin White regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

11. All statements taken from Charles White regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

12. All statements taken from Ruth D. Wright regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

13. All statements taken from Barbara W. Fickens regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

14. All statements taken from Melissa D. Fickens regarding the death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

15. All photographs, diagrams and charts of the accident scene prepared by any law enforcement officers related to the accidental death of Pearly Lee Wilson on July 2, 1993, have been lost or destroyed.

16. All photographs, diagrams and charts pertaining to the location position condition of Pearly Lee Wilson's accidental death which occurred on July 2, 1993 have been lost or destroyed.

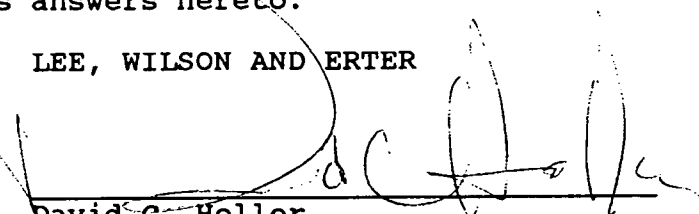
17. The Tuomey Regional Medical Center Emergency Room Physician and Nurses' Report (attached) report on July 2, 1993, Maurice Graves entered the Tuomey Regional Medical Center with

lacerations over his right forearm.

18. X-rays taken of Maurice Graves at the Tuomey Regional Medical Center on 7/2/93 by Dr. Norman Clinkscales indicate Maurice Graves had two small rectangular glass fragments in his right forearm at the elbow overlying the olecranon or the outside large process of the ulna.

These matters shall be admitted unless, within thirty days after service of these Requests, the Defendants serve upon counsel for the Plaintiff its answers hereto.

LEE, WILSON AND ERTER



David C. Holler
Attorney for Plaintiff
126 North Main Street
Post Office Box 580
Sumter, S. C. 29151
803-778-2471

Sumter, South Carolina

April 17, 1995.

EXHIBIT #8

Motion to Compel to Interrogatories Dated May 23, 1995

MOTIONS TICKET

1995 MAY 23 PM 3 36

Maurice Graves,

Plaintiff,

-vs-

State of South Carolina,

Defendant.

CLERK
COURT
S.C.

CASE NO. 94-CP-43-177

DATE OF MOTION FILED: May 23, 1995

ATTORNEY REQUEST MOTION: David C. Holler

PHONE

OPPOSING ATTORNEY: Teresa A. Knox

PHONE

NATURE OF MOTION: Motion to Compel Answers to Interrogatories

ESTIMATED TIME NEEDED: 15 minutes COURT REPORTER: YES NO

STATE OF SOUTH CAROLINA,)
COUNTY OF SUMTER.) IN THE COURT OF COMMON PLEAS
DOCKET NO. 94-CP-43-177

Maurice Graves,

Plaintiff,)
S.C.

-vs-

State of South Carolina,

Defendant.)

MOTION TO COMPEL ANSWERS
TO INTERROGATORIES

TO: TERESA A. KNOX, ASSISTANT ATTORNEY GENERAL:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, through undersigned counsel, will move before the Court of Common Pleas for the Third Judicial Circuit at the Sumter County Courthouse, Sumter, South Carolina, on the tenth day after service hereof, or as soon thereafter as counsel may be heard, or at such time and place as may be set by the Court, for an Order compelling the Defendant to answer Interrogatories filed on July 18, 1994. Plaintiff submits the Defendant has failed to answer or adequately answer any interrogatory. Further, the Plaintiff will move for an award of attorney's fees, costs and such other sanctions as may be appropriate.

Specifically, the Plaintiff submitted eight Interrogatories and was provided with the following insufficient response:

1. List the names and addresses of all witnesses in which the State intended or would have called to testify during the trial of the Plaintiff and indicate whether a written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER: N/A.

2. List the names and addresses of all witnesses in which the State intends to call during the post conviction relief hearing and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER: Jordan White, Esq. - No written or recorded statements.

3. List the names and addresses of all fact witnesses to the crime or crimes allegedly committed by the Plaintiff that have not been previously identified in interrogatory #1 or #2.

ANSWER: N/A.

4. For each person listed in interrogatory # 1-3, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER: Jordan White will testify as to his representation of the Applicant.

5. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the State, including but not limited to the Sumter County Solicitor's Office, the Sumter County Sheriff's Department, the City of Sumter Police Department, S.L.E.D., or the Attorney General's Office, or their attorney(s) that relate to the crime or defense in the case.

ANSWER: N/A.

6. List the names and addresses of any expert witnesses whom the Plaintiff proposes to use as a witness at the trial of the case.

ANSWER: None.

7. For each expert witness listed in response to interrogatory # 5, please give the following information:

- (a) His or her area of expertise;
- (b) His or her educational background and experience qualifying him or her as an expert in that area; and
- (c) Describe in detail his or her opinions and conclusions, and give the factual basis upon which each opinion and conclusion is based.

ANSWER: N/A.

8. List the name and address of every agency or office of the State, including police departments, that maintain or possess a file containing any information that relates to the charge(s) against the Plaintiff and identify who within such agency or department is the custodian for such records.

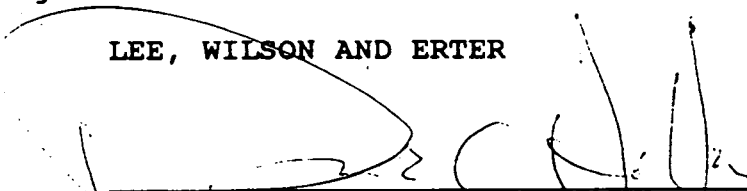
ANSWER: N/A.

This motion is made pursuant to South Carolina Rules of Civil Procedure, Rules 33, 34 and 37. The Plaintiff has made reasonable attempts to obtain this information on his own and has made reasonable efforts through defense counsel. However, these reasonable efforts have been unsuccessful.

This motion is based upon the pleadings filed in this case, the Rules of Court and such other matters as may be properly presented to the Court at the time of the hearing.

Plaintiff's counsel hereby certifies that he has attempted to resolve this matter in good faith to no avail.

LEE, WILSON AND ERTER


David C. Holler
Attorney for Plaintiff
126 North Main Street
Post Office Box 580
Sumter, S. C. 29151
803-778-2471

Sumter, South Carolina

May 23, 1995.

EXHIBIT #9

Letter stating 1994 PCR records dont exist

November 19, 2009

TO: JAMES C. CAMPBELL
Clerk of Court
Courthouse, Room 308
Sumter, SC 29150

RE: I would like to receive the "ORDER of Dismissal" from the 1995 post-conviction hearing for the charges of Voluntary Manslaughter and strong Arm Robbery.

Dear Clerk of Court

My name is MAURICE GRAVES # 208580, and I'm being held at Lee Corr. Inst. I'm in process to challenge my first conviction of strong Arm Robbery and manslaughter. In order for me to move forward, I'm in need of the "1995 order of Dismissal" from the post-conviction hearing. Also, I'm in need of the 1994 and 1995 PCR Application. I also need my (PCR) transcript from the "1995" (PCR) hearing, as well. I know the "1995" PCR transcript may cost a fee. Please, provide me with the cost of such transcript. I'm in really need for this information to move forward with my legal process.

Also, If you need any information from me to help you with any of these findings, please let me know. I look forward in hearing from you.

12/16/09

I need a case # - we don't show a 1995 PCR in this office.

Thank you,

Maurice Graves

James C. Campbell

EXHIBIT #10

Letter from SLED

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

September 13, 2010

Maurice Graves, #208580
Lee CI/ Richland 124
990 Wisacky Hwy.
Bishopville, SC 29010

RE: Freedom of Information Act Request
SLED Lab #: L93-9837

Dear Mr. Graves:

A search of our database reveals that the above referenced file is currently housed at a contract storage facility in Columbia, and the retrieval and delivery fee is \$22.00 per box. Your file is stored in four separate boxes. A money order in the exact amount of \$88.00 is required before the file will be ordered and any work begun. Please make your money order payable to the State Law Enforcement Division and address your envelope to SLED FOIA Request Processing, PO Box 21398, Columbia, SC 29221-1398. Please make sure your name and FOI#2010-460 are referenced on the money order. There will be additional charges based on the research time and number of pages in the file.

The South Carolina Law Enforcement Division does not keep records pertaining to Post Conviction Relief hearings; you will need to contact the South Carolina Attorney General's Office for this portion of your request.

Sincerely,

FOIA Request Processing
Office of General Counsel

MAK/FOI 2010-460



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7041

EXHIBIT #11

Letter from 1994 PCR Attorney David C. Holler

EXHIBIT #3

Lee, Erter, Wilson, Holler & Smith, L.L.C.

Jack W. Erter, Jr.
Harry C. Wilson, Jr.
David C. Holler
G. Murrell Smith, Jr.

Attorneys at Law

126 North Main Street
Post Office Box 580
Sumter, South Carolina 29151

Robert W. Brown
Of Counsel

Steven B. Johnson

Licensed in SC, NC & GA

Telephone: (803) 778-2471
Facsimile: (803) 778-1643

April 16, 2010

Email Address: davidholler@leeandmoise.com

Mr. Maurice Graves, #208580
L.C.I. Richland Dorm #124
Bishopville, SC 29010

Dear Mr. Graves:

I have received your letter dated March 29, 2010. I am sorry to advise you that our office destroys all files that are ten years old or older. Therefore, we would no longer have any of the documentation which you have requested. Again, I apologize and wish you the best of luck in your endeavor.

Please accept this with my kindest regards.

Yours very truly,

LEE, ERTER, WILSON,
HOLLER & SMITH, L.L.C.

David Holler

David C. Holler

DCH:jsm

EXHIBIT #12

2011 Interrogatories

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

) IN THE COURT OF COMMON PLEAS
) 2010-CP-43-1088

Maurice Graves #208580
Applicant,

)
) Applicant's Interrogatories and
) Request for Production of Documents
)

v.

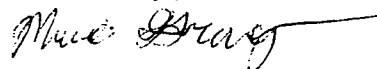
State of South Carolina
Respondent,

To: Respondent's Counsel of Records

The Applicant Maurice Graves, pro se hereby request that the respondent answer the following interrogatories, and request for production of documents, pursuant to Rule 33 and 34, of the South Carolina Rules of Civil Procedure, the applicant hereby request respondent and their attorney to respond within (30) thirty days to the following request:

- (1). Applicant will like to request any autopsy report done on the victim Pearly Lee Wilson. See: Indictment (93-GS-43-0875)
- (2). Applicant will like to request all statements that was made in this case of murder and robbery. Indictment (93-GS-43-0875)
- (3). Applicant will like to request any and all transcripts to prove applicant's innocence.
 - a. plea transcript on December 13, 1993, Indictment (93-GS-43-0875)
 - b. pcr hearing in the year 1995
- (4). Applicant will like to request all eye witnesses names and all eye witnesses that been interviewed in this case.
- (5). Applicant would like to request all statements that was written or made in this case.
- (6). Applicant would like to request picture of the vehicle that Cedric Williams was driving. See: Indictment (93-GS-43-0875).

Sincerely,



Maurice Graves

September 14, 2011

EXHIBIT #13

2011 Admissions

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

) IN THE COURT OF COMMON PLEAS
) 2010-CP-43-1088

Maurice Graves #208580
Applicant,

)
) **Applicant's Request for Admissions**
)
)

v.

State of South Carolina
Respondent,

To: Respondent's Counsel of Record:

You are hereby required pursuant to Rule 36 ao SCRCiv. P, to admit or deny the truth of the following statements, in writing, under oath, and to file and serve a copy of your responses upon Maurice Graves, Lee County Correction Institution, 990 Wisacky Hwy, Richland C-124, Bishopville SC, 29010, within (30) thirty days of service here of. You are hereby notified that the applicant intends to rely upon the provisions of Rule 36(b), SCRCiv. P., and in the event you fail to make the admissions requested, the applicant shall file an application for reasonal expenses incurred in making proof o the matters regarding admissions requested.

- (1). Admit that your office do have applicant's 1993 plea transcript for murder and robbery Indictment (93-GS-43-0875)
- (2). Admit that your office has applicant 1994 pcr application on file
- (3). Admit that your office has applicant's pcr transcript
- (4). Admit that your office has applicant's order following the 1995 pcr hearing in which the Honorable Judge Cooper presided over.
- (5). Admit that your office have statements from Franklin White to prove applicant's innocence.
- (6). Admit that Cedric Williams was the driver of the vehicle that kill one Pearly Lee Wilson. See Indictment (1993-GS-43-0875)
- (7). Admit that Maurice Graves involvement didn't have anything to do with the dath of Pearly Lee Wilson. Indictment (1993-GS-43-0375)

Sincerely,


Maurice Graves

September 14, 2011

EXHIBIT #14

Letter to Solicitor Office on September 18, 2013

TO: Third Circuit Solicitor Office
Sumter County Courthouse
Sumter, SC 29150

FROM: Maurice Graves #208580
Lee Corr. Inst. Richland #208
990 Wisacky Hwy.
Bishopville, SC 29010

RE: Maurice Graves v. State of South Carolina
Indictment No: 93-GS-43--875
Warrant No: D-440592
Warrant No: D-898466

Date: September 18, 2013

Dear: Solicitor Office,

My name is Maurice Graves #208580. I'm a inmate who is confine at Lee Correction Facility who is representing himself pro se. I am writing pursuant to the Freedom of Information Act (FOIA), S.C. Code Ann §30-4-10 to -110, to request that you provide any and all information in the possession of the Sumter County, Third Circuit Solicitor Office regarding the prosecution of Mr. Maurice Graves, and the events surrounding the death of Mr. Pearly Lee Wilson.

Specifically, I request all information in your custody, care, or control that in any way relates to the investigation surrounding the death of Mr. Wilson and/or in any way relates to the prosecution of Mr. Graves. This request includes all correspondence with the Sumter County Police Department. This request includes any information related to the investigation of other possible suspects. This request further includes all information, files, notes, statements or any other documentation relating to forensic analyses performed in connection with these investigation, including **autopsy reports**, finger prints, and etc.

I Maurice Graves is an indigent inmate who is serving life at the South Carolina state prison. I request that you waive the fees. However, if you determine otherwise, please submit the bill to me and I will try within everything in my power to see that the bill is paid.

If I can provide any additional information or materials in order to expedite the processing of this request, please do not hesitate to contact me.

Sincerely,



Maurice Graves #208580

EXHIBIT #15

Letter to Coronor's Office on October 31, 2013

TO: Sumter Coronor Office
17 E. Canal Street
Sumter SC 29150

FROM: Maurice Graves #208580
Lee Corr. Inst. Richland #208
990 Wisacky Hwy.
Bishopville, SC 29010

RE: Maurice Graves v. Warden McCall
Indictment No: 93-GS-43-0875
Warrant No: D-440592
D-898466

Date: October 31, 2013

Dear: Coronor's Office

My name is Maurice Graves #208580. I'm a inmate who is confine at Lee Correctional Facility who is representing himself pro se. I am writing pursuant to the Freedom of Information Act (FOIA), S.C. Code Ann §30-4-10 to -110, to request that you provide me any and all **autopsy information** regarding the events surrounding the death of **Mr. Pearly Lee Wilson**.

Specifically, I request all information in your custody, care, or control that in any way relates to the investigation surrounding the death of Mr. Wilson and/or in anyway relates to the prosecution of Maurice Graves. This request includes all correspondence with the Sumter County Police or Sheriff Department. This request further includes all information, files, notes, statements or any other documentation relating to forensic analysis performed in connection with these investigation, including **autopsy reports, and etc.**

I Maurice Graves is an indigent inmate who is serving life at the SC state prison. I request that you waive the fees. However, if you determine otherwise, please submit the bill to me and I will try within everything in my power to see that the bill is paid.

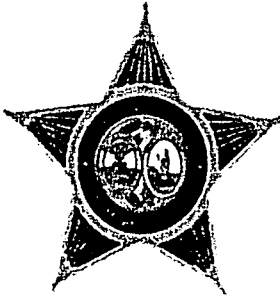
If I can provide any additional information or materials in order to expedite the processing of this request, please do not hesitate to contact me.

Sincerely,


Maurice Graves

EXHIBIT #16

Letter From Sumter Sheriff's Office



SUMTER COUNTY SHERIFF'S OFFICE

ANTHONY DENNIS, SHERIFF

November 22, 2013

Maurice Graves, #208580
Lee Correctional Institution, Richland #208
990 Wisacky Highway
Bishopville, S.C. 29010

Dear Mr. Graves:

Your FOIA request dated October 18, 2013 has been referred to me for a response. As an initial matter, please be advised that your request was not received by this office until November 18, 2013. In examining the envelope in which your letter was enclosed, there is a stamped notation that the letter was received by the Lee CI Mail Room on October 23, 2013. There is an additional stamped notation that reads "SCDC Nov 10 2013 Mail Room. Accordingly, we are timely replying to your request pursuant to S.C. Code Sec. 30-4-40(c).

We will be glad to furnish the records you have requested, with the exception of the autopsy report. We believe that document is a private medical record which cannot be disclosed pursuant to HIPPA and related federal and state law. The remaining documents in the file will be provided, although private, personal information (such as driver's license numbers and other information which could constitute an unreasonable invasion of personal privacy) may be redacted from the documents.

Although S.C. Code Sec. 30-4-40(b) does provide for a waiver or reduction of fees for information which primarily benefits the general public, that does not appear to be the reason for your request to waive the fees. We will be glad to provide the information you requested (except exempt information) upon receipt of your payment in the amount of \$66.25. This figure includes the estimated staff time of searching for and copying the requested records, plus \$0.25 per page for approximately sixty-five (65) pages.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy L. Ward".

Kathy L. Ward
General Counsel

EXHIBIT #17

Letter From Disciplinary Counsel

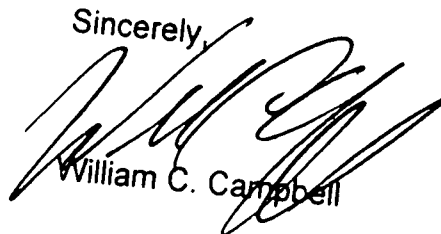
Maurice Graves
May 15, 2014
Page Two

In your letter of complaint, you allege that Robert Daniel Corney, Esquire committed perjury in that the return to your Post Conviction Relief (PCR) application and the Conditional Dismissal of the application did not reference your prior 1994 case and the failure of your PCR Counsel in 1994 to file an appeal in that case. As a result of your letter, this office conducted an investigation to ascertain if Mr. Corney's conduct violated the Rules of Professional Conduct and the RLDE.

From our investigation, this office has determined that there is no evidence of any such lawyer misconduct on the part of Mr. Corney arising out of the events mentioned in your complaint and that further investigation would not likely reveal any such evidence. An examination of the Amended Order of Final Dismissal signed by Judge Young on August 30, 2011 and filed on September 7, 2011 shows that your concerns were raised before the court and considered by the court. We also note that the South Carolina Supreme Court dismissed your appeal of the PCR dismissal in February 2012.

Accordingly, you are hereby notified of the intent of this office to dismiss your complaint pursuant to the provisions of Rule 19(d)(1) of RLDE. You may seek a review of this decision by an investigative panel of the Commission on Lawyer Conduct by filing a written request, which must be received in this office no later than June 16, 2014. If you request a panel review, the lawyer will be given an opportunity to respond. Your request and the lawyer's response, if any, will be considered at the next investigative panel meeting. You will then be notified of the panel's decision. Feel free to contact me if you have any questions regarding this process.

Sincerely,



William C. Campbell

WCC/

cc: Robert Daniel Corney, Esquire



The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

William C. Campbell
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

May 15, 2014

PERSONAL & CONFIDENTIAL

Maurice Graves #208580
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC 29010

Re: Lawyer: Robert Daniel Corney, Esquire
Case Number: 14-DE-L-0568

Dear Mr. Graves:

This office has conducted an investigation concerning the allegations of lawyer misconduct raised in the complaint you filed in connection with the above-referenced matter. This investigation focused on those grounds for misconduct set out in the Rules for Lawyer Disciplinary Enforcement (RLDE), Rule 413, SCACR, adopted by the Supreme Court of South Carolina.

This office is not authorized to give advice concerning a legal dispute or dealings with a lawyer; nor is it empowered to intervene in a case. We cannot seek to cause things to be done by a lawyer on behalf of a complainant; nor can we seek to change the outcome of a case. Instead, this office deals solely with issues of misconduct or incapacity related to lawyers under these rules. We do so to preserve institutional values of the legal system in South Carolina for the benefit of the public as a whole, not to obtain individual benefit for a complainant.

The provisions of RLDE do not apply to legal matters related to whether or not the outcome of a dispute was fair or to errors of law or judgment that might have been made by a lawyer or judge. These are legal matters, which can only be addressed at trial or on appeal using appropriate procedures.

EXHIBIT #18

Charlie Wright's Illiterate Forge Statement

WAIVER OF RIGHTS

I, Charlie Wright, am 62 years old. My address is 218 Gamble St.. I have finished the 6th

grade in school and I cannot read. I have been told by T. J. Temple & TFC J. D. Connelly, who I understand is a law officer, that he she would like to question me concerning the crime of Homicide.

This officer has also explained to me and I understand that:

- CH (Initials)
- (1) - I have the right to remain silent. That means I do not have to say anything or answer any questions.
 - CH
CH (2) - Anything I say can be used against me in a court of law.
 - CH (3) - I have the right to talk to a lawyer and to have a lawyer here with me now to advise and help me before and during questioning.
 - CH (4) - If I want to have a lawyer with me before and during questioning but cannot afford to pay a lawyer, one will be provided to me at no cost before and while I am questioned.
 - CH (5) - If I decide to answer questions now, without a lawyer here, I still have the right to stop answering questions whenever I want to.
 - CH (6) - I also have the right to stop answering questions until I have talked to a lawyer.

I understand my rights as explained to me by Investigator T. J. Temple.

I now state that I DO wish to answer questions at this time and that I DO NOT wish to have a lawyer here before or during questioning.

My decision to answer questions now, without a lawyer, is made freely and is my own choice. No one has threatened or coerced me in any way or promised me special treatment. To show my decision, I am signing my name in the space below.

Signed: [Signature] Date: 7.3.93

Time: 14:55

[Signature]
(Witness)

TFC J. D. Connelly
(Witness)

Statement

My name is Charlie Wright this sta-
is true to the best of my knowledge.
Coming from young's - had been in town
paying bills and returning home.

Car came through intersection ran
stop sign ~~at~~ violation was being
held by person in back and the one
in front was trying to get or take
something from the fellow they were
dragging as the car went down
the street. I was a passenger.

X Charlie W Wright

7-3-93
14:55

Witness: Wm. Samples

J. D. Connolly

EXHIBIT #19

Petitioner's Affidavit

AFFIDAVIT

RECORDED

2014 AUG 19 PM 1:59

On June 10, 2014, the respondent in the case of JAMES C. CAMPBELL
vs. McCall C/A No. 1.13-2866-JFA-SVH, responded to CLERK OF COURT
habeas petition in the form of a "answer" pursuant to Rule 5 of the SUMMIT COUNTY, N.C.
Federal Habeas Court Rule.

In the respondent's answer, the respondent provided a portion of applicant's discovery which revealed a statement by Charlie Wright which was the first time applicant became aware that all investigation stemmed from a illiterate man in the other car that crash and kill decease Pearly Lee Wilson.

The entire record reveals that only three (3) people was in the car, but the discovered of Charlie Wright's statement reveals it was four (4) people in the car.

However, applicant's affidavit points out that he first discovered that Charlie Wright existed is when applicant received the respondent's "answer" on June 12, 2014 from the institutional mail-room

This affidavit is the truth to all facts stated above.

Sincerely,

Maurice Graves
Maurice Graves

Date: 8-15-14

Sworn to and subscribed before me

This 15 day of Aug, 2014

Debra Surles
Notary Public for South Carolina L.S.

My Commission Expires: 11-4-2015

EXHIBIT #20

1995 Exhibit Form

RECEIPT FOR EXHIBITS

CASE NO. 94-177 JUDGE Copps
 PLAINTIFF Graves PLT'S ATTY P. Noller
 DEFENDANT State DEF'S ATTY Tyler
 DATE TRIAL STARTED 8-28-95 DATE TRIAL ENDED 8-28-95
 Received of V. Roland, Court Reporter for the above

case, these exhibits:

1. S1 statement of Franklin White
2. S2 Waiver of rights & statements (9 pgs)
3. S3 statement of Donna Bradley
4. D1 Shd report 8-6-93
5. D2 " " 7-21-93
6. D3 autopsy report
7. D4 Shd Report 10-10-93
8. D5 medical record of Maurice Graves
9. D6 Initial trace on Maurice Graves
10. D7 X-ray report " " "
11. D8 statement of " " (2 pgs)
12. D9 Waiver of rights & statements of Corey Stucker (4 pgs)
13. D10 statement of Donna Bradley
14. D11 " " Susan Wilson
15. D12 statement of Franklin White
16. D13 Waiver of rights & statement of Ruth Wright (2 pgs)
17. D14 " " " " Barbara Fickens (2 pgs)
18. D15 " " " " Melissa Fickens (2 pgs)
19. _____
20. _____

This 29th day of August, 1995

Page 1 of 1

SUMTER COUNTY CLERK OF COURT

By: Angelia Pickering, Deputy

EXHIBIT #21

Arrest Warrant

ARREST WARRANT

CERTIFIED COPY
OF ORIGINAL ENTERED

STATE OF SOUTH CAROLINA

☒ County of Sumter **RECORDED**

DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

Maurice Gaudin O.V. PLAYER, JR.
CLERK OF COURT
SUMTER COUNTY, S.C.

Sex: M Race: B Height: 6'10" Weight: 185

DL State: DLDOB: 2-6-76Prosecuting Agency: Agency ORISProsecuting Officer: MURDEROffense: MURDERCode/Ordinance Sec. 16-3-10

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☐ Municipality of

is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge _____ (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant MAURICE GAUDIN
on 7-3-93

Steve Battilana
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: _____

STATE OF SOUTH CAROLINA

☒ County ☐ Municipality of

SUMTER

AFFIDAVIT

Personally appeared before me the affiant Steve Battilana
being duly sworn deposes and says that defendant MAURICE GAUDIN
did within this county and state on 7-2-93
State of South Carolina (or ordinance of ☒ County ☐ Municipality of SUMTER)
in the following particulars:
DESCRIPTION OF OFFENSE: MURDER (16-3-10)

MURDER (16-3-10)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts: THAT THE DEFENDANT
DID HOLD ONE PERSON PERMANENTLY AND TWO OTHER PERSONS
A 1989 FORD WILSON VEHICLE WAS IN MOTION
CAUSING THE DEATH OF WILSON WHEN ANOTHER VEHICLE
STUCK THE BODY OF THE VICTIM
BOTH VEHICLES, ALL WITH MAURICE AND A GONTHROUGHT. SAID
OFFENSE HAVING OCCURRED AT WHITE HOUSE + DISTRICT DRIVE, CO.
AD BATTLE CAUSE: DEFENDANT HAS GIVEN STATEMENT ADMITTING
Sworn to and subscribed before me on 7-3-93 at time of Magistrate hearing in
on 7-3-93

James W. McEachern
Signature of Issuing Judge

Signature of Affiant Steve Battilana
Affiant's Address 107 E. Hampden
Affiant's Telephone SUMTER 773-1561

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
If appearing from the above affidavit that there are reasonable grounds to believe that
did violate the criminal laws of the State of South Carolina (or ordinance of SUMTER)
☒ County ☐ Municipality of SUMTER

DESCRIPTION OF OFFENSE: MURDER (16-3-10) as set forth below:

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 the execution, or as soon thereafter as is practicable.
MAURICE GAUDIN Judge's Address 107 E. Hampden
Signature of Issuing Judge James W. McEachern Judge's Telephone 773-1561
Judge Code: 773-1561 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

EXHIBIT #22

Uniform Traffic Accident Report C-760194

UNIFORM TRAFFIC ACCIDENT REPORT
(FOR INVESTIGATING OFFICERS)
D.H.P.T. FORM TR-310 Rev. 5/90

Amended - Attach Copy of Original Report

Corrected

Page 2 of 2 Pages

Number of Units 2

Date 07-02-93 Friday		Time 1805		County 43		1 - Interstate 2 - US Primary 3 - SC Primary 4 - Secondary 5 - County 6 - Other		ACCIDENT LOCATION Route Number and Name if any ON 5-43-394 BASE INTERSECTION Route Number and Name if any FROM		AUXILIARY 0 - Main Line 2 - Alternate 5 - Spur 6 - Connection 7 - Business 8 - Bypass 9 - Other	
Lane Ramp 1 - Entrance 2 - Exit		Lane / Ramp Travel Direction N E S W		1 - Interstate 2 - US Primary 3 - SC Primary 4 - Secondary 5 - County 6 - Other		SECOND INTERSECTION Route Number and Name if any TOWARD		AUXILIARY 0 - Main Line 2 - Alternate 5 - Spur 6 - Connection 7 - Business 8 - Bypass 9 - Other		AUXILIARY 0 - Main Line 2 - Alternate 5 - Spur 6 - Connection 7 - Business 8 - Bypass 9 - Other	
Distance Offset MILES FEET		Direction N E S W		1 - Interstate 2 - US Primary 3 - SC Primary 4 - Secondary 5 - County 6 - Other		City or Town		Or if Outside		Miles N E S W	
RR Crossing ID		Time Police Notified		Time Police Arrived		Time Ambulance Arrived		IN		MP Grid	

Unit #	Sex	Race	Driver or Pedestrian Full Name	Unit #	Sex	Race	Driver or Pedestrian Full Name
Birth Date			Street or R.F.D.	Birth Date			Street or R.F.D.
Residence County			City, State & Zip	Residence County			City, State & Zip
State	Class	Driver License Number		State	Class	Driver License Number	
Year	Body	Make & Vehicle Identification Number		Year	Body	Make & Vehicle Identification Number	
State	Year	License Plate Number		State	Year	License Plate Number	
Home Telephone #			Owner's Full Name	Home Telephone #			Owner's Full Name
Bus. Telephone #			Street or R.F.D.	Bus. Telephone #			Street or R.F.D.
Residence County			City, State & Zip	Residence County			City, State & Zip
Contrib. to Acc. Yes No	Estimated Speed	Speed Limit	Hazardous Material	Contrib. to Acc. Yes No	Estimated Speed	Speed Limit	Hazardous Material
# of Occupants	Vehicle Towed by	Trl. Length	Trl. Width	# of Occupants	Vehicle Towed by	Trl. Length	Trl. Width
Summons Number	Violation Codes	C-760193		Summons Number	Violation Codes	C-760194	



SEE PAGE 1

Describe What Happened (Refer to Units by Number):
 CAUSING FATAL injuries to him. The
 Driver and 2 other occupants of
 Unit #2 then left the scene
 of the accident on foot.
 Sumter County Sheriff's office
 is investigating reports that
 victim was being dragged from Unit #2
 and being held against his will
 while being robbed.

NOTICE - THE UNIFORM TRAFFIC ACCIDENT REPORT IS FOR STATISTICAL REPORTING PURPOSES ONLY AND REFLECTS THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE ACCIDENT BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

SPECIAL USE ONLY				Damage to Property Other Than Vehicle - \$	Estimated Amt. of Damage to Unit 1: \$	Estimated Amt. of Damage to Unit 2: \$
Witness Full Name	Address			Phone	Zip	Age
Property Owner Name	Address			Phone	Zip	Age

1	M	B	11	99	1	0	Name	Address	Zip
1	M	B	13	99	1	0	Name	Address	Zip
1	M	B	17	23	02	1	2	GRAVES - MAURICE	21 Fern St. Sumter SC 29150
1	M	B	40	71	00	2	4	WILSON - PEARLY LEE	45 MURPHY St Sumter SC 29150
Investigator's Name							Rank	Badge #	Agency Type Code
CONNELLY - J. D.							TFC	149	1 HP0102
							Date	Reviewer's Name	Rank
							07-03-93		

OCUPPANTS

EXHIBIT #23

Supplemental Incident Report

**COUNTY
SUPPLEMENTAL INCIDENT REPORT**

CASE NUMBER

NCIC

I.D.
0430000

7 3039458

INO.	ENTD.
------	-------

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH	
	☐ VICTIM #	Garcia, Mariano		#1	#2	#3	Y	B	M	17	2-6-76	N	
	☒ SUBJECT # 1	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
	☐ RUNAWAY	5'9"	145	BRN	BRN								
	☐ WANTED	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
☐ WARRANT	2046 W. 51		San Antonio	TX	78150	29150							
☐ ARREST	☐ VICTIM NO. _____ VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPASMT.		☐ ALONE				
☐ JAIL	EXPLAIN:		☐ NO ☐ YES		DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED				
☐ SUMMONS	☐ SUBJECT NO. _____ USING ALCOHOL: ☐ NO ☐ YES												
☐	USING DRUGS: ☐ NO ☐ YES → TYPE: ☐ UNK.												

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH	
	☐ VICTIM #	STOCKY, Casey Edward		#1	#2	#3	Y	B	M	17	4-5-76	N	
	☒ SUBJECT # 3	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
	☐ RUNAWAY	5'9"	145	BRN	BRN								
	☐ WANTED	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
☐ WARRANT	240 W. 20th Ave		San Antonio	TX	78150								
☐ ARREST	☐ VICTIM NO. _____ VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPASMT.		☐ ALONE				
☐ JAIL	EXPLAIN:		☐ NO ☐ YES		DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED				
☐ SUMMONS	☐ SUBJECT NO. _____ USING ALCOHOL: ☐ NO ☐ YES												
☐	USING DRUGS: ☐ NO ☐ YES → TYPE: ☐ UNK.												

NARRATIVE

Witnesses indicated the victim was being held by a suspect in the back seat while the person in the front seat was trying to take something from him. Victim's wife reported he had \$120⁰⁰ with him. Victim had no money in his possession at the scene.

Both subjects are entered into NCIC.

Removed NCIC.

VEH. / GUN / ETC. 1	STATUS		TYPE		VIN AND/OR LICENSE NO.		BOAT HULL NO. AND/OR REG. NO.	
	☐ STOLEN	☐ VEHICLE						
	☐ RECOVERED	☐ GUN					STATE	
	☐ FOUND	☐ BOAT						
	☐ TOWED	☐ LICENSE PLATE						
	☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS						
	☐ VICTIM	☐ ARTICLE						
	MISCELLANEOUS							

PROPERTY EST.	TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	SEIZED	TOTAL VALUE

SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
☐ YES ☐ NO		☐ YES ☐ NO							
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE	
J. Templos		070293		0318					
						FOLLOW-UP OFFICER			
						INVESTIGATION ☐ YES ☐ NO			

EXHIBIT #24

Report 93039458

INCIDENT TYPE

COMPLETED

FORCED ENTRY

PREMISE TYPE

UNITS ENTERED

TYPE VICTIM

1 Strong Arm Robbery

YES ☒ NO ☐ YES ☐ NO ☐

Roadway

☒ Individual
☐ Business
☐ Financial Inst
☐ Government
☐ Relig. Organ
☐ Soc./Public
☐ Other
☐ Unknown
☐ Police Off.

2 MURDER

YES ☒ NO ☐ YES ☐ NO ☐

EVENT

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)

E. Patricia and White Horse, Sumter, SC

ZIP CODE

29150

WEAPON TYPE

2728-2

INCIDENT DATE

24 HR. CLOCK

TO

DATE

24 HR. CLOCK

DISP. DATE

DISPATCH DATE/TIME 24 HR. CLOCK

DISP. TIME

TIME ARRIVED

DEPART TIME

LOCATION NO.

070293

1814

070293

1814

1815

2307

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)

RELATIONSHIP TO SUBJECT

RESIDENT

RACE

SEX

AGE

ETH.

DAYTIME PHONE

EVENING PHONE

ADDRESS

CITY

STATE

ZIP CODE

LOCATION NO.

T. Thompson - Frank

#1

#2

#3

RESIDENT

RACE

SEX

AGE

ETH.

DAYTIME PHONE

EVENING PHONE

107 E. Hampton

Sumter

SC

29150

LOCATION NO.

VICTIM'S NAME (LAST, FIRST, MIDDLE)

RELATIONSHIP TO SUBJECT

RESIDENT

RACE

SEX

AGE

ETH.

DAYTIME PHONE

EVENING PHONE

HEIGHT

WEIGHT

HAIR

EYES

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS

CITY

STATE

ZIP CODE

LOCATION NO.

Wilson - Pearly Lee

#1

#2

#3

RESIDENT

RACE

SEX

AGE

ETH.

DAYTIME PHONE

EVENING PHONE

HEIGHT

WEIGHT

HAIR

EYES

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS

CITY

STATE

ZIP CODE

LOCATION NO.

5'6" 170 BLK BRN

DOB 10-18-52

45 MURPHY ST.

Sumter

SC

29150

LOCATION NO.

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/SPL. ASST ☐ OTHER ☐ALONE ☐ASSISTED ☐

* J - This Jurisdiction. S - State. O - Out of State. U - Unknown

SUSPECT

NAME, (LAST, FIRST, MIDDLE)

RACE

SEX

AGE

ETH.

DATE OF BIRTH

HEIGHT

WEIGHT

HAIR

EYES

RUNAWAY

Williams - Cedric

RACE

SEX

AGE

ETH.

DATE OF BIRTH

HEIGHT

WEIGHT

HAIR

EYES

WANTED

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

WARRANT

ARREST

JAIL

SUMMONS

835 WEBB ST.

CITY

Sumter

STATE

ZIP CODE

LOCATION NO.

SUBJECT (NO 1) USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☒ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO ☐

DATE/TIME OF OFFENSE

DATE/TIME OF ARREST

DRUGS ☐ YES ☐ NO ☐ UNK ☒ TYPE

TOTAL # ARRESTED

VICTIM NO. 1

SUBJECT NO. 1

NARRATIVE

Responded to a call from Sgt. Thompson, SChP was on scene when I arrived. Information at the scene indicated more than an accident. Pearly was being held and dragged down the street by Maurice and Casey; Cedric was driving. He was drug from about Brent St. to E. Patricia, their vehicle was on White Horse, Cedric ran the stop sign at White Horse, the other vehicle came from 521 S. and collided with the other car. Pearly was between the vehicles when they collided. He was pronounced dead later at Tuomey. SLED responded to a request from SChP to process the scene, SChP Report Attached.

JURISDICTION OF THEFT
LAW ENFORCEMENT AGENCYJURISDICTION OF RECOVERY
LAW ENFORCEMENT AGENCY

PROPERTY EST.

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
TORNED							
RECOVERED							
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐ YES ☐ NO ☐		SUBJECT LOCATED ☐ YES ☐ NO ☐		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S)			DATE		UNIT NUMBER		APPROVING OFFICER		
D. M. Vamplos			070293		0318				
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO ☐					OFFICER				

EXHIBIT #25

Case Summary Report

VICTIM/COMPLAINANT Pearly Lee WilsonCASE# 930394ADDRESS 45 Murphy St., Sumter, SC. 29150PHONE NoneOFFENSE Strong Arm Robbery and MurderPLACE OF OCCURRENCE WhiteHorse & E. PatriciaDATE & TIME OFFENSE COMMITTED 070293/1830 Hrs.

OFFICER ASSIGNED _____

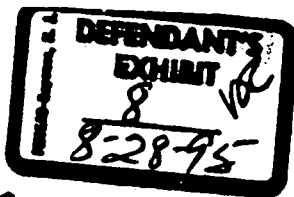
SUSPECTS &/OR PERSON(S) ARRESTED Maurice Graves, Casey Bernard Stuckey, and a JuvenileAMOUNT OF RECOVERED PROPERTY \$220.00 in cashCRIMINAL RECORD(CIRCLE) YES NWARRANT(S) #: D-440592, D-898466, D-440593, and D-898465

Information at the scene from witnesses and later from statements from two of the codefendant revealed the following: The three suspects in the vehicle conspired to steal from the victim whatever money he had on his person by force and violence. They pulled the car they were in over to where the victim was and asked him if he could make change for a \$100.00 bill; that they had been to the store and the clerk wouldn't take the money. When the victim pulled out his money, they grabbed it and started to drive off. The victim tried to get the money back. The victim had been paid that day \$125.00 in cash. The rest of his money was taken as he was dragged down the street. Graves was in the back seat holding the victim, while Stuckey in the front seat was taking the rest of his money. The juvenile that was driving the vehicle disregarded all the stop signs driving from Brent St. down WhiteHorse St. and colliding with a vehicle on E. Patricia that had the right of way. The victim was still being drug and held on the outside of the vehicle when the other vehicle collided with them. The victim was caught between the two vehicles when they collided, shortly thereafter the victim was pronounced dead at Tuomey Hospital. This conspiracy to take the victims money with force and violence resulted in his murder.

SIGNED

EXHIBIT #26

Petitioner's 1993 Statement



+ -

7-2-93 Taken at Tuomey Hospital 8:45 PM
my name is Maurice Graves. I am 17 yrs old
my address [REDACTED]

On 7-2-93 at about 5:40 PM my self and Casey Stucky were at a house near Bernie Cr. We gave Tony (last name unknown) \$25.00 to use his car. I then drove the car to the ~~the~~ ^{at} ~~the~~ ^{the} Basket Ball Court ~~near~~ ^{NEAR} Red Bay Rd. less than 5 min later Cedric Williams came up. He got in the car and said let's go around the block. We went about 100 yds and Casey wanted to go to the store, he said he only had a \$100.00 bill and the store would not cash it. About that time Cedric saw a man walking down the street. Cedric said he might have the change. The man had his hand stretched and some in the car. Someone asked him if he had change for a hundred dollar bill. He started pulling money out in the car. The man then grabbed the hundred dollar bill. Cedric then started driving the car. Casey had a hold of his mom. Casey then told Cedric to stop he had the hundred dollar bill.

Maurice Graves
Stephen C. Batterson

ML

Cedric kept driving. For about 10 or 15 sec. The car then hit another car. Cedric + Casey then dumped out the car and ran. I saw them run and I got out and ran. Casey was in the front seat and I was in the back seat behind Cedric. We ran to a house, we went in the house. This was about a block away. Casey + Cedric left. I stayed there and called a cab. I got in the cab and told him to take me home. Then the police stopped the cab and made me get out. They asked me some questions and one of them brought me to the Hospital. ML

Winnie Jones
Stephen Battalione

EXHIBIT #27

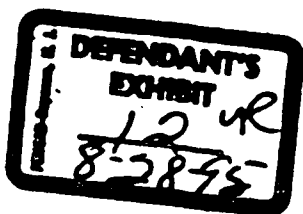
Eyewitness Franklin White 1993 & 2013 Affidavit

My NAME IS FRANKLIN WHITE, I LIVE AT [REDACTED]
I AM 18 YEARS OLD. I WISH TO GIVE THIS STATEMENT
ABOUT WHAT I SAW ON JULY 2, 1993.

I WAS IN MY BACKYARD PLAYING WITH MY DOG WHEN
I HEARD A CAR MOTOR AND TURNED AROUND AND SAW
A MAN HOLDING ONTO A RED TEMPO, I COULD IF HE
WAS HOLDING ON OR IF SOMEONE WAS HOLDING HIM.
THE TEMPO RAN A STOP SIGN AND ANOTHER CAR HIT
IT, I THEN SAW THE MAN SPIN AROUND AND HIT THE
GROUND. MAURICE GRAVES, CASEY STUCKEY, AND CEDRI
WILLIAMS THEN GOT OUT OF THE TEMPO AND RAN.
CEDRI WAS DRIVING, MAURICE WAS IN THE BACK SEAT
BEHIND THE DRIVER AND CASEY WAS IN FRONT PASSENGER
SEAT. AFTER I SAW THIS I RAN OVER THERE AND
THEN I LEFT AND WENT BACK HOME. I SWEAR THIS
STATEMENT IS TRUE.

Franklin White

witness: Richard H. Nelson Jr.



Affidavit of Franklin White, Jr.

I, Franklin White, Jr. am giving this statement voluntarily and of my own free will. Nothing has been promised to me in return for my giving this statement and it is the truth. I live at 1320 King's Pointe Drive, Sumter, SC 29154. My date of birth is 10-31-1974 and my SC DL number is 007254590.

On July 2, 1993 I was about to start the 12th grade at Sumter High School. Me and Maurice Graves were going to football practice that day at Sumter High. It was me, Maurice Graves, Rodney Franklin and Casey Stuckey. We was in a red Ford Tempo that belonged to a guy that Maurice knew. At the time none of us didn't have a car and it was a guy Maurice knew that owned the car. It had to be around 3:00 in the afternoon.

Casey and Rodney dropped me and Maurice off at the gym at school. We lifted weights and we ran our laps. At about 5:30 pm Casey came back and picked us up. He came by himself. We was on the way back to my house to drop me off. I stayed at 14 Webb Ave. in Sumter. I was gonna take a shower. Maurice stayed on North Main but since I was close to this side of Sumter they took me home first. They dropped me off and I went into the house and talked to my sister and then I went into the back yard and got a shirt off the clothes line. I was at the clothes lines and I heard a car and I saw the red Tempo coming down Whitehorse Street at a high rate of speed. I saw it was the same car that they had just dropped me off in. When I seen it I thought they was just horse playing around. When it passed my house that's when I saw they had a guy that was hanging from the front window on the passenger side. He was hanging onto the bar that goes between the two windows. His body wasn't touching the ground, he was just hanging outside the car.

That's when I noticed that I was shocked at what was going on. At first I thought Maurice was driving the car but then I saw someone in the back seat and I was wondering who the other person was. I ran out into the street and that's when the Tempo ran the stop sign at the intersection of Whitehorse and Patricia Drive. A black Bonneville was coming down Patricia drive and that's when the red Tempo ran the stop sign and the Bonneville crashed into the Tempo. The Tempo got hit on the back tire on the passenger tire and it spun the car around. The way the guy was hanging on the side, the Bonneville hit his legs. It spun around in the air and the guy went up in the air and fell right down.

I was about 20 or 30 yards away and I ran right down there. When I ran down there I saw that the guy driving the Tempo was Cedric Williams, a guy I knew from the neighborhood. Two ladies and a man was in the Bonneville and they jumped out. Then both the driver's door and the front passenger door of the Tempo came open. I saw Cedric Williams jump out the driver's side and Casey Stuckey jumped out the passenger front door and they both took off running. Then the driver's side back door came open and Maurice Graves jumped out and ran off holding his side.

The guy that was hanging on the car was hurt real bad, we could see that his legs was broken. He was still alive at the time. The people who was in the Bonneville called an ambulance and the ambulance came and picked him up. I went back home and paged Maurice to see what was going on. He never called me back but a couple of days later he told me he was trying to go to the hospital because his rib was fractured and he was having a hard time breathing. He said that he called a cab to take him to the hospital but the cab driver took him back to the scene of the accident.

After the accident I had heard that Casey Stuckey was hiding at the Mt. Vernon Motel so I went to the motel with Eric Graves, he's Maurice's brother. We talked to Casey and told him he had to turn himself in. Then me and Eric drove him to the police station and he turned himself in. Cedric was on the run for about 2 weeks and I think they caught him at a family member's house.

Later Maurice and Casey Stuckey told me that they had dropped me off and went to the Goal, a park about two blocks from where I live. They said that when they got there they was hanging out and Cedric approached Maurice and asked him could he borrow the car. Maurice told him he could get the car but he told Casey Stuckey to ride with Cedric. Casey and Cedric was about to pull off and Maurice said he would ride with them and he got in the car too. They said that they went back down to Gordon Street and a guy was walking up the street. They got up to the guy and Cedric asked the guy did he have change for a twenty.

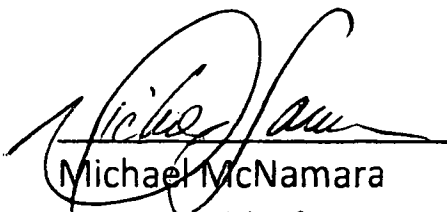
The guy handed Casey the twenty dollars to give to Cedric and Cedric grabbed the twenty dollars and he hit the gas and pulled off. The guy grabbed on the side of the car and basically tried to jump through the window. Maurice and Casey was begging Cedric to stop and let the man off the car but Cedric refused to stop the car. They ended up coming back down Whitehorse and that's when they came down past my house and I saw them.

The day that me and Eric Graves went to the motel and got Casey Stuckey I went to the police station and gave my statement telling them what happened. I told them just what I said here in this statement.

The public defender for Maurice was named George White. I never got a call from him and he never asked me to come in or talk to me about what had happened. When the case was going to trial I got a

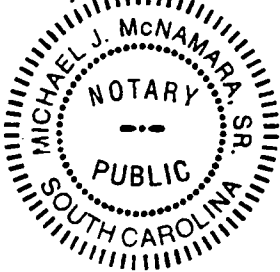
subpoena from the prosecutor's office and I was supposed to go to court to testify. The police were supposed to come and pick me up at school but they came much later in the day then they said and by the time I got to court they had already got them all to plead guilty. They were already doing the sentencing process when I got there. I asked the prosecutor when I was going to testify and they said it was all over. They was all high fiving each other and saying "we got them". End of statement.

I gave this statement on April 18, 2013 at 2:45 pm at my home at 1320 King's Pointe Drive, Sumter, SC 29154. This statement was typed for me in my own words and I have read and received a copy of this statement.


Michael McNamara

Notary Public for S.C.

My commission expires 4/26/2020



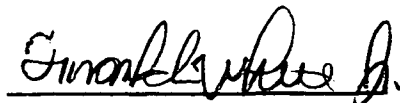

Franklin White, Jr.

EXHIBIT #28

Sled Latent Print Reports

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Latent Print Department
July 21, 1993
SLED Lab No.: L93-9837
Your Case No.: Not listed
Incident Date: 07-02-93
(V) Wilson, Pearl Lee
(S) Graves, Maurice

TFC J. D. Connelly
S. C. Highway Patrol
P. O. Box 788
Sumter, SC 29150

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:

- 6 thru 24 5" x 8" white cards bearing latent impressions.
- 25 Inked finger and palm prints of deceased, identified as Pearl Wilson.
- 26 Inked finger and palm prints bearing the name Maurice Graves.
- 34 Fingerprint cards bearing inked impressions and the name Cedric Williams.

RESULTS OF EXAMINATION: The Item 6 through 24 latents were examined and compared to the Item 25, 26, and 34 inked impressions with the following results:

- 6 Partial palm impression; negative with the Item 25 and 26 inked impressions. No inked palm prints submitted--Item 34.
- 7 Duplicate of Item 6.
- 8, 9, 10 Negative with the Item 25, 26, and 34 inked impressions.
- 11.1 POSITIVE with the #3 (right middle) inked impression of Item 34 (Cedric Williams).

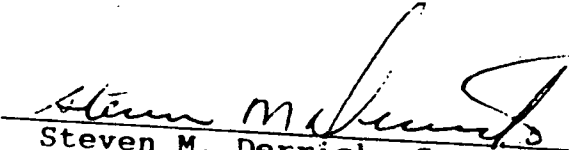
Continued.

RESULTS OF EXAMINATION: (Continued)

- 11.2 POSITIVE with the #4 (right ring) inked impression of Item 34 (Cedric Williams).
- 12 Negative with the Item 25 and 26 inked impressions.
- 13, 14, 15 Negative with the Item 25, 26, and 34 inked impressions.
- 16 Negative with the Item 25 and 26 inked impressions.
- 17, 18, 19 Negative with the Item 25, 26, and 34 inked impressions.
- 20, 21, 22, 23 Negative with the Item 25 and 26 inked impressions.
- 24 Contains insufficient ridge detail for identification.

If this case should go to trial, it is respectfully requested that you notify this examiner at least two to four weeks prior to the scheduled court date. This will allow for proper preparation of court displays for presentation.

These examinations and comparisons were conducted by S/A Steven Derrick, Examiner with this Division.


Steven M. Derrick, Special Agent

SMD/nt

CC: Solicitor Wade S. Kolb, Jr.
Inv. Dent Temples, Sumter County Sheriff's Office
Coroner Verna Moore

EXHIBIT #29

Sled DNA

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

CARROLL A. CAMPBELL, Jr.
GOVERNOR



ROBERT M. STEWART
CHIEF

Department of Serology and DNA Analysis

August 6, 1993

SLED Lab No: L93-9837

Your Case No: Not Listed

Incident Date: 07-02-93

(S) Maurice Graves

(V) Pearly Lee Wilson

Tfc. J. D. Connelly
SC Highway Patrol
PO Box 788
Sumter, SC 29150

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

ITEMS SUBMITTED

RESULTS OF EXAMINATIONS

27.1	Grey top tube of blood from suspect, Maurice Graves	27.1	ABO Group "O" PGM sub-type 1-1+
29.	Swab from Buick (right front bumper)	29.	Human blood identified. PGM sub-type 1-2- activity detected.
30.	Swab from Tempo (rear right tire)	30.	Human blood identified. PGM sub-type 1-2- activity detected.
31.	Swab from Tempo (right passenger door)	31.	Human blood identified. PGM sub-type 1-2- activity detected.
32.	Swab from Tempo (left rear armrest)	32.	Human blood identified. PGM sub-type 1-1+ activity detected.
33.2	Red top tube of blood from victim, Pearly Wilson	33.2	ABO Group "O" PGM sub-type 1-2-

*This case has been transferred to the DNA Analysis Section.

These examinations were conducted by S/A Emily B. Reinhart, Forensic Serologist with this Division.

Emily B. Reinhart
Emily B. Reinhart
Special Agent

August 11, 1993
Date

kmd

cc: Inv. Dent Temples, Sumter County Sheriff's Office
Agency Case No. 93039458

Solicitor Wade Kolb, Sumter County Solicitor's Office

EXHIBIT #30

Autopsy Report

EXHIBIT C

Tuomey Medical Center
AUTOPSY REPORT

PAGE 1
RUN FOR 07/14/93

ON 07/14/93-1249

ME: WILSON, PEARLY LEE
TOPSY NO. 93:AF 30
E: 40
X: M

RACE: B
DATE EXPIRED: 7-2-93
AUTOPSY PERFORMED: 7-5-93
REQUESTED BY: Verna Moore, Sumter County Coroner



DIAGNOSIS <LBBSB 07/09/93 1052>

1. MULTIPLE TRAUMA.

HISTORY

The decedent was a 40 year old black male who was allegedly dragged alongside a car for approximately two blocks, while a second black male held him against the car. The car ran a stop sign and was struck, broadside, by a second vehicle. This occurred at approximately 6:30 P.M. on 7-2-93.

EXTERNAL EXAMINATION

At autopsy, the body is that of a middle aged, thin black male measuring approximately 66 inches in length. Included with the body is clothing with torn and cut pants. The pants and underwear are blood stained. Portions of a broken yellow plastic lighter are present. There is moderately long black hair and beard with a few gray hairs noted. The hair is fairly dirty. There is poor dentition. The eyes are brown with equal pupils and bilateral arcus senilis. A right chest tube is in place. Occasional large scars are present on the thorax. The clothing is dirty. A needle mark is seen in the left forearm.

INJURIES

The majority of the injuries are noted on the lower part of the body though there is some distortion of the right chest wall. A compound fracture of the right femur is present approximately 23 inches from the bottom of the heel. A large brush burn abrasion is seen on the lateral surface of the right hip. There is adjacent contusion extending anteriorly. A large brush burn abrasion is seen on the left lower quadrant of the abdomen, and a smaller similar abrasion is seen in the left groin area. A large laceration involves the left groin and perineum, and a severe pelvic fracture is noted. A 2 inch laceration is seen on the inner surface of the left thigh. A compound fracture of the left tibia/fibula is present, approximately 11 inches from the bottom of the foot. Several fairly large abrasions are seen on the left knee and lateral surface of the left thigh. A few smaller abrasions are seen on the left lower leg and foot.

PATIENT: WILSON, PEARLY LEE

ACCESSION #: 93:AF30

(CONTINUED)

DISSECTION

The body is opened in the usual manner revealing fractures of right ribs four through eleven and left rib number six. There is also a slight dislocation of the mid thoracic vertebral column. Hemorrhage is present around these areas as well as in association with the severe pelvic fracture. A small amount of blood is present in each pleural space. No additional injuries are identified.

CARDIOVASCULAR SYSTEM

The heart weighs 380 grams. There is focal 40-50% occlusion in the right coronary artery. Focal 60-70% occlusion is seen in a large branch of the left anterior descending coronary artery. The heart is opened in the direction of blood flow revealing normal valves and chambers. The myocardium is brown and uniform.

RESPIRATORY SYSTEM

The larynx and tracheobronchial tree have whitish mucosa. The right lung weighs 630 grams and the left lung 440 grams. Some congestion is present in each lung. There is moderate anthracotic pigment. No consolidation is seen, and there are no pulmonary thromboemboli.

GASTROINTESTINAL SYSTEM

The esophagus has white glistening mucosa. The stomach has velvety whitish mucosa without hemorrhage or ulceration. The stomach contains several ounces of food, including meat, consistent with chicken or turkey. The small and large intestine and appendix are unremarkable. The liver weighs 1670 grams and is uniform, reddish-brown. The gallbladder and extrahepatic biliary tree are free of stones and other lesions. The pancreas is light tan with lobular architecture.

GENITOURINARY SYSTEM

The kidneys have a combined weight of 290 grams and are approximately equal in size. The capsules strip easily revealing smooth surfaces. Each kidney has a normal corticomedullary junction and pelvis. The ureters, bladder, and prostate are unremarkable. There is some hemorrhage adjacent to the bladder and prostate. The penis is uncircumcised and the testes are palpated in the scrotum.

LYMPHORETICULAR SYSTEM

No enlarged lymph nodes are seen. The spleen weighs 100 grams and has uniform, dark reddish-brown parenchyma.

ENDOCRINE SYSTEM

The adrenal glands are normal in size and shape. Each has a yellow cortex and gray medulla. The thyroid gland is normal in size and shape with anodular brown parenchyma.

ATIENT: WILSON, PEARLY LEE

ACCESSION #: 93:AF30

(CONTINUED)

07/14/93-1249

Tuomey Medical Center
AUTOPSY REPORT

PAGE 3
RUN FOR 07/14/93

NECK

No injuries are seen on the external neck. The strap muscles and other soft tissue are free of hemorrhage. The hyoid bone is intact.

CENTRAL NERVOUS SYSTEM

There are no external injuries on the head, and the brain is not examined.

FINAL SUMMARY

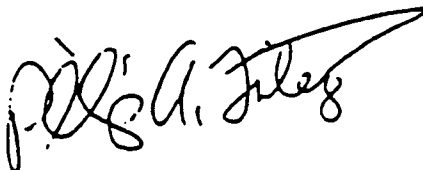
At the request of and after due authorization of the Coroner of Sumter County, an autopsy was performed on the body of Pearly Lee Wilson in the Tuomey Regional Medical Center Autopsy Room at approximately 8:00 A.M. on 7-5-93.

Postmortem and autopsy examination revealed the presence of multiple trauma including cutaneous abrasions, contusions, and lacerations, slight dislocation of the mid thoracic vertebral column, a severe pelvic fracture, compound fractures of the right femur and left tibia/fibula, and fractures of right ribs four-eleven and the left sixth rib. There was focal coronary atherosclerosis. No other significant abnormalities were identified.

Microscopic sections of heart, lung, liver, and kidney were examined. Minimal fatty metamorphosis was seen in the liver. No other significant abnormalities were identified.

The clothing, plastic fragments, and two tubes of blood were transferred to Dent M. Temples of the Sumter County Sheriff's Department. The blood will be sent to the SLED Laboratory for toxicologic and/or DNA analysis.

Based on the history as stated in the protocol, and the postmortem and autopsy findings, it is the opinion of this prosecutor that the deceased met his demise as the result of multiple trauma. It is further my opinion that this death is best classified as homicide.



Signed-out: P.A. FINLEY, M.D.

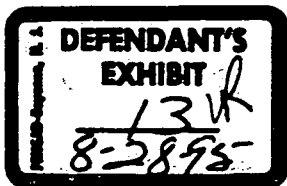
07/14/93

PATIENT: WILSON, PEARLY LEE

ACCESSION #: 93:AF30

EXHIBIT #31

Eyewitness Ruth Wright, Melissa Fickens, & Barbara Fickens Statement



WAIVER OF RIGHTS

I, Ruth D. Wright, am 59 years old. My address is 218 GAMBLE ST. Sumter, SC. I have finished the 12 grade in school and can / cannot read. I have been told by Two Temples & TFC J.D. Connolly, who I understand is a law officer, that he she would like to question me concerning the crime of Homicide.

This officer has also explained to me and I understand that:

R.D.W.
(Initials)

(1) - I have the right to remain silent. That means I do not have to say anything or answer any questions.

R.D.W.

(2) - Anything I say can be used against me in a court of law.

R.D.W.

(3) - I have the right to talk to a lawyer and to have a lawyer here with me now to advise and help me before and during questioning.

R.D.W.

(4) - If I want to have a lawyer with me before and during questioning but cannot afford to pay a lawyer, one will be provided to me at no cost before and while I am questioned.

R.D.W.

(5) - If I decide to answer questions now, without a lawyer here, I still have the right to stop answering questions whenever I want to.

R.D.W.

(6) - I also have the right to stop answering questions until I have talked to a lawyer.

I understand my rights as explained to me by Investigator

I now state that I DO wish to answer questions at this time and that I DO NOT wish to have a lawyer here before or during questioning.

My decision to answer questions now, without a lawyer, is made freely and is my own choice. No one has threatened or coerced me in any way or promised me special treatment. To show my decision, I am signing my name in the space below.

Signed: Ruth D. Wright

Date: 9-3-93

Time: 15:30

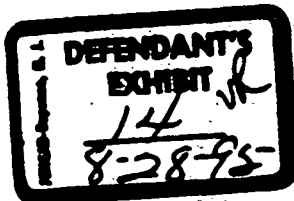
H. M. Temples
(Witness)

J.D. Connolly
(Witness)

I Keith D Wright, on 2 July 93 Due Whetress
the accident that occurred on the intersection of
Patricia Drive and White Horse Street at time of
6:30 Pm. When leaving Ypres market toward
home, while crossing 521 South on to Patricia Dr
east, as I approach the intersection of White
Horse Street and Patricia Dr. This car ran
the stop sign at the intersection of Patricia Dr
and my car hit this car as it pull out in front
of me. I tried to avoid contact with this car,
But I had little or no time to react.

after The Collision with this car the
individuals in that car, all got out and ran.
They ran South on Wilder Street. I got out
of my car and I approached the car that I collided
with, I saw a man lying on the ground in front
of this car I walked toward the car and I
noticed there were an undetermined amount of
money on the passenger side of the car on the
floor. There came a man from across the
street and began to take some of the money and
I told him to leave the money for evidence
and another person a young boy; and he also
began to take some money and I told him to
leave the money alone. He replied this, "This
is my wifes money, and he sent me to get it.
He then ran in the same direction as the other

Witness: Keith D Wright
J. D. Curran



WAIVER OF RIGHTS

I, BARRAN W. FICKENS, am 42 years old. My

Juniter, SC

I have finished the 11 grade in school and can / cannot read. I have been told by TEW. Temples & TFC J.D. Connolly, who I understand is a law officer, that he she would like to question me concerning the crime of Homicide.

This officer has also explained to me and I understand that:

- B.W.F.
(Initials)
- B.W.F.
- B.W.F.
- B.W.F.
- B.W.F.
- B.W.F.
- (1) - I have the right to remain silent. That means I do not have to say anything or answer any questions.
 - (2) - Anything I say can be used against me in a court of law.
 - (3) - I have the right to talk to a lawyer and to have a lawyer here with me now to advise and help me before and during questioning.
 - (4) - If I want to have a lawyer with me before and during questioning but cannot afford to pay a lawyer, one will be provided to me at no cost before and while I am questioned.
 - (5) - If I decide to answer questions now, without a lawyer here, I still have the right to stop answering questions whenever I want to.
 - (6) - I also have the right to stop answering questions until I have talked to a lawyer.

I understand my rights as explained to me by Investigator

I now state that I DO wish to answer questions at this time and that I DO NOT wish to have a lawyer here before or during questioning.

My decision to answer questions now, without a lawyer, is made freely and is my own choice. No one has threatened or coerced me in any way or promised me special treatment. To show my decision, I am signing my name in the space below.

Signed: Barran W. Fickens

Date: 7-3-93

Time: 15:45

TEW Temples
(Witness)

J.D. Connolly
(Witness)

My name is Barbara G. F. [REDACTED] and I'm 42 years old. Sitting there in the car take a sip of Quinna Icee. As I passed it back to Quinna that's when I realized that my mother ^{was} ~~goi~~ going start in to the car and I began to yell. I got out to see what happen and to get the license plate number and that's when I saw the man on the ground and I still went over to the car to look in the car and all the money was lying on the floor of the car. Then I looked a little further and I saw the car the boy's where driving stroke from the rear end on the passgner side. One boy rode up and side sent him back to get the money and my sister and I put the money back in the car and return it to the police.

7-3-93

15:45

Witness:

William J. Samples
J. J. Connolly

Barbara W. F. [REDACTED]



WAIVER OF RIGHTS

I, Melissa D. Fickens, am 14 years old. My address is 39 MURPHY ST., SUMTER, SC. I have finished the 8 grade in school and can / ~~cannot~~ read. I have been told by Inv. Temples d TFC J.D. Connelly, who I understand is a law officer, that he she would like to question me concerning the crime of Homicide.

This officer has also explained to me and I understand that:

MF
(Initials)

(1) - I have the right to remain silent. That means I do not have to say anything or answer any questions.

MF

(2) - Anything I say can be used against me in a court of law.

MF

(3) - I have the right to talk to a lawyer and to have a lawyer here with me now to advise and help me before and during questioning.

MF

(4) - If I want to have a lawyer with me before and during questioning but cannot afford to pay a lawyer, one will be provided to me at no cost before and while I am questioned.

MF

(5) - If I decide to answer questions now, without a lawyer here, I still have the right to stop answering questions whenever I want to.

MF

(6) - I also have the right to stop answering questions until I have talked to a lawyer.

I understand my rights as explained to me by Investigator

I now state that I DO wish to answer questions at this time and that I DO NOT wish to have a lawyer here before or during questioning.

My decision to answer questions now, without a lawyer, is made freely and is my own choice. No one has threatened or coerced me in any way or promised me special treatment. To show my decision, I am signing my name in the space below.

Signed: Melissa Fickens

Date: 7-3-93

Time: 15:35

Robert W. Fickens
(Witness)

Inv. Temples d
(Witness)

TFC J. D. Connelly

STATEMENT

~~Melissa~~ My name is Melissa D. Fickens
and I'm 14 years old. Yesterday
as we were coming from Young's Market
a red and black car came shooting straight
out in front of us and our car hit
there's on the ~~passenger's~~ ^{passenger's} side and there
car spun around to the side of the road
and they all ran out of the car and went
on a dirt road.

~~MJ~~

7-3-93

15:35

Witness

Kim Templeton
Barbara Fickens
TFC J. D. Connolly

Melissa Fickens

EXHIBIT #32

1993 Guilty Plea Questionare

yes no N/A

6. Have you taken any medication, drugs, or alcohol in the last 24 hours? yes / no

If yes, what? _____

How much?

When? _____

Does this affect your ability to know and understand what you are doing here today?

 yes no *N/A*

7. Are you today under the influence of any medication, drugs, or alcohol? yes ✓ no

8. Are you today aware of any physical, emotional, or nervous problem that might keep you from understanding what you are doing? yes / no

If yes, explain: _____

9. Have you ever been ordered by a judge to submit to a mental evaluation to determine your competency to stand trial? yes / no

Waiver of Constitutional Rights

1. Do you understand that you have the right to remain silent, that is, your right against self-incrimination? You cannot be compelled to testify or give evidence against yourself. Do you understand this right?

 yes no

Do you wish to give up this right and plead guilty?

 / yes no

2. Do you understand that you have a right to a jury trial; you have a right to have a jury decide whether or not you are guilty beyond a reasonable doubt. They would base their decision upon evidence which the state presents and on any evidence you might wish to introduce. In a trial, you would be presumed to be innocent, and the state would have to produce evidence that would convince all 12 members of the jury that you were guilty beyond a reasonable doubt. Do you understand this right?

 / yes No

Do you wish to give up your right to a jury trial and plead guilty? ☒ yes ☐ no

3. Do you understand that you have a right to confront and be confronted by the witnesses against you; that is, the right to see, hear, and cross-examine any witnesses that may be called against you during the trial and the right to subpoena and call witnesses in your own behalf. Do you understand these rights?

☒ yes ☐ no

~~Do you wish to give up these rights and plead guilty?~~ ☒ yes ☐ no

- [4] If your case has not yet been before the grand jury, you have the right to have the case presented to the grand jury? After hearing evidence, 12 of the 18 people on the grand jury would have to agree that you were probably guilty before the charge against you could be reported out as a True Bill ready for trial. A grand jury might return a No Bill, which would mean that the charge would be dismissed. Do you understand this right?

☒ yes ☐ no

Do you wish to give up your right to have the grand jury examine your case?

☒ yes ☐ no

5. Do you understand that when you plead guilty you give up these constitutional rights?

☒ yes ☐ no

Is that what you want to do?

☒ yes ☐ no

Do you understand that you will not get a jury trial if you plead guilty?

☒ yes ☐ no

Nature of the Charge and Consequences of Pleading Guilty

1. Has your attorney discussed with you the charge(s) and possible punishment for the charge(s)?

☒ yes ☐ no

2. What acts did you do which cause you to think that you are guilty of the charge or charges to which you now want to plead guilty?

Evidence of a Robbery

3. Are you pleading guilty for any reason other than the fact that you are guilty?

☐ yes ☒ no

If so, what is the other reason? _____

4. As you understand, the maximum possible penalty for this charge is: _____

40 yrs

(Include jail time, fines, and forfeiture, if applicable.)

5. (If an offense with graduated penalties:) Do you understand that if you plead guilty to this offense and you are convicted at a later time of the same crime, the punishment will be higher next time?
_____ yes _____ no

6. Do you have any questions about the nature of the charge(s) against you and the possible punishments? _____ yes _____ no

If yes, please write your questions here: _____

7. Do you understand that when you plead guilty you admit the truth of the charge(s) against you?
_____ yes _____ no

8. You may have defenses to the charge(s) against you. The judge does not know whether you do or not. Do you understand that if you plead guilty you will waive or give up any defenses to the charge(s)? _____ yes _____ no

9. You may have given an incriminating statement in this case. Do you understand that if you plead guilty you waive or give up the right to contest or challenge whether such a statement was freely and voluntarily given in accordance with your constitutional rights?
_____ yes _____ no

10. Understanding the nature of the charge(s) against you and the consequences of a guilty plea, do you still wish to plead guilty?
_____ yes _____ no

Plea Negotiations

1. Has any plea agreement been made by you with the Solicitor's office?
_____ yes _____ no

If so, exactly what do you understand the agreement to be?

dropping murder charge To manslaughter
RECOMM 20 yr SENTENCE

2. ~~Do you understand that the recommendation of the attorneys is not binding on the court and that the judge could still sentence you up to the maximum if he/she felt it appropriate?~~

~~☒ yes ☐ no~~

3. Do you still want to plead guilty?

☒ yes ☐ no

Voluntariness of Plea

1. Has anyone promised you anything or held out any hope of reward to get you to plead guilty?

☐ yes ☒ no

If yes, explain: _____

2. Has anyone threatened you or used force to get you to plead guilty? Has anyone used any pressure or intimidation to cause you to plead guilty?

☐ yes ☒ no

If yes, explain: _____

3. Have you had enough time to make up your mind as to whether or not you want to plead guilty?

☐ yes ☐ no

4. Are you pleading guilty of your own free will and accord?

☒ yes ☐ no

Satisfaction With Attorney

1. Has your attorney reviewed this form with you and answered any questions you have about it?

☐ yes ☐ no

2. Are you satisfied with the manner in which your attorney has advised you and represented you?

☐ yes ☐ no

3. Have you talked with your attorney as often and for as long as you feel necessary for him/her to properly represent you?

☒ yes ☐ no

4. Do you need any more time to talk with your attorney?

☐ yes ☒ no

~~5. Have you understood your talks with your attorney?~~

~~☐ yes ☐ no~~

6. Has your attorney done everything for you that you feel he/she could have done or should have done?

☒ yes ☐ no

If no, explain: _____

7. Has your attorney done anything in this case that you feel he/she should not have done?

☐ yes ☒ no

If yes, explain: _____

8. Are you completely satisfied with your attorney's services?

☐ yes ☐ no

9. Do you have any complaint that you want to make about your attorney, the solicitor, or any of the police officers?

☐ yes ☒ no

If yes, explain: _____

10. Do you understand that you have a right to appeal your guilty plea and the sentence of the court and that you must do this within 10 days of the sentence?

☒ yes ☐ no

Concluding Questions

1. Do you understand all of these questions?

☒ yes ☐ no

If not, which ones do you not understand? _____

2. Do you now want to plead guilty?
 / yes no

Signed by me in the presence of my attorney this 13th day of December, 1993.

Harold Harvey
Defendant

Certificate of Counsel

1. Print your name and telephone number: Jordan D. White
[REDACTED]
2. ~~I represent the defendant in this case.~~
3. I have read and fully explained to the defendant the allegations contained in the indictment in this case.
4. To the best of my knowledge and belief the statements, representations, and declarations made by the defendant in the foregoing petition are in all respects accurate and true.
5. I have explained to the defendant the charge(s) contained in the indictment, the possible punishment, and his/her constitutional rights including his/her right to a jury trial.
- [6] I have explained to the defendant the right to have this case submitted to the grand jury for its consideration.
7. In my opinion, the defendant understands the charge, the punishment, and the constitutional rights in the case.
8. The defendant has indicated to me that he/she wishes to plead guilty.
9. The plea of guilty offered by the defendant to count(s) _____ accords with my understanding of the facts the defendant has related to me, is consistent with my advice to the defendant, and, in my opinion, is voluntarily and understandingly made.

Signed by me in the presence of the defendant and after full discussion of the contents of this certificate with the defendant, this 13th day of December, 1993.

Jordan D. White
Attorney for the Defendant

EXHIBIT #33

Torey Green Conditional Order Vacated By Judge Young

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Latorey J. Greene, #292916,

Applicant,

v.

State of South Carolina,

Respondent.

RECORDED IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT
2014 OCT 24 PM 2:15

JAMES D. CONNELL
CLERK OF COURT
SUMTER COUNTY, S.C.

2013-CP-43-498

CERTIFIED TRUE COPY
OF ORIGINAL FILED

[Signature]
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

**ORDER VACATING CONDITIONAL
ORDER OF DISMISSAL DATED
AUGUST 28, 2014**

This matter comes before the Court by way of an application for post-conviction relief filed March 25, 2013.

This Court signed a Conditional Order of Dismissal on August 28, 2014 and filed on September 8, 2014, provisionally denying Applicant's PCR application. However, it has come to this Court's attention that Applicant was represented by Kenneth R. Young, Jr., Esquire. This Court has deemed that it has a potential conflict of interest and therefore feels it is necessary to recuse itself from ruling on any matter related to this specific case. Therefore, based on the foregoing, this Court vacates the Conditional Order of Dismissal signed August 28, 2014 and filed September 8, 2014. This Court directs the Attorney General's office to submit the Conditional Order of Dismissal to another Circuit Court Judge for their review.

[Signature]
THE HONORABLE W. SEPTRE YOUNG
Chief Administrative Judge
Third Judicial Circuit

15 Oct, 2014

2010 - 2015 PCR ORDERS

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED IN THE COURT OF COMMON PLEAS

2011 MAY -3) PM 12: 19

2010-CP-43-1088

Maurice Graves, #208580,

Applicant,

v.

State of South Carolina,

Respondent.

JAMES L. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

CERTIFIED TRUE COPY
OF ORIGINAL FILED

CONDITIONAL ORDER OF
DISMISSAL
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

This matter comes before this Court by way of an application for post-conviction relief filed May 21, 2010. In its Return, Respondent requests that the action be summarily dismissed.

Before this Court are the records of the Sumter County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the records of Applicant's prior PCR application. The records before this Court reflect that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Sumter County. In his present application, Applicant challenges two 1993 convictions.¹ Applicant was indicted for (1) Murder and (2) Robbery (1993-GS-43-0875). Jordan White, Esquire, represented him. On December 13, 1993, Applicant pled guilty to Voluntary Manslaughter and Strong Arm Robbery. He was sentenced by the Honorable David F. McInnis to twenty (20) years imprisonment. Applicant did not appeal his conviction and sentence.

Applicant filed an application for post-conviction relief (PCR) on March 16, 2000 (2000-CP-43-

¹ Applicant is now serving a life sentence for Burglary – First Degree (2003-GS-43-0159). He has not challenged that conviction in this application.

0186). In a Return and Motion to Dismiss dated November 8, 2001, Respondent moved for summary dismissal based on the one-year statute of limitations. The matter was called for a hearing on November 27, 2001, and Applicant withdrew his application. A written order of dismissal with prejudice was signed by the Honorable Howard P. King on January 14, 2002.

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

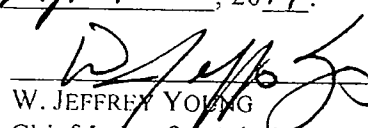
1. PCR counsel failed to appeal the withdrawal of his guilty plea.

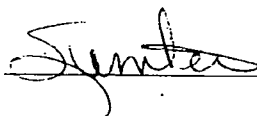
This Court finds that the allegation fails as a matter of law. An Applicant may not appeal the order that resulted when his request to withdraw was granted. Rush v. State, 368 S.C. 144, 145, 628 S.E.2d 42, 43 (2006).

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Sumter County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Mary S. Williams, Esquire
P.O. Box 11549
Columbia, South Carolina 29211

AND IT IS SO ORDERED this 25 day of April, 2011.


W. JEFFREY YOUNG
Chief Judge for Administrative Purposes
Third Judicial Circuit

Sumter, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS

RECORDED

2011 MAY -4 AM 9:22

JUDGMENT IN A CIVIL CASE

CASE NO: 2010CP4301088

JAMES J. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Maurice #208580 Graves vs. South Carolina State of

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 and heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON):
SCRC (Vol. Nonsuit); ☐ Rule 43(k), SCRC (Settled); ☐ Rule 12(b), SCRC; ☐ Rule 41(a).
☐ Other: _____
- ☐ ACTION STRICKEN (CHECK REASON):
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other: _____
☐ Rule 40(j) SCRC; ☐ Bankruptcy;
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; ☐ Statement of Judgment by the Court:
see attached Conditional Order of Dismissal

Dated at Sumter, South Carolina, this 3rd day of May 2011.

Court Reporter:

PRESIDING JUDGE - W. Jeffrey Young

This judgment was entered on the 3rd day of May 2011, and a copy mailed first class this 3rd day of May 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Maurice Graves #208580 990 Wisacky Hwy
Bishopville, SC 29010

Henry Dargan McMaster S.C. Attorney General's
Ofc./Williams P.O. Box 11549 Columbia, SC 29201

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS

Maurice Graves, 208580,

☐ Plaintiff

2011 MAY -3 PM 12:19

CASE NO.

2010-CP-43-1088

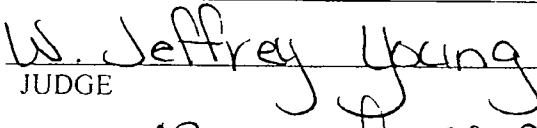
v.

JAIL CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

State Of South Carolina

☒ Defendant.

Plaintiff's Attorney: Maurice Graves, Bar No. Address: LCI 990 Wisacky Highway Bishopville SC 29010 phone: fax: e-mail: other:		Defendant's Attorney: Mary S. Williams, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:	
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Estimated Time Needed: Court Reporter Needed: ☐ YES / ☐ NO			
SECTION II: Motion/Order Type			
☐ Written motion attached ☒ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
 Signature of Attorney for ☐ Plaintiff / ☒ Defendant		April 21, 2011 Date submitted	
SECTION III: Motion Fee			
☐ PAID - AMOUNT: ☒ EXEMPT: ☐ Rule to Show Cause in Child or Spousal Support (check reason) ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☒ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: ☐ Other:			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		 JUDGE CODE: 43 Date: April 25, 2011	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____	
☐ MOTION FEE COLLECTED: _____ ☐ CONTESTED - AMOUNT DUE: _____			

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

James C. Campbell - Clerk of Court

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

James C. Campbell - Clerk of Court

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF SUMTER	)	
	)	
Maurice Graves, #208580,	)	2010-CP-43-1088
	)	
Applicant,	)	
	)	
v.	)	FINAL ORDER
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

This matter comes before the Court pursuant to an application for post-conviction relief filed May 21, 2010. The State made its Return and Motion to Dismiss on April 21, 2011, requesting that the application be summarily dismissed as successive and as barred by the one-year statute of limitations. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal dated April 25, 2011, and filed May 3, 2011, provisionally denying and dismissing this action. This Court gave Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated June 21, 2011, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant responded to the Conditional Order by way of a two documents, one dated May 6, 2011, captioned "Objection to Conditional Order of Dismissal and State's Return and Motion to Dismiss" and a second dated June 30, 2011, captioned "Motion to Alter or Amend Judgment Pursuant to S.C. rules of Civil Procedure Rule 59(e)".

In regards to the second document filed by the Applicant entitled, "Motion to Alter or Amend Judgment Pursuant to Rule 59(e)", this Court finds this is an improper motion to be made at this time. Rule 59(c), SCRCP, states " [a] motion to alter or amend the judgment shall be served not later than ten (10) days after receipt of written notice of the entry of the order. Prior to the signing and entering of this final order, there has been no final judgment entered from which a Rule 59(e) motion could be filed. Therefore, this Court denies and dismisses Applicant's Motion as improper under the circumstances at this time.

In regards to the initial response dated May 6, 2011, Applicant sets forth the following sole objection to the Conditional Order of Dismissal:

1. "...respondent fails to acknowledge Applicant's first PCR application which was filed in the year '1994' and a[n] evidentiary hearing was held in the month of august of the year '1995', in which the presiding Honorable Judge Cooper presided over the hearing... The record will reflect that in applicant's current PCR application (2010-CP-43-1088), Applicant is raising an Austin claim pursuant to Austin v. State, 409 S.E. 359 (1991)...However, Applicant is raising an Austin claim to his first PCR application of the year '1994' not his '2000' PCR application."

This Court has reviewed Applicant's objection to the State's Motion to Dismiss in its entirety, in conjunction with the original pleadings, and finds that no sufficient reason has been shown why the Conditional Order of Dismissal should not become final. Applicant's main contention that he is filing this application to seek belated appeal the denial of his 1994 PCR application does not overcome this application's successive nature. In fact, Applicant concedes that he did in fact file an

additional application for post-conviction relief in 2000, where a hearing was held in 2001; however, Applicant does not point to any sufficient reason why the belated appeal issue from his 1994 application was not raised in the 2000 application or at the 2001 hearing. This Court finds that, as stated in the conditional order of dismissal with regards to the 2000 application, the Applicant could have raised this ground for relief from his 1994 application in his prior post-conviction relief application and therefore this application must be dismissed because it is successive.

IT IS THEREFORE ORDERED that, for the reasons set forth herein and set forth in the Court's Conditional Order of Dismissal, the application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this _____ day of _____, 2011.

W. JEFFREY YOUNG
Circuit Court Judge
Third Judicial Circuit Court

_____, South Carolina.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

) IN THE COURT OF COMMON PLEAS
RECORDED THIRD JUDICIAL CIRCUIT
)

2014 JUL CASE NO: 2014-CP-43-735

MAURICE GRAVES, #208580

JAMES C. CAMERON
CLERK OF COURT
SUMTER COUNTY, S.C.
MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

vs.

STATE OF SOUTH CAROLINA

Defendant.

Plaintiff's Attorney: Maurice Graves, #208580, Bar No. _____ Address: Lee Correctional Institution Bishopville, SC 29010 Phone: _____ Fax: _____ E-mail: _____ Other: _____		Defendant's Attorney: Daniel Gourley, Bar No. _____ Address: PO Box 11549 Columbia, SC 29211 Phone: _____ Fax: _____ E-mail: _____ Other: _____	
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: _____		Court Reporter Needed: ☐ YES / ☒ NO	
Estimated Time Needed: _____			
SECTION II: Motion/Order Type			
☐ Written motion attached ☒ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for ☐ Plaintiff / ☒ Defendant		July 9, 2014 Date submitted	
SECTION III: Motion Fee			
☐ PAID - AMOUNT: \$ _____ ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☒ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE <u>2156</u> Date: <u>7.11.14</u>	
CLERK'S VERIFICATION			
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Maurice Graves, #208580,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

2014-CP-43-735

CONDITIONAL ORDER
OF DISMISSAL

CERTIFIED TRUE COPY
OF ORIGINAL FILED

DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

JUL 18 PM 1:11
CLERK OF COURT
SUMTER COUNTY, S.C.

RECORDED

This matter comes before this Court by way of an application for post-conviction relief filed April 14, 2014. In its Return, Respondent requests that the action be summarily dismissed.

PROCEDURAL HISTORY

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Sumter County. In his present application, Applicant challenges two 1993 convictions.¹ Applicant was indicted for (1) Murder and (2) Robbery (1993-GS-43-0875). Jordan White, Esquire, represented him. On December 13, 1993, Applicant pled guilty to Voluntary Manslaughter and Strong Arm Robbery. He was sentenced by the Honorable David F. McInnis to twenty (20) years imprisonment. Applicant did not appeal his conviction and sentence.

Applicant filed an initial application for post-conviction relief on March 23, 1994 (C.A. No. #). Applicant alleged the following grounds:

1. Ineffective Assistance of Counsel

¹ Applicant is now serving a life sentence for Burglary – First Degree (2003-GS-43-0159). He has not challenged that conviction in this application.

- a. Counsel was ineffective for advising him to plead guilty to the charge of manslaughter where the evidence introduced to the courts clearly showed that he was innocent of such crime.
2. "I pled guilty unknowingly, unwillingly, and involuntarily."
 - a. "Applicant contends that he did not understand what he was doing by pleading guilty to the charge of manslaughter and that he never planned to do so but because of his attorney advising him to plead to the charge he did only because he was told that he would get a life sentence if he did not plead guilty."
3. "Violation of Constitutional Rights."
 - a. "The violation of the appellants constitutional rights are clear in that he was denied adequate and sufficient counsel at trial, Due-Process and equal protection of the law and prays that this court will grant him the relief he seeks."

The State filed its Return on May 5, 1994. An evidentiary hearing was convened on August 28, 1994, at the Sumter County Courthouse, at which the Applicant was present and represented by David Holler, Esquire. The Honorable Thomas W. Cooper, Jr., denied and dismissed Applicant's application by written Order on October 16, 1995.

Applicant filed an application for post-conviction relief (PCR) on March 16, 2000 (2000-CP-43-0186). Applicant alleged the following grounds:

1. "Trial and post-conviction attorney were ineffective assistance of counsel for not appealing, and investing the case."
 - a. "12-13-93, Trial Attorney Jordan White didn't advise I, Maurice Graves, of the Right to appeal. Post-Conviction attorney David C. Holler didn't appeal Judge Thomas W. Cooper Jr. Decision after reviewing new evidence, and with the judge stating, "trial counsel didn't do sufficient preparation to go to trial."
2. "I pled guilty unknowingly, unwillingly, and involuntarily."
 - a. "Knowing the facts and evidence that I could have, if trial lawyer investigated and told me. I wouldn't never plead guilty of such charges."

In a Return and Motion to Dismiss dated November 8, 2001, Respondent moved for summary dismissal based on the one-year statute of limitations. The matter was called for a

hearing on November 27, 2001, and Applicant withdrew his application. A written Order of Dismissal with Prejudice was signed by the Honorable Howard P. King on January 14, 2002.

Applicant filed his third application for post-conviction relief on May 21, 2010 (2010-CP-43-1088). Applicant alleged the following grounds:

1. PCR Counsel failed to appeal the withdrawal of his guilty plea.

In a Return and Motion to Dismiss dated April 21, 2010, Respondent moved for the summary dismissal of the application based on the fact that the application was filed beyond the one-year statute of limitations, was successive to Applicant's prior PCR applications, and was barred by the doctrine of laches; Respondent also moved for summary dismissal on the basis that an Applicant may not appeal the withdrawal of his PCR application. A written Order of Dismissal with Prejudice was signed by the Honorable W. Jeffrey Young on August 4, 2011. An Amended Order of Dismissal was signed by the Honorable W. Jeffrey Young August 30, 2011.

Applicant filed a timely notice of appeal. By order dated February 8, 2012, the South Carolina Supreme Court dismissed Applicant's appeal. The Remittitur was issued on February 24, 2012. Applicant filed a petition for rehearing on February 24, 2012. By Order dated April 26, 2012, the South Carolina Supreme Court denied and dismissed Applicant's motion for rehearing.

Applicant then filed a Petition for Habeas Corpus on February 5, 2014, in federal district court. Applicant raised the following issues:

Ground One: Petitioner Fifth and Fourteenth Amendment of the United States Constitution were violated due to petitioner not receiving a revocation hearing after petitioner was served with a arrest warrant violating his parole from petitioner '1993" conviction.

Ground Two: Actual Innocence

Ground Three: Petitioner's Fourth Amendment Right of the United States Constitution was violated due to the fact that the magistrate judge

created the affidavit for the arrest warrant for murder, and forged the affiant's signature.

Ground Four: Prosecutor Misconduct

Ground Five: Petitioner's Sixth and Fourteenth Amendment of the United States Constitution were violated by petitioner's 1st pcr counsel failures to file a notice of appeal following petitioner's "1995" PCR hearing.

Ground Six: Trial Counsel was ineffective for failing to interview key eye witnesses to prove petitioner innocence, all in which violated petitioner Sixth Amendment Right to the United States Constitution

Ground Seven: Trial Counsel was ineffective for failing to object to a invalid arrest warrant when the magistrate clearly wrote the affidavit, all in which violated petitioners Sixth Ament Right of the United States Constitution.

Ground Eight: Trial counsel was ineffective for failing to do any pre trial investigation including: consulting with petitioner, failure to examine autopsy report, and failure to review the scene of the crime, all in which violated Petitioner's Sixth Amendment Right of the United States Constitution.

Ground Nine: Amended claim: Trial Counsel was ineffective for allowing petitioner to plead guilty to a charge that wasn't[sic] a lesser included offense of the charge, all in which violated petitioner's Fifth, Sixth, and Fourteenth Amendment of the United States Constitution.

Ground Ten: Amended claim: Trial Counsel was ineffective for failing to disclose any evidence to Petitioner's case that petitioner did no crime at all, in which violated petitioner's Fifth, Sixth, and Fourteenth Amendment of the United States Constitution.

Ground Eleven: Amended claim: Trial Counsel was ineffective for failing to file a notice of appeal following petitioner conviction, after petitioner advised counsel to do so, all in which violated petitioner, Fifth, Sixth, and Fourteenth Amendment of the United States Constitution.

The State filed its return and memorandum of law in support of motion for summary judgment on June 10, 2014. The action is still currently pending.

In his current application, Applicant alleges that he is being held in custody unlawfully based on the following allegations:

1. "Trial Counsel was ineffective for failing to disclose any evidence to applicant's case that applicant did no crime at all, in which the only eye witness and forensic testing proves, all in which violated petitioner's Fifth, Sixth, and Fourteenth Amendment of the South Carolina and United States' Constitution."
2. Subject matter jurisdiction.
3. Newly Discovered evidence under S.C. Code. Ann. § 17-27-45(C)
 - a. "Applicant claims that he is raising this ineffective assistance of counsel claim under the scope of S.C. Code Ann. § 17-27-45(C)...pointing out the eye witness Franklin White and Forensic Evidence."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant pled guilty to the offense(s) he challenges in this Application on December 13, 1993. Therefore, the Applicant had to file his application by December 14, 1994. This Application was filed April 14, 2014, which was well after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Additionally, this Court finds that the application should be summarily dismissed because it is successive to the previous application for post-conviction relief. Successive applications for post-conviction relief are disfavored. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980). S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence, or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which, for sufficient reason, was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." [Emphasis in original]. Id., 305 S.C. at 450, 409 S.E.2d at 394. If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Land,

274 S.C. 243, 262 S.E.2d 735 (1980). In regards to the allegations set forth in Applicant's PCR application, these are the same allegations raised by Applicant in a previous PCR application and therefore, by very definition, are successive in nature.

This Court finds the doctrine of *res judicata* bars the Applicant's claims. *Res judicata* prohibits subsequent actions by the same parties on the same issues. Bell v. Bennett, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. Foran v. USAA Casualty Ins. Co., 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. Id.

The Applicant had a full opportunity to litigate all allegations regarding ineffective assistance of counsel and subject matter jurisdiction in both the state and federal courts. The Applicant continues to raise the same meritless claims by repeated collateral attacks on his convictions. The public interest in finality of judgments requires that litigation must eventually come to an end. Pursuant to Rule 12(b)(6), SCRCP, this Court summarily dismisses these claims as barred by *res judicata*.

Furthermore, this Court finds that Applicant's claims of newly or after discovered evidence must be dismissed, as Applicant has failed to set forth any specific allegations of the nature of the evidence. An applicant requesting a new trial based on after discovered evidence must show that the evidence:

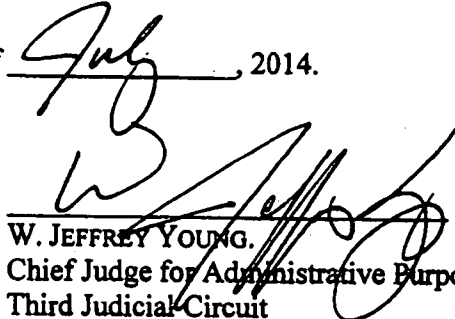
- (1) Is such as would probably change the result if a new trial was had;
- (2) Has been discovered since the trial;
- (3) Could not by the exercise of due diligence have been discovered before the trial;
- (4) Is material to the issue of guilt or innocence; and
- (5) Is not merely cumulative or impeaching.

Hayden v. State, 278 S.C. 610, 611-12, 299 S.E.2d 854, 855 (1983). Applicant has failed to establish that the alleged evidence meets *any* of the requirements for after-discovered evidence. Therefore, this Court finds that this allegation, and this application, must be dismissed.

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have, factual or legal, with the Sumter County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Daniel Gourley, Esquire
P.O. Box 11549
Columbia, South Carolina 29211

AND IT IS SO ORDERED this 11 day of July, 2014.


W. JEFFREY YOUNG,
Chief Judge for Administrative Purposes
Third Judicial Circuit

Sumter, South Carolina.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS

RECORDED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP4300735

Maurice Graves

2014 JUL 18

South Carolina State of

JAMES C. CANTWELL
CLERK OF COURT
SUMTER COUNTY, S.C.CERTIFIED TRUE COPY
OF ORIGINAL FILEDDEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Clerk of Court

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (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. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: See attached Order.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2156

Judge Code

7/18/2014

Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Maurice #208580 Graves Lee Correctional Inst/Richland
#208 990 Wisacky Hwy Bishopville, SC 29010

ATTORNEY(S) FOR THE PLAINTIFF(S)

Alan McCrory Wilson PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

Court Reporter

James C. Campbell - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS

RECORDED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP4300735

Maurice Graves

2015 FEB 12 PM 1:25

South Carolina State of

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.CERTIFIED TRUE COPY
OF ORIGINAL FILED

DEPUTY CLERK OF COURT

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Clerk of Court

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (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. ☐ See Page 2 for additional information.
- ☐ **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: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.Additional Information for the Clerk: **See attached Order.**

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2144

Judge Code

2/12/2015

Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on, to attorneys of record or to parties (when appearing pro se) as follows:

Maurice #208580 Graves Lee Correctional Inst/Richland
#208 990 Wisacky Hwy Bishopville, SC 29010

ATTORNEY(S) FOR THE PLAINTIFF(S)

Alan McCrory Wilson PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

Court Reporter

James C. Campbell - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



ALAN WILSON
ATTORNEY GENERAL

RECORDED
2015 FEB 12 PM 1:00
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

February 10, 2015

The Honorable James C. Campbell
Clerk of Court, Sumter County
Sumter County Judicial Center
215 N. Harvin Street
Sumter, SC 29150

Re: Maurice Graves, #208580 v. State of South Carolina
2014-CP-43-735

Dear Mr. Campbell:

Enclosed please find the original **Final Order Dismissal**, signed by The Honorable R. Ferrell Cothran, Jr., in the above-captioned case, for filing in your office. Please forward a **time stamped copy** back to our office for our files.

Sincerely,

Daniel Gourley
Assistant Attorney General

DG/cc
Enclosure(s)

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

MAURICE GRAVES, #208580

vs.

STATE OF SOUTH CAROLINA

Defendant.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

CASE NO.: 2014-CP-43-735

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: Maurice Graves, #208580, Bar No. _____ Address: Lee Correctional Institution Bishopville, SC 29010 Phone: _____ Fax _____ E-mail: _____ Other: _____		Defendant's Attorney: Daniel Gourley, Bar No. _____ Address: PO Box 11549 Columbia, SC 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____	
RECORDED 2015 FEB 12 PM 1:07 JAMES C. CAMPBELL CLERK OF COURT SUMTER COUNTY, S.C. ☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: ☐ YES / ☒ NO			
SECTION II: Motion/Order Type			
☐ Written motion attached ☒ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for ☐ Plaintiff ☒ Defendant		January 29, 2015 Date submitted	
SECTION III: Motion Fee			
☐ PAID - AMOUNT: \$ _____ ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☒ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION			
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Maurice Graves, #208580

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2014-CP-43-735

FINAL ORDER OF DISMISSAL

CERTIFIED TRUE COPY
OF ORIGINAL FILED

[Signature]
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

RECORDED
2015 FEB 12 PM 1:07
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 14, 2014. The Respondent made its return on July 9, 2014, requesting the application be summarily dismissed based upon statute of limitations, successiveness, doctrine of *res judicata*, and failing to meet the required elements of newly discovered evidence.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed July 11, 2014 and filed July 18, 2014, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated August 21, 2014, serving the above mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Why Conditional Order of Dismissal Should Not Become Final" filed on August 19, 2014, the Applicant argues that he should be granted an evidentiary hearing due to newly discovered evidence due to the discovery of a statement from Charlie Wright. Applicant's stated that Charlie Wright's statement was never disclosed to the courts or defense. Additionally, Applicant alleges that the failure to turn over Charlie Wright's statement

to a Brady violation. Applicant further argues he is entitled to an evidentiary hearing due to subject matter jurisdiction issue.

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. Generally, an applicant may raise a newly discovered evidence claim within one year of actual discovery or within one year of when, by the exercise of due diligence, such evidence *could have been* ascertained. S.C. Code Ann. § 17-27-45(c) (2014). When an applicant seeks relief on the basis of newly discovered evidence following a guilty plea, relief is appropriate only when the applicant presents evidence showing (1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea and (2) the newly discovered evidence is of such weight and quality that, under the facts of circumstances of that particular case, the "interest of justice" requires the applicant's guilty plea be vacated. Jamison v. State, 765 S.E.2d 123, 129, ___ S.C. ___, ___ (2014).

"[I]n South Carolina, a guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013) (citing Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal defendant's right to contest the validity of such a plea is usually, but not definitely, foreclosed. Dalton v. State, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (2007). Further, "a defendant is not entitled to withdraw his plea merely because he discovers long after the plea has

been accepted that his calculus misapprehended the quality of the State's case or the likely penalties attached to alternative courses of action." Brady v. U.S., 397 U.S. 742, 757 (1970).

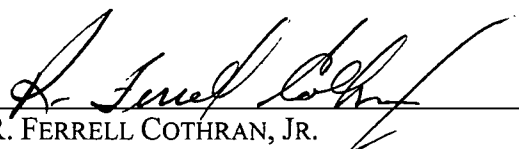
In Jamison, the South Carolina Supreme Court noted it would be a "rare case" where the interests of justice require the vacation of a knowing and voluntary guilty plea involving an admission of guilt and a waiver of trial. 165 S.E.2d at 130. Before the circuit court will hold an evidentiary hearing, Applicant must make a prima facie showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant's newly discovered evidence claim does not sufficiently or clearly present a "rare case" requiring a vacation in the interest of justice. First, Wright's statement neither exonerates nor inculpatates Petitioner. In his statement, Mr. Wright does not identify any of the individuals in the car that was dragging the victim. Mr. Wright only notes that he observed the vehicle that was dragging the victim, and that the victim was held by the person in the back seat of the vehicle while another attempted to get something from the victim. Second, Applicant alleges that Charlie Wright's statement was forged because Mr. Wright acknowledged that he could not read or write. However, Applicant presents no evidence to show that the statement was not what Mr. Wright told law enforcement. Finally, Applicant has filed to show how this statement could not have been discovered through the exercise of due diligence.

This Court notes the Applicant pled guilty on December 13, 1993. As this action was filed on April 14, 2014, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-2745(a) (Supp.2003). This is the Applicant's fourth application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues regarding Brady violations or subject matter jurisdiction at the

evidentiary hearing for his first PCR application on August 28, 1994. See Odom v. State, 337 S.C. 256, 261 523 S.E.2d 753, 755 (1999). (“[A]n Applicant is entitled to a full adjudication on the merits of the original petition, or ‘one bite at the apple.’”).

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court’s Conditional Order of Dismissal, the Application for post-conviction relief is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 5 day of Feb, 2013.


R. FERRELL COTHRAN, JR.
Chief Administrative Judge
Third Judicial Circuit Court

Manning, South Carolina.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated C.M. - Toliver (**Server**) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)

COUNTY OF Lee)

AFFIDAVIT OF PERSONAL SERVICE

On this 21st day of August 2014, I served the **Conditional Order of Dismissal**, on Inmate **Maurice Graves**, SCDC Inmate #**208580**, by delivering personally and leaving a copy of the same at **Lee Correctional Institution**. Deponent is not a party to this action.

s/ C.M. - Toliver

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 21 day of Aug., 2014

Debra Series (L.S.)

Notary Public for South Carolina

My Commission Expires:

11-4-2015

ADMISSION OF SERVICE

Service of a copy of the within **Conditional Order of Dismissal** is admitted at the South Carolina Department of Corrections (Lee **Correctional Institution**),

Lee County, SC this 21st day of August, 2014.

s/ Maurice Graves

Inmate

SCDC Inmate #: 208580

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
IN THE COURT OF COMMON PLEAS

FORM 4

RECORDED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP4300735

2015 APR 24 PM 4:17

Maurice Graves

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

South Carolina State of

CERTIFIED TRUE COPY
OF ORIGINAL FILED

[Signature]
DEPUTY CLERK OF COURT
SUMTER COUNTY, S.C.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Clerk of Court

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (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. ☐ See Page 2 for additional information.
- ☐ **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: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: See attached Order.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

2144

4/24/2015

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Maurice #208580 Graves Lee Correctional Inst/Richland
#208 990 Wisacky Hwy Bishopville, SC 29010

ATTORNEY(S) FOR THE PLAINTIFF(S)

Alan McCrory Wilson PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

Court Reporter

James C. Campbell - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



RECORDED

2015 APR 24 PM 3:08

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

ALAN WILSON
ATTORNEY GENERAL

April 22, 2015

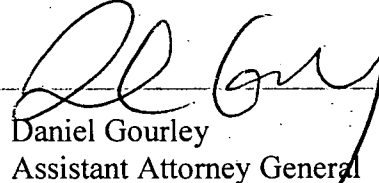
The Honorable James C. Campbell
Clerk of Court, Sumter County
Sumter County Judicial Center
215 N. Harvin Street
Sumter, SC 29150

Re: Maurice Graves, #208580 v. State of South Carolina
2014-CP-43-735

Dear Mr. Campbell:

Enclosed please find the original **Order Denying Applicant's Motion to Alter or Amend Judgment Pursuant to Rule 59(e)**, signed by The Honorable R. Ferrell Cothran, Jr., in the above-captioned case, for filing in your office. Please forward a **time stamped copy** back to our office for our files.

Sincerely,



Daniel Gourley
Assistant Attorney General

DG/cc
Enclosure(s)

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

2015 APR 24 PM 3:08 SE NO.: 2014-CP-43-735

MAURICE GRAVES, #208580 JAMES C. CAMPBELL

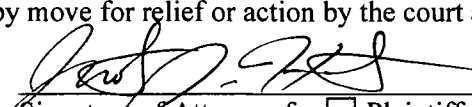
**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

vs.

CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA

Defendant.

Plaintiff's Attorney: Maurice Graves, #208580, Bar No. _____ Address: Lee Correctional Institution Bishopville, SC 29010 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Justin J. Hunter, Bar No. _____ Address: PO Box 11549 Columbia, SC 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: ☐ YES / ☒ NO	
SECTION II: Motion/Order Type	
☐ Written motion attached ☒ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for ☐ Plaintiff / ☒ Defendant	
April 2, 2015 Date submitted	
SECTION III: Motion Fee	
☐ PAID - AMOUNT: \$ _____ ☐ EXEMPT: _____ (check reason)	
☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☒ Sexually-Violent-Predator-Act ☒ Post-Conviction-Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____	
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)
RECORDED)
2015 APR 24 PM 3:08)

Maurice Graves, #208580)
JAMES C. CAMPBELL)
CLERK OF COURT)
Applicant, SUMTER COUNTY, S.C.)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2014-CP-43-735

**ORDER DENYING APPLICANT'S
MOTION TO ALTER OR AMEND
JUDGMENT PURSUANT TO
RULE 59(e)**

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Sherry H. How
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

This matter comes before this Court by way of an application for post-conviction relief filed April 14, 2014. In its Return and Motion to Dismiss, Respondent requested that the action be summarily dismissed as filed beyond the statute of limitations, successive to his previous applications for post-conviction relief, barred by res judicata, and failing to meet the required elements of newly discovered evidence. A Conditional Order of Dismissal was filed on July 18, 2014, giving Applicant twenty (20) days to provide sufficient explanation or reason as to why the dismissal should not become final. Applicant was served with the Conditional Order of Dismissal on August 21, 2014. Applicant responded to the Conditional Order of Dismissal. Following this Court's review of Applicant's reply to the Conditional Order of Dismissal, this Court issued a Final Order of Dismissal on February 5, 2015, which was filed on February 12, 2015.

I.

Applicant filed this current motion, captioned "Motion to Alter or Amend The Judgment Pursuant to Rule 59(e) SCRCPP" on February 24, 2015. In his motion, Applicant raises issues of

newly discovered evidence and a Brady violation. Having carefully reviewed the entire record in this matter, this Court finds that there is no basis for altering or amending its prior ruling.¹

II.

Additionally, Applicant raises a new issue of a judicial conflict of interest. This Court finds that this allegation is not proper in a Rule 59(e) motion as it is an assertion of a new allegation. See Hickman v. Hickman, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990) ("A party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.")

Due to the nature of this allegation, this Court responds *arguendo* and finds that even if the Court were to entertain this allegation as a reason for a new trial, it is without merit. Applicant alleges in his current motion that the Honorable W. Jeffrey Young had a conflict of interest and should have recused himself from Applicant's current PCR action because Applicant was represented by Kenneth Young, Esquire, Judge Young's brother, in his second PCR action filed in 2000.² The 2000 PCR action was brought before the Honorable Howard King and was dismissed after Applicant withdrew the application. Ten years later, Applicant filed his third PCR action³ and Judge Young signed a Conditional Order of Dismissal and a Final Order of Dismissal, dismissing the action as being successive and filed beyond the statute of limitations.

To the extent that Applicant asks this Court to reconsider anything related to Applicant's 2010 PCR action, this Court finds these allegations are untimely and improper. In Applicant's current PCR action, Judge Young only signed the Conditional Order of Dismissal. This Court finds that a Conditional Order of Dismissal is not a final order of the Court and any issue surrounding

¹ The Court, in its discretion, has considered this matter based upon the motions submitted by the parties and the post-conviction relief file, since oral argument will not aid the Court in reaching its decision. See Rule 59(f), SCRCP.

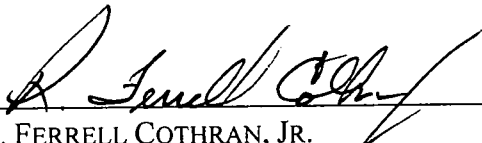
² C.A. #2000-CP-43-00186

³ C.A. #2010-CP-43-01088.

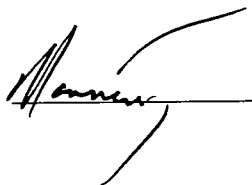
Judge Young's signing of the conditional order was remedied by the Honorable R. Ferrell Cothran, Jr.'s signing of the Final Order of Dismissal. Accordingly, in addition to being improperly brought before the Court, this allegation is without merit and does not require the Court to alter or amend its previous ruling.

This Court advises that if Applicant desires to secure appellate review of this Order and the Order of Dismissal, a notice of appeal must be filed and served **within thirty (30) days** of the service of this Rule 59 Order. Applicant is directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

AND, IT IS SO ORDERED this 6 day of April, 2015.



R. FERRELL COTHAN, JR.
Chief Administrative Judge
Third Judicial Circuit


_____, South Carolina