

EXHIBIT G-1

TIME LINE FLOW CHART

1. 7/15-16/2003 TRIAL
2. 7/18/03 - 4/15/04 Direct Appeal, (Voluntarily withdrawn)
3. 7/2/04 - PCR Filed
4. 2/16/05 PCR Evidentiary Hearing HELD
↑42DYS↓ PCR PENDING
5. 3/30/05 - DNA EVIDENCE DESTROYED/DISPOSED OF
EIGHT MONTHS (8) TWENTY EIGHT DAYS (28)
INTO PENDING PCR APPELLATE PROCESS
6 weeks / 42 days after evidentiary hearing
6. 8/12/06 - Final Order denying PCR Application -
PCR Appellate Process for first (1st) PCR
Complete - 1 YEAR 5 MONTHS 13 DAYS
AFTER DNA DESTRUCTION.

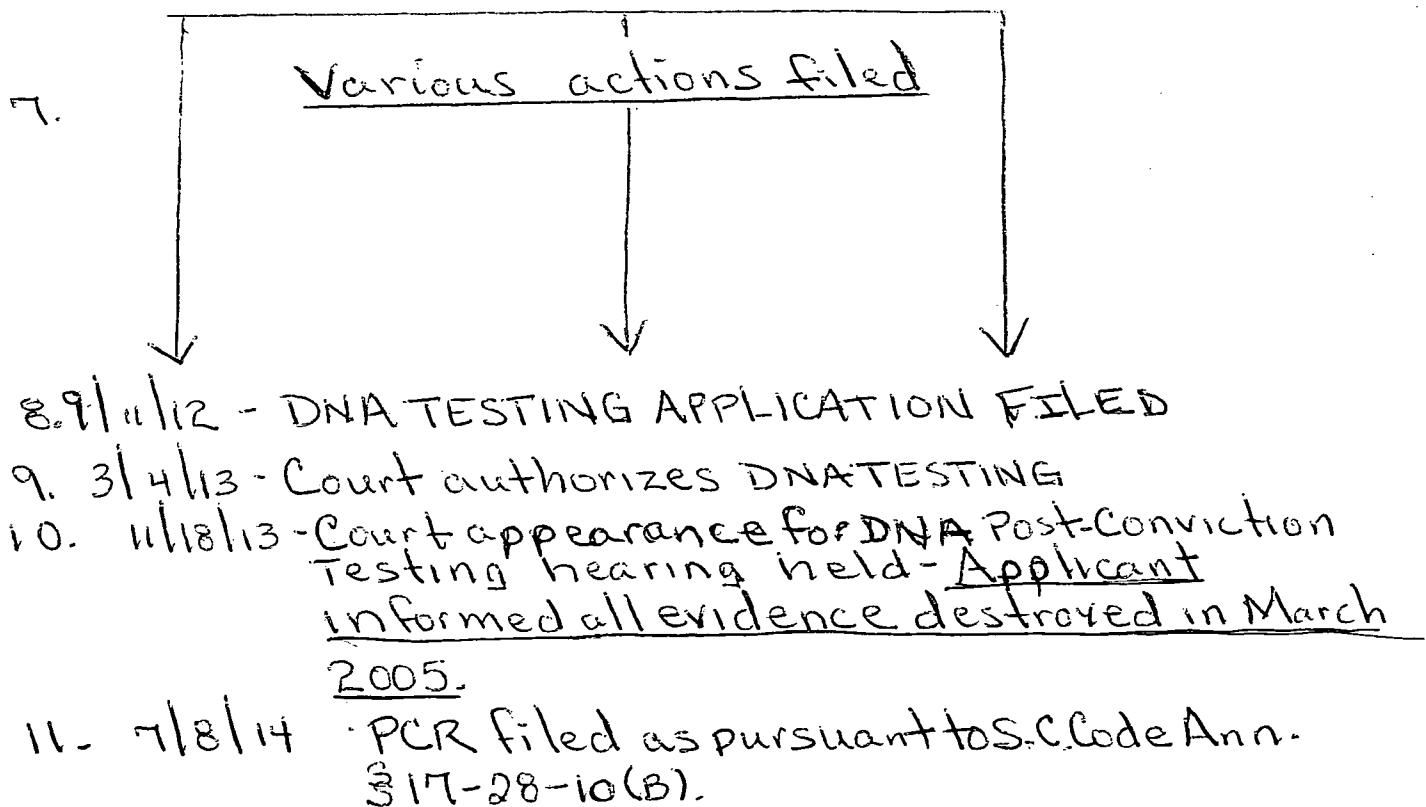


EXHIBIT 3-1(G)

Inventory Location: 00011 AUSTIN JM
Date & Time Ingressed: 04/21/2001 16:00
Ingressed Addr: 50000: 00
Case Number: 01-2001-061972 Report No: 01

No: 8 Unit:
City: GREENVILLE, SC
Case Type: 061. SEXUAL CRIMES
Prop Status: EVIDENCE-GS COURT

Item #	Qty	Item Type	Make/Model/Color	Property List	Description	Disp
01	A	01 0003 LYNEN-SHEETS/COMFORT		Val	BBD SHEET / PILLOWCASES	

Warrant #	Name	Warrant/Court Information
G453949	HARRIS, RONALD	DOB R S Offense

04/12/1957 B M CRIMINAL SEXUAL CONDUCT W/MINR 1ST DEGREE
 Status: Judge: Reid Date: 07/16/2003
 Trial/Guilty/Clerk Criminal

Disposition Type:
(Circle one)

DISPOSE OF

HOLD DEPOSIT

AUTHORIZATION FOR DISPOSITION

Items

Authorized By:

THOMAS R. AUSTIN
Please Print Name

Signature

THOMAS R. AUSTIN
Date

***** NOTE: PLEASE REPORT TO P&E TO SIGN ALL AUTHORIZATIONS FOR RELEASE TO OWNER. *****

EXHIBIT 3-1(8)

dt

UCPM003

Property Disposition Maintenance

(GCCJS)

Case No 01-2001-061972
Report Number 01

Investigating Officer 00011 AUSTIN JM
Control Number 000002664

Type of Disposition 002 DESTROYED

Released To: R#

Name L

Addr

C

Date/Time

Ty

F

Ty

S

Dir

Z

Value

No

M

Unit

S

\$0.00

Authorizing By:

Name 00011 AUSTIN JM

Date/Time 03/30/2005

Comment

Comment

4=Delete 7=Link Item 9=Link Rpt 10=Comment 11=Disconnect Item

Command ==>

F1=Ext. Help

F9=Find

F2=Desc

F10=Modify

F3=Exit

F5=Refresh

F11=Entry

F8=Update Stay

F12=Popup

F7=Backwards

CSC Kit

*where is chain of custody
paper wk for CSC*

*This one marked and admitted as evidence
exhibit 10 at trial. Required to be
maintained and kept by Clerk of
Court under Rule 606(c)(1)(B)*

Ellen M. Clark

DISPOSAL

SEP 25 2012

EXHIBIT 3-1(a)

UCPR003T
03/30/2005

Property and Evidence Disposition Report for the Period of 01/01/1980 to 03/30/2005

Page 2

Investigating Officer: 00011 ADSTIN JM
Date & Time Impounded: 04/23/2001 14:45
Impounded Addr: GROVE RD

No: 701 Unit:
City: GREENVILLE, SC

Case Number: 01-2001-061972 Report No: 02

Case Type: 061 SEXUAL CRIMES
Prop Status: EVIDENCE-GS COURT

No	Name	Ty	Description	Name List	D#
02	XXXXXXXXXX	03	VICTIM		00

R#	Item S#	Qty	Item Type	Make/Model/Color	Property List	Description	Disp
02	A	01	0001 SEXUAL ASSAULT COLLE	Storage: REF	Val	CHILD'S CSC KIT	Out

AUTHORIZATION FOR DISPOSITION

Disposition Type: DISPOSE OF HOLD DEPOSIT
(Circle one)

Items

Authorized By: Jessie R. Austin
Please Print Name
Jessie R. Austin
Signature
JA 11
Car No. Date 3/2/05

NOTE: PLEASE REPORT TO P&E TO SIGN ALL AUTHORIZATIONS FOR RELEASE TO OWNER.

*where is chain of custody
for CSC kit*

Ronnie Harris #294716
 Kershaw Corr Inst. MB-32
 4848 Goldmine Hiway
 Kershaw SC 29067

March 16 2015
 File No 2001RH001-031615-C
 Third request

Honorable Paul B. Wickensimer
 Clerk of Court, Greenville County
 305 East North St., Ste-224
 Greenville SC 29601

Re: 2001-GS-23-7069, 2003-GS-23-2960

Dear Honorable Clerk:

Your letter dated 3/5/15, postmarked 3/10/15 was received by me 3/13/15.

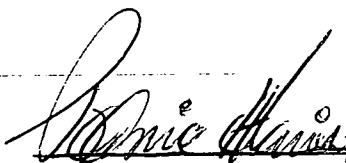
Pursuant to the provisions set forth in S.C. Code Ann. § 30-4-10 et seq. I am formally requesting the following public information with regard to the above referenced:

- 1) All documentation as it pertains to and relates to State's Exhibit No. 10 described as a "Child Assault Evidence Kit" admitted into evidence at trial on July 15-16 2003 and so recorded, and noted as retained by the Clerk of Court for Greenville County within the index of the trial transcript for the above referenced.
- 2) All Chain of Custody documentation for the evidence Exhibit, retained or previously retained by your office as it relates and pertains to State's Exhibit No. 10.

This Exhibit, once it was admitted and accepted into evidence as it was at trial, became the direct responsibility of the Office of the Clerk to preserve, maintain and be accountable for regarding any action taken regarding it's disposition of being/existence, it's handling and movement, as outlined and prescribed in SCACR 606 (C)(B).

Pursuant to SC Code Ann. § 30-4-30 (C), please respond to this request for public information within fifteen (15) days. Your assistance will be appreciated. Thank you.

Sincerely,



Ronnie Harris #294716
 Kershaw Corr Inst. MB-32
 4848 Goldmine Hiway
 Kershaw SC 29067

e



Office of the Clerk of Court
Greenville, South Carolina
Paul B. Wickensimer
Clerk of Court

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

March 26, 2015

Ronnie Harris #294716
Kershaw Correctional Inst.
4848 Goldmine Hwy
Kershaw, SC 29067

Re: Freedom of Information Act Request – State’s Exhibit 10 “Child Assault Evidence Kit”; 2001-GS-23-7069, 2003-GS-23-2960

Dear Mr. Harris:

3rd reg. court

Your letter postmarked 3/20/2015 was received 3/25/2015. You have requested documentation on the above referenced exhibit. The Clerk of Court records do not include the above referenced exhibit for the above referenced cases.

Sincerely,
Clerk of Court
Greenville County General Sessions

who has Ev. 10?

Ronnie Harris # 294716
MB-32 Kershaw Corr Inst
4848 Goldmine Hwy
Kershaw SC 29067

May 18, 2015
mailed 5/19/15

Greenville County Sheriff's Dept.
Property & Evidence Dept./Div.
4 McGee St
Greenville SC 29601

Re: Freedom Of Information Act Request
Your Case No.: 01-61972

To whom it may concern:

This is a formal request for public information under the Freedom of Information Act.

On February 19 2015 by my correspondence to your Department, I requested information regarding evidence collected in the above referenced case by Investigator James Riley Austin on April 23 2001. seeking documentation, records and information pertaining to such evidence collected, requesting your response within thirty (30) days. As of this correspondence, no response or reply has come forth. (copy enclosed for your reference).

Pursuant to the provisions set forth in S.C. Code Ann. § 30-4-10 et seq., I am formally requesting the following public information under the Freedom of Information Act:

1) All documentation as it pertains to and relates to all the evidence collected in the above referenced case; specifically but not limited to the bedding items (the bed sheet(s) and two (2) pillow cases that were collected at the alleged crime scene and residence of the defendant by Investigator James Riley Austin on April 23 2001. "packaged and placed in a secure location at property and evidence... they were taken back to the LEC and placed in property and evidence..." as testified to by Investigator Austin at trial July 15-16, 2003.

2). Any and all documentation and records and information concerning all of the physical evidence and biological material collected, it's physical location (whereabouts), care, storage, preservation, any and all movements (chain of custody) and dispositions (decisions) of storage and/or maintenance (disposal)

3). The information as requested in my February 19, 2015 correspondence to your office, referring to the ~~January~~ January 12, 2015 request submitted to the Clerk of General Sessions Court, Greenville County that your office as well provide the same information as requested of the Clerk's Office, all inclusive, again is now made of your Office/Department to be forwarded to me -

4). Any and all other documents records and information as it is relevant and applies to the referenced case, pertaining to evidence.

Pursuant to S.C. Code Ann. § 30-4-30(c), please respond to this request for public information within fifteen (15) days. Your assistance will be appreciated.

Thank you.

Sincerely

RH.

Ronnie Harris #294716
MB-32 Kershaw Corr. Inst.
4848 Goldmine Hiway
Kershaw SC 29067

Encl.: _____



Office of the Clerk of Court
Greenville, South Carolina

Paul B. Wickensimer
Clerk of Court

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

January 23, 2015

Ronnie Harris #294716
Kershaw Correctional Inst.
4848 Goldmine Hwy
Kershaw, SC 29067

Dear Mr. Harris:

Your letter postmarked 1/12/2015 was received 1/15/2015. Please be advised that the Clerk of Court is custodian of evidence only for exhibits admitted during at trial. While we do register with the South Carolina Department of Corrections as exhibit custodians, you will have to request documentation of them as we are not provided with any type of documentation to show we have registered.

Please address your request for chain of custody documentation to the Greenville County Property & Evidence department.

No petitions have been filed with the Clerk of Court regarding disposing of evidence in your cases, nor has any information regarding hearings of that nature been provided to our office.

Enclosed please find a copy of your clocked letter as you requested.

Sincerely,
Clerk of Court
Greenville County General Sessions

Ronnie Harris #294716
MB-32 Kershaw Corr. Inst
4848 Goldmine Hiway
Kershaw SC 29067

Mar 18, 2015

mailed US postal
SVC
10 HQ
5/19/15

South Carolina Dept. of Corrections
Division of Operations
4444 Broad River Rd
Columbia SC 29210

Re: Ronnie Harris, SCDC # 294716
Docket / Case Nos. 2001-GS-23-7069, 2003-GS-23-2960
Freedom Of Information Act Request

To whom it may concern:

This is a formal request for public information under the Freedom Of Information Act.

Pursuant to the provisions set forth in S.C. Code Ann § 30-4-10 et. seq., I am formally requesting the following public information:

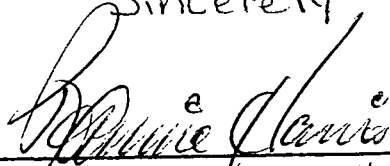
- 1) Copies of all documentation pertaining to and showing the appointment of and registration of the "Custodian" of evidence, as required pursuant to S.C. Code Ann. § 17-28-330(A) "Registration As Custodian of Evidence", by the definition of the "Custodian of Evidence" as set forth in S.C. Code Ann. § 17-28-310(2)
- 2) Copies of all documentation pertaining to the Chain of Custody of the physical evidence and biological material while in the Registered Custodian's Care, pursuant to S.C. Code Ann. § 17-28-320(B)(1), all documentation used and maintained to locate the physical evidence and biological material. S.C. Code Ann § 17-28-320(B)(2) and copies of, or a complete detailed information outline as to how, where and the conditions maintained to preserve the forensic integrity of the physical evidence and biological material, S.C. Code Ann § 17-28-320(B)(3).
- 3) Copies of any and all petitions for (and seeking) an "Order to Dispose" and any accompanying attachments submitted to the Court seeking the destruction of physical evidence and biological material S.C. Code Ann. § 17-28-340(A), copies of any and all "Certificates of Service" of those served S.C. Code Ann § 17-28-340(C) copies of any and all responses which may have been received with regard to such petitions. S.C. Code Ann. § 17-28-340(D), which may have been submitted to your office by the registered Custodian.

Under the "Access To Justice Post Conviction DNA Testing Act", § 17-28-330 (A) mandates "After a person is convicted or adjudicated for at least one of the offenses enumerated in Section § 17-28-320, a Custodian of evidence shall register with the South Carolina Dept. of Corrections, or the Dept. of Juvenile Justice, as applicable, as a custodian of evidence for physical evidence or biological material related to the person's conviction or adjudication.

This request for information is being made to your office as the Clerk of Court Greenville County has informed me of your office's involvement with the registration of Custodianship (See enclosed correspondence).

Pursuant to S.C. Code Ann. § 30-4-30, please respond within fifteen (15) days to this request. Your assistance will be appreciated.

Sincerely,



Ronnie Harris # 294716
MB-32 Kershaw Corr. Inst
4848 Goldmine Hiway
Kershaw SC 29067

Encl.: _____



**Greenville
County**

Office of the Clerk of Court

Greenville, South Carolina

**Paul B. Wickensimer
Clerk of Court**

Circuit Court Division
Greenville County Courthouse
305 East North Street
Greenville, South Carolina 29601
(864) 467-8551 FAX (864) 467-8540

March 5, 2015

Ronnie Harris #294716
Kershaw Correctional Inst.
4848 Goldmine Hwy
Kershaw, SC 29067

Re: 2001-GS-23-7069, 2003-GS-23-2960

Dear Mr. Harris:

Your letter postmarked 2/20/2015 was received 2/27/2015. Below please find the contact information you requested for SCDC custodial registration.

Division of Operations
4444 Broad River Rd.
Columbia, SC 29210

Regarding the other issues addressed in your letter please be advised that the Clerk of Court cannot provide legal counsel, investigation, instruction, or advice. Please contact your attorney regarding these matters.

Sincerely,
Clerk of Court
Greenville County General Sessions

R- 2015
Ronnie Harris #294716
MB-32, Kershaw Corr. Inst.
4848 Goldmine Hiway
Kershaw SC 29067

May 1 2015

Honorable Paul B. Wickensimer
Clerk of Court, Greenville County
305 East North St
Greenville South Carolina 29601

Re: Ronnie Harris v State, 2014-CP-23-3759

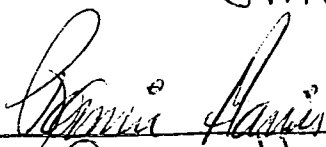
Dear Honorable Clerk:

Enclosed please find MOTION TO ALTER OR AMEND
JUDGEMENT UNDER 59(e) SCRPC, with regard to
the above referenced and Final Order of Dismissal
of April 13, 2015.

Please file this action and return a certified, true
and correct copy, all inclusive, of same to me. This
request for certified authenticated copies is made
pursuant to RULE 901 SCRE, as I intend to introduce
the authenticated copies into evidence at any Court
proceedings which may be forthcoming regarding
this matter.

Thank you for your assistance in this matter.

Sincerely,



Ronnie Harris #294716

U.S. Mail, documents dated March 6, 2015, referenced to by the Attorney General as Proposed original Final Order of Dismissal, without Certificate of Service, but attaching the same January 15, 2015 Affidavit of Personal Service as received previously, as discussed in Item 2 of this document. SEE EXHIBITS B-1 - B-2(i) - B-2(5)

5. On March 18, 2015 the Applicant responded to this proposed Original Final Order of Dismissal with his submission of his Instrument entitled "Response To Proposed Final Order of Dismissal", containing four (+) exhibits of official documentation from the Greenville Sheriff's Department clearly verifying and supporting the Applicant's assertion of fact of: (A) The destruction of the Applicant's DNA evidence during the pendency of his on going legal action, specifically his appellate process seeking Post-Conviction Relief, and (B) supporting documentation, in support of the Applicant's claim of newly discovered evidence.

In this Instrument of March 18, 2015 (Response to Proposed Final Order of Dismissal), the Applicant specifically requested by Motion within that Instrument, that the Court have the Respondent properly and correctly address the fact of the DNA Evidence being destroyed during pending relief efforts and processes; by rebutting with fact and truth and law, or concede. SEE EXHIBIT C-1(i) - C-1(4)

The Court nor the Respondent have acknowledged or responded to this Instrument and request for proper addressment.

6. The Applicant again MOVES that the Court and the Respondent properly and correctly address the fact of the DNA destruction occurring while relief and appellate processes were pending, not after his first PCR hearing in 2005 as the Court and state have addressed inaccurately.

7. The Applicant also MOVES that the Court and Respondent correctly and properly address their assertion of how the Applicant could possibly have "had the opportunity to litigate all issues related to his case at the evidentiary hearing for his first PCR application on February 16, 2005".

It is literally impossible to present, litigate and argue any "facts and occurrence" that have not yet taken place.

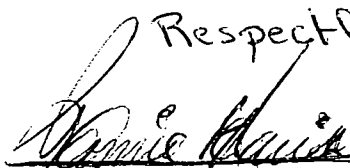
The Applicant posed the question in his March 18, 2015 Instrument of how could it be possible for him to present such a claim if the facts were not made known until over nine (9) years of (later) the filing of the PCR application, and over eight years (8) after the hearing. There is absolutely no way the Applicant could have presented this Claim of DNA and it's destruction at his February 2005 hearing.

By exhibit G-1, the Applicant presents a timeline of events regarding his pursuit of appellate processes to include and show the destruction of his DNA evidence while/during the pendency of his PCR appellate process, not after, as the Respondent and Court have addressed. This as well is supported by the official documentation verifying its destruction, including one (1) particular and crucial article of evidence admitted into evidence as "Exhibit 10" by the state and Court during the Applicant's trial. This Exhibit 10 once admitted by the Court at trial, was required to be in the custodial care of the Clerk of Court as prescribed and mandated by SCACR 606 (C) (1) (B), Retention And Disposition of Exhibits In The Circuit And Family Courts, (C) Retention Period by Clerk. The Applicant presents documentation from the Clerk of Court, Greenville County as well, to show their declaration of never having the exhibit and no record of such maintenance. All of the aforementioned constitutes and creates violations of Applicant's USCA 14 rights. The Applicant request the Court to review the attached exhibits and documentation, and amend and alter its Order of Dismissal appropriately, correcting all factual errors brought forth within this Instrument.
SEE EXHIBITS D-1 through F-2 inclusively.

CONCLUSION

The Applicant seeks that this Court will amend and alter its decision and findings, allowing this application to go forth in the interest of Due Process, Fairness, and Justice, and alleviate the violations of the Petitioner's Constitutional Rights under USCA 14 - Due Process.

Respectfully Submitted,


Ronnie Harris #294716
Applicant

Encl./Attachments: _____

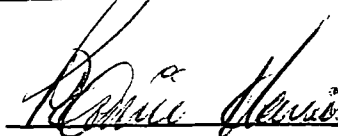
CERTIFICATE OF SERVICE

I, Ronnie Harris, hereby certify and affirm by my signature below on the 4 day of MAY 2015, have served a true copy of the foregoing "MOTION TO ALTER OR AMEND JUDGEMENT UNDER SCREP 59(e)

on the following party to this matter by Interdepartmental mail service provided by the South Carolina Department of Corrections, by depositing the same in the mail receptacle provided at Kershaw Correctional Facility, 4848 Goldmine Hiway, Kershaw South Carolina.

The party served: Karen C. Ratigan, Senior Assistant Deputy Attorney General, P. O. Box 11549, Columbia, S.C. 29211-1549.

The matter of Ronnie Harris v State of South Carolina, 2014-CP-23-3759, is the concern and matter being served.



Ronnie Harris # 294716
Applicant

Kershaw Corr. Inst., MB-32
4848 Goldmine Hiway
Kershaw SC 29067

May 4, 2015

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Ronnie Harris,)
 S.C.D.C. No. 294716,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 2014-CP-23-3759

**RETURN TO MOTION TO ALTER
 AMEND THE ORDER OF DISMISSAL**

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSIMMER
 2015 MAY 21 PM 2 10

Respondent, by and through undersigned counsel, making its Return to Applicant's "Motion to Alter or Amend Judgement Under 59(e), SCRCF" filed March 7, 2015, would respectfully show unto this Court:

1. The matter is before the Court by way of a post-conviction relief (PCR) application that was filed on July 8, 2014.
2. Respondent submitted a return on December 5, 2014, requesting the application be summarily dismissed based upon the expiration of the statute of limitations and the presumption against successive PCR applications.
3. Respondent also submitted a conditional order of dismissal for review by the Chief Administrative Judge for the Thirteenth Circuit.
4. The conditional order of dismissal was thereafter signed by the Honorable Letitia H. Verdin and filed December 23, 2014. The conditional order of dismissal was personally served upon Applicant on January 15, 2015.
5. After Applicant filed a document captioned "Applicant's Response to Conditional Order of Dismissal," Respondent submitted a proposed final order to this Court on March 6,

2015. The Applicant filed a “Response to Proposed Final Order of Dismissal” on March 27, 2015. The final order was signed by this Court on April 13, 2015 and filed on April 16, 2015.

6. Applicant moves this Court to alter or amend the final order of dismissal, stating the Court should “address the fact of the DNA destruction occurring while relief and appellate processes were pending, not “after his first PCR hearing in 2005.” Applicant argues he could not have litigated this issue at his first PCR hearing.

7. Respondent submits this motion should be denied and dismissed.

8. The Applicant’s current PCR application was untimely because the statute of limitations expired on April 15, 2005.

9. This is the Applicant’s third PCR application and thus is a successive PCR application. Respondent submits the Applicant could have challenged any issues related to DNA (and could have filed a motion for funds in order to perform a DNA analysis on any evidence) prior to the hearing on his first PCR application on February 16, 2005.

10. The Applicant failed to successfully demonstrate the existence of newly-discovered evidence that satisfied the five-part test set forth in Hayden v. State, 278 S.C. 610, 299 S.E.2d 854 (1983).

11. Respondent submits this Court need not address the arguments addressed in the Motion to Alter or Amend, as they are not germane to any PCR action and do not fall within the grounds for relief provided for in the Uniform Post-Conviction Procedure Act (S.C. Code Ann. § 17-27-20(a) (2003)).

12. Respondent submits the final order incorporated all of the specific findings set forth in the conditional order of dismissal.

13. Respondent submits this Court fully reviewed and properly ruled upon all issues

raised in the PCR application and “Applicant’s Response to Conditional Order of Dismissal” and that the Motion to Alter or Amend should be denied.

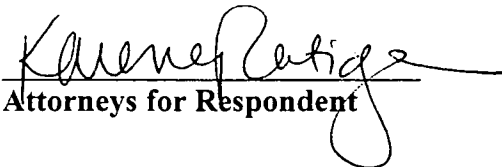
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By: 
Attorneys for Respondent

May 18, 2015

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Ronnie Harris # 294716
Applicant

v

State of South Carolina
Respondent

IN THE COURT OF COMMON PLEAS
2014-CP-23-3759

APPLICANT'S RESPONSE TO
RESPONDENT'S RETURN TO
MOTION TO ALTER OR AMEND
THE ORDER OF DISMISSAL

Applicant in making his response to the Respondent's Return as captioned/referenced above, respectfully submits/presents to this Court this response to justifiably show cause by/with argument as to the reasonableness why the Applicant has filed for this Post-Conviction Relief action.

1. First and foremost, the Respondent has not conceded to nor addressed the unambiguously proven actual fact of the destruction of the Applicant's evidence taking place while pending litigation and Post-Conviction Relief efforts were in process, thus denying the Applicant opportunity to, as well as his rights protected and guaranteed under USCA 14 - due process. This shows and demonstrates deliberate avoidance of substantiated fact of the Laws of South Carolina, violated and broken by those in place to ensure the laws of this State.

Within the judicial system there is a standard of integrity which must be maintained and upheld to ensure fairness, protection of the rights guaranteed under both the United States Constitution and State of South Carolina Constitution as well as all that they represent in rights, liberty and law. The Respondent's representative has the responsibility of a minister of justice, not simply that of an adversary or advocate of such adverse actions when error has been shown, or proven and demonstrated. This responsibility carries with it specific obligations to see that those entitled to the protection under law and constitution are accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.

The Applicant here by seeks direct, concise factual addressment, either denying or conceding this fact by the Respondent (the State of South Carolina), and its Counsel

representative within the South Carolina Attorney General's Office. Anything less should be considered as extrinsic fraud by the Court.

2. This matter was filed before the Court as allowed by the Access To Justice Post-Conviction DNA Testing Act, pursuant to S.C. Code Ann. § 17-28-110(B) which allows for the filing of Post-Conviction Relief. "...Nothing in this Article prohibits a person from filing an application for Post-Conviction Relief pursuant to Chapter 27 Title 17. In this Chapter 27 Title 17, it clearly sets forth and establishes in S.C. Code Ann. § 17-27-90 "...any new ground raised in subsequent application could not have been raised by him (applicant) in previous application." The Applicant did not know and could not have known of this breach of the law and injustice in 2004/2005. The issue was clearly put forth in the Applicant's March 27 2015 Response To Proposed Final Order of Dismissal. It is virtually as well as literally impossible to litigate situation and circumstance unknown to a party. How can the Applicant present what he does not know to exist? Yet once discovered and made aware of by the judicial system that is in place by the State of South Carolina, the Applicant has taken the avenues of action made available to him. Thus the application filed is not successive as the Respondent attempts to assert before the Court, but in fact filed this application for Post-Conviction Relief based on "...material facts not previously presented or heard, within one (1) year after the date of actual discovery of the facts by the applicant..."

3. The Respondent puts forth "...the Applicant could have challenged any issues related to DNA (and could have filed a motion for funds in order to perform a DNA analysis on any evidence) prior to the hearing on his first PCR application on February 16, 2005.

The Applicant submits that as a pro se litigant, he should not be held to the same high standards as members of the bar as he is not trained in the art of law, therefore such option(s) were unknown at that time to the Applicant, and should not be expected. See Erickson v Pardus 551 US 89, 94 (2007) and Gordon v Lee 574 F.2d 1147, 1151 (4th Cir 1978). "The pro se litigant is not held to the same high standard as a member of the bar. But he must nevertheless meet certain standards including any good faith attempt to comply with rules."

The Respondent has "suggested" "...the Applicant could have filed a motion for funding..." The suggestion of such is considered by the Applicant as moot, as a motion.

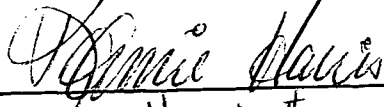
submitted to the Court in 2005, three (3) years prior to the DNA Post-Conviction Act even being presented or introduced to the State legislature for approval of funding, is abstract thinking. The Post-Conviction DNA Testing Act was presented in 2008, and passed and enacted in 2009, remained without State appropriation and funding for three (3) years after it's passing into law until early 2012 when funding was finally made available by the State for applicants to seek such relief. The suggestion by/of the Respondent that seeking funding to perform DNA analysis in 2005 is impractical, and borderline "bootstamping", to present such scenario of meritless value.

4. The Applicant submits that the standards and five-part test set forth in Hayden v State 278 SC 610, 299 SE 2d 854 (1983) concerning newly discovered evidence should not be applied, but that the applicability of SC Code Ann. §17-27-90 should apply.
5. The Respondent has submitted that the Court need not address the arguments put forth in the Motion to Alter or Amend, suggesting, they are not germane. ... "The Applicant strongly disagrees and brings forth that ALL grounds/issues/and arguments brought forth in the Motion to Alter or Amend are relevant, appropriate and have significant bearing on the matter before the Court. Most importantly the Respondent's and Court's proper addressing of it's concise denial or conceding of the fact of the destruction of the Applicant's evidence during the ongoing, pending appellate processes of Post-Conviction Relief efforts of his first initial filing.
6. This is presented and submitted based on comity to allow the State to consider this federal claim at issue, the denial of due process under USCA 14 as guaranteed; alerting the State Court to the federal nature of the claim. See Picard v Conner, 404 US 270 275, 92 S Ct 509 (1971), and Baldwin v Reese, 541 US 27, 29, 124 S Ct. 1347 (2004). See also Baker v Corcoran 220 F3d 276, 289 (4th Cir 2000) quoting Mathews v Evatt 105 F 3d 907 911 (4th Cir 1997), "...fair presentation mandates that federal claim be presented face up and squarely."

CONCLUSION

The Applicant respectfully request with all sincerity towards the interest of justice and fairness that this Court review ALL documentation and exhibits submitted within the Motion to Alter or Amend as well as this submittal, and reconsider it's decision ordering dismissal; evaluate and concisely address by either denying or conceding the fact of evidence destruction during ongoing and pending appellate processes, and in the interest of justice and fairness allow the Applicant to proceed forth with Post-Conviction Relief efforts, or set forth and order for a new trial.

Respectfully submitted,

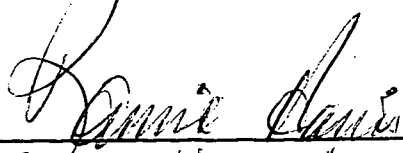


Ronnie Harris #294716
Applicant

May 28 2015

CERTIFICATE OF SERVICE

I hereby certify and affirm by my signature below, that I, Ronnie Harris, on the 28 day of May, 2015, served a true copy of the foregoing APPLICANT'S RESPONSE TO RESPONDENT'S RETURN TO MOTION TO ALTER OR AMEND THE ORDER OF DISMISSAL on Karen C. Ratigan, Senior Assistant Deputy Attorney General, South Carolina Attorney General's Office, P.O. Box 11549, Columbia SC 29211-1549, by depositing the same in the United States Mail, First-Class postage pre-paid, in/by the mail receptacle provided at Kershaw Correctional Institution, 4848 Goldmine Hiway, Kershaw S.C. 29067.



Ronnie Harris, #294716
MB-32, Kershaw Corr. Inst.
4848 Goldmine Hiway
Kershaw SC 29067
Applicant

May 28, 2015

EXHIBIT C-1 (1)STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLERonnie Harris, SCD#294716
Applicant

v

State of South Carolina
RespondentIN THE COURT OF COMMON PLEAS
2014-CP-23-3759RESPONSE TO PROPOSED FINAL
ORDER OF DISMISSAL

This matter is respectfully presented before the Court, the Honorable Letitia H. Verdin, within her capacity as Chief Administrative Judge, seeking review and consideration as to not dismiss the Applicant's application for Post-Conviction Relief, but instead allow the issues at hand be heard by evidentiary hearing, or at the Court's discretion, remand to trial based on the arguments and evidence presented herein.

The Respondent has failed to properly address the facts asserted by the Applicant as required by Fed. Rules of Civil Procedure 56(e) regarding the DNA Evidence from his 2003 trial. The Respondent addresses this fact in the document captioned "FINAL ORDER OF DISMISSAL" as being destroyed "after" his first PCR hearing in 2005. The actual documented fact is that all of the evidence was destroyed in the midst of his pending, unadjudicated, undecided PCR application appellate process that was awaiting a decision and final order from Judge John C. Few. The first PCR was filed July 2 2004, evidentiary hearing on February 16, 2005, the evidence destroyed March 30 2005 (six (6) weeks forty-two (42) days after the evidentiary hearing), final Order of Denial/Dismissal issued by Judge Few August 12, 2006 (One (1) year five (5) months after the destruction).

This clearly violates South Carolina state laws as well as Federal law, as South Carolina statutes alone require evidence preservation, S.C. Code Ann. §17-28-320(A)(B)(C).

§17-28-320(A) "A custodian of evidence must preserve all evidence physical evidence and biological material related to the conviction or adjudication of a person for at least one of the following offenses: ... (10) Criminal Sexual Conduct ... (13) Criminal sexual conduct w/minor (§16-3-655) ..."

§17-28-320(B) "The physical evidence and biological material must be preserved (1) subject to a chain of custody..."

§17-28-320(C) "The physical evidence and biological material

MUST be preserved until the person is released from incarceration, dies while incarcerated or is executed for the offense enumerated in subsection (A). However if the person is convicted or adjudicated on a guilty plea or nolo contendere plea for

EXHIBIT C-1(2)

For the offense enumerated in Subsection (A) ... must be preserved for seven years from the date of sentencing or until the person is released from incarceration ...

S.C. Code Ann. § 17-28-340(A)(2) clearly mandates the Custodian of evidence may petition the Court for the destruction of such evidence: "DNA evidence was previously introduced at trial and found to be inculpatory and all appeals and post conviction procedures have been exhausted" (emph. added). Clearly the Applicant's post-conviction procedures were not exhausted. Thus, the destruction has clearly violated South Carolina Statute of law.

SCACR 606(C)(B) clearly stipulates "the Clerk (of Court) shall retain exhibits ... if an appeal is taken for eighteen (18) months after remittitur is sent by the appellate Court ..." Although the Applicant withdrew his direct appeal, he did file for Post-Conviction Relief, an action recognized by South Carolina Statute and the Courts as a liberty seeking appellate relief action. Please note, the Applicant's evidence was considered exculpatory.

The Respondent has failed to refute or concede this fact in the Proposed Order of Dismissal concerning the violation of law, the Applicant's assertion of destroying critical relevant evidence while appellate processes were pending, thereby demonstrating evasiveness of the issue. The enclosed documentation fully substantiates the asserted factual claims as to the Applicant's evidence being destroyed unlawfully on March 30, 2005 while awaiting Judge Few's final decision and order issued August 12, 2006.

The Applicant hereby makes motion, requesting the Respondent properly address this fact of the evidence being destroyed during pending relief effort and processes with a more definitive specific statement(s) in addressing this fact, either concededly or rebutting with fact and truth.

TIMELINESS

The Applicant again asserts his position concerning the matter of timeliness as first set forth in his February 16, 2015 response. The Applicant recognizes SC Code Ann. § 17-27-45(a). However, as the Respondent implies that the limitation of one (1) year should have expired in April 2005 by its mention of the South Carolina Court of Appeals dismissal (honoring the Applicant's request to withdraw) on April 15, 2004. Yet the Courts (South Carolina Supreme Court, Common Pleas of ~~Horry County~~ and Greenville County continued to allow filings and proceedings since the August 2006 PCR final Order, thereby proving the argument presented by the Respondent is moot being without merit, deprived of practical significance.

SUCCESSIVENESS

The Applicant contends very simply with this question - How could he put forth this issue - the facts and basis of putting "all issues" in the initial PCR application and to litigate such is literally impossible when the Applicant has no indication or information pertinent to the claims presented. The fact of evidence destruction was not made known until the Applicant is appearing in General Sessions Court November 18, 2013; and the Access to Justice Post Conviction DNA Testing Act wasn't in existence in 2004 when the Applicant filed his initial application for Post-Conviction Relief which is what led the Applicant to the discovery of his evidence being destroyed. Had it not been for those proceedings of November 18, 2013, the Applicant would have never known his evidence had been destroyed, as the State nor the Clerk of Court notified him of their desire or intent to seek destruction as mandated in S.C. Code Ann. § 17-28-340(A)(C)(D)(E)(F) and allow him opportunity to respond as mandated.

This has created the situation of the newly discovered evidence and information, The Applicant's recourse to attempt resolution and prove his actual innocence by the filing of application for Post-Conviction Relief. SC Code Ann § 17-27-45(c) clearly states "If the applicant contends that there is evidence of material facts not previously presented and heard... the application must be filed within one (1) year after the date of actual discovery of the facts by the applicant..." Thus the Applicant has done so, as he discovered these facts November 18, 2013, and filed his application July 8, 2014, eight (8) months after his ascertainment of such.

S.C. Code Ann 17-28-110(B) allows for the filing of Post-Conviction Relief, "Nothing in this Article prohibits a person from filing an application for Post-Conviction Relief pursuant to Chapter 27 Title 17."

SC Code Ann 17-27-90 establishes that "any new ground raised in subsequent application could not have been raised by him (applicant) in previous application."

It is impossible to put forth information/grounds before the knowing of it's existence. - The Applicant could NOT have known any of this in the filing of his initial application of July 2, 2004 therefore it would have been and was, impossible to litigate this issue at that "one bite at the apple".

The Applicant respectfully request the Respondent to submit a properly prepared finding of fact and law with regard to the assertion put forth stating that DNA evidence had been destroyed after the Applicant's first PCR hearing rather than during the relief process.

The Applicant also request that the Court would allow this application to go forth without dismissal prior to hearing allowing the Applicant an opportunity to Due Process, Fairness and Justice.

Respectfully submitted,



Ronnie Harris # 294716
Applicant

March 18th 2015

Encl.: 4

EXHIBIT C-1 (5)

CERTIFICATE OF SERVICE

I hereby certify that I, Ronnie Harris, on the 18th day of March 2015, have served a copy of foregoing RESPONSE TO PROPOSED FINAL ORDER OF DISMISSAL, by the United States Postal Service, First-Class Mail, postage pre-paid on the following: Karen C. Ratigan, Senior Assistant Deputy Attorney General, P.O. Box 11549, Columbia South Carolina, 29211, by depositing in the mail room of the undersigned's institution as listed and shown below my signature; This service includes all attachments and enclosures associated with the said document.

Ronnie Harris

Ronnie Harris # 294716
Prose Applicant

Kershaw Correctional Inst, MB-32
4848 Goldmine Hiway
Kershaw SC 29067

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Ronnie Harris, #294716)
Applicant)

IN THE COURT OF COMMON PLEAS
2014-CP-23-3759

v

State of South Carolina
Respondent

APPLICANT'S RESPONSE TO
CONDITIONAL ORDER OF
DISMISSAL

FILED IN CLERK'S COURT
GREENVILLE, S.C.
PAUL E. MOORE, CLERK
2014 FEB 15 4:43

In response to the Court's Conditional Order of Dismissal of the Applicant's Post-Conviction Relief application filed July 8, 2014, the Applicant respectfully submits the following:

I

The Applicant seeks this Court's consideration in the interest of justice and due process; and ask that it not dismiss the application for Post-Conviction Relief but instead grant the Applicant leave as to proceed and have his issues of recent discovery brought forth and heard before a Post-Conviction evidentiary hearing.

II

The Applicant is now aware of information that through and by his determined research bears substantial meaning and merit. Since his trial and sentencing of July 15, 2003, his Post-Conviction efforts of July 2003 by Direct Appeal, Post-Conviction Relief Applications of July 2, 2004 and October 5, 2010 and his petition

For writ of habeas Corpus in the United States District Court for the District of South Carolina, the Applicant is now aware of information that is required to be documented, recorded and reported by and contained within forensic analyses and determinations. Specifically that the lab data and forensics reported by SLED, Serology and DNA Analysis Department's analyst are to include all and as much specific, definitive identifying information that can be determined, reported and recorded, and all elements found (i.e.: fluids, stains, bodily fluids) be identified and defined as to it's source, including mixture, when determination can be made.

In addition, the Applicant became aware of the 2008 Access To Justice Post-Conviction DNA Testing Act in August 2012 available to him under S.C. Code Ann. § 17-28-10. The Applicant filed his application for such, petitioning, the Court of General Sessions, Thirteenth Judicial Circuit, County of Greenville, September 11, 2012.

The Honorable Letitia H. Verdin issued an Order Granting the Applicant's application for testing on March 4, 2013.

The Applicant appeared in Court (General Sessions) on November 18, 2013 with regard to his application, represented by Mr. Christopher Scalto of the Greenville County Public Defender's Office.

At this appearance of November 18, 2013 the Applicant was informed that the physical evidence and biological material pertaining to and directly relevant to his trial, conviction, sentencing and Post-Conviction efforts had been destroyed and

III

and disposed of on March 30, 2005, authorized by investigator James Austin, who was the primary investigating officer as well as the collector of the physical evidence (sheet and pillow cases), in the Applicant's case in 2001.

This March 30, 2005 disposal and destruction of the Applicant's physical evidence and biological material took place eight (8) months twenty-eight (28) days after the Applicant's initial Post-Conviction Relief filing of July 2, 2004, which was still under consideration from the February 16, 2005 evidentiary hearing, and forty-two (42) days after the evidentiary hearing, and one (1) year five (5) months prior to the final Order of dismissal dated August 12, 2006, issued by the Honorable John C. Few. This destruction and disposal of relevant exculpatory evidence critical to the Applicant's case has denied the Applicant access to the Court as well as his guaranteed and Constitutionally protected Right to Due Process under the Fifth and Fourteenth Amendments.

The DNA testing authorized by the Court's March 4, 2013 Order would have produced definitive and conclusive analysis of the "bodily fluid" stains in question; tested and positively identifying the elements or source of such, as well as whom they matched. This would have ensured all evidentiary conclusions to be reached with minimal doubt, a minimal margin of error or question, and no inconclusiveness.

As there was absolute certainty of fluid stains, (bodily), existing/created by the alleged victim's mother, Agedran Sullivan, and my other female companion, who have shared my bed with me-

Built profiles could and would have established the basis and grounds for vacating the Applicant's sentence, or mandated a strong certainty of his being remanded to trial.

Therefore, the Applicant contends that this is not a successive application, but an application of merit based on the Applicant being denied access to the Courts by the evidence destruction, and denial of Due Process, rights assured and guaranteed him by the United States Constitution and its Fifth and Fourteenth Amendments.

III

The Court expresses its opinion that this matter should be summarily dismissed because of the Applicant's failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act S.C. Code Ann. § 17-27-45(a), which in short reads: "... one year after the entry of a judgment of conviction or within one year after the sending of the remittitur... or the filing of the final decision upon an appeal whichever is later." (emph. added).

The clear unambiguous defined intent of this statute exist in the last few words, "... or the filing of the final decision upon an appeal..."

The Court also presents its opinion that more than nine (9) years have passed since the Applicant's voluntary request for dismissal of his direct appeal on April 15, 2004, stating the Applicant was required to file this application for Post-Conviction Relief before April 15 2005.

Yet prior to this, the Court summarizes and

makes mention of numerous, continual ongoing actions and appeals filed as well as the Court's decisions and remittiturs within the South Carolina State and Federal Courts over and throughout this nine (9) year period beyond the April 15, 2005 date it claims as the statutory expiration filing date. These filings, and submittals, in essence and in fact, stopped the tolling of the clock, (please refer to the Court's Conditional Order of Dismissal Section I, pages 2 - 4).

Therefore, with this in mind, it would appear that the Applicant's statutory one year filing period was indeed not April 15, 2005 as the Court's Conditional Order of Dismissal and the Respondent's Motion to Dismiss has implied.

The Court and Respondent both assess these actions, appeals, final decisions and remittiturs inclusively toward the Applicant's filing period, yet fail to bring forth the Applicant's application filed with the General Sessions Court, Thirteenth Judicial Circuit, Greenville County, pursuant to S.C. Code Ann. § 17-28-10 et. seq. (2009), "Application For Forensic DNA Testing" pursuant to the procedures set forth in the "Access To Justice Post-Conviction DNA Testing Act -

This application dated and filed September 11, 2012. The Honorable Letitia H. Verdin issued an Order granting the Applicant's application for DNA testing dated March 4, 2013; and the Court of General Sessions convened, and held a hearing with oral argument on November 18, 2013, informing the applicant of the failure of the

State to preserve the evidence pertaining to and relevant to his case and of the disposal and destruction of the necessary physical evidence and biological material. The Court dismissed the application.

This decision of the General Sessions Court of November 18, 2013 being the filing of the final decision upon an appeal, (S.C. Code Ann. 17-27-45(a)).

The Applicant now brings forth attention to S.C. Code Ann. § 17-27-45(c) of the Uniform Post-Conviction Procedure Act that reads as follows:

"If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence."

(emph. added).

The Applicant also points out S.C. Code Ann. § 17-28-10(B) of the Access To Justice Post-Conviction DNA Testing Act reads as follows:

"Nothing in this Article prohibits a person from filing an application for Post-Conviction Relief pursuant to Chapter 27, Title 17."

Upon the Court's convening and decision of November 18, 2013, this action has opened the door allowing this application for Post-Conviction Relief to be filed.

IV

This destruction of crucial evidence on March 30, 2005 taking place eight (8) months twenty-eight (28) days after the initial Post-Conviction Relief application filing of July 2, 2004, forty-two (42) days after the convened evidentiary hearing on February 16, 2005 and with the final decision and order still pending; One (1) year five (5) months prior to the August 12 2006 final Order and disposition, has impaired the Applicant's ability to bring forth a potential re-trial and re-hearing as well as inhibited the effective efforts of the Applicant's attempt to prove his innocence.

This physical evidence and biological material to be tested consisted of a Child's Sexual Assault Kit (CSAKit) collected from the alleged victim by specially trained medical personnel at the hospital, one (1) bed sheet and two (2) pillow cases collected by Investigating Officer James Austin, tangible objects necessary and requiring mandatory preservation and maintenance until all appellate and Post-Conviction Relief processes are exhausted as well as requirements to be preserved and maintained until the convicted or adjudicated person is released from incarceration, dies while incarcerated or is executed for the offense.

In State v Singleton 319 SC 312, 460 SE 2d 573 (1995) it's been determined. "If evidence possesses exculpatory value that is apparent before it's destruction, it's disposal constitutes denial of due process...". Also, "Due process requires that a criminal defendant be afforded

meaningful opportunity to present a complete defense which includes defendant's privilege to request and obtain evidence..." State v Mabe 306 SC 355, 412 SE 2d 386 (1991)

The evidence pertinent and relevant to the Applicant's defense in any petition or action before any Court would have not been, nor is now, available to afford the Applicant a fair opportunity of defense due to the State's neglect, and possibly intentional, destruction of this physical evidence and biological material.

In State v Hutton 358 SC 622, 595 SE 2d 876 (2004) the Court makes clear "Whatever duty the Federal Constitution imposes on the State's under the Due Process Clause to preserve evidence, that duty must be limited to evidence that might be expected to play a significant role in the suspects defense."

V

In summary, the Applicant contends that his application filed July 8, 2014 for Post-Conviction Relief, was filed within one (1) year of the latter Court's finding and disposition of November 18, 2013. This finding of November 18, 2013 not only opened the door to file an application for Post-Conviction Relief, but also revealed to the Applicant newly acquired facts and information of the disposal and destruction of all relevant physical evidence and biological material required and Ordered for testing by the Court of General Sessions.

Such testing would have been absolutely

III

material and of enormous magnitude to the issue of the Applicant's innocence, and would have held extremely high probabilities and possibilities to change the results of the Applicant's conviction in the event of a new trial ordered. Testing

and positive identification of all stains and all profiles built and contained within any mixtures of any cuttings would have a high percentage of not being the alleged victim and possess exculpatory value to obtain a decision of the Applicant's innocence -

In light of the post 2003 trial discovery of this destruction of evidence, the Applicant seeks that this application should not be considered successive as this information was not made available or disclosed to the Applicant until November 18, 2013.

The argument and issue put forth in the Applicant's Post-Conviction Relief application can only be determined unambiguously by the direct and specific identification of the alleged discharge or bodily fluid(s) and to whom it would match.

Although that is no longer possible, in the interest of justice the Applicant seeks an evidentiary hearing based on the inconclusiveness and certain inaccuracy of the results described as mixture, and seeks the opportunity to present the available evidence of Dr. Grayson D. Amick's November 30, 2001 forensic analysis, lab reports and data which indicates completely negative results in all testing and results of the evidence available of any Criminal Sexual Conduct ever occurring. With this, the Applicant seeks the vacating

of his conviction and sentence, or to be remanded to trial.

VI

The Applicant respectfully moves and request an evidentiary hearing be held based on the one year filing statutory being met as this application was filed July 8 2014, seven months (7) and twenty days (20) after the "filing of the final decision upon an appeal..." which was the Court's finding and disposition of November 18, 2013. In addition, the application should not be considered successive as the grounds and circumstances discovered by the Applicant were unknown and could not have been raised previous to this application, as they were not revealed to him until that November 18, 2013 Court hearing and appearance.

Finally in the interest of justice to the Applicant, an evidentiary hearing should be ordered and granted to afford the Applicant his right to Due Process available to him in the South Carolina Judicial System

Respectfully submitted,



Ronnie Harris, #294716

Jan 26, 2015

1

AFFIDAVIT OF SERVICE
BY MAIL

In the matter of:
Ronnie Harris #294716
Applicant

IN THE COURT OF
COMMON PLEAS

State of South Carolina
Respondent

2014-CP-23-3759

CLERK OF COURT
WICKENHISMER
S.C.
16 PM 4 43

CERTIFICATE OF SERVICE

I have this day, Jan 30, 2015, served a true copy of the "Applicant's Response To Conditional Order of Dismissal" with regard to the above matter, by the services provided by the United States Postal Service, First-Class postage paid to:

Karen C. Ratigan, Senior Assistant Deputy Attorney General, P.O. Box 11549, Columbia, South Carolina, 29211.

One true copy to be self-served by retention to the Applicant: Ronnie Harris, #294716, Kershaw Correctional Institution, 4848 Goldmine Hiway, MB-32, Kershaw S.C. 29067.

This I do solemnly declare and affirm by my signature below.

Ronnie Harris
Ronnie Harris #294716

Sworn to and subscribed before me this 26th day of January, 2015

C. L. Y.
Notary Public

My Commission Expires: 12/5/2024