

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Court of Common Pleas
Honorable William P. Keesley, Circuit Court Judge

Appellate Case No. 2014-001470

Alfonso Ware, Jr.

Appellant,

v.

The State,

Respondent.

APPENDIX

Alfonso Ware Jr.
BRCI/Monticello 242; 168464
4460 Broad River Road
Columbia, SC 29210
Pro se, Appellant

Office of the Attorney General
Alan Wilson, Attorney General
c/o Donald J. Zelenka, Esquire
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

Attorney for Respondent

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
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October 19, 2015

Alfonso Ware, Jr., 168464
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Alfonso Ware, Jr. v. The State
Appellate Case No. 2014-001470

Dear Mr. Ware:

This Court issued an order on October 16, 2015 denying your motion to dismiss without prejudice. Therefore, this appeal is to proceed on with the filing of the petition for writ of certiorari and appendix. You must file and serve the petition for writ of ceritorari and appendix within thirty days of the date of this letter or your appeal may be dismissed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
Donald V. Myers, Esquire
Donald J. Zelenka, Esquire

Alfonso Ware Jr.
BRCI/Monticello 242; #168464
4460 Broad River Road
Columbia, South Carolina 29210

SLED FOIA Office

Date Received 12-09-14

Due Date 01-05-15

2014-942

December 3, 2014

South Carolina Law Enforcement Division
4400 Broad River Road
Post Office Box 21398
Columbia, South Carolina 29221

RE: State v. Alfonso Ware Jr.
Indictment No.: 1990GS3200056
Warrant No.: C560956

Dear Sir/Ma'am:

Please send to me a copy of any reports done from testing, on any evidence related to the above indictment. Copy of any Chain of Custody concerning this evidence, when this evidence was received from Lexington County and when this evidence was returned to Lexington County and who it was returned to. Any information in your custody relating to this case please send it to me as soon as possible.

Respectfully,

Alfonso Ware, Jr.

Alfonso Ware JR.

cc: File

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

February 4, 2015

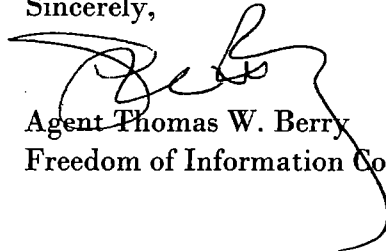
Alfonso Ware, Jr., #168464
Broad River C. I. / Monticello 242
4460 Broad River Road
Columbia, SC 29210

RE: Freedom of Information Act Request #2014-942
SLED Lab No.: L89-11725

Dear Mr. Ware:

This letter is to confirm that we are in receipt of your money order in the amount of \$22.00. I am enclosing the information provided to me by our Forensics Lab regarding your request dated December 3, 2014.

Sincerely,

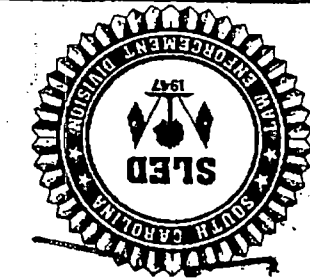


Agent Thomas W. Berry
Freedom of Information Coordinator

TWB/mcp



evidence



Lab/Case No. 789-1176
Exhibit 898992

Date of Seizure

or Purchase

Sealing Official R. Freeman

Time

Place

Date Open by Lab

Gross Wt. Entering Lab

Gross Wt. After Analysis

Exit Wt. From Lab

Case Agent

PERSON SWABBED ALPHONSO WABLE
WAS PERSON RIGHT HANDED OR LEFT HANDED RIGHT
WAS PERSON SWABBED VICTIM OR SUBJECT SUBJECT
TIME OF SHOOTING 8 PM 11-25-89
TIME OF SWABBING 5:10 PM 11-28-89
WEAPON USED REVOLVER; 22CAL. H&R M&C 929
AUTOMATIC OR REVOLVER REVOLVER
NUMBER OF TIMES FIRED 1
AMMUNITION USED _____
SWABBING DONE BY R. M. Freeman
WHERE CONTROL SAMPLE TAKEN Interior Right Forearm

PERSON SWABBED ROBERT CHANNON
WAS PERSON RIGHT HANDED OR LEFT HANDED _____
WAS PERSON SWABBED VICTIM OR SUBJECT VICT.
TIME OF SHOOTING 8 PM 11-25-89
TIME OF SWABBING 2 PM 11-28-89
WEAPON USED H&R mdl 929 22 REV.
AUTOMATIC OR REVOLVER REVOLVER
NUMBER OF TIMES FIRED 1
AMMUNITION USED _____
SWABBING DONE BY R. M. FREEMAN
WHERE CONTROL SAMPLE TAKEN RIGHT BICEPT

WORK SHEET

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

CARROLL A. CAMPBELL, JR.
Governor



ROBERT M. STEWART
Chief

4400 Broad River Road (J.P. Strom Boulevard) • Mail: P.O. Box 21398
Columbia, South Carolina 29221-1398 • Phone: 803-737-9000
December 4, 1989

TO: E. Hite
Lexington County Sheriff's Department
PO Box 639
Lexington, SC 29072

LABORATORY FILE NO: L89-11725

SUBJECT(S): Alphonso Ware

VICTIM(S): Robert Channon

This is an official report of the South Carolina Law Enforcement Division Criminalistics 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

1. Packet containing cotton tipped swabs from the victim.
2. Packet containing cotton tipped swabs from the suspect.

RESULTS OF EXAMINATION(S)

1. The quantity of metals detected in samples submitted for Robert Channon is insufficient to determine the presence of gun primer residue.
2. The quantity of metals detected in samples submitted for Alphonso Ware is insufficient to determine the presence of gun primer residue.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY

ROBERT M STEWART
CHIEF



Trace Department

June 25, 1990
SLED Lab No: L89-11725
Amended Report
Your Case No: 8938992
Incident Date: 11-25-89
(S) Alphonso Ware
(V) Robert Channon

E. Hite
Lexington County Sheriff's Office
P.O. Box 639
Lexington, SC 29072

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

1. Sample of red paint from victim's automobile.
2. Sample of red paint from automobile owned by Betty Willson.

RESULTS OF EXAMINATION(S)

Item #1 is not consistent with item #2 in physical nor chemical characteristics; however, the red layer of paint in item #1 is consistent with item #2 in physical and chemical characteristics.

Chemical Analyst(s)

Jeffrey M. Hollifield

Jeffrey M. Hollifield

6/25/90

Date
SLED

Location

SOUTH CAROLINA LAW ENFORCEMENT DIVISION - FORENSIC SCIENCES REQUEST

| | |
|---|--|
| <p><u>E. Hite</u> Deputy Sheriff Name of Investigating Officer Rank</p> <p><u>Lexington County Sheriff's Department</u> 359-8251 Department Telephone Number</p> <p><u>P.O. Box 639</u> Street Address or Post Office Box</p> <p><u>Lexington</u> <u>S.C.</u> <u>29072</u> City State Zip Code</p> <p>CC: _____</p> | <p>Sled Lab No. <u>L89-11725</u></p> <p>Contributing Agency ORI <u>SCO 320000</u></p> <p>Contributing Agency Case No. <u>8938992</u></p> <p>County <u>Lexington</u></p> <p>Incident Date <u>25 Nov., 1989</u></p> <p>New Case <u>XX</u> Additional Evidence _____</p> <p>Related Lab No. _____</p> |
|---|--|

Subject # _____ Victim # XX Sex: M XX F _____ SID/FBI _____
 DL/SS NO: _____
Channon Robert Race: Cau XX Blk _____ Other _____
 Last Name First Name Middle Name DOB: _____

Subject # XX Victim # _____ Sex: M XX F _____ SID/FBI _____
 DL/SS NO: _____
Ware Alphonso Race: Cau _____ Blk XX Other _____
 Last Name First Name Middle Name DOB: _____

Subject # _____ Victim # _____ Sex: M _____ F _____ SID/FBI _____
 DL/SS NO: _____
 Race: Cau _____ Blk _____ Other _____
 Last Name First Name Middle Name DOB: _____

Subject # _____ Victim # _____ Sex: M _____ F _____ SID/FBI _____
 DL/SS NO: _____
 Race: Cau _____ Blk _____ Other _____
 Last Name First Name Middle Name DOB: _____

TYPE OF SUSPECTED CASE (CHECK MORE THAN ONE IF APPLICABLE)

- (1) *DUI _____ *Felony DUI _____ Was a Breathalyzer Test given? Yes _____ No _____
- (2) Possession or Distribution of Illegal Drugs or Controlled Substances _____
- (3) Criminal Sexual Conduct _____
 (A) Adult victim _____ (B) Child victim _____
- (4) Homicide _____
 (A) Gunshot XX (B) Stabbing _____ (C) Beating _____ (D) Strangulation _____ (E) *Drug/Poison: _____
- (5) Suicide _____
 (A) Gunshot _____ (B) Alcohol _____ (C) *Drug/Poison _____ (D) Carbon Monoxide _____ (E) Hanging _____
- (6) Accidental Death _____
 (A) Gunshot _____ (B) Alcohol _____ (C) *Drug/Poison _____ (D) Fire _____ (E) Electrocution _____
- (7) Natural Death _____
 (A) Heart Related _____ (B) Disease (specify) _____ (C) Infant Related _____
- (8) Traffic Accident Fatality Victim--Meets criteria of Section 17-7-80 Yes _____ No _____
 (A) Driver _____ (B) Pedestrian _____ (C) Motorcyclist _____ (D) Bicyclist _____ (E) Passenger _____
- (9) Swimming Accident Fatality Victim _____ (10) Boating Accident Fatality Victim _____
- (11) Kidnapping _____ (12) Armed or Strong Armed Robbery _____ (13) Arson _____ (14) Assault (Simple Assault, ABHAN, or ABIK) _____
- (15) Burglary/B and E _____ (16) Forgery _____ (17) Fraud _____ (18) Embezzlement _____ (19) Harrassment _____
- (20) Weapons Offense _____ (21) Larceny (Petit or Grand) _____ (22) Hit and Run _____ (23) Polygraph Subject _____
- (24) Other (specify) _____

COMPLETE THIS SECTION ON ALL CASES INVOLVING TOXICOLOGICAL ANALYSIS:

Number of Specimens Enclosed: Blood _____ Urine _____ Ocular Fluid _____ Other _____
 Examination Requested: Blood Alcohol _____ Drug Screen _____ CO _____ Blood Type _____ Other _____
 Autopsy Performed: Yes _____ No _____ Findings _____
 *Drugs Suspected: Yes _____ No _____ Type of Drugs _____
 *Drugs Found at Scene: _____

12

Comments: _____
 Are these specimens from a known AIDS victim? Yes _____ No _____ Possible _____ Comment _____
 THE ITEMS SUBMITTED BELOW WILL BE EXAMINED WITH YOUR ASSURANCE THAT THE SUBMITTED SPECIMENS HAVE NOT NOR WILL BE SUBMITTED TO ANY OTHER LABORATORY FOR TECHNICAL OR SCIENTIFIC EXAMINATION. THIS STATEMENT WAS READ BY OFFICER. RMF

R.M. Freeman

R.M. Freeman

29 Nov. 89

Additional

JMH-330 accept: 5

FORM: CHEM-003
OCTOBER, 1988

SOUTH CAROLINA LAW ENFORCEMENT DIVISION - FORENSIC SCIENCES REQUEST

| | | | |
|---|-------------------|----------------------------------|---|
| Name of Investigating Officer <u>E. Hite</u> | | Rank <u>Deputy Sheriff</u> | Sled Lab No. <u>L89-11725</u> |
| Department <u>Lexington County Sheriff's Department</u> | | Telephone Number <u>359-8251</u> | Contributing Agency ORI <u>SCO 320000</u> |
| Street Address or Post Office Box <u>P.O. Box 639</u> | | | Contributing Agency Case No. <u>8938992</u> |
| City <u>Lexington</u> | State <u>S.C.</u> | Zip Code <u>29072</u> | County <u>Lexington</u> |
| CC: _____ | | | Incident Date <u>25 Nov. 1989</u> |
| | | | New Case <u>Additional Evidence</u> <input checked="" type="checkbox"/> |
| | | | Related Lab No. _____ |

| | | | |
|---|--------------------|--------------------------|---|
| Subject # _____ | Victim # <u>XX</u> | Sex: M <u>XX</u> F _____ | SID/FBI _____ |
| Last Name <u>Channon</u> First Name <u>Robert</u> Middle Name _____ | | DOB: _____ | Race: Cau <u>XX</u> Blk _____ Other _____ |
| Subject # <u>XX</u> | Victim # _____ | Sex: M <u>XX</u> F _____ | SID/FBI _____ |
| Last Name <u>Ware</u> First Name <u>Alphonso</u> Middle Name _____ | | DOB: _____ | Race: Cau <u>X</u> Blk <u>XXX</u> Other _____ |
| Subject # _____ | Victim # _____ | Sex: M _____ F _____ | SID/FBI _____ |
| Last Name _____ First Name _____ Middle Name _____ | | DOB: _____ | Race: Cau _____ Blk _____ Other _____ |
| Subject # _____ | Victim # _____ | Sex: M _____ F _____ | SID/FBI _____ |
| Last Name _____ First Name _____ Middle Name _____ | | DOB: _____ | Race: Cau _____ Blk _____ Other _____ |

TYPE OF SUSPECTED CASE (CHECK MORE THAN ONE IF APPLICABLE)

(1) *DUI _____ *Felony DUI _____ Was a Breathalyzer Test given? Yes _____ No _____

(2) Possession or Distribution of Illegal Drugs or Controlled Substances _____

(3) Criminal Sexual Conduct
(A) Adult victim _____ (B) Child victim _____

(4) Homicide
(A) Gunshot XX (B) Stabbing _____ (C) Beating _____ (D) Strangulation _____ (E) *Drug/Poison: _____

(5) Suicide
(A) Gunshot _____ (B) Alcohol _____ (C) *Drug/Poison _____ (D) Carbon Monoxide _____ (E) Hanging _____

(6) Accidental Death
(A) Gunshot _____ (B) Alcohol _____ (C) *Drug/Poison _____ (D) Fire _____ (E) Electrocution _____

(7) Natural Death
(A) Heart Related _____ (B) Disease (specify) _____ (C) Infant Related _____

(8) Traffic Accident Fatality Victim---Meets criteria of Section 17-7-80 Yes _____ No _____
(A) Driver _____ (B) Pedestrian _____ (C) Motorcyclist _____ (D) Bicyclist _____ (E) Passenger _____

(9) Swimming Accident Fatality Victim _____ (10) Boating Accident Fatality Victim _____

(11) Kidnapping _____ (12) Armed or Strong Armed Robbery _____ (13) Arson _____ (14) Assault (Simple Assault, ABHAN, or ABIK) _____

(15) Burglary/B and E _____ (16) Forgery _____ (17) Fraud _____ (18) Embezzlement _____ (19) Harrassment _____

(20) Weapons Offense _____ (21) Larceny (Petit or Grand) _____ (22) Hit and Run _____ (23) Polygraph Subject _____

(24) Other (specify) _____

COMPLETE THIS SECTION ON ALL CASES INVOLVING TOXICOLOGICAL ANALYSIS:

Number of Specimens Enclosed: Blood _____ Urine _____ Ocular Fluid _____ Other _____

Examination Requested: Blood Alcohol _____ Drug Screen _____ CO _____ Blood Type _____ Other _____

Autopsy Performed: Yes _____ No _____ Findings _____

*Drugs Suspected: Yes _____ No _____ Type of Drugs _____

*Drugs Found at Scene: _____

Comments: _____

Are these specimens from a known AIDS victim? Yes _____ No _____ Possible _____ Comment _____

THE ITEMS SUBMITTED BELOW WILL BE EXAMINED WITH YOUR ASSURANCE THAT THE SUBMITTED SPECIMENS HAVE NOT NOR WILL BE SUBMITTED TO ANY OTHER LABORATORY FOR TECHNICAL OR SCIENTIFIC EXAMINATION. THIS STATEMENT WAS READ BY OFFICER. RMF

R.M. Freeman

[Signature]

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
Forensic Science Laboratory
Intradepartmental Change of Custody

LAB CASE NO. L 89-11725

DATE & TIME 1/19/90 4:00 PM

RE: CASE NO. (S) _____

ITEM NO. (S)

NOTES (e.g. sub-item #'s used)

1 sealed bag

Evid. Returned

1/23/90

3:10 PM

RF

Richard Freeman

The above evidence was

RECEIVED FROM:

Jerry McHollfield

RECEIVED BY:

Carolyn W Reese

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

NOV 25 2015

Appeal from Lexington County
Court of Common Pleas
Honorable William P. Keesley, Circuit Court Judge
S.C. Court of Appeals

Appellate Case No. 2014-001470

Alfonso Ware, Jr.

Appellant,

v.

The State,

Respondent.

CERTIFICATE OF SERVICE

Appellant, Alfonso Ware Jr., declares under the penalty of perjury that he mail a copy of his Appendix and Petition for Writ of Certiorari, by placing in the U.S. Mail clearly addressed as below.

S.C. Court of Appeal
Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

Office of the Attorney General
Alan Wilson, Attorney General
c/o Donald J. Zelenka, Esquire
Post Office Box 11549
Columbia, SC 29211

Eleventh Circuit Solicitor's Office
Donald V. Myers, Solicitor
205 East Main Street, Suite 309
Lexington, SC 29072

Alfonso Ware Jr.

Alfonso Ware Jr.
BRCI/Monticello 242; 168464
4460 Broad River Road
Columbia, SC 29210

November 24, 2015
COLUMBIA, SOUTH CAROLINA