

DATE: MONDAY, OCTOBER 1, 2012.

THE HONORABLE DANPEL E. SHEAROUSE.  
CLERK OF THE SOUTH CAROLINA, SUPREME COURT.  
P.O. BOX 11330.  
COLUMBIA, SOUTH CAROLINA, 29211.

RECEIVED

OCT 04 2012

S.C. SUPREME COURT

RE: RAYMOND MAGAZINE, -V- STATE OF SOUTH CAROLINA.  
CASE NO: 2008-CP-430-2824.  
APPELLATE CASE NO: 2012-212606.

DEAR MR. SHEAROUSE:

ENCLOSED FOR FILING IN YOUR OFFICE IS A MOTION TO ALTER OR AMEND UNDER RULE 60(b), (1), (2), AND (3), BASED UPON FRAUD UPON THE COURT, "EXTRINSIC FRAUD," PURSUANT TO (SCRCP) AND UNDER RULE 212 (b)(c), SUPPLEMENTAL RECORD, PURSUANT TO (SCACR), REQUESTING THE COURT TO GRANT THE MOTION DUE TO PETITIONER RAYMOND MAGAZINE QUICKLY TO MOVE OR ACTED FASTLY TO RESPOND TO THE RULE 243 (c) SCACR, REQUIRING ME TO PROVIDE THE COURT WITH A WRITTEN EXPLANATION AS TO WHY THIS DETERMINATION WAS IMPROPER, UNTIL PETITIONER MISTAKEN SOME EXHIBIT, AND NOT SHOWING EXHIBIT, AN OR DOCUMENT IN THE PROPER PLACE AFTER SHOWING CAUSE, PETITIONER WAS TRYING TO BE THE TWENTY-DAY (20) TIME LIMIT BEFORE THE TIME EXTENSION WAS GRANTED, PETITIONER ARE REQUESTING THE COURT TO GRANT THIS CLEAR COPY OF THE MOTION TO ALTER AND AMEND PURSUANT TO RULE 212 (b)(c) SCACR, SUPPLEMENTAL RECORD.

ALSO, ENCLOSED ARE THE FOLLOWING:

- 1). PROOF OF SERVICE OF THE ALTER OR AMEND MOTION, PURSUANT TO RULE 212 (b)(c), SUPPLEMENTAL RECORD.
- ② COPIES OF THE LEFT OUT, NOW, APPENDIX - # NO:

THANK YOU VERY MUCH.

SINCERELY:

S/ Raymond Magazine

THE STATE OF South CAROLINA  
IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY  
COURT OF COMMON PLEAS  
W. JEFFREY YOUNG, S.C. CHIEF ADMINISTRATIVE LAW  
JUDGE, THIRD JUDICIAL CIRCUIT

CASE NO: 2008 - CP - 43 - 2824.  
APPELLATE C/A NO: 2012 - 212606.

RAYMOND MAGAZINE, #254723, \_\_\_\_\_ PETITIONER.  
- VS -  
State of South Carolina \_\_\_\_\_ RESPONDENT.

MOTION TO ALTER OR AMEND UNDER RULE 60 (b), (1), (2), AND (3),  
BASED UPON FRAUD UPON THE COURT, "EXTRINSIC FRAUD," PUR-  
SURE TO (SCRCP) AND UNDER RULE 212 (b)(C), SUPPLEMENTAL  
RECORD, APPELLATE COURT RULES, (SCACR).

NOW COMES THE PETITIONER, THROUGH HIS UNDERSIGNED  
ATTORNEY, MAKING A "MOTION TO ALTER OR AMEND UNDER RULE  
60(b)(1)(2), AND (3), BASED UPON FRAUD UPON THE COURT "EX-  
TRINSIC FRAUD," PURSURE TO (SCRCP), FILED IN THE STATE SUPREME  
COURT, ON OR ABOUT DATE: MONDAY OCTOBER 1, 2012.

SUCH MOTION TO ALTER OR AMEND IS BEING MADE TO AND  
UNDER RULE 60 (b), (1), (2), AND (3), BASED UPON FRAUD UPON  
THE COURT, EXTRINSIC FRAUD, PURSURE TO (SCRCP) AND UNDER  
RULE 212 (b), (C), SUPPLEMENTAL RECORD.

THIS RULE 212 (b)(C) SUPPLEMENTAL RECORD, IS BEING MADE  
RESPECTIVELY TO THE RULE 60 (b)(1), (2), AND (3) MOTION BASED  
UPON FRAUD UPON THE COURT, "EXTRINSIC FRAUD," TO (SCRCP)  
STEMMING FROM THE ORDER OF THE STATE SUPREME COURT  
OF South Carolina. DATED MARCH 18, 2009, CAUSE, THE PE-  
TITIONER RAYMOND MAGAZINE, SO QUICKLY TO MOVE OR ACTED  
FASTER TO RESPOND TO THE RULE 243 (C) SCACR, BEFORE  
THE TIME LIMIT UNTIL PETITIONER RAYMOND MAGAZINE MISTAKE  
SOME EXHIBIT. AND LEFT OUT SOME DOCUMENT, HOWEVER,

THE PETITIONER RAYMOND MAGAZINE, REQUESTING THE COURT TO GRANT THE PETITIONER MOTION TO ALTER OR AMEND UNDER RULE 60 (b)(1), (2), AND (3), BASED UPON FRAUD UPON THE COURT UNDER "EXTRINSIC FRAUD." PURSUANT TO (SCRPC), AND UNDER RULE 212 (b)(c), SUPPLEMENTAL RECORD, SCACR.

RESPECTFULLY SUBMITTED.  
S/ Raymond Magazine .  
RAYMOND MAGAZINE, #254723  
B.R.C.I. - MURRAY - UNIT - RM-163  
4460 BROAD RIVER ROAD.  
Columbia, S.C. 29210.

DATE: MONDAY, OCTOBER 1, 2012.

SWORN TO AND BEFORE ME  
THIS 1<sup>st</sup> DAY OF OCTOBER, 2012

S/ Susan H. Frye .

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires  
March 5, 2018

MY COMMISSION EXPIRES: \_\_\_\_\_ .

CC: RM. PETITIONER  
D.E.S. CLERK OF COURT (S.Ct)  
M.E.H. SOLICITOR .

DATE: MONDAY OCTOBER 1, 2012.

INDEX OF LEFT OUT Exhibit; NOW BECOMES APPENDIX-NB: #

- 1). APPENDIX-D-#1, APPLICATION FOR POST-CONVICTION RELIEF, CASE NO: 2000-CP-43-539.
- 2). APPENDIX-D-#2, MOTION TO AMEND POST-CONVICTION RELIEF APPLICATION (RULE 71.2 (D) SCRCP). CASE NO: 2000-CP-43-539.
- 3). APPENDIX-D-#3, SWORN BEFORE, NOTARY PUBLIC PROOF OF SERVICE.
- 4). APPENDIX-D-#4, ARGUMENT CONCLUSION, AND SWORN BEFORE NOTARY PUBLIC.
- 5). APPENDIX-G-#4, USE TO BE EXHIBIT-G-#4, A COPY OF LETTER ENFORMING THE PETITIONER OF HIS FILE.
- 6). APPENDIX-E-AND E-#1, NOTICE OF APPEAL, AND PROOF OF SERVICE.
- 7). APPENDIX-#28, AND #29, APPEAL FROM SUMTER COUNTY AND APPEAL DISMISSED.
- 8). APPENDIX-Pg-#160, 161, AND 162. EXTRA TUBE OF BLOOD FROM OCTOBER 27, 1996 CASE.
- 9). EXHIBIT-Pg-#172, 173, DR FITZ-CROSS BX BROOKS IT DOES LEAVE A POSSIBILITY OF A MISTAKE;

STATE OF SOUTH CAROLINA  
County of SUMTER

RAYMOND MAGAZINE #254726  
*Full name and prison number (if any) of Applicant.*

vs.

CHARLIE M. CONDON, ATTORNEY  
*Name of Respondent.*

GENERAL, STATE OF SOUTH CAROLINA

RECORDED

00 MAY -4 AM 11: 22

In the Court of Common Pleas

O. V. PLYER, JR.  
CLERK OF COURT  
SUMTER COUNTY, S.C.

2000-CP-43- 539

APPLICATION FOR  
POST-CONVICTION RELIEF

CERTIFIED TRUE COPY  
OF ORIGINAL FILE

*O. V. Pleyer Jr.*

CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

INSTRUCTIONS — READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention BROAD RIVER CORRECTIONAL INSTITUTION  
4460 BROAD RIVER ROAD - 29210

2. Name and location of Court which imposed sentence COURT OF GENERAL SESSIONS,  
SUMTER COUNTY

3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:

(a) 98-GS-43-0745

(b) \_\_\_\_\_

(c) \_\_\_\_\_

4. The date upon which sentence was imposed and the terms of the sentence:

(a) DECEMBER 1, 1998 30 YEARS(CSC)

(b) 10 YEARS-CONCURRENT (KIDNAPPING)

(c) \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )

IN THE COURT OF COMMON PLEAS  
THIRD JUDICIAL CIRCUIT

CASE NO. 2000-CP-43-539.

RAYMOND MAGAZINE, #254723 )  
APPLICANT, )

VS. )

CHARLIE CONDON, ATT'Y GEN., )  
STATE OF SOUTH CAROLINA, )  
RESPONDENTS. )

**MOTION TO AMEND POST CONVICTION  
RELIEF APPLICATION  
(RULE 71.1(D) SCRPC)**

NOW COMES THE APPLICANT, THROUGH HIS UNDERSIGNED ATTORNEY, MAKING  
A "MOTION TO AMEND POST-CONVICTION RELIEF APPLICATION," FILED  
WITH THE SUMTER COUNTY COURT OF COMMON PLEAS, ON OR ABOUT MAY 4,  
1999.

SUCH AMENDMENT IS BEING MADE TO POST-CONVICTION RELIEF APPLICA-  
TION PURSUANT TO **RULE 71.1 SCRPC.**

THIS AMENDMENT IS BEING MADE RESPECTIVELY TO THE POST-CONVICTION  
RELIEF APPLICATION STEMMING FROM THE TRIAL OF DECEMBER 1, 1998.

RESPECTFULLY SUBMITTED,

---

J. HUGH RYAN, III, ESQ., ATT'Y  
126 NORTH MAIN STREET  
P. O. BOX 580  
SUMTER, SC 29151

Exhibit - M.

Raymond Magazine

RAYMOND MAGAZINE, #254723  
B.R.C.I. - MONTICELLO #174  
4460 BROAD RIVER ROAD  
COLUMBIA, SC 29210

SWORN TO AND SUBSCRIBED BEFORE ME  
ON THIS 25<sup>th</sup> DAY OF JANUARY, 2001.


Elizabeth Woodard  
NOTARY PUBLIC, SOUTH CAROLINA

MY COMMISSION EXPIRES: July 29, 2007

APPENDIX - D-3

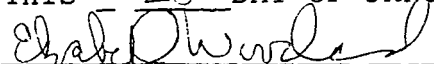
APPENDIX - D-4.

THE APPLICANT FURTHER ASSERTS, UPON TRIAL COUNSEL "WAIVING" THE APPLICANT'S PRELIMINARY HEARING WITHOUT THE APPLICANT'S EXPRESSED CONSENT; IN ALL PRACTICALITY, THE BOND HEARING SERVED AS A DUAL ROLE OF PRELIMINARY HEARING/BOND HEARING, BECAUSE THE APPLICANT MADE AN UNSWORN STATEMENT AT BOND HEARING WHICH WAS USED AGAINST THE APPLICANT AT TRIAL. THE APPLICANT ASSERTS THE LAW PROHIBITS UNSWORN STATEMENTS TO BE USED AGAINST THE APPLICANT DURING THE TRIAL OF THE APPLICANT; WHICH SUCH UNSWORN STATEMENT WAS MADE AT THE APPLICANT'S BOND HEARING AND SHOULD NOT HAVE BEEN USED AGAINST THE APPLICANT. THE STATE SUPREME COURT OF SOUTH CAROLINA HAS HELD IN THE CASE OF STATE V. WHITE, SUPRA, : "IF ONE CHARGED WITH A CRIME CHOOSES TO MAKE AN UNSWORN STATEMENT, HE MAY, DO SO, BUT IT CAN NOWISE BE USED AGAINST HIM THEREAFTER." THEREFORE IT WAS ERROR FOR THE APPLICANT'S UNSWORN STATEMENT TO BE USED AGAINST THE APPLICANT AT TRIAL. APPLICANT'S TRIAL COUNSEL WAS **INEFFECTIVE** BECAUSE THE PRELIMINARY HEARING IS A CRITICAL STAGE IN THE CRIMINAL PROCESS; AND FURTHERMORE, AN ACCUSED PERSON IS **ENTITLED** TO A PRELIMINARY HEARING IN ORDER TO BE APPRISED OF THE NATURE OF THE STATE'S EVIDENCE. SEE, STATE V. TAYLOR, 255 S.C. 268, 178 S.E.2D 244 (1980); STATE V. FLOOD, 257 S.C. 141, 184 S.E.2D 549 (1971); THEREFORE THE APPLICANT WAS **PREJUDICED** BY TRIAL COUNSEL'S WAIVER OF THE APPLICANT'S PRELIMINARY HEARING, WHICH THE APPLICANT **REQUESTED** TIMELY. THE APPLICANT ASK THIS COURT TO **REVERSE!!**

  
RAYMOND MAGAZINE #254723  
B.R.C.I. - MONTI. #174  
4460 BROAD RIVER RD.  
COLUMBIA, SC 29210

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 25<sup>th</sup> DAY OF JANUARY, 2001

  
NOTARY PUBLIC, SOUTH CAROLINA

MY COMMISSION EXPIRES: July 29 2007

APPENDIX - D-41.

SEE, Exhibit - G - #4.

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

Jack W. Erter, Jr.  
Harry C. Wilson, Jr.  
George C. James, Jr.  
David C. Holler\*  
G. Murrell Smith, Jr.  
John E. James, III  
-----

Attorneys at Law  
-----  
126 North Main Street  
Post Office Box 580  
Sumter, South Carolina 29151

Henry B. Richardson, Sr. (1916-1997)  
John D. Lee, Jr. (1921-1999)  
George C. James (1927-1999)

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

J. Hugh Ryan, III

February 26, 2002

E-Mail Address: [hughryan@sc.rr.com](mailto:hughryan@sc.rr.com)

\*Licensed in SC, NC & GA

**LEGAL MAIL**

Raymond Magazine, Inmate #254723  
Broad River Correctional Institute  
4460 Broad River Rd.  
Monticello Unit #175  
Columbia, S.C. 29202

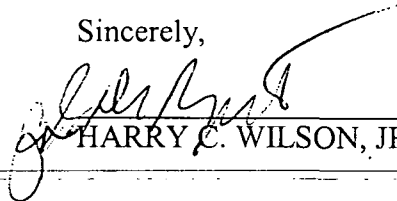
IN RE: Raymond Magazine  
My File No: W C 00-081

Dear Raymond:

Enclosed herewith please find a copy of your file for your files, records and information.  
If you have any questions, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

  
\_\_\_\_\_  
HARRY C. WILSON, JR.

HCW,Jr/jb  
Enclosure

SEE, APPENDIX - G - #4.

APPENDIX - E.

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of General Sessions  
Thomas W. Cooper, Circuit Court Judge

Case No. 98-GS-43-745

RECORDED  
'98 DEC 4 AM 9 57  
O.V. PLAYER JR.  
CLERK OF COURT  
SUMTER COUNTY, S.C.

The State,.....Respondent

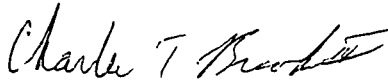
V.

Raymond Magazine.....Appellant

NOTICE OF APPEAL

Raymond Magazine appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Thomas Cooper, dated December 2, 1998.

December 2, 1998



Charles T. Brooks, III  
P.O. Box 1571  
Sumter, SC 29150  
(803) 778-2421  
Attorney for Appellant

Other Counsel on Record:

Arthur Wilder / Jenel Domke - AG  
Solicitor - Third Judicial Circuit  
Sumter County Courthouse  
Sumter, SC 29150  
(803) 436-2185  
Attorney for Respondent

APPENDIX - E.

APPENDIX - E-1.

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of General Sessions  
Thomas W. Cooper, Circuit Court Judge

Case No. 98-GS-43-745

State of South Carolina, .....Respondent  
V.  
Raymond Magazine, .....Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on State of South Carolina personally delivering a copy of it to Arthur Wilder, Solicitor, Sumter County Courthouse, Sumter, SC 29150 on December 4, 1998.

December 4, 1998



Charles T. Brooks, III  
P.O. Box 1571  
Sumter, SC 29150  
(803) 778-2421  
Attorney for Appellant

Other Counsel on Record:

Arthur Wilder / Jenel Domke -AG  
Solicitor- Third Judicial Circuit  
Sumter County Courthouse  
Sumter, SC 29150  
(803) 436-2185  
Attorney for Respondent

APPENDIX - E-1.

~~XXXXXX~~ - 000  
APPENDIX - 28.

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State,

Respondent,

v.

Raymond Magazine,

Appellant.

**Appeal From Sumter County  
Thomas W. Cooper, Jr., Circuit Court Judge**

**Unpublished Opinion No. 2000-UP-200  
Submitted March 7, 2000 - Filed March 15, 2000**

**APPEAL DISMISSED**

**Assistant Appellate Defender Melody J. Brown, of South Carolina Office of Appellate Defense, of Columbia, for Appellant.**

**Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh and Assistant Deputy Attorney General Salley W. Elliott, all of Columbia; and Solicitor C. Kelly Jackson, of Sumter, for Respondent.**

**PER CURIAM:** Raymond Magazine was found guilty of kidnapping, first degree criminal sexual conduct (CSC), and assault and battery of a high and aggravated nature (ABHAN). He was sentenced to thirty years for kidnapping, thirty years for first degree CSC, and ten years for ABHAN. The sentence for ABHAN is consecutive to the first degree CSC sentence. On appeal, counsel for Magazine has filed a final brief along with a petition to be relieved as counsel. Further, Magazine filed a pro se response with the Court.<sup>1</sup>

APPENDIX, F-28,

<sup>1</sup>We decide this case without oral argument pursuant to Rule 215, SCACR.

APPENDIX - F-29,

**State v. Magazine**

After a review of the record pursuant to Anders v. California, 386 U.S. 738 (1967), and State v. Williams, 305 S.C. 116, 406 S.E.2d 357 (1991), we dismiss the appeal and grant counsel's petition to be relieved.

**APPEAL DISMISSED.**

**CURETON, ANDERSON, and HUFF, JJ., concur.**

APPENDIX, F-29,

August 5, 1998 Trial Transcript Record

MATTHEW FITZ - DIRECT BY DOMKE

1 Q SO YOU ARE THE ONE THAT IS BREAKING THAT ORIGINAL  
2 SEAL?

3 A THAT IS CORRECT.

4 Q IT ISN'T -- IT IS NOT -- IN OTHER WORDS, IN  
5 PARTICULARLY, IN THIS CASE THIS SEXUAL ASSAULT KIT AND THE  
6 SUSPECT KIT.

7 WHEN YOU GET THOSE TWO KITS, YOU ARE THE ONE  
8 THAT IS BREAKING THE SEAL FOR THE FIRST TIME OPENING  
9 THAT?

10 A THAT IS CORRECT.

11 Q NOW SIR, IN THIS PARTICULAR CASE, YOU SAID THAT YOU  
12 RECEIVED BOTH THE SEXUAL ASSAULT KIT AND THE SUSPECT  
13 KIT; CORRECT?

14 A THAT'S CORRECT.

15 Q AND YOU RECALL BREAKING THE SEALS IN ORDER TO DO YOUR  
16 WORK WITH THESE KITS?

← 17 A YES. IT'S -- WHEN WE RECEIVE THESE KITS, AGAIN,  
18 THEY ARE A SUSPECT KIT AND A VICTIM'S KIT, A BLOOD SAMPLE  
← 19 IS DRAWN FROM EACH INDIVIDUAL.

20 SO WE HAVE A TUBE OF BLOOD. WE DO NOT WANT TO  
21 STORE BLOOD IN IT'S LIQUID STATE BECAUSE -- OVER AN  
22 EXTENDED PERIOD OF TIME, BECAUSE IT WOULD DEGRADE  
23 COMPONENTS THAT WE NEED TO ANALYZE.

24 IT WOULD DEGRADE THE D N A OVER A PERIOD OF  
25 TIME. SO WE OPEN THESE PACKAGES AND TAKE THE LIQUID

#

SEE Exhibit-Pg# 160

August 5, 1998, Trial Transcript Record

MATTHEW FITZ - DIRECT BY DOMKE

1 BLOOD AND PLACE IT -- POUR IT ON A CLOTH AND ALLOW IT TO  
2 DRY.

3 THEN THE COMPONENTS THAT WE ARE TESTING FOR  
4 WITHIN BLOOD ARE MUCH MORE STABLE IN A DRY FORMAT.

5 Q ALL RIGHT, SIR. AND IS PART OF THE REASON THAT YOU  
6 DO THIS PROCEDURE WITH -- BLOOD IS CONSIDERED A  
7 BIOHAZARD?

8 A WELL, BLOOD IS A BIOHAZARD. BUT THE PRIMARY REASON  
9 WE DO THAT IS BECAUSE SO THAT IT DOES NOT STAY IN ITS  
10 LIQUID STATE BECAUSE D N A WILL DEGRADE.

11 Q OKAY. ONCE YOU DO THIS, YOU HAVE YOU -- IS IT FAIR  
12 TO SAY YOU'VE FROZEN THAT D N A?

13 A IT'S -- WELL, IT'S NOT FROZEN. IT'S STABLE NOW.

14 Q IT'S STABLE?

15 A A DRY FORMAT. IT'S STABLE. IT WILL NOT DEGRADE.  
16 IT'S STABLE FOR YEARS DRY.

17 Q NOW, IN THIS CASE, DID YOU RECEIVE FROM THE  
18 DEFENDANT RAYMOND MAGAZINE A SAMPLE OF HIS BLOOD -- A  
19 BLOOD SAMPLE?

20 A YES, I DID.

21 Q AND IN THE SEXUAL ASSAULT KIT FROM MELISSA HAYES,  
22 WHAT SPECIFIC FLUIDS OR SAMPLES WERE SUBMITTED IN THIS  
23 CASE TO YOU?

24 A ASIDE FROM HER BLOOD SAMPLE THAT WE USE AS THE  
25 STANDARD FOR COMPARISON, WE ALSO RECEIVE WHICH IS VERY --

See Exhibit - pg - # 161 → 161

August 5, 1998, Trial Transcript Record

MATTHEW FITZ - DIRECT BY DOMKE

1 IT'S A VERY STANDARD KIT FOR RAPE PROTOCOLS.

2 WE ALSO RECEIVED A VAGINAL SWABS, ORAL SWABS,  
3 PANTIES, FINGERNAIL SCRAPINGS AND SMEARS.

4 Q AND---

5 A WHICH ARE ALL PRETTY STANDARDLY SUBMITTED IN A RAPE  
6 CASE.

7 Q AND FROM THE VAGINAL SWABS AND THE PANTIES, WERE YOU  
8 ABLE TO FIND ANY SEMEN?

9 A YES. THAT'S THE FIRST STEP THAT WE CONDUCT WHEN WE  
10 RECEIVE THESE SAMPLES IS TO DETERMINE WHETHER SEMEN IS  
11 PRESENT ON ANY SAMPLES.

12 AND IF ONCE WE IDENTIFY SEMEN, THEN WE WILL  
13 PROCEED TO THE D N A ANALYSIS. AND IN THIS PARTICULAR  
14 CASE, BOTH ON THE VAGINAL SWAB AND ON THE PANTIES, SEMEN  
15 WAS IDENTIFIED.

16 Q ALL RIGHT. SO STEP ONE IS TO OPEN UP THE VIALS THAT  
17 YOU HAVE; CORRECT? AND---

18 A CORRECT.

19 Q ~~AND THEN YOU LOOK TO SEE IF YOU FIND SEMEN?~~

20 A THAT'S CORRECT. AND THESE AREN'T VIALS. THESE ARE  
21 ACTUALLY LITTLE COTTON SWABS IN THE CASE OF VAGINAL SWABS  
22 OR ORAL SWABS.

23 SO WE JUST TAKE SMALL SAMPLES OF THAT TO TEST  
24 FOR THE PRESENCE OF SEMEN. AND THEN -- AND THEN FOR THE  
25 PANTIES, OF COURSE, WE TAKE SMALL SAMPLES TO TEST FROM IT

SEE, Exhibit - pg - # 162 -> 162

August 5, 1998 Trial Transcript

DR. FITZ - CROSS BY BROOKS

1 TWINS WOULD MATCH EACH OTHER.

2 Q OKAY. A D N A TEST LIKE THE ONE THAT YOU PERFORM --  
3 A D N A TEST CANNOT DETERMINE WHETHER OR NOT THE ALLEGED  
4 SEXUAL INTERCOURSE WAS -- WHETHER IT WAS RAPE OR WHETHER  
5 IT WAS CONSENT NOW; COULD IT?

6 A NO, IT COULD NOT.

7 Q ALL RIGHT. AND WITH THAT POSSIBLE EXCEPTION OF  
8 IDENTICAL TWINS THAT YOU TALKED ABOUT, WITH THAT  
9 EXCEPTION, THAT DOES LEAD TO THE POSSIBILITY FOR ANY TYPE  
10 OF ERROR TO OCCUR; DOESN'T IT? DOES IT NOT?

11 A IF YOU COULD DEFINE A SPECIFIC AREA THAT'S --  
12 THAT'S -- IS THERE A SPECIFIC AREA YOU ARE TRYING TO REFER  
13 TO?

✓ 14 Q I WAS JUST ASKING. YOU KNOW MORE ABOUT D N A THAN I  
15 DO. ALL RIGHT. NOW, SAID THAT THERE WAS A POSSIBILITY  
16 THAT IDENTICAL TWINS COULD HAVE THE SAME CODE.

17 A OR THEY DO HAVE.

18 Q THEY DO HAVE THE SAME CODE?

19 A THEY DO HAVE THE SAME.

✓ 20 Q OKAY. KNOWING THAT, THAT LEAVES THAT THERE IS A  
21 POSSIBILITY OF A MISTAKE IN POINTING TO THE DEFENDANT;  
22 IS THAT CORRECT?

✓ 23 EVEN THOUGH IT MAY BE SLIGHT, IT DOES LEAVE A  
24 POSSIBILITY OF A MISTAKE; IS THAT CORRECT?

25 A IT -- IF I -- WHAT IT MEANS -- FOR INSTANCE, WE

August 5, 1998 Trial Transcript

DR. FITZ - CROSS BY BROOKS

1 LOOKED AT SEVEN DIFFERENT GENETIC SITES. IF, FOR  
2 INSTANCE, WE ONLY LOOKED AT TWO DIFFERENT GENETIC  
3 SITES----

4 Q UH-HUH.

5 A -- AND WE DETERMINE THE FREQUENCY WITHIN THE  
6 POPULATION THAT THESE TWO GENETIC SITES OCCUR, IT MAY BE  
7 TEN PERCENT OF THE POPULATION SHARES THESE TWO GENETIC  
8 SITES. SO YES, IT COULD POINT TO SOMEBODY ELSE.

9 SO THAT IS THE REASONING BEHIND GETTING AS MANY  
10 DIFFERENT GENETIC SITES AS YOU CAN.

11 Q OKAY. THANK YOU, DOCTOR.

12 A IT'S----

13 THE COURT: RE-DIRECT, MS. DOMKE?

14 MS. DOMKE: NO FURTHER QUESTIONS, YOUR HONOR.

15 THE COURT: THANK YOU, DR. FITZ. YOU CAN STEP  
16 DOWN.

17 (WHEREUPON THE WITNESS LEFT THE STAND).

18 MS. DOMKE: YOUR HONOR, WE'D REQUEST THE WITNESS BE  
19 PERMITTED TO LEAVE.

20 THE COURT: LEAVE THAT ON THE RAIL. THANK YOU. ANY  
21 OBJECTION TO THE WITNESS BEING EXCUSED?

22 MR. BROOKS: NO OBJECTION.

23 THE COURT: THANK YOU, DOCTOR. YOU ARE EXCUSED TO  
24 GO BACK TO WORK. THANK YOU, SIR.

25 (WHEREUPON THE WITNESS LEFT THE COURTROOM).

THE STATE OF South Carolina  
IN THE SUPREME COURT

---

APPEAL FROM SUMTER COUNTY  
COURT OF COMMON PLEAS  
W. JEFFREY YOUNG, S.C. CHIEF ADMINISTRATIVE  
LAW JUDGE, THIRD JUDICIAL CIRCUIT

---

CASE NO: 2008 - CP - 43 - 2824  
APPELLATE CASE NO: 2012 - 212606

---

RAYMOND MAGAZINE #254723 \_\_\_\_\_ PETITIONER,  
- V -  
STATE OF South Carolina \_\_\_\_\_ RESPONDENT.

---

MOTION TO ALTER OR AMEND UNDER RULE 60(b)(1), (2) AND  
(3), BASED UPON FRAUD UPON THE COURT, "EXTRINSIC FRAUD".  
PURSURE TO (SCRCP) AND UNDER RULE 212(b)(c), SUPPLE-  
MENTAL RECORD SCACR.

---

NOW COMES THE ABOVE - NAMED PETITIONER. RAYMOND  
MAGAZINE IN THIS MATTER BEFORE THE HONORABLE COURT,  
THE PETITIONER HEREIN WOULD MOVE UNDER AND SEE UNDER  
THE SOUTH CAROLINA RULE OF CIVIL PROCEDURE RULE 60(b)  
(1), (2), AND (3), THAT THIS COURT CONDUCT A HEARING  
TO ASCERTAIN THE BELOW LISTED CONSTITUTIONAL VIOLATION  
WHICH WERE OBTAINED BASED UPON EXTRINSIC FRAUD UPON  
THE COURT.

THE COURTS ARE OVERLOOKING THE PETITIONER  
RAYMOND MAGAZINE CONSTITUTIONAL VIOLATION CLAIM BY  
THE FOLLOWING PROCEDURE FILED IN THE COURT WHICH DEPRIVE  
ME OF A FAIR TRIAL: IT IS A FRAUD THAT INDUCE A PERSON.

087

NOT TO Present a Case OR deprive a Person OF THE OPPORTUNITY TO be heard, "extrinsic fraud." This is THE Case OF THE Petitioner, Raymond magazine, Filed a motion Rule 60 (b), (1), (2), AND (3), Fraud UPON Court, "Extrinsic Fraud": This is NOT an application FOR Post-Conviction Relief, This IS NOT a matter or issue FOR a Post-Conviction Relief; THE Petitioner recognized That an independent action TO vacate a Judgment is allowed by Rule 60 OF South Carolina Rule OF Civil Procedure, however, THE Court ruled That This aspect OF THE rule "applies" [only] TO 60 (b) (4), The Court may relieve a Party FROM a final Judgment FOR any OF THE five reasons, enumerated as Rule 60 (b) (1), Through (5). Since THE allegation OF "extrinsic fraud" avoids APPLICATION OF THE One Year Time bar. THE doctrines OF res-judicate and Collecteral Estoppel will NOT bar a Collecteral attack ON a judgment. Based ON "extrinsic fraud."

An "extrinsic fraud" cause, it deprived THE other Petitioner OF his right TO a fair OPPORTUNITY TO Present his Case TO THE Court: THE essence OF extrinsic fraud is ONE Party's Preventing THE other Party FROM having his day IN Court, "Extrinsic fraud" refers TO frauds WHICH are Collecteral OR external TO matter TRIED.

Such as misleading acts which prevent movant party from presenting all of his evidence.

The Petitioner filed a motion in Pursuant To Rule 60(b)(1)(2); (3). fraud UPON The Court extrinsic fraud and this is not an application for Post-Conviction Relief, This is not a Post-Conviction Relief Application issue or/and matter. This matter was filed in THE State Court of South Carolina, Common Pleas Court. The

Petitioner alleged in his Complaint That Honorable Judge Thomas W. Cooper Jr., Prosecutor MS. JENEL. Domke, ass., Solicitor, for The State, and The Petitioner's defense Counsel MR. Charles T. Brooks III, ASS., Public defense violate all of THE South Carolina Civil Procedure, Rule [SCCPR]. These proceedings are critical to a fair trial in which was none, if The Honorable Court would read and consider to read for your ownself to judge or make a judgment of THE matter of Law. The Petitioner will show the follow in support of his motion: This is where THE fraud UPON The Court arrived whereas The Judge, The State's Solicitor, and The Petitioner's defense Counsel Extrinsic fraud by knowing misrepresentation of The True, by concealment of material of facts, fabrication of The evidence, Surprises, inadvertence and/or excusable neglect, at The Petitioner's August 5, 1998, Trial and went in throughout The December 1, 1998, Trial, The same fabricate evidence was used in The

AUGUST and THE DECEMBER 1998 TERM OF TRIAL, and This Came from an unrelated Rape kit of evidence on October 27, 1996, rape kit in which The Petitioner have not been tried on, Nor has THE Petitioner been convicted, See exhibit - B-#1, ALSO, see Exhibit - #97-G15, SEE ALSO, -#97-154, -(A) and (B). Exhibit - A - #5, 6, 7. This Serology and Forensic DNA analysis Testings were Completed on August 25, 1997, From This October 27, 1996, Rape Kit Case, which one Tube of Blood was Left Over, SEE Exhibit - Pg # 160, ~~LINE # 17-23~~, ALSO, Exhibit - Pg - #161, Line - #17-3, on Pg - #162. ALSO, Exhibit - Pg - # B-1, AND Exhibit - Pg - # 97-G15.

NOW, THE STATE'S SOLICITOR SHOULD HAVE HAD DISMISSED THIS October 27, 1996, rape case, CAUSE, THE DNA/Forensic TESTING PROVED THAT THE PETITIONER RAYMOND MAGAZINE WAS NOT GUILTY, SEE Exhibit - Pg - # 97-154 -(A) AND (B). HOWEVER, THE SUMTER COUNTY LAW ENFORCEMENT DEPT., KEPT A TUB OF PETITIONER'S RAYMOND MAGAZINE BLOOD FROM THE October 27, 1996, rape kit, FOR JUST ABOUT AROUND ABOUT NINE (9) MONTHS IN SUMTER COUNTY LAW ENFORCEMENT EVIDENCE PATROL REFRIGERATOR STORAGE BIN, SEE Exhibit - Pg - # B-1. ALSO, Exhibit - Pg - #97-G15, THIS IS THE TUBE OF THE PETITIONER, AND THE VICTIM BLOOD.

NOW, THIS Present rape case happen in July 19, 1997, a real Controversy as to real Facts arising from conflicting OR doubtful evidence, instead of THE STATE'S SOLICITOR DISMISSING THE CHARGES AND/OR DISPOSING OF THAT extra Tube of blood. THE STATE'S SOLICITOR USED THAT Tube of blood To Convicts THE Peti-

tionER, OF THE July 19, 1998 rape Case, Trial in which violated THE Chain OF Custody Procedure, by Fabrication OF THE evidence by THE Judge, The State's Solicitor, and THE PETITIONER's defense Counsel, FOA Tamering with THE administration of Justice in [This] Matter... INVOLVES Far more Than an injury To a single Litigant. It is a wrong against The institution set UP To Protect and Safeguard THE Public.

Cause, THE State's solicitor, THE PETITIONER's defense Counsel, and THE Judge extrinsic fraud by knowing misrepresentation OF THE True, by excusable neglect, Surprises, inadvertence, or mistake, by concealment of material Facts, Fabrication OF THE evidence by THE Judge; at THE Petitioner's August 5, 1998, Trial and Continued Through THE December 1, 1998, Trial.

### THE October 27, 1996. case.

THE PETITIONER WAS working in North Carolina THE week OF November 23, 1996 when my GirlFriend at That Time Called me at THE motel THE Night OF November 24, 1996, She informed me That Sumter County Law enforcement dept, was Looking for me, They had my Pictures all over THE Television, and wanted Posters of me in THE Stores all over THE Town For The Charge of raping a Sumter Woman. I Came Home and went To The Sumter County Law enforcement dept.,

On Saturday November 29, 1996, To Clear my name of This rape Charge, in which I am innocent of, The detective T. Barron was called at THE Law enforcement Dept., To accompany my Surrender. While I was being Question by THE Detective. I Learned That a Men named Robert Beaty Sax a woman was Lying beside his driveway Completely Nuded. SEE Exhibit-E -

#1, THE WOMAN TOLD THE POLICEMAN THAT BETWEEN MID-NIGHT AND 9:00 AM ON OCTOBER 27, 1996, TWO MEN OF HER ACQUAINTANCES RAPEd HER AT GUNPOINT. LISTEN, SHE WAS RIDING IN A CAR WITH THE MEN WHEN THEY ATTACKED HER SHE SAID, SHE ALSO SAID SHE WAS UNCONSCIOUS DURING PART OF THE ATTACK, ONE OF THE MEN WAS ARRESTED SHORTLY AFTER THE RAPE. SEE EXHIBIT - E - #1, A TWENTY 20 YEARS OLD SUMTER MAN NAMED [WALLACE] ROY BRIAN, WALLACE WAS CHARGED WITH CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE IN THIS CASE, THAT IS WHEN THE DETECTIVE STARTED TO TARGET ME BY THIS TIME, HE SAID THE FIRST MAN WAS FREE ON BOND; IT WAS NOT UNTIL MID-NOVEMBER THAT IS WHEN WE LEARNED THE FULL NAME OF THE ALLEGED SECOND ATTACKER, THE DEPUTIES PLACED ME UNDER ARREST AND TRANSPORTED ME TO SUMTER COUNTY CORRECTIONAL CENTER. THE PETITIONER WAS NAMED AS THE SECOND MAN ARRESTED IN THE OCTOBER 27, 1996, RAPE CASE, INVOLVING WITH THE SUMTER'S WOMAN, AFTER A FEW WEEK, THE VICTIM HAD PUBLICLY ANNOUNCED SINCE HER RAPE THAT SHE HAD IDENTIFY THE WRONG TWO MEN AS HER ATTACKERS, SEE EXHIBIT - PG - #E - 2. THE DEPUTY SAID THAT BY THE LAW IT IS UP TO A MAGISTRATE JUDGE TO DECIDE WHETHER TO DROP THE CHARGES AGAINST THE MEN, HE JUSTS CAN NOT MAKE THAT DECISION. INV. T. BARRON SAID. ON NOVEMBER THE 30, 1996, INVESTIGATOR SERVED ME WITH THREE ARREST WARRANT, THE FIRST WARRANT, WAS FOR CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, WARRANT NO: #F176312, THE SECOND WARRANT WAS FOR KIDNAPPING, WARRANT NO: #F176314, AND THIRD WARRANT WAS FOR ASSAULT AND BATTERY WITH INTENT TO KILL, WARRANT NO: F-176313, SEE EXHIBIT - PG - #A - 5, 6, 7., OCTOBER 27, 1996.

Case. THE PETITIONER Bond Was Set at Twenty-five (25) Thousands, dollars (\$ 25,000) Surety. THE PETITIONER Raymond Magazine Stayed in Sumter County Correctional Center unto MY Preliminary Hearing. THE Investigator asked THE PETITIONER Would I Give MY Consent To a DNA/Forensic Testing Sample Giving blood, in reference To THE October 27, 1996 rape Case only, I informed The Investigator I was really innocent of This CSC Charge, and I would consent to giving a DNA/forensic Test Sample for THE Testings in reference To THE October 27, 1996 Case. SEE Exhibit - pg - # 26 - 2. On and about February 4, 1997, at 9:15 A.M. A Preliminary hearing was held at 115 North Harvin St., Sumter, S.C. On THE first floor; THE Magistrate Judge refused To dismiss THE rape Charge against me.

On an about DECEMBER, 1996, The INV., T Barron and Lt. L. Garland Took me To DR. Bruner office To have THE forensic blood work drew up, at DR Bruner's on West Calhoun Street, Sumter, SC. SEE Exhibit - pg - # 250, Line - # 13 - 25, DR. ALLEN BRUNER - Direct By Domke. ALSO, Exhibit - pg # 251, Line - # 6 - 25, ALSO Exhibit - pg - # 252, Line - # 1 - 25, ALSO, pg - # 253, Line - # 1 - 25, ALSO, pg - # 254, Line - # 1 - 17.

ALSO, INVESTIGATOR TOMMY BARRON - Direct Bx Domke - At Exhibit - pg - # 255, Line - # 1 - 25, ALSO, pg - # 256, Line - # 1 - 25, ALSO, pg - # 257, Line - # 1 - 25, ALSO, pg - # 258, LINE - # 1 - 25.

Now, This Blood Sample Was Taken At DR Allen Bruner Office At 11 West Calhoun STREET in Reference To THE October 27, 1996 Case, only; SEE, Exhibit - pg - # 26 - 2. See, Indictment Number, # 97 - 154, . ALSO, Other: Consent To Give Samples 1, Page., DATE: 10 - 27 - 96. But They used This Blood Sample in THE August 5, 1998

Mistrial, AND THE DECEMBER 1, 2, 1998 TRIAL, DR. Bruner drew Three vials of Blood from me, AND DR BRUNER ALSO, TOOK hairs, From my Head, Pubic hairs, AND Saliva, ALL These Samples was Taken in reference To THE October 27, 1996 Rape Case. Indictment NO: # 97-GS-43-154.

On February 12, 1997, I had Posted THE Twentx-five Thousands dollars (25,000) Suretx bond.

On February 24, 1997, At THE Court of General Sessions, THE Grand Jurors of Sumter Countx Present UPON Their oath: an indictment Case NO: # 97-GS-43-154, For THE Charges of Criminal Sexual Conduct in the first degree, Kidnapping, assault and battery with intent To kill, attempted Murder, and Possession of a weapon during a violent Crime, SEE Exhibit-Pg-# 96, (A) AND (B), October 27, 1996. I WAS NEVER SERVED with a COPY(S) OF THE INDICTMENT CASE NO: # 97-GS-43-153, AND THIS SAME INDICTMENT UNDER THIS CASE NO: # 97-GS-43-153 HAD NEVER BEEN PROSECUTED OR TRIAL; THEY WITHHELD A TUBE OF THE BLOOD From THE October 27, 1996 rape kit sample, according To WILSON, \_\_\_ S.C. \_\_\_, 266 S.E.2d. 426. (1980),. Where THE JUDGMENT is void THE PETITIONER SEEKS relief From THE based on THE allegation THAT "he WAS NEVER NOTIFIED NOR SERVED with any TYPE OF INDICTMENT OR/and PLEADING in THIS ACTION: WHEN a PETITIONER is NOT PROPLY SERVED" THE COURT has NO jurisdiction of THE PETITIONER AND all Proceeding based ON THE Pretended Service are void, SEE MOMANI V. VAN SURDAM, 373 SE.2d 691, 296 S.C. 409, (SC APP-1988).

THE PETITIONER Claim does have a meritorious defense and NEEDS To be heard on THE MERITS, it does deserves a hearing To THE judicial inquiry, Cause, it raises a question of The LAW which NEED some investigation and/or discussion as a

real Controversy as To real Facts arising From Conflict-  
ing and doubtful or Fabrication of THE Evidence by Judge,  
THE State's Solicitor, and defense Counsel in This Matter...  
"Extrinsic Fraud", it deprived THE other Petitioner of his  
right To a Fair OPPORTUNITY To Present his case to the Court;  
THE Court MAY relieve a Party from a Final Judgment for  
any of THE Five reason, Enumerated, as Rule 60(b) 1-5.

### STATEMENT FACTS.

THE PETITIONER was employed at Sumter Builders For  
a Substantial Long Period of Time, although most of The  
Time MY job Causes me To go out of Town just about  
every week; Yes - I am INNOCENT of both of These Cases,  
and THE Trial Transcript records will show it.

On an around about July 19, 1997, a Sumter's Woman  
Was Telling a Police, She was walking home at night on  
U.S. Hwy, 15, after an argument with her boyfriend when  
her boyfriend Left her at a Store in The County, as She  
Walking Toward home a man Came UP out of a ditchlike,  
Pulled a knife on her, forced her into THE ditch, Took  
all her clothes, and forced her To have sex with him.  
The PETITIONER is Not Challenging THE victim Testimony OR  
Testifying, Causes, The victim's Testifying or Testimony was  
Criminal Coered, THE victim was Transported To THE  
Tuomey Emergency room by THE EMS. A Sexual assault  
examination was conducted on THE victim on THE Early  
Morning of July 19, 1997. SEE Exhibit-1, G.E., General  
Examination, "Treatment RECORD," Exhibit-Pg-#2, G.E.  
General Examination,  OUTER CLOTHING, UNDERPANTS  
AND DEBRIS Collection. ITEM Collection From THE victim  
 MISCELLANEOUS MATERIALS: Was Found, A Leaves.

✓ KNOWN SALIVA: Remove folded filter AND Place inner circle in victim mouth, Thoroughly Saturate Saliva From victim Mouth.

✓ KNOWN BLOOD Standard: Blood was Collection From THE victim.

✓ FINGERNAIL Serapings: Collect only if victim Scratched assailants skin.

SEE ALSO, Exhibit - PG - #3., G.E. General Examination.

N/A SUSPECTED SEMEN: It is recommend That Wood (U.V) LAMP be USED in THE Following Procedure. Examine victim Body FOR Crusted or as follow, and MoistEN Swab(s) with a Saline Solution THEN Thoroughly Swab THE Suspected area(s). DOCTOR REPORT SUSPECTED SEMEN. "NONE"

N/A Pubic HAIR Combing: "NOT APPLICABLE, OR NOT AVAILABLE"

N/A KNOWN Pubic HAIRS: "NOT APPLICABLE, OR NOT AVAILABLE"

N/A BITE MARKS: "NOT APPLICABLE, OR NOT AVAILABLE"

SEE Exhibit - PG - #4. G. E. PELVIC EXAMINATION

(To be Performed by attending Physician only).

USE a NON-Lubricated Speculum -

COMMENTS: THE DOCTOR EDWARD ALLAN JONES GRIMBALL MD. (Attending Physician's Signature) That There was: Mons Pubis Shaved, Ø Fibers Obtained, Ø Evidence of external Seminal Fluid by Wood's Lamp. DR. Grimball, Signature That This was THE RESULT of THE Pelvic Examination.

THERE WAS "NO" Swabs AND SMEARS Collection Procedure "DONE". By DR. Grimball "REPORT." See Exhibit - PG - #4. G. E. PELVIC EXAMINATION, SEE ALSO, Exhibit - W-1,

SEE Exhibit - PG-#4, G. E. LABORATORY Test To be PERFORMED BY HOSPITAL LAB - SEE, Exhibit - W-2, WET PREP, "NEGATIVE" FOR, EPithelial Cell 10-12 HPF. WBC 2-5 HPF, RBC-1-2 HPF, Bacteria 1+, Tri-Chomonas "NONE" YEAST, "NONE"

SEE Exhibit - H-#2. Ordered: GC Culture, PENDING, GC. Culture.

SEE Exhibit - H-#3. Culture, Chlamydia TRACHOMATIS, Source: Genital, RESULT: "NONE DETECTED"

SEE Exhibit - PG-#5. Wet Prep - "NEGATIVE" RPA-(A) (B), "NON REACTIVE"

Tuomey Regional Medical Center Initial Triage. CHIEF COMPLAINT AND NURSES SIGNATURE: Jacqueline Croskey, R.N. DATA/ACTION/RESPONSE Progress Notes.

SEE MRS. JACQUELINE CROSKEX DATA/ACTION/RESPONSE, Progress Notes: Exhibit - PG# 6, 7, AND 8.

Explained rape kit to Pt, Consent signed, At 0330, Rape-/sexual assault kit begin, Pictures taken by detp. At 0400, Pevic exam done by DR. Grintall.

"NO visible SPERM noted under (UV) Woods Lamp, Cultures collected, BY JEC. At 0430, Blood draw,

JACQUELINE CROSKEX - DIRECT BY DOMKE

(Q) MRS Domke - Do you recall approximately what time in THE MORNING it was when you began your TRIAGE?

(A) Only by looking at MY notes, and it was 3:00 in the morning.

(Q) After you first begin, Did you take Blood Pressure.

SEE Exhibit - Pg - # 155, LINE - # 6 - 10, ALSO, LINE # - # 12 - 21.

(Q) DID YOU -- DO YOU RECALL PRECISELY OR DO YOU HAVE AN IDEAL WHAT SHE HAD TOLD YOU HAD HAPPENED TO HER?

(A) MRS CROSKY TESTIFY THAT SHE WAS TRYING TO IDENTIFY WHO SHE WAS, AND TRYING TO GET A LITTLE BIT OF A HISTORY AND SEE WHAT WAS GOING ON, SHE WAS CRYING, THEN SHE SAY THAT SHE WAS RAPED. SEE Exhibit - Pg - # 155, LINE - # 5, ALSO, LINE - # 20 - 25, ALSO, Pg - # 156, LINE - # 1 - 7. ALSO, Pg - 157, LINE - # 1 - 7.

(Q) OKAY, DID - DID A SEXUAL -- WAS A SEXUAL ASSAULT EXAM WAS CONDUCTED? (A) YES IT WAS. (Q) CAN YOU TELL THE JURY BRIEFLY WHAT IS A SEXUAL ASSAULT.

(A) A SEXUAL ASSAULT EXAM IS WHEN SEE Exhibit - Pg - # 157, LINE - # 8 - 25, ALSO Pg - # 158, LINE - # 15 - 22, ALSO, Pg - # 161, LINE - # 3 - 25, ALSO, Pg - # 162, LINE - # 1 - 14. ALSO, Pg - # 159, LINE - # 1 - 11.

(A) WE ALSO COLLECT BLOOD SAMPLES AND THEN WE DO A PELVIC EXAM. AND THE DOCTOR WILL DO THE PELVIC EXAM AND COLLECT SPECIMENS IF INDICATED.

(Q) NOW WHEN YOU SAY -- ARE YOU TALKING ABOUT YOU IN THIS PARTICULAR CASE? WERE YOU THE ONE?

(A) YES. I DID EVERYTHING. YES, I DID EVERYTHING EXCEPT THE PELVIC EXAM.

(Q) A DOCTOR WAS PRESENT? (A) THE DOCTOR WAS PRESENT, I NEVER LEFT THE ROOM. (Q) AND YOU WAS THERE WHEN THE DOCTOR DID THE PELVIC EXAM?

(A) RIGHT. (Q) AND TOOK WHATEVER SAMPLES? (A) YES,

(Q) YOU DREW THE BLOOD. (A) RIGHT. AND I DREW THE BLOOD. SEE, Exhibit - Pg - # 158, LINE - # 1 - 15.

(Q) NOW YOU SAY YOU COLLECT BLOOD SAMPLES, AND NURSE: M CROSKY SAY YES, SEE Exhibit - Pg - # 158, ALSO, Exhibit - B - 1.

Line-#1, 14, 15, ALSO, PG-#162, Line-#15-25., SEE, Exhibit-#B-1.

(Q) AND YOU WERE THERE WHEN THE DOCTOR DID THE PELVIC EXAM? (A) RIGHT. (Q) AND TOOK WHATEVER SAMPLES?

(A) RIGHT, SEE, Exhibit - PG-#158, Line-#1-3, AND 6-14.

THE RESULT OF THE PELVIC EXAM SHOW, "NO EXTERNAL EVIDENCE OF SEMINAL FLUID DETECTED THROUGH (UV) LAMP. NO SUSPECTED SEMEN. N/A" NOT APPLICABLE OR NOT AVAILABLE. IN BOTH REPORT, DR. GRIMBALL AND NURSE CROSKY, SEE EXHIBIT-#1, #2, #3, #4, ALSO, EXHIBIT - W-#1; EXHIBIT-#6, #7, AND #8., NURSE CROSKY PROGRESS NOTES.

NOW, (Q) OKAY, LET ME ALSO SHOW YOU EXHIBIT- NO. 14. AND DO YOU RECALL TAKING THE CLOTHES FROM THE MELISSA HAVES? (A) YES. (Q) OKAY, DO YOU RECALL THIS SHIRT? (A) YES. (Q) OKAY, DO YOU REMOVED THIS FROM THE VICTIM (A) RIGHT. SEE EXHIBIT- PG-#160, Line-#1-7, AND 20-22, ALSO, PG-#161, Line-#1, ALSO, PG-#162, Line-#1-9. ALSO, PG-#167, Line-#15-22.

NOW, (Q) OKAY. NOW IN ADDITION TO TAKING THE PHOTOGRAPHS, TAKING THE CLOTHING FROM HER COLLECTING DEBRI'S BAG, DID YOU HAVE OCCASION TAKE ANY KIND OF ADDITIONAL SAMPLE FROM THE VICTIM? (A) YOU-- THERE'S SEVERAL DIFFERENT SAMPLES THAT YOU TAKE. TAKE HAIR SAMPLES. (Q) WHAT I'M ASKING ABOUT IS DID YOU TAKE SEROLOGY AT ALL? (A) YES., SEE EXHIBIT PG-#158, LINE-#1, #14, #15, ALSO, PG-162, LINE-#21-23., ALSO, PG-#163, LINE-#21-25, AND LINE-#1 ON PG-#164.

(Q) ALL RIGHT. AND WHAT ABOUT VAGINAL SWABS? ARE THEY TAKEN? (A) THEY ARE TAKEN. THEY ARE -- THEY ARE PUT ON TO A SLIDE AND THEY ARE ALSO SET INTO IT AND PUT INTO AN ENVELOPE AND

They are SEALED. Each one of those are INDIVIDUALLY SEALED and I TAPE THEM ACROSS WITH MY INITIALS AND THE TIME AND DATE. AND THEN THEY ARE PUT INTO A BAG, THAT IS PART OF THE KIT.

(Q) OKAY. AND IN THIS PARTICULAR CASE, DID YOU RECEIVE THE VAGINAL SWABS AS WELL AND SEAL THOSE AS PART OF THE KIT? (A) THE DOCTOR TOOK THE SWABS, BUT I PUT THEM INTO THE ENVELOPES AND SEALED THEM. (Q) AND YOU SAW THE DOCTOR?

(A) RIGHT. I WAS IN THERE. YES. SEE EXHIBIT - PG-# 162, LINE-# 21-25, AND PG-# 163, LINE-# 1-10, AND PG-# 164, LINE-# 1-25,

NOW, (Q) WOULD YOU ALSO HAVE REMOVED ALL THE UNDERGARMENTS INCLUDING THE PANTIES? (A) YES.

(Q) OKAY. IN THIS PARTICULAR CASE. (A) YES. I HAVE A SPECIFIC BAG FOR THAT. (Q), LET ME SHOW YOU STATE'S EXHIBIT NO. 16 FOR IDENTIFICATION AND ASK IF YOUR SIGNATURE APPEARS ON THAT. (A) YES, MA'AM. YES, IT DOES. MY INITIALS. SEE EXHIBIT - PG-# 165, LINE-# 2-25, ALSO, PG-# 166, LINE-# 1-16, ALSO, MRS JACQUELINE CROSKEX - CROSS BY MR. BROOKS, THE Ob-

JECTION WAS MADE UNDER STATE VERSUS GREEN THAT IS GREEN REPORTED AT 86 S.E. 2ND, 598. 1955 SUPREME COURT. INTRODUCTION OF SOME BLOOD STAINED UNDERPANTS. SEE EXHIBIT - PG-# 172, LINE-# 4-25, ALSO, LINE-# 1-5, ON PG-# 173.

"NOW THE QUESTION WAS TO MRS NURSE CROSKEX - DIRECT BY MS DOMKE, IS AND THE DOCTOR WILL DO THE PELVIC EXAM AND COLLECT SPECIMENS IF INDICATED." (A) BY MS CROSKEX, THE DOCTOR DID THE

EXAM? (Q) AND YOU WERE THERE (A) RIGHT, (Q) AND TOOK WHATEVER SAMPLES? (A) RIGHT, I NEVER LEFT THE ROOM. AND I DREW THE BLOOD. SEE, EXHIBIT - PG-# 158.

LINE - # 1 - 15, (Q),

NOW, ONCE YOU BEGAN DOING THE SEXUAL ASSAULT EXAMINATION, (A) YOU STAY WITH THAT PERSON UNTIL THE INVESTIGATOR THAT GOING TO BE PICKING IT UP COMES. TOGETHER YOU SEAL IT AND YOU INITIAL IT,

NOW, WHEN ALL THE EVIDENCE HAD BE COLLECTED, AND TESTED, THE DOCTOR REPORT, AND NURSES CROSKEX NOTES/DATA/ACTION RESPONSE PROGRESS NOTES PROVED THAT THERE WAS NO SUSPECT SEMEN, DETECT FROM THE SUSPECT RAYMOND MAGAZINE NOT GUILTY OF THIS RAPE CASE, BY NO EVIDENCE OF EXTERNAL SEMINAL FLUID DETECTED BY (UV) WOODS LAMP, ALSO, NO SEMINAL DETECTED IN UNDERPANTS, NOR NOTHERING IN DOCTOR REPORT, NOR NURSES CROSKEX REPORT ABOUT VAGINAL SWABS WAS TAKEN, AND PUT ON TO A SLIDE, AND PUT IN AN ENVELOPE AND THEN SEAL. SEE EXHIBIT - PG-# 1, # 2, # 3, # 4, General Examination, ALSO, EXHIBIT - PG-# 6, # 7, # 8, OF CHIEF COMPLAINT, AND NURSES SIGNATURE Jacqueline Croskey DATA/ACTION/RESPONSE PROGRESS NOTES.

NOW, MS JACQUELINE CROSKEX STILL - DIRECT BY MS DOMKE.

(Q) DO -- YOU REMOVED THIS FROM THE VICTIM? (A) RIGHT,

(Q) OKAY - AND THE BRA AND THE UNDERPANTS? (A) I

DONT -- PART. I MEAN, I PUT IT IN THERE. I DONT KNOW

ABOUT THE, BRA, BUT ... (Q) LET ME SHOW YOU THE BAG AND

ASK YOU -- I AM TRYING TO -- DO YOUR INITIALS APPEAR ON

THE BAG? WOULD YOU HAVE INITIALED THE BAG? (A) RIGHT

THERE. YES.

(Q) OKAY. SO YOU TAKE THE CLOTHING AND YOU PUT THE DATE ON THERE AND PLACE IT IN THE BAG AND SEAL THE BAG. (A) RIGHT. (Q) OKAY. NOW IN ADDITION TO TAKING THE PHOTOGRAPHS, TAKING THE CLOTHING FROM HER AND SEALING THAT, COLLECTING THE DEBRIS BAG, DID YOU HAVE OCCASION ALSO TO TAKE ANY KIND OF ADDITIONAL SAMPLES FROM VICTIM? (Q) WHAT I'M ASKING ABOUT IS DID YOU TAKE SEROLOGY AT ALL? (A) YES. (Q) OKAY. LET ME SHOW YOU -- LET ME -- I'D LIKE TO SHOW YOU STATE'S EXHIBIT - NO. 17 FOR IDENTIFICATION AND I'M GOING TO ASK YOU IF YOU CAN FIND YOUR INITIALS ON EITHER THE VAGINAL SWABS OR THE SEROLOGY. (A) I CAN SEE MY WRITING ON THERE AND I CAN SEE THE WRITING ON THE FRONT. THAT IS MY WRITING. THAT IS MY WRITING. (Q) OKAY. ON THE WRITING -- ON BOTH THE VAGINAL SWABS AND SEROLOGY? (A) MS CROSKEX SAID, ONLY ONE I CAN'T -- WHATEVER THIS MANILLA ENVELOPE, I CANNOT. . . (Q) WE MAY NEED TO -- . (A) THE WHITE ENVELOPE IS UNDER THERE. (Q) OKAY. HERE WE GO. DOES THAT HELP? (A) YEAH, THAT MINE (Q) THAT IS YOURS? (A) THAT IS MY WRITING RIGHT IN THERE. (Q) OKAY, SEE, EXHIBIT - PG-#160, LINE-#6-25. ALSO, PG-#161, LINE-#1-25, ALSO, PG-#162, LINE-#1-25, ALSO, PG-#163, LINE-#1-25, (Q) OKAY, AND TAKING THE BLOOD FROM THE ARM, (A) RIGHT, (Q) AND THAT SAMPLE GOES IN THE KIT, (A) YES, (Q) WHAT ABOUT THE VAGINAL SWABS? ARE THEY PUT IN THE KIT. (A) THEY ARE TAKEN, THEY PUT ON SLIDE, AND PUT IN AN ENVELOPE AND THEY ARE SEALED. (Q). OKAY, OKAY. NOW ONCE YOU HAD COLLECTED VAGINAL SWABS AND CLOTHING, THE GLOVES, THE SEROLOGY FROM THE VICTIM, PHOTOGRAPHS WERE TAKEN, THAT INFORMATION

WAS TURNED OVER TO LAW ENFORCEMENT OFFICER; IS THAT CORRECT? (A) WHEN EVERYTHING WAS DONE IN THE KIT, YES. (Q) OKAY. AND DO YOU RECALL WHICH OFFICER PICKED THAT UP FROM YOU? (A) OFFICER WINGATE. (Q) WITHOUT THE HAIR. WELL... SO HE PICKS UP EVERYTHING FROM YOU. (A) RIGHT. (Q) NOW, AT THAT TIME -- AND YOU TURNED ALL OF THAT OVER TO HIM AND THEN HE LEAVES THE HOSPITAL. IS THAT -- (A) RIGHT. (Q) AND AT THAT TIME, THE VICTIM IS STILL IN TUOMEY HOSPITAL? (A) YES. SEE EXHIBIT - PG - #164, LINE - #1-25, ALSO, PG - #165, LINE - #1-25, ALSO, PG - #11-25, ALSO, PG - #167, LINE - #1-25.

DET. DANA WINGATE - DIRECT BX MS. DOMKE.

(Q) INVESTIGATOR WINGATE, WHAT IS YOUR CURRENT COUNTY OF RESIDENCE? (A), SUMTER COUNTY, (Q) AND WHAT IS YOUR OCCUPATION (A) I'M ONE OF THE THREE JUVENILE INVESTIGATORS FOR THE SUMTER COUNTY SHERIFF'S DEPARTMENT. (Q) IN JULY 19, 1997, WHAT WAS YOUR DUTY? WHAT WERE YOUR DUTIES AT THAT TIME. (A) I WAS A JUVENILE INVESTIGATOR, BUT WE WERE ALSO, MY PARTNER AND I, KEVEN YOST, WERE INVESTIGATORS ON CALL FOR THAT NIGHT. (Q) SO YOU WERE ON CALL THE MORNING OF JULY THE 19<sup>TH</sup>, 1997? (Q) DID YOU HAVE AN OCCASION TO RESPOND TO TUOMEY HOSPITAL? SEE EXHIBIT - PG - #177, LINE - #1-25, ALSO, PG - #178, (A) YES, I DIDN'T RESPOND IMMEDIATELY TO TUOMEY. INVESTIGATOR YOST WENT TO TUOMEY WHILE I WENT TO THE SCENE AT THE DELUXE MOTEL. LINE - #1-2, 3, 4, AND 17-19. (Q), NOW OKAY, AND DID YOU -- DID YOU TAKE CUSTODY OR DID YOU SUBSEQUENTLY HAVE AN OPPORTUNITY TO TAKE CUSTODY OR DID YOU SUBSEQUENTLY HAVE AN OPPORTUNITY TO TAKE CUSTODY OF THE SEXUAL ASSAULT KIT? (A) YES. I DID TAKE CUSTODY OF THE SEXUAL ASSAULT KIT. (Q) DID YOU GET IT FROM NURSE CROSKEY? (A) YES, I DID.

(Q) OKAY, AND WHAT DID YOU DO WITH THE KIT? (A) TOOK IT UP TO THE LAW ENFORCEMENT CENTER AND PLACED THE BOX ITSELF IN THE REFRIGERATOR FOR PRESERVATION AND SET THE CLOTHING BAG BESIDE OF THE REFRIGERATOR IN THE PATROL ROOM. (Q) IS THAT STANDARD PROCEDURE?

(A). STANDARD PROCEDURE. (Q) OKAY. NOW, WHEN YOU HAD CUSTODY OF THE -- THE EVIDENCE THAT YOU HAD RECOVERED FROM TUDMY, DID YOU EVER OPEN ANY OF THE EVIDENCE?

(A) NO, MA'AM. IT'S SEALED BY THE NURSE IN MY PRESENCE. INITIALED. THEN I TAKE IT TO THE REFRIGERATOR IN THE PATROL ROOM AND STORE IT. SEE Exhibit-Pg-#178, Line-#1-25, ALSO, PG-#179, LINE-#1-25, ALSO, PG-#180, Line-#1-25.

NOW, ON THE EARLY MORNING OF JULY 19, 1997, NURSE CROSKY GAVE THE SEXUAL ASSAULT KIT, ALONG WITH THE VICTIM #1 ITEM, AND #2 ITEM, THE OUTFOR CLOTHING BAG AT TIME: 0540.

"NOW, INSTEAD OF OFFICER DANA WINGATE TAKE THE EVIDENCE TO THE LAW ENFORCEMENT CENTER AND PLACED THE BOX, "SEXUAL ASSAULT KIT" IN THE REFRIGERATOR FOR PRESERVATION PATROL ROOM, AS HE TESTIFY TO EARLY AT PG-#179, LINE-18-25, AND, PG-#180, LINE-#1-14, UNDER GATH, DET. DANA WINGATE, KEEP THE SEXUAL ASSAULT KIT, AND THE OUTFOR CLOTHING BAG IN HIS CUSTODY FOR AROUND AND ABOUT 28 HOUR, FROM JULY 19, 1997, TO JULY 21, 1997, IN HIS CUSTODY." THIS CONCEALMENT OF MATERIAL FACT AND MATERIAL EVIDENCE VIOLATE CHAIN OF CUSTODY PROCEDURE, HOWEVER, AFTER THE MATERIAL EVIDENCE GOT TO SIED, ALONG WITH A TUBE OF THE SUSPECT RAYMOND MAGAZINE LEFT-OVER OCTOBER 27, 1996 BLOOD, ALL TESTS THAT WAS DONE

And Examinations of THE Clothing, Came UP Positive Matching To Forensic DNA, ALSO TO THE Vaginal Swabs, underPants, NOW, THAT "ODDS", BECAUSE, "THE DOCTOR AND NURSES, CROSKEX EVIDENCE REPORT SHOW NO GROSS EXTERNAL EVIDENCE OF SEMINAL FLUID. BY (UV) WOOD LAMP, THERE NO REPORT ABOUT SWABS OR VAGINAL SWABS PERFORMED, OR TAKEN IN NEITHER REPORT, THE DOCTOR NOR NURSES, CROSKEX, NO SEMEN BY WOOD (UV) WOOD LAMP, ALL TESTS WAS "NEGATIVE," AS OF JULY 19, 1997. TESTS. NOW, WHEN MR. DANA WINGATE TOOK THIS EVIDENCE IN HIS CUSTODY FOR AROUND AN ABOUT 28 HOUR, ALL TEST BECAME POSITIVE., SEE EXHIBIT-B, B-1, AND EXHIBIT-B-2, ALSO, EXHIBIT-#97-G15, VICTIM TUBE OF BLOOD, ALSO, EXHIBIT-B-1, ALSO, EXHIBIT-Y-1;2. VAGINAL SWABS, EXHIBIT-Z-1, AND Z-2, ALSO, Z-3. ALSO, SEE STED REPORT, L97-9143 DATED ON EXHIBIT-P9-#98- DISCOVERY.

NOW, SOMETHING HAPPEN OR NURSE CROSKEX NOTICE SOMETHING WHEN SHE WAS BEING DIRECT BY DOMKE BECAUSE, WHEN NURSE CROSKEX WAS QUESTION ABOUT THE BRA AND UNDERPANTS? SHE KNEW IT WAS TAMPER WITH, BECAUSE, THEY HAVE SPECIFIC BAG FOR PANTIES, UNDERGARMENT, BRA, BECAUSE, IF YOU WOULD HAVE NOTICE THE POSE IN CROSKEX STATEMENT AND SHE NEW THEY WAS'NT THE WAY SHE PACKED THEM. ALSO, SEE EXHIBIT-P9-#160, LINE-#1-10, P9-165, LINE-#2-6, 12-<sup>13</sup> ALSO, SHE HAD PROBLEM WITH THE VAGINAL SWABS, COULDN'T SEE, OR FINE HER INITIALS ON EITHER THE VAGINAL SWABS OR THE SEROLOGY. SEE, EXHIBIT-P9-163, LINE-#-<sup>20</sup> 18-

On an around about JANUARY 27, 1998, THE PETITIONER Raxmond magazine WAS working in JACKSONVILLE NORTH Carolina when Sumter County Police INV. K.T. Yost FAXED a COPY of an Arrest Warrant To THE Onslow County Police DEPT. SEE Exhibit - J-6; 5; 4; 3; 2, To ARREST ME FOR THE Crime OF RAPE WITH a WEAPON, WARRANT NO: # F-562755. SEE Exhibit - J-2, AND J-6, On an about JANUARY 28, 1998, THE Magistrate Judge ordered for a fugitive hearing in THE General Court of Justice in THE District Court Division, in Jacksonville, North Carolina. SEE Exhibit - J-7; 8. Onslow County FOR a waiver OF Extradition in which I waved extradition. SEE Exhibit - J-7. On an around about JANUARY 29, 1998, INV. BOLSER and INV. Yost Picked ME UP From Onslow County, Jacksonville, North Carolina Jailhouse. SEE Exhibit - J-1, ALSO, Exhibit - #98-1, Discovery paragraph - # 10, 01-27-98, AND Extradited me back To Sumter County Jailhouse, That night, INV. K. Yost Served me with one (1) Warrant, For Criminal Sexual Conduct in THE first degree, WARRANT NO: # F-562755. SEE Exhibit - J-6, SEE Exhibit - APP-Pg - #446, Line - #8-21, ALSO, Exhibit - APP-Pg - #465, Line - #17-24, ALSO, Exhibit - Pg - 556, LINE - #4-25, Line - #1-3, on Page - # APP-Pg - #557, ALSO, THE STATE ASS Solicitor, Attorney FOR THE STATE, MS McMahan Stated HERSELF That only One Warrant: "AS FAR as I know." SEE Exhibit - APP-Pg - #557, LINE - #4. ALSO, Petitioner Trial Attorney Stated, When HE was DIRECT Questioning BY MY PER Attorney MR. WILSON, That THE QUESTION WAS ASKED

At Exhibit - APP-Pg - #557, Line - #12-14. (Q) DO YOU know if any other Warrant were ISSUED in This case? LINE - #14. My TRIAL COUNSEL ANSWER (A) I dont know? SEE LINE - #14-19 ALSO, ON APP-Pg - 557, ALSO, SEE Exhibit - APP-Pg - #594, Line - #12-15, And Line - #24-25. ALSO, SEE SENTENSE Sheet, Exhibit - D-#1, Kidnapping, Count-#1, A/w #, "NONE" ASSAULT AND BATTERY OF A High and aggravated Nature, A/w #, - "NONE" SEE Exhibit - #D-2, AND No other Warrants were ever Served on ME. On an around about February THE 2, 1998, THE Magistrate Judge held a bond Hearing on one (1) Warrant No: #F-562755, FOR THE Charge of Criminal, SEXUAL CONDUCT in THE First degree. SEE Exhibit - D-#3, Exhibit - J-6, Exhibit - A-3, And THE Judge denied ME bond.

On an around about, April 14, 1998, A Preliminary HEARING was HELD, However, My defense COUNSEL MR. Charles Brooks III; ASS Solicitor Ms. JENEL Domke, and Judge Mary K. HERBERT "WAIVED" MY REQUESTED Preliminary HEARING without my CONSENT OR MY PERMISSION, I did not know about OR found out about THE WAIVER until AFTER THE Facts. SEE Exhibit - A-3, SEE TOP RIGHT UPPER hand CORNER, Where it Say P.H. Judge Signature, Ms Mary K. HERBERT, Decision, Say "Waived" This This FRAUD is "Extrinsic FRAUD" That induced THE Party (ME) NOT TO PRESENT MY Case at TRIAL, OR HEARING, it does deprives me of THE OPPORTUNITY To be heard., At THE COURT OF GENERAL SESSIONS, Convened, On around an about July 13, 1998,

THE GRAND JURORS TERM OF SUMTER COUNTY Present UPON THEIR OATH an INDICTMENT, NO: #98-GS-43-745 THE INDICTMENT had Three additional Charges, in which making a Total of FIVE (5) Charges FOR: Kidnapping, Attempted Murder, Assault and Battery with intent to kill, Possession of a weapon during THE Commission of a violent Crime, and Criminal Sexual Conduct in THE First degree, SEE Exhibit # F-1; 2; 3, INDICTMENT. AND all THESE Charges were on one INDICTMENT, OFF OF ONLY Warrant, NO: #F-562755, dated July 13, 1998. SEE Exhibit-F-1, 2; 3. A COPY OF THIS INDICTMENT has NEVER BEEN SERVED on me Personally by ANY OF Lawyer. OR Solicitor, OR Lawful authority of Law, SEE Exhibit-APP-Pg-#446, LINE-#22., Exhibit-APP-Pg-#465, LINE-#21-24. Exhibit-APP-Pg-#557, Line-#10-11. AND 15-19, ALSO, Exhibit-APP-Pg-#594, Line-#22-23, Exhibit-APP-Pg-#610, Line-#3-25, AND, I RECEIVED A COPY OF THE INDICTMENT THROUGH THE CLERK OF COURT, SEE Exhibit-A-#1, 2; 3., THE CLERK OF COURT, FORWARD THESE DOCUMENT THROUGH THE MAIL AFTER THE CONVICTION.

### THE AUGUST 5, 1998 TRIAL.

On an around about, August 5, 1998, THE Honorable Thomas W. Cooper JR, The Judge, THE State's Solicitor MS. Jenel Domke and Charles Brooks, ASS Public defender, defense Counsel, THE Court Proceeding its FIRST TRIAL, August 5, 1998 Trial, On INDICTMENTS # 98-GS-43-745, SEE Exhibit-#F-1, 2, 3., FOR THE FOLLOWING Charges of Kidnapping, Attempted Murder, ABUSE, Possession of a weapon during THE Commission of a

VIOLENT CRIME, and Criminal Sexual Conduct in the first degree, However, At This TRIAL. I Was NEVER Arraigned before THE Proceeding, SEE Exhibit-C-1-7, August 5, 1998 Trial Transcript, ALSO, SEE Exhibit-APP-Pg-#446, Line-#22-24, Exhibit-APP-Pg-#557, Line-#7-9, Line-#15-19. Exhibit-APP-Pg-#594, LINE-#16-21, NOR INDICTMENT-#98-GS-43-745, Was NEVER READ before THE Jurors SEE Exhibit-#C-1-7, August 5, 1998 TRIAL Transcript, NOR Were THE Jury Selected FOR THE About TRIAL to Charge me in THIS INDICTMENT, SEE Exhibit C-#1-7. Nor Was THE Jurors Legally inpaneled TO Sworn in doing THE August 5, 1998 TRIAL. SEE Exhibit-C-#1-7, August 5, 1998 TRIAL Transcript. and I Still Was NEVER SERVED with a COPY OF THE INDICTMENT NO: #98-GS-43-745. With THE Above additional THREE (3) ARREST WARRANT FOR THE Following Charges OF, Kidnapping, Attempted Murder, ABWIK, And I WAS NEVER PERSONALLY SERVED with a COPY of the INDICTMENT, #98-GS-43-745, FOR THE Above Charges, SEE Exhibit-APP-Pg-#446, Line-#8-24, SEE Exhibit APP-Pg-#465, LINE-#17-24, SEE, Exhibit-APP-Pg-#556, Line-#4-25, AND Line-#1-19, on pg-#557. Exhibit-APP-Pg-#594, LINE-#9-25, ALSO, Exhibit-Pg-#610. Line-#3-24, However, This August 5, 1998, Jury Trial ENDED in A MISTRIAL.

THE Judge had ruled that THE PROSECUTION would have TO establish THE Chain of Custody Concerning THE Petitioner RAYMOND MAGAZINE DNA Sample. SEE Exhibit-APP-Pg-#400. "STATEMENT OF FACTS," Without mentioning THE DATES and

THAT THE POLICE had Acquired THE Sample, SEE Exhibit-  
pg-#3, October 27, 1996 Case. This DNA WAS, Freely,  
AND CONSENT TO SAMPLE ON October 27, 1996 CASE  
SEE Exhibit-#26-2, "OTHER," Consent To Give Samples,  
1-Page, DATED-10-27-96. HOWEVER, THE August 5,  
1998 Jurors were a smart and intellectual Panel;  
They asked questions concerning THE blood being  
collected at THE Scene of THE Crime. THE PETITI-  
ONER Raymond Magazine, have a meritorious de-  
fense case. Cause, THE Judge deprived PETITIONER  
RAYMOND MAGAZINE of a fair opportunity to pre-  
sent MY case to THE Court. SEE Exhibit-APP-Pg-#  
400, "THE Extrinsic fraud" is one (THE JUDGE) Party's  
preventing THE Other Party (ME) from having MY  
day in Court. "Extrinsic fraud," refers to frauds which  
are collateral OR external to matter TRIED. IF THE  
PETITIONER Raymond Magazine August 5-6, 1998,  
TRIAL, AND DECEMBER 1-2, 1998 TRIAL, by a JURY, IF THE  
juror would have those dates. SEE Exhibit-APP-Pg-#  
3, October 27, 1996 case, ALSO, CONSENT TO SAMPLE, Give,  
10/27/1996 DATE., THE outcomes of MY TRIAL would  
have been different. It is fraud that induced THE  
Party (ME) NOT TO PRESENT MY CASE at TRIAL, it does  
deprive me of THE OPPORTUNITY to be heard, such  
a misleading act which prevented me from pre-  
senting all of my evidence, it is some intentional  
acts, and conduct by which THE (Judge), THE pre-  
vailing Party has prevented THE UNSUCCESSFUL Party  
(me) from having a fair submission of THE contro-  
versy, accordingly, a judgment may be attacked  
collateral where fraud has been practiced in the

Very act of Obtaining THE judgment and on THE Party we against ME whom The judgment was rendered so as to Prevent me from having a fair opportunity To Present my Case.

Now, BECAUSE, THE State USED PETITIONER Raymond Magazine Left over Blood Taken From an October 27, 1996 Rape investigation, which THE Forensic / DNA Testing Proved THAT THE PETITIONER Raymond Magazine was Not Guilt of THE October 27, 1996 Case, SEE Exhibit- # 97-154-(A) AND (B). SO, THIS SIEN LAB NO: L97-0840. NOR THE PETITIONER Raymond Magazine was Not Tried For, NOR Convicted of neither.

THE floor established by THE DUE Process Clause Clearly requires a fair Trial in a Fair Tribunal, before, A Judge with NO actual bias against THE (ME) OF with NO interest in THE outcome of my Particular Case. THE Right To a Fair Trial is a basic requirement of Due Process and include THE right To an Unbiased Judge. . .

S.C. APP. 1988., ALLEGATIONS by defendant against whom default Judgment had been entered, That he was NEVER Notified OR Served with any Type OF Pleading in underlying action were sufficient To Permit Court To entertain independent action APPLIES where Judgment is "void" and when defendant is "not properly served," Court has not Jurisdiction over him and all proceeding based on Pretended Service are void. Rules Civ. Proc., Rule 60(b)(4). Momani-Van Surdam, 373 S.E.2d. 691, 296 S.C. 409. (S.C. APP. 1988).

## THE DECEMBER 1-2, 1998, TRIAL.

On an around about Four (4) months Later a Second Trial Was held On DECEMBER 1, 1998, before THE Same Honorable Judge T. W. COOPER, and THE STATE'S SOLICITOR, ASS., J. DOMKE, and THE defense Counsel C. T. BROOKS III, ASS., Public DEFENDER, REPRESENTED PETITIONER RAYMOND MAGAZINE At both TRIALS. THE Judge COOPER TRIED To Correct Some of Those Proceedings and / OR Procedural here, Violations by giving me an arraignment on THE Same indictment NO: #98-GS-43-745. SEE Exhibit-M-#8-10, DECEMBER 1, 1998 TRIAL, Containing THE Same Charges, Kidnapping, Attempted MURDER, ASSault and BATTERY with Intent to Kill, Criminal SEXual Conduct in THE FIRST degree, POSSESSION of a Weapon During a violent CRIME. SEE Exhibit-M-#8-10, This #98-GS-43-745 Indictment was Not resubmitted To THE GRAND JURY before Proceeding in THE Second TRIAL, DECEMBER 1, 1998 TRIAL THE STATE'S SOLICITOR read THE INDICTMENT #98-GS-43-745, before THE Jurors AFTER binding THE with an oath, SEE Exhibit-M-#1-15,

THE Second TRIAL Starts; THE victim Testified she Was walking home on U.S. HWY. 15, After an argu-ment with her boy friend when a men Came UP Like out a ditch, Pulled a knife on her, Took all her Clothes (she was butt naked). SEE Exhibit-Pg-#102, Line-#8-10, And Pg-#103, Line-#13-16, AND Pg-#104, Line-#5-20. And Pg-#106, Line-#7-13. AND Pg#108.

Line-# 1-4, AND Pg-# 110, Line-# 19-21., AND Pg-# 111.  
Line-# 8-10. AND Forced her To have Sex with  
him. THE Victim was TRANSPORTED To Tuomey  
Emergency Room by EMS, a Sexual assault exa-  
mination was conducted on THE Victim THE morn-  
ing of July 19, 1997, SEE Exhibit-Pg-# 1, General  
Examination, Treatment Record, "NO SUSPECTED Semen,  
Lamp Examination show NO gross external evidence  
OF Seminal Fluid.

SEE Exhibit-Pg-# 2, G.E. General Examination, "NO Evi-  
dence of SUSPECTED Semen, "NO Evidence of vaginal Swabs,"  
AND NO Evidence of Semen detected in Pants, OR under-  
pants.

SEE Exhibit-Pg-# 3, General Examination, "NO Suspect-  
ed Semen. THE Wood (UV) Lamp show NO Evidence of  
external Seminal fluid.

SEE Exhibit-Pg-# 4. PELVIC EXAMINATION. COMMENTS. mons  
Pubis Shaved, Ø Fibers obtained, Ø evidence of ex-  
ternal Seminal Fluid by Wood LAMP.

SEE Exhibit-Pg-# W-1. Doctor Grimball, Status Post  
ASSAULT, RAPE Kit is Performed.

Victim Shaved mons Pubis, NO Fibers obtained.  
NO gross lacerations to vulva OR Vagina. Clear  
Fluid in Vaginal Vault obtained FOR DNA and wet  
Prep. NO gross external Evidence of Seminal  
Fluid BY Wood (UV) Lamp.

SEE Exhibit-Pg-# W-2, ORDERED, Wet PREP.

TEST RESULT: WET PREP, "NEGATIVE."

SEE Exhibit-Pg-# H-2. Specimen, Genital.  
GC Culture, "PENDING".

Exhibit - pg - # 4 - 3, Culture, Chlamydia,

TRACHOMATIS, Source: Genital, Result: "NONE DETECTED." END OF REPORT.

Exhibit - pg # 5. General Examination, Wet Prep,

"NEGATIVE." ~~RPR~~ RPR - NON REACTIVE.

NOW DOCTOR EDWARD ALLAN JONES GRIMBALL, MD.

Evaluation OF THE VICTIM, Show "NEGATIVE" AND "N/A, NOT APPLICABLE, OR NOT AVAILABLE".

AND DR. GRIMBALL SIGN OFF BY HIS: "SIGNATURES"

NOW, NURSES: CROSKY, DATA / ACTION / RESPONSE,

AND PROGRESS NOTES: ALSO, Proved THAT "NO SEMEN detected From PETITIONER Raymond magazine," NO GROSS External Evidence of suspected SEMEN Show by (UV) WOOD LAMP. "NO RECORD TO SHOW THAT Vaginal Swabs was Taken From THE VICTIM, AND NURSES Signature off on This Report.

SEE Exhibit - # 6, 7, And 8. of Nurses CROSKY Report.

NOW: THE FINAL INSTRUCTIONS: FOR THE RAPE KIT.

stated. MAKE Sure Information on FORMS and Evidence Containers has been Completely Filled out and THAT THE Attending Physician has signed and DATED THE FORMS where requested.

"SEE Exhibit - pg - # 1, General Exam, "TREATMENT RECORD."

INV. K. T. YOST and Det. T. Barron. DET. Barron was THE investigating officer of THE October 27, 1996 First RAPE Case, SEE Exhibit - pg - # 255, Line - # 12-25, And pg - # 256, Line - # 1-25, And pg - # 257, Line - # 1-25, And pg - # 258, Line - # 1-25. ALSO, DR. ALLEN BRUNER was was

THE DOCTOR WHO DRAW PETITIONER BLOOD IN THE OCTOBER 27, 1996 FIRST RAPE CASE: NO DATE OR TIME MENTION IN THEIR TESTIMONY WHEN THIS BLOOD WAS DRAW. SEE EXHIBIT - PG - #250, LINE - #11-25, AND PG - #251, LINE - #1-25, AND PG - #252, LINE - #1-25. AND PG - #253, LINE - #1-25, AND PG - #254, LINE - #1-13.

SO DET. BARRON WAS HELPING AND/OR ASSISTING INV. YOST IN HIS INVESTIGATING OF THE SECOND RAPE CASE IN SUMTER COUNTY, WHICH, WAS THE JULY 19, 1997 RAPE CASE. WHILE THEY WERE DOING THEIR INVESTIGATIONS WITH THE VICTIM OUT THERE ON U.S. HWY, 15. AS THE VICTIM WERE SHOWING THE WAYS SHE WERE TAKEN AFTER JUST ABOUT A QUARTER OF A MILE; THEY CAME UP ON A LITTLE WHITE HOUSE WHERE THE VICTIM SAID THE MAN TOOK HER DOWN THROUGH THE SIDE AND/OR NEARBY THE SIDE OF THAT HOUSE AND THE VICTIM AND THE MAN ENDED UP ON THE OTHER SIDE OF A FIELD NEARBY A MOTEL OR HOTEL; ANYWAY, DET. BARRON REMEMBERED THE I STAYED IN THE LITTLE WHITE BLOCK HOUSE OUT THERE, SO DET. BARRON TOLD THE INV. YOST AND THE VICTIM, I STAYED THERE, AND THEY WENT BACK TO THE SUMTER COUNTY LAW ENFORCEMENT DEPARTMENT TO LOOK AT SOME PICTURES AND/OR PHOTOGRAPHS OF ME TO SEE IF SHE COULD IDENTIFY ME AS THE ASSAILANT, SEE EXHIBIT - APP - PG - #26, PHOTOS, ALSO, SEE EXHIBIT - PG - #98-1, DISCOVERY. PARAGRAPH - #3.

### "EXTRINSIC FRAUD"

WHEN ALL OF STATE'S WITNESSES, THE DOCTORS, OFFICERS, FORENSIC / DNA EXPERT TESTIFIED UNDER THE CHAIN OF CUSTODY ABOUT THEIR HANDLING OF THE PETITIONER

Raymond Magazine Left-over THE Tube OR Vial of blood,  
THAT WAS TAKEN FROM THE October 27, 1996, rape Case,  
See Exhibit-Pg-#400, "State of Fact." And Petitioner Case  
#S@ROLOGY AND DNA ANALYSIS DATE AUGUST 25, 1997,  
Sled Lab NO: L97-0840. Incident DATE 10/27/1996.  
ALSO, Exhibit-Pg-#3, October 27, 1996 Case. In which  
There was an extra vial OR Tube THAT WAS Left in  
THE Sumter County LAW Enforcement DEPARTMENT  
Evidence Patrol Refrigerator Storage bin FOR around  
an about nine months. They TOOK THE Extra Tube  
OR Vial of blood FROM THE FIRST rape case of October  
27, 1996, and mix it with THE Second rape case of  
July 19, 1997, which was just about nine months  
Later. "All of THE State's witnesses by concealment  
of material facts of THE evidence, and fabrication  
of the Evidence Testified before THE jurors as to a  
real facts arising from conflicting and doubtful  
evidence, which NO DATES NOR TIME WAS MENTION  
WHEN THE DNA WAS TAKEN OR DRAW." SEE Exhibit-  
Pg-#250, DR. ALLEN BRUMER, - Direct BY Domke  
Line-#13-25, AND Pg-251, Line-#6-25, AND Pg-#252, Line-  
#1-25, AND Page-#253, Line-#1-25, AND Pg-#254, Line-#1-13.  
SEE Exhibit-Pg-#255, Line-#1-25, DIRECT EXAMINATION BY  
MS Domke: Tommy BATTON, WHICH NO DATES NOR TIME  
WAS MENTION WHEN THE DNA WAS TAKEN OR DRAW SEE,  
ALSO, Exhibit-Pg-#256, Line-#1-25, AND Pg-#257, Line-#1-25,  
AND Pg-#258, Line-#1-25. MS. MELISSA BRADLEY, DIRECT  
EXAMINATION BY MS. Domke, NO DATES OR TIME WAS MENTION  
WHEN THE DNA WAS TAKEN OR DRAW. SEE Exhibit-Pg-#259,

LINE-# 1-25, AND PG-# 260, Line-# 1-25, AND PG-# 261, Line-# 1-25,  
PG-# 262, Line-# 1-13. AND PG-# 276, Line-# 18-25., AND PG-# 277.  
Line-# 1-8. AND- 9-25., MR. RAYMOND MACKESSEX - DIRECT BY DOMKE.

NO DATES NOR TIME WAS MENTION WHEN THE DNA WAS TAKEN  
OR DRAW, SEE EXHIBIT-PG-# 278, Line-# 1-25, and PG-#  
279, - Line-# 1-25., MR. DANA WINGATE, DIRECT BY MS DOMKE

NO DATE, NOR TIME WAS MENTION WHEN THE DNA WAS TAKEN,  
OR DRAW, SEE EXHIBIT-PG-# 177, AND Line-# 1-25. AND LPPG-#  
178, Line-# 1-25, AND PG-# 179, Line-# 1-25, AND PG-# 180, Line-# 1-25.  
AND PG-# 181, Line-# 1-25., THIS WAS A SURPRISE TO THE PETITIONER-

I WAS LOOKING FOR A FAIR OPPORTUNITY TO PRESENT MY CASE TO THE  
COURT. WHEN ALL OF THE STATE WITNESSES TESTIFIED IN SUCH A  
MISLEADING ACTS WHICH PREVENT ME FROM PRESENTING ALL OF MY  
EVIDENCE. CAUSE, OF THE RULE THE JUDGE FIXED OR CHARGED TO  
THE CHAIN OF CUSTODY. SEE EXHIBIT-APP-PG-# 400., STATEMENTS

OF FACTS., NOW, THE STATE'S SOLICITOR, DEFENSE COUNSEL, AND ALL  
OF THE STATE'S WITNESSES HAVE PREVENTED ME THE UNSUCCESSFUL  
FROM HAVING A FAIR SUBMISSION OF THE CONTROVERSY, IT IS SOME  
INTENTIONAL ACT AND CONDUCT BY WHICH THE PREVAILING PARTY'S THE

JUDGE, THE STATE'S SOLICITOR, DEFENSE COUNSEL, AND ALL OF THE  
STATE'S WITNESSES THAT TESTIFIED ABOUT THIS FALSIFICATION OR FA-  
BRULOUS OF THE EVIDENCE, TO DEPRIVE ME OF AND FROM HAVING  
THE OPPORTUNITY TO BE HEARD, THIS IS EXTRINSIC FRAUD. WHERE  
FRAUD HAS BEEN PRACTICED IN THE VERY ACT OF OBTAINING THE

JUDGMENT OR ON THE PARTY (ME) AGAINST WHOM THE JUDGMENT WAS  
RENDERED SO AS TO PREVENT ME FROM HAVING A FAIR OPPORTUNITY  
TO PRESENT MY CASE. THE DOCTOR DREW THREE (3) TUBES AND/OR  
VIALS OF MY BLOOD, TOOK HEAD HAIRS, PUBIC HAIRS, AND SALIVA  
SAMPLES, ALL OF THESE SAMPLES WERE FROM THE OCTOBER 27, 1996  
RAPE CASE KIT, SEE EXHIBIT-PG-# 97-154, (A) AND (B), THIS SAMPLES,  
WAS SENT TO THE DEPARTMENT OF FORENSIC SEROLOGY AND DNA

ANALYSIS and was Completed on an around about August 25, 1997, SEE, Lab No. # L97-0840, THE CASE NO. # 96081221, ITEM # 110, SUSPECT SEMEN: RESULTS of Examination: 1.10, NO SEMEN detected, SEE, Exhibit - PG - # 97-154, (A) AND (B). NOW, THE STATE SOLICITOR would NOT Clear ME of THE October 27, 1996 RAPE Charges, ALSO, THE STATE SOLICITOR refused To dis-MISS THE ABOVE October 27, 1996 RAPE Charges and expunge PETITIONER RAYMOND MAGAZINE NAME AND THE EXTRA Tube of / AND OR vial of blood THAT stilled in THE Sumter County LAW ENFORCEMENT DEPARTMENT of Evidence Patrol Refrige-rator Storage bin.

NOW AGAIN, THE STATE RAPE examination Was Completed, AND PETITIONER RAYMOND MAGAZINE was Clear and innocent of THE October 27, 1996 RAPE Charge against Petitioner RAYMOND MAGAZINE, DET. T. BARRON had Took THAT EXTRA Tube and/or vial of MY blood and mixed it with THIS July 19, 1997 Case. SEE Exhibit - PG - # 160, Line - # 7-25, ALSO, Exhibit - PG - # 161, Line - # 1-25, AND Exhibit - PG - # 400, Statements of Facts, SEE Exhibit PG - # 3, October 27, 1996 Case, SEE, Exhibit - PG - # 97-615, ALSO, SEE Exhibit - B - # 1, PETITIONER Extra Tube of Blood, ALSO, SEE Exhibit - B - # 2, SEE, Exhibit - Z - # 1; 2; 3, ALSO, SEE Exhibit - # Y - 1. PETITIONER, RAYMOND MAGAZINE, NEVER GIVED BLOOD in THIS July 19, 1997 Case, NOR, GIVED Consent To used THAT EXTRA Tube of Blood in THIS July 19, 1997 Case. Causes, THE DOCTOR THAT did the blood on THE victim in THE hospital all of his/ hers NURSE JACQUELINE CROSKY Sexual assault examina-tion, Paperwork were "Negative", SEE Exhibit - PG - # 1, General Examination, ALSO, Exhibit - # 2, General Examination, SEE, Exhibit - # 3, General Examination, SEE Exhibit - # 4, General Examination, PELVIC - Examination, "Swabs And Smears Collection Procedure, "NONE", ALSO, SEE, Exhibit - # 6; 7; 8; AND SEE, Exhibit - W - # 1; 2. ALSO, SEE, Exhibit - H - # 2, 3, AND Exhibit - # 5. General Exam.

AND HE/OR SHE, MADE a mistake and did not check and/or write anything about using swabs; it is hard to understand while his/her paperwork aren't completed.

When his/her paperwork shows he/she did not do any swabs and THE Forensic Laboratory report saying they had swabs. SEE Exhibit-Y-#1, AND SEE Exhibit-Z-#2.

Now, when THIS RAPE KIT LEFT THE hospital with DET. BARTON it was "NEGATIVE" and HE KEPT both RAPE kit and THE bag of clothes in his possession for around an about Twenty-eight (28) hours. SEE Exhibit-B-2, Date/Time Officer Wingate Received (Victim) Item #1, Adult Sexual Assault Kit, AND, Item #2, Outer Clothing Bag, 7-19-97, Time, 0540. AND Date; AND Time, Evidence/Property/Custodian Received in Patrol Refridge, Date: 07/21/97, At 08:35. AND when THE RAPE kit AND THE bag of clothes arrived at SIED; THE RAPE kit AND THE bag of clothes was Positive. SEE, Exhibit-Z-1, AND Exhibit-Y-1. Also, Exhibit-B, Also, A Tube of PETITIONER, Raymond Magazine Blood, SEE Exhibit-Pg-B-1, Indictment-# 97-G-15.

THE doctor in his report said he could not find any blood and/or semen fluids, in which THE victim testified they had took all of her clothes, and she was walking down THE road, they were in THE County, now, but NAKED through all of these coincidence, see, Exhibit-Pg-#102, LINE-#7-10., AND Exhibit-Pg-#103, LINE-#13-16, AND Pg-#104, LINE-#5-20, AND Exhibit-Pg-#106, LINE-#7-9., AND Pg-#108, Line-#1-4, AND Pg-#110, AND LINE-#19-21, AND Pg-111, LINE-#8-10.

When at THE August 5, 1998, TRIAL, THE STATE'S expert witness, testified, THAT THE Forensic/DNA Test do leaves THAT THERE is a possibility of a mistake in pointing to THE PETITIONER, RAYMOND MAGAZINE even though it may be slight, it does leave

a possibility of a mistake; SO YES - it could point to somebody else, SEE Exhibit - PG - #172, Line - #20-24, August 5, 1998 TRIAL TRANSCRIPT, ALSO, SEE Exhibit - PG - #173, Line - #5-12, August 5, 1998 TRIAL TRANSCRIPT, THE PETITIONER, RAYMOND MAGAZINE, has a Meritorious defence Case, Cause, OF THE SAVING OF THE State's EXPERT; Said, it Leave a reasonable doubt with THE Fabrication of THE Evidence by THE Judge, State's Solicitor, and defense Counsel. "Extrinsic FRAUD" has been Practiced To Procure THE Judgment, Doubtful Evidence, everytime I was working out OF TOWN; I was Told a Crime have happen and I did it; SEE Exhibit - J-1-8, ALSO, Exhibit - #98-1, Discovery - #8;9;10, THE defense Counsel had "both" CRIMINAL SEXUAL Conduct Cases, THE October 27, 1996, File, AND THE July 19, 1997 File, SEE Exhibit - PG - APP - PG - #556 - Line - #15-19, and Petitioner defense Counsel did NOT even TRY TO MAKE ME A defense OR an alibi defense, knowing THAT I was working out of Town a Lot; THE defense Counsel could had Called my boss and a Few OF THE Crew - Members That I had worked with To get Sworn Statement From Them To Show I was with THEM and in Their Presence when These Crime were Committed; THE defense Counsel did not Take These Criminal Sexual Conduct Charges Serious. SEE, Exhibit - PG - #555 APP PG - #Line - #1-25, And PG - #APP PG - #556, Line - #1-25. ALSO, SEE Exhibit - APP - PG - #557, Line - #20-25, ALSO, Exhibit - APP - PG - #594, Line - #1-12. ALSO, My defense Counsel REFUSED TO SUPPLY me with Discovery COPY OF MY RECORD, SEE, Exhibit - #N, NOVEMBER 27, 1996 Case, File ENVELOPE, I MADE A

MISTAKE, it should have been October 27, 1996 Exhibit # N, RECORD CASE FILES ENVELOPE, ALSO, SEE Exhibit-N-#1, JULY 19, 1997 CASE FILE, SEE, RECEIVED DATE MARCH 14, 2002, AT BROAD RIVER CORRECTIONAL INSTITUTION, I WAS SENTENCED ON DECEMBER 2, 1998, MY P.C.R. COUNSEL HAD TO SUBPOENA MR CHARLES BROOKS IN ORDER TO RECEIVE MY Exhibit-N1, AND N1-1, OCTOBER 27, 1996, AND JULY 19, 1997, CASE FILE RECORD, SEE Exhibit-G-#1, 2, 3; 4; AND THAT HOW PETITIONER RAYMOND MAGAZINE RECEIVED A COPY OF MY OCTOBER, 27, 1996, JULY 19, 1997 CASE FILES, AFTER MY P.C.R. COUNSEL FORWARDED THEM TO ME, MR CHARLES BROOKS, III, REFUSED TO SEND THESE DISCOVERED FILES.

Accordingly, a Judgment may be attacked collaterally where "Extrinsic FRAUD" has been practiced in THE VERY act OF Obtaining THE Judgment and /OR ON THE Party against Whom THE Judgment was rendered so as TO Prevent him (ME) FROM having a FAIR OPPORTUNITY TO Present his (ME) Case, however, "Extrinsic FRAUD" it IS FRAUD THAT induces a Person (ME) NOT TO Present a Case and /OR DEPRIVE a Person (ME) OF THE OPPORTUNITY to be heard, and when THE JUDGE, State's Solicitor, and my defense Counsel were charged with the Chain of Custody NOT TO LET THE dates go before THE JURORS, SEE Exhibit-APP-Pg-#400, JULY 19, 1997 CASE, SEE Statement of Facts, SEE Exhibit-Pg-#274, Line-#18-25, AND Exhibit-Pg-#275, Line-#1-25, AND Exhibit Pg-#276, Line-#1-10.

MELISSA BRADLEY - DIRECT BY DOMKE, NOW, STATE WOULD RECALL MELISSA BRADLEY. SEE Exhibit-Pg-#276.

LINE-#11-25, ALSO, Exhibit-Pg-#277, LINE-#1-23, ALSO, Exhibit  
Pg-#259, LINE-#1-25, AND Exhibit-Pg-#260, LINE-#1-25, AND  
Exhibit-Pg-#261, Line-#1-25, and Exhibit-Pg-#262, Line-#1-22

RAYMOND MACKESSEY - DIRECT BY DOMKE - SEE Exhibit  
Pg-#277, Line-#20-25, AND Exhibit-Pg-#278, Line-#1-25, AND  
Exhibit-Pg-#279, Line-#1-25, AND Exhibit-Pg-#280, Line-#

DR. ALLEN BRUNER - DIRECT BY DOMKE - SEE, Exhibit-  
Pg-#250, LINE-#10-25, AND Pg-#251, LINE-#1-25, AND Pg-252,  
Line-#1-25, AND Pg-#253, LINE-#1-25, AND Pg-#254, Line-#1-17.

TOMMY BARRON - DIRECT BY DOMKE - SEE, Exhibit-Pg-  
#255, LINE-#1-25, AND Pg-#256, Line-#1-25, AND Pg-#257, Line  
#1-25, AND, 258, Line-#1-23,

MS DOMKE, WITH SOME MORE HOUSEKEEPING MATTER.

SEE Exhibit-Pg-#60, Line-#1-25, AND Pg-#63, Line-#1-17.  
AND JUDGE COOPER HEAR MY TRIAL COUNSEL MOTION FOR  
CHANGE OF VENUE. SEE Exhibit-Pg-#65, LINE-#17-25,  
AND Pg-#66, LINE-#1-25, AND Pg-#67, Line-#1-25, AND Pg-#68,  
Line-#1-25, AND Pg-#69, Line-#1-25, AND Pg-#70, Line-#1-25,  
AND Pg-#71, Line-#1-25, AND Pg-#72, Line-#1-25, AND Pg-#  
73, Line-#1-25, DANA WINGATE DIRECT BY MS DOMKE.

SEE Exhibit-Pg-#177, LINE-#1-25, AND Pg-#178, LINE-#1-25,  
AND Pg-#179, Line-#1-25, AND Pg-#180, Line-#1-25, AND,  
Pg-#181, Line-#1-25, AND Pg-#182, Line-#1-25., TO MAKE  
A RIGHTFUL AND JUSTLY FINDING OF GUILT, THIS "EXTRINSIC  
FRAUD" HAS BEEN PRACTICED TO PROCURE THE JUDGMENT.  
THIS WAS A SURPRISE TO ME TO SEE THE JUDGE, STATE'S  
SOLICITOR AND MY DEFENSE COUNSEL LET THIS DOUBTFUL  
EVIDENCE, MISTAKE, AND FABRICATION FABULOUS OF  
THE EVIDENCE GO BEFORE THE JURORS, PETITIONER RAYMOND

MAGAZINE has a meritorious defense, Cause on these facts about, and this case needs to be heard - it does deserve a hearing on it. The Judge sentenced me to Thirty (30) YEARS FOR Criminal Sexual Conduct in THE FIRST degree, SEE Exhibit - Pg - D - #3, SENTENCE Sheet, ALSO, SEE Exhibit - # U., VERDICT FORM, CSC 1<sup>st</sup> degree, "Guilty." ALSO, SEE Exhibit - Pg - # 386, VERDICT., SEE, LINE - # 19-21., ALSO, SEE Exhibit - Pg - # 394, LINE - # 7-13, AND TEN (10) YEAR FOR THE ASSAULT AND BATTERY OF a high and aggravated Nature TO RUN CONSECUTIVE From both THE CSC 1<sup>st</sup> degree, And Kidnapping SEE Exhibit - D - #2, AND Exhibit - Pg - #394, LINE - #14-19, SEE, Exhibit - Pg - 386, LINE - #15-18, ALSO, SEE, Exhibit - U. AS TO THE Charge OF ABWIK, WE THE JURY Find THE PETITIONER RAYMOND MAGAZINE, "Guilty" OF ABHAN. AND TO THE Charge OF Kidnapping, Thirty-year (30) TO RUN CONCURRENT with THE Criminal Sexual Conduct in THE First degree. SEE Exhibit - D - #1, AND Exhibit - Pg - #386, LINE - # 10-14, AND Exhibit - Pg - #394, LINE - #20-22; 8-9., AND SEE Exhibit - U. VERDICT FORM, AS TO THE Charge OF Kidnapping, "Guilty." NOW, EXTRINSIC FRAUD HAS BEEN Practiced TO Procure THE JUDGMENT."

ALL THE JUDGMENT RELIEF will BE Granted against JUDGMENT regardless OF THE TERM OF Their entry. THE COURT have developed and Fashioned TO Fulfill a UNIVERSALLY recognized Need FOR CORRECTING injustices which in certain instance, are deemed Sufficiently GROSS TO demand a departure FROM rigid adherence TO THE TERM rule.

THE PETITIONER RAYMOND MAGAZINE done all he could TO Exhausted all THE State's remedies, an PETITIONER RAYMOND Magazine APPEAL was FILE,

DECEMBER 4, 1998, ON AN AROUND ABOUT MARCH 7, 2000, PETITIONER RAYMOND MAGAZINE, APPEAL WAS SUBMITTED TO APPEAL COURT, AN FILED MARCH 15, 2000 APPEAL DISMISSED, SEE APPENDIX - E, AND E-1, ALSO, APPENDIX - F - 28, AND 29.

ON MAY 4, 2000, THE APPELLANT FILED AN APPLICATION FOR POST-CONVICTION RELIEF IN THE COURT OF COMMON PLEAS, (APCR). 2000-(CP-43-0539. THE APPELLANT AMENDED ON THREE OCCASIONS., SEE APPENDIX - D - 1 - 4.

ON APRIL 4,<sup>th</sup> 2002. AN EVIDENTIARY HEARING WAS HELD IN APPELLANT PCR, AT SUMTER COUNTY COURTHOUSE BEFORE THE HONORABLE HOWARD P. KING, THE APPELLANT'S AND APPELLANT COUNSEL WAS PRESENT, AND REPRESENTED BY HIS PCR APPOINTED COUNSEL MR. HARRY WILSON; AND STATE WAS REPRESENTED BY ELIZABETH MCMAHN.

ON JULY 26, 2002, JUDGE HOWARD P. KING ISSUED AN ORDER GRANTING THE APPELLANT RAYMOND MAGAZINE RELIEF ON THREE (3) GROUND AND DENYING RELIEF ON EIGHT (8) GROUND, CASE NO: 00-CP-43-539. SEE EXHIBIT - PCR - ORDER, JULY 26, 2002.

THIS SHOW THE PETITIONER RAYMOND MAGAZINE CASE HAS A MERITORIOUS DEFENSE WHICH NEED TO BE HEARD.

ON AN AROUND ABOUT DECEMBER 6, 2004, THE SOUTH CAROLINA STATE SUPREME COURT, REVERSED THE ORDER OF PCR JUDGE KING THREE (3) GROUNDS. SEE EXHIBIT - #98, DECEMBER 06, 2004.

I FILED ALL THE WAY THROUGH THE DISTRICT COURTS TO THE UNITED STATES COURT OF APPEAL COURT FOR THE

Fourth Circuit. On February 16, 2007, A Judgment Filed in THE United States Court of Appeals For THE Fourth Circuit, NO: 06-7818, AND 8:05-CV-02067-TLW. IN accordance with the written opinion of this court filed this day, THE Court denies a Certificate of appealability and dismisses THE APPEAL.

A certified copy of this judgment will be provided to the District Court upon issuance of the Mandate. The Judgment will take effect upon issuance of the Mandate, SEE APPENDIX - A, AND A-1.

On October 1, 2007, THE Supreme Court of the United States, THE Court Today entered THE following order in the above-entitled Case: THE Petition FOR a writ of Certiorari is denied. SEE Exhibit-I. CASE NO: 07-5777.

On DECEMBER 10, 2007, The United States Supreme Court, THE Court Today entered THE following order in the above-entitled case: THE Petition FOR rehearing is denied. SEE, Exhibit-I-1. CASE NO: 07-5777

On February 26, 2008, THE PETITIONER RAYMOND MAGAZINE, Filed a Notice of Motion and motion FOR Fast and Speedy Trial FOR THE October 27, 1996 Warrants, FOR: F-#176312, FOR Criminal Sexual Conduct in first degree, F-#176313, FOR ASSAULT and battery with intent To kill, (ABWIK). F-#176314, Kidnapping.

THE PETITIONER was charged with THE ABOVE Three Charges, AND Never Prosecuted FOR These

Above Three Charges Either, However, THE Petitioner Raymond magazine Found out Through This motion THAT These Warrants were dismissed on April 24, 2000. SEE, Exhibit - L - 1 - 5,

All THE Evidence From THE October 27, 1996 Case was used (A Extra Tube of Petitioner Blood) TO Convicted Petitioner Raymond magazine, of THIS Present Case, December 1-2, 1998, Case. Which THE Petitioner was cleared of This October 27, 1996 Tape Case when THE Serology and DNA Analysis Proved THAT THE Petitioner Raymond magazine was Innocence by SED Forensic and Laboratory Report; RESULTS OF examinations: SEE Exhibit - #97-154, (A) and (B).

ITEM(s) 1.10, Suspected SEMEN, 1.10 NO SEMEN detected. DATE August 25, 1997, SED Lab NO: L97-0840, CASE NO: 960812221, AND THE State Solicitor, THE Judge, AND Petitioner defence Counsel, "Extrinsic FRAUD" has been Practiced TO Procure THE Judgment.

On December 9, 2008, THE Petitioner Raymond magazine filed A motion TO RELIEF From Judgment OR ORDER under Rule 60. (b), (1), (2), AND (3), Pursure TO (SCRPC). FOR, FRAUD UPON THE COURT, "Extrinsic FRAUD."

"Extrinsic FRAUD," It is A FRAUD THAT INDUCE A PERSON NOT TO PRESENT A CASE OR DEPRIVE A PERSON OF THE OPPORTUNITY TO BE HEARD, "Extrinsic FRAUD," ARRIVED Whereas THE JUDGE, THE STATE'S SOLICITOR and THE Petitioner defense Counsel Extrinsic FRAUD BY KNOWING MISREPRESENTATION OF THE TRUE, by Concealment

OF MATERIAL OF FACTS, FABRICATION OF THE EVIDENCE,  
SURPRISES, INADVERTENCE AND/OR EXCUSABLE NEGLIGENCE,  
AT THE PETITIONER RAYMOND MAGAZINE AUGUST 5, 1998,  
TRIAL AND WENT IN THROUGHOUT THE DECEMBER 1-2,  
1998 TRIAL, THE SAME FABRICATED EVIDENCE WAS USED  
IN THE AUGUST AND DECEMBER 1998 TRIAL, AND THIS EVIDENCE  
CAME FROM AN UNRELATED RAPE KIT OF EVIDENCE  
ON OCTOBER 27, 1996 RAPE KIT IN WHICH THE PETITIONER  
RAYMOND MAGAZINE HAVE NOT BEEN TRIED ON, NOR HAS  
THE PETITIONER RAYMOND MAGAZINE BEEN CONVICTED OF.

THE STATE OF South Carolina  
IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY  
COURT OF COMMON PLEAS  
W. JEFFREY YOUNG, S. C. CHIEF ADMINISTRATIVE  
LAW JUDGE OF THE THIRD JUDICIAL CIRCUIT

CASE NO: 2008-CP-43-2824  
APPELLATE CASE NO: 2012-212606

RAYMOND MAGAZINE, #254723, \_\_\_\_\_ PETITIONER.  
- VS -  
STATE OF South Carolina \_\_\_\_\_ RESPONDENT.

PROOF OF SERVICE

I, RAYMOND MAGAZINE, #254723, THE PETITIONER IN THE ABOVE CAPTIONED MATTER; HEREBY UNDER PENALTY OF PERJURY CERTIFY THAT I HAS SERVED COPIES OF THE MOTION TO RELIEF FROM JUDGMENT OR ORDER UNDER Rule 60(b)(1), (2), and (3), OF THE (SCRPC) BASED UPON EXTRINSIC FRAUD UPON THE COURT, AND UPON THE below listed PARTY, WITH POSTAGE ATTACHED THERE TO AND LEFT AT THE BROAD RIVER CORRECTIONAL INSTITUTION MAILROOM SYSTEM. ALSO, A COPY OF THE MOTION TO ALTER OR AMEND UNDER Rule 60(b)(1)(2)(3) FOR FRAUD UPON THE COURT, EXTRINSIC FRAUD AND SERVED COPY UPON THE BELOW PARTY PURSURE TO (SCRPC) AND UNDER Rule 212(b)(c) SUPPLEMENTAL RECORD, (SCACR).

RESPECTFULLY Submitted.

DATE: Monday October 1, 2012.

THE SUPREME COURT OF South Carolina  
MR. DANIEL E. SHEAROUSE, (Clerk OF COURT)  
P.O. Box 11330  
Columbia, S.C. 29211.

MS. MEGAN E. HARRIGAN  
ASS. ATTY, GENERAL OFFICE  
P.O. Box 11549  
Columbia, S.C. 29211.

SWORN TO AND before ME  
This 1st DAY OF October 2012.

S/ Jordan N. Frye  
NOTARY Public FOR South Carolina  
MY COMMISSION EXPIRES \_\_\_\_\_

S/ Raymond Magazine  
RAYMOND MAGAZINE, #254723.  
B.R.C.I. - MURRAY - UNIT - RM-163  
4460 BROAD RIVER RD.  
COLUMBIA, S.C. 29210.

My Commission Expires  
March 5, 2018

RAYMOND MAGAZINE, # 254723.  
BRCI - MURRAY - UNIT - RM # 163,  
4460 BROAD RIVER ROAD,  
COLUMBIA, S.C., 29210.



RECEIVED  
OCT 01 2012  
BRCI  
MAILROOM

THE SUPREME COURT OF SOUTH CAROLINA  
MR. DANIEL E. SHEROUSE, "CLERK OF COURT"  
P.O. BOX 11330  
COLUMBIA, South Carolina, 29211.

LEGAL MAIL