

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, South Carolina-29211

RE: GAY, Donald W, 244300 v. STATE
PCR(2012CP4001540)
Filed: Feb. 23, 2012

Sir Clerk,

I am going to Appeal this PCR. The following grounds: Infective Affidavit, Infective Search And Seizure Warrant, Arrest Warrant, Subject-Matter Jurisdiction. I even asked for Counsel. The following pages are evidence in my behalf.

The following is my appeal, I dont know how to do it, Help me out please sir.

Respectfully Submitted,
Donald W Gay #244300

Pro-Se

Lee Corr. Inst.
SMU N. cell #13
990 Wisacky Highway
Bishopville, South Carolina
29010

RECEIVED
APR 19 2012
S.C. SUPREME COURT

State of South Carolina
County of Richland

Gray, Donald W. # 244300
Applicant

v
State of South Carolina
Respondent

Certificate of ~~Service~~

1. I am the Applicant in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the letter in the above-captioned matter on the following person(s) by routing the same to the United States mail, postage prepaid:

Attorney General Office
Robert D. Corney
Assistant Attorney General
P.O. Box 11549
Columbia, S.C.
29211

RECEIVED

APR 19 2012

S.C. SUPREME COURT

Pro-Se Donald W. Gray # 244300

LEE Corr. Inst.
SMU N. cell #13
990 Wisacky Highway
Bishopville, S.C.
29010

CASES

1. SEARCHES AND SEIZURES key 3.5
Const Art 1, §16
2. SEARCHES AND SEIZURES key 3.6(1)
Code 1962 §§ 4-414, 4-415, 17-271, 56-1313
is Nullity
3. 26-1-90 Powers generally
Attorney General's Opinions
1984 Op. Atty. Gen, No. 84-60, p49
4. 17-13-140 - Attorney General Opinions
1976-77 Op. Gen. Atty., No. 77-378 p.295
5. 17-13-141 - Records to be kept
- 6- South Carolina Rules of Criminal Procedure
Rule-1, Rule 2, Rule 3.
Since a Magistrate did not sign the WARRANTS
General Session did not have Jurisdiction
7. Judges 33 key 2

RECEIVED

APR 19 2012

S.C. SUPREME COURT

1914

1915

1916

RECEIVED

APR 1 1916

U.S. DEPARTMENT OF AGRICULTURE

Appeal

Ministerial Recorder of Columbia is not a Judicial Officer of the State, in the ~~same~~ of the Constitution; and though he or she exercise judicial authority under city laws.

Yet he or she does not come under ~~that~~ clause of the Constitution that requires All Judges to be appointed by the Legislature of the State, and to be commissioned under the Seal thereof.

A warrant issued upon statement of facts not sworn to is unconstitutional.

All proceedings before Magistrates in Criminal cases shall be commenced on information under oath, plainly and substantially setting the offense charge, upon which and only which, shall a warrant of arrest issue.

A Magistrate cannot verbally authorize a person not a Constable by legal appointment to convey a prisoner to jail. Whenever a Magistrate shall have issued a warrant for the arrest of any person charged with an offence above the grade of a misdemeanor he may select any citizen of the county to execute such warrant upon his endorsement upon the Warrant.

Question: What Magistrate endorsement the following evidence, by law.

RECEIVED

APR 19 2012

S.C. SUPREME COURT

Donald W. Hay #244300

"VACATE sentence"

Clerk,

PLEASE READ the following evidence starting with case summary report from Investigator R.J. Benson second page affidavit written by Sol. ~~McMahon~~ under line in red. Then Ministerial Recorder signed where a Magistrate is supposed too.

on the warrant of false info check the sign my name from a copier. Did not serve any warrant, used a copier to transfer my name from the statement. see warrant #757041 see how the name is copy.

Donald W Gay #244300
Lee Corr. Inst.
SMU N. cell #13
990 Wisacky Highway
Bishopville, S. C.
29010

PLEASE return a copy of evidence

Thank You

Subject Matter Jurisdiction
CAN be brought up anytime!

INVESTIGATOR'S FOLLOW-UP REPORT
 CRIMINAL INVESTIGATIVE BUREAU
 COLUMBIA (S.C.) POLICE DEPARTMENT

INCIDENT TYPE:		CASE NUMBER: 95-129346	
INCIDENT LOCATION:		DATE:	TIME:
COMPLAINANT	ADDRESS	PHONE	
VICTIM'S NAME	ADDRESS	PHONE	
WITNESS (ONE)	ADDRESS	PHONE	
WITNESS (TWO)	ADDRESS	PHONE	
WITNESS (THREE)	ADDRESS	PHONE	
SUSPECT'S NAME	ADDRESS	PHONE	
SUSPECT VEHICLE TAG NUMBER:	STATE	YEAR	VIN
YEAR	MAKE	MODEL	STYLE COLOR, ETC.

CASE SUMMARY

DATE	12-31-95
	1620 HRS. Benson AT CENTRAL HQ IN LT. OFFICE REC. CALL ON
	RADIO FOR MC INVEST. Benson CALLS CENTRAL BY PHONE. OPR
	STATED THAT UNITS FOUND A BODY IN ROADWAY SIG 32.
	Benson RESPONDED TO CALL COOL-MISTY-DUSK-SUNDAY.
	1630 HRS. Benson ARRIVED AT SCENE ON SOUTH SIDE OF TUNNEL.
	Benson WAS APPROACHED BY OFF. W.D. CHANDLER. SAME

Investigator(s) Assigned Benson RJ	Approving Supervisor	Date 12 31 95
---------------------------------------	----------------------	------------------

05 HRS. Received CALL From Criminology Shoe print is consistent with one AT crime scene. print from crime scene compared with the shoes on D. Gray Feet AT TIME OF ARREST.

Bales and Rice go to check AREA FOR VICTS' PURSE. See NOTES.

Benson & SGT Farrow go to JOL OFF. Meet w/ JOL McMAHON.

UPDATE ON CALL QTA. STATEMENTS EVIDENCE WARRANT AUTHORIZED

↓ AFFIDAVIT WRITTEN BY JOL McMAHON. ↓

Investigator(s)

01-05-96

Benson, R.J.

Friday

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

AFFIDAVIT

COPY

Personally appeared before me, one I. V. W. E. BALES who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

WEAPONS TO INCLUDE KNIVES AND BLADED INSTRUMENTS BLOODIED CLOTHING AND BOOTS BELONGING TO DONALD GAY, AND ANY OTHER EVIDENCES PERTAINING TO THE CRIME OF MURDER.

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

1844 ASSEMBLY STREET COLUMBIA SOUTH CAROLINA IN RICHLAND COUNTY ROOM #108 OF THE SALVATION ARMY BOOTH SHELTER. THE ROOM TO BE SEARCHED IS THE FOURTH DOWN STAIRS ROOM FROM THE RIGHT SOUTH END OF THE BUILDING. THE NUMBER "108" IS POSTED CLEARLY ABOVE THE TOP OF THE ROOM DOOR. THE ROOM TO BE SEARCHED IS LOCATED TO THE RIGHT OF THE OFFICE WHICH IS LOCATED IN ROOM NUMBER "107".

REASON FOR AFFIANT'S BELIEF THAT THE

PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

ON 12/31/95 THE BODY OF THE VICTIM, PATRICIA HUFFSTETLER WAS FOUND AT 2100 PINCKNEY ST. COLA. SC. VICTIM'S CAUSE OF DEATH WAS DETERMINED TO BE DUE TO SLAB WOUNDS BY A BLADEN WEAPON. ON 1/4/96, DONALD GAY WAS INTERVIEWED & DURING THAT INTERVIEW, DONALD GAY DENIED SEEING THE VICTIM ON THE DATE OF THE INCIDENT, BEING 12/31/95. ON 1/4/96, A SECURITY VIDEO TAPE FROM WITHIN 927 ELMWOOD AVE. COLA. S.C. (EXHIBIT QUICK MART) FOR THE DATE OF 12/31/95 WAS OBTAINED BY POLICE INVESTIGATORS. UPON VIEWING THE VIDEO TAPE, INVESTIGATOR OF THE COLUMBIA POLICE DEPARTMENT OBSERVED DONALD GAY WITHIN THE STORE AND IN THE COMPANY OF THE VICTIM, PATRICIA HUFFSTETLER IN CONTRADICTION TO DONALD GAY'S STATEMENT THAT HE HAD NOT SEEN OR BEEN WITH THE VICTIM ON 12/31/95. ON 1/4/96 IN A LATER INTERVIEW, DONALD GAY DID ADMIT TO INVESTIGATORS THAT HE HAD LIED TO INVESTIGATORS IN HIS EARLIER STATEMENT CONCERNING HIS NOT HAVING SEEN OR BEEN WITH THE VICTIM ON 12/31/95. BECAUSE OF HIS ATTEMPTS TO DECEIVE INVESTIGATORS, IT IS BELIEVED THAT ITEMS SOUGHT MAY BE LOCATED WITHIN PERSONAL EFFECTS BELONGING TO DONALD GAY LOCATED AT THE PLACE TO BE SEARCHED.

Sworn to and Subscribed before me

this FOURTH day of JANUARY 19 95

Mary H. Broake / MHB (L.S.) Signature of Judge

Ministerial Return

I. V. W. E. BALES Jr. Affiant

Address 1409 L COLN ST (COL. POLICE DEPT)

COLUMBIA S.C.

733-84

Phone

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

SEARCH WARRANT

Form Approved by S.C. Attorney General Section 17-13-160 March 15, 1978

COPY

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF COLUMBIA, SOUTH CAROLINA

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

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

1844 ASSEMBLY STREET COLUMBIA, SOUTH CAROLINA IN RICHLAND COUNTY ROOM #108 OF THE SALVATION ARMY BOOTH SHELTER. THE ROOM TO BE SEARCHED IS THE FOURTH DOWNSTAIRS ROOM FROM THE RIGHT SOUTH END OF THE BUILDING. THE NUMBER "108" IS POSTED CLEARLY ABOVE THE TOP OF THE ROOM DOOR. THE ROOM TO BE SEARCHED IS LOCATED TO THE RIGHT OF THE OFFICE WHICH IS LOCATED IN ROOM NUMBER "107".

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

WEAPONS TO INCLUDE KNIVES AND BLADED INSTRUMENTS BLOODED CLOTHING AND BOOTS BELONGING TO DONALD GAY, AND ANY OTHER EVIDENCES PERTAINING TO THE CRIME OF MURDER.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

CITY OF COLUMBIA MUNICIPAL COURT 811 WASHINGTON ST COLUMBIA, SC 29201

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

COLUMBIA, S.C.

JANUARY 4, 19 96

Signature: [Handwritten Signature] (L.S.) Ministerial Recorder

COPY

RETURN

I received the attached Search Warrant S96-05, 19 _____, and have executed it as follows:

On 01-04-96, 19 _____ at 23:23 o'clock P M, I searched

(the person) described in the warrant and (the premises)

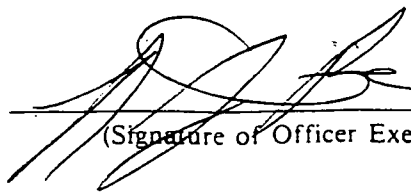
I left a copy of the warrant with PROPERTY OF DONALD GAY,
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: 1 RED SCARF; 1 BROWN JACKET; 1 BLACK BACK BRACE; 1 GREEN DUFFLE BAG CONTAINING ITEMS OF CLOTHING; 1 PLAST BAG CONTAINING ASST. CANNED GOODS, FRUIT, AND CRACKERS; 1 PAPER BAG WITH FOOD AND PERSONAL GROOMING ITEMS; 1 BLUE BACK PACK CONTAINING CLOTHING AND PERSONAL PAPERS; 1 LARGE GARBAGE BAG CONTAINING CLOTHING; 1 FLOWER PRINT CLOTH BAG CONTAINING PERSONAL EFFECTS; 1 BLACK PLASTIC BAG CONTAINING CLOTHING; 1 PLASTIC GARBAGE BAG CONTAINING CLOTHING; 1 WHITE BLANKET AND PILLOW; ABOVE ITEMS FOUND BY BENSON BENEATH SECOND SET OF BUNK BEDS ON RIGHT IN ROOM 108. FOUND BY BALES ON THE BOTTOM BUNK OF THE SECOND SET OF BUNKBEDS ON THE RIGHT OF ROOM 108 WAS ONE BLACK CANVAS STYLE CASE CONTAINING 1 POCKET KNIFE. FOUND BY RICE WITHIN THE BLACK TRASH BAG CONTAINING CLOTHING WAS 1 BLACK SWEAT SHIRT AND 1 WHITE SWEAT SHIRT WITH US POSTAL STAMP LOGO ON FRONT, BOTH HAVING WET STAINS ON THEM. FOUND BY THOMAS WITHIN THE WHITE TRASH BAG WAS 1 PAIR OF BLUE JEAN'S WITH STAINS AND 1 SMALL POCKET KNIFE.

This inventory was made in the presence of BENSON - BALES - THOMAS - RICE.
AND _____

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 5th
day of January, 19 96
Jessie Giffin (L.S.)
Ministerial Recorder


(Signature of Officer Executing Warrant)

ARREST WARRANT

E757041 E-757041 95129346

STATE OF SOUTH CAROLINA

County/ Municipality of COLUMBIA

THE STATE against

DONALD W GAY

Address: 1044 OSSEBLY ST COLUMBIA SC 29201

Phone: SSN: Sex: Race: Height: Weight: DL#: Date of Birth: Agency ORI#: Prosecuting Agency: Prosecuting Officer: Offense: Offense Code: Code/Ordinance Sec.

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of COLUMBIA. The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was delivered to defendant on 01-05-96

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA County/ Municipality of COLUMBIA

AFFIDAVIT

Approved by S. J. 1990 SCCA 518

Personally appeared before me the affiant TRV R J BENSON who being duly sworn deposes and says that defendant DONALD W GAY did within this county and state on 01/04/96 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of COLUMBIA) in the following particulars:

DESCRIPTION OF OFFENSE: GIVE FALSE INFO T/POL OFFER 16-17-725

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

DEFENDANT DID ON 1/4/96 WHILE @ 1409 LINCOLN ST COLUMBIA SC RICHLAND COUNTY & DID WHILE BEING INTERVIEWED BY INV. S.O. RICE CONCERNING A HOMICIDE INVESTIGATION GIVE A STATEMENT STATING HE, THE DEFENDANT WAS NOT WITH VICTIM OF HOMICIDE ON 12/31/95. DEFENDANT WAS ADVISED OF THE INVESTIGATION. UPON RE-INTERVIEWING OF DEFENDANT, DEFENDANT WAS ADVISED OF HIS FULL RIGHTS. DEFENDANT ADMITTED HE WAS IN FACT WITH THE VICTIM OF THE HOMICIDE ON 12/31/95 TO INV. R. J. BENSON AND HE DID LIE IN HIS ORIGINAL STATEMENT.

Sworn to and subscribed before me on 01/04/96 Signature of Affiant Affiant's Address: COLA POLICE DEPT Affiant's Telephone: 7139415

STATE OF SOUTH CAROLINA County/ Municipality of COLUMBIA

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that on 01/04/96 defendant DONALD W GAY did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of COLUMBIA) as set forth below:

DESCRIPTION OF OFFENSE: GIVE FALSE INFO T/POL OFFER 16-17-725

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

Signature of Issuing Judge: Ministerial Recorder Issuing Court: Magistrate Municipal Circuit

ARREST WARRANT

E- 757058 95-129346

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

STATE OF SOUTH CAROLINA)
County/ [X] Municipality of)
COLUMBIA)

AFFIDAVIT

STATE OF SOUTH CAROLINA
County/ [X] Municipality of
COLUMBIA

Personally appeared before me the affiant INV. J. PHILLIP SMITH who being duly sworn deposes and says that defendant DONALD W. GAY did within this county and state on DECEMBER 31, 1995 violate the criminal laws of the State of South Carolina (or ordinance of County/ [X] Municipality of COLUMBIA) in the following particulars:

THE STATE
against

DESCRIPTION OF OFFENSE: MURDER 16-3-10

DONALD W. GAY

Address: 1344 Assembly St Columbia, SC
Phone:
M Race: W Height: 5'7" Weight: 163
LL State: DL #:
DOB: 4/6/56 Agency ORI #:
Prosecuting Agency:
Prosecuting Officer: J. PHILLIP SMITH/SOL: K. McMAHON
Offense: MURDER Offense Code: HOM
Code/Ordinance Sec. 16-3-10

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: THAT ON OR ABOUT 12/31/95 AT APPROXIMATELY 4:00 PM THE BODY OF PATRICIA HUFFSTETTER/VICTIM WAS FOUND IN A TUNNEL LOCATED ON ... AMONG OTHER ITEMS IDENTIFIED AT THE CRIME SCENE WERE SHOEPRINTS. AN AUTOPSY WAS CONDUCTED ON 1/1/96 DETERMINING THAT THE VICTIM HAD BEEN STABBED MULTIPLE TIMES IN THE CHEST AREA WITH A WEAPON CONSISTENT WITH A KNIFE. THAT THE DEFENDANT, DONALD WAYNE GAY WAS INTERVIEWED BY COLUMBIA POLICE DEPARTMENT ON OR ABOUT 1/4/96 AND STATED THAT HE KNEW THE VICTIM BUT HAD NOT SEEN VICTIM SINCE TWO OR THREE DAYS BEFORE 12/25/95. FURTHER INVESTIGATION REVEALED THAT THE DEFENDANT WAS IN FACT SEEN WITH THE VICTIM BETWEEN 10:30 AM AND 11:00 AM ON 12/31/95 WITHIN A MILE OF THE LOCATION WHERE THE VICTIM'S BODY WAS DISCOVERED. THE VICTIM AND DEFENDANT WERE SEEN LEAVING THE LOCATION TOGETHER ON FOOT. THE DEFENDANT HAS ADMITTED THAT HE LIED TO THE OFFICERS ABOUT WHERE HE HAD LAST SEEN VICTIM AND HAS ADMITTED THAT HE WAS IN FACT PRESENT WITH THE VICTIM AT THE AFOREMENTIONED LOCATION. VARIOUS ITEMS HAVE BEEN SEIZED FROM THE DEFENDANT, GAY, OR HIS NORMAL RESIDENCE, INCLUDING BUT NOT LIMITED TO:

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of . The accused is to be arrested and brought before me to be dealt with according to law.

Sworn to and subscribed before me on JANUARY 5 TH 1995
Signature of Issuing Judge: Ministerial Recorder

Signature of Affiant: 100 J Phillip Smith
Affiant's Address: 1409 LINCOLN ST (COLA POLICE DEPT) COLUMBIA, SOUTH CAROLINA
Affiant's Telephone: 803-733-8415

Signature of Judge (L.S.)

STATE OF SOUTH CAROLINA)
County/ [X] Municipality of)
COLUMBIA)

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that ON OR ABOUT DECEMBER 31, 1995 defendant DONALD W. GAY did violate the criminal laws of the State of South Carolina (or ordinance of County/ [X] Municipality of COLUMBIA) as set forth below:

DESCRIPTION OF OFFENSE: MURDER 16-3-10

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

RETURN
A copy of this arrest warrant was delivered to defendant X Donald W. GAY on 01-05-96
Signature of Constable/Law Enforcement Officer: Walter E. Baker

Signature of Issuing Judge: Ministerial Recorder

Judge's Address: CITY OF COLUMBIA, TRUE MUNICIPAL COURT, P.O. BOX 644, COLUMBIA, SC 29202
Judge's Telephone:
Issuing Court: Ministerial Recorder

RETURN WARRANT TO:

CITY OF COLUMBIA MUNICIPAL COURT P.O. BOX 644 COLUMBIA, SC

ORIGINAL

C. C. C. P. & C. S.

RECEIVED FEB 07 1996 CLERK OF COURT CRIMINAL RECORDS

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

COPY

CONTINUATION OF WARRANT #: E757058
CASE #: 95-129346

DEFENDANT: DONALD W. GAY

DOB: 4/6/56

SSN: 248-15-1531

SEX: MALE

RACE: WHITE

HEIGHT: 5'7"

WEIGHT: 163

ADDRESS: 1844 ASSEMBLY STREET
COLUMBIA, S.C.

OFFENSE: MURDER

OFFENSE CODE: 16-3-10

DATE OF INCIDENT: ON OR ABOUT 12/31/95

PLACE OF INCIDENT: COLUMBIA, S.C.
RICHLAND COUNTY

PROSECUTING AGENCY: COLA POLICE DEPT.

PROSECUTING OFFICER: J. PHILLIP SMITH

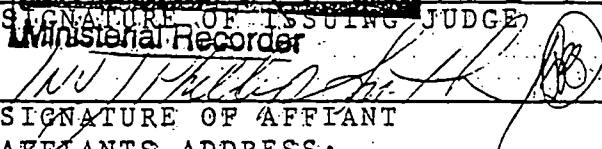
SOLICITOR: K. McMAHON

DESCRIPTION OF OFFENSE (MURDER--16-3-10) CONTINUED:

SHOES, CLOTHING AND A KNIFE. THE SHOES OF THE DEFENDANT HAD BEEN EXAMINED BY FORENSIC AGENTS OF S.L.E.D. AND COMPARED TO SHOEPRINTS FOUND AT THE LOCATION OF THE VICTIM'S BODY. IT HAS BEEN DETERMINED THAT THE SHOES OF THE DEFENDANT, GAY, AND THE SHOEPRINT FROM THE SCENE ARE FORENSICALLY CONSISTENT. THE KNIFE SEIZED FROM THE DEFENDANT IS CONSISTENT WITH THE TYPE OF WEAPON THAT INFLECTED THE FATAL STAB WOUNDS ON THE BODY OF THE VICTIM. FURTHER, FORENSIC AGENTS HAVE EXAMINED THE KNIFE SEIZED FROM THE RESIDENCE OF THE DEFENDANT AND HAVE DETERMINED THE PRESENCE OF BLOOD. THAT THE DEFENDANT, GAY, DID MALICIOUSLY AND INTENTIONALLY KILL THE VICTIM WITH MALICE AFORETHOUGHT BASED ON THE FOREGOING FACTS AND OTHERS. FURTHER, THE AFFIANT AND OTHERS ARE WITNESSES TO PROVE THE SAME. AFFIANT IS A COLUMBIA INVESTIGATOR FOR THE COLUMBIA POLICE DEPARTMENT LOCATED AT 1409 LINCOLN STREET IN COLUMBIA, S.C. RICHLAND COUNTY.

SWORN TO AND SUBSCRIBED BEFORE ME ON JANUARY 5TH, 1996


SIGNATURE OF ISSUING JUDGE
Ministerial Recorder


SIGNATURE OF AFFIANT

AFFIANTS ADDRESS:

1409 LINCOLN STREET (COLA. POLICE DEPT.) COLUMBIA, SC 29201

AFFIANTS TELEPHONE NUMBER:

803-733-8415

nAld Gay #244300
cc Corr. Inst.
MU N. cell #13
90 Wisacky Highway
ishopville, S.C.
29010

Supreme Court of South Carolina
Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, South Carolina
29211