

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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APPEAL FROM GEORGETOWN COUNTY  
Court Of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

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Case No. 2003-Gs-22-1030&1031

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The State Of South Carolina, ..... Respondent.

v.

Jody Lynn Ward, #300644, ..... Appellant.

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RECORD ON APPEAL

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Jody Lynn Ward, #300644  
Lieber Corr. Inst. E-B-29  
P.O. BOX 205  
Ridgeville, S.C. 29472  
Appellant Pro Se

Attorney General Of South Carolina  
Allan Wilson, A.G.  
P.O. BOX 11549  
Columbia, S.C. 29211-1549  
Attorney for Respondent

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Petitioner Copy 1

STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN

JODY LYNN WARD,  
Petitioner,

vs.

STATE OF SOUTH CAROLINA  
Respondent.

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTEENTH JUDICIAL CIRCUIT

INDICTMENT CASE No:  
03-GS-22-1030 & 1031

MOTION FOR NEW TRIAL BASED ON  
AFTER DISCOVERED EVIDENCE

Pursuant to: SCRCrimP Rule 29(b)

ALMA Y. WHITE  
CLERK OF COURT

2012 MAY 16 PM 2:42

FILED  
GEORGETOWN COUNTY, S.C.

The above named Petitioner, moves before this Court for a Motion for a New Trial Based on After-Discovered Evidence pursuant to South Carolina Rules Criminal Procedure Rule 29(b).

JURISDICTION

**AFTER DISCOVERED EVIDENCE:** In order to be entitled to a new trial on the ground of after discovered evidence, the movant is required to demonstrate that the evidence:

- (1). is such that it will probably change the result if a new trial is granted;
- (2). was discovered after trial;
- (3). could not have been discovered before trial by exercise of due diligence;
- (4). is material to the issue; and
- (5). is not impeaching or merely cumulative.

See also: SCRCrimP Rule 29(b) - POST TRIAL MOTIONS:  
(b) New Trials Based on After - Discovered Evidence.

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PROCEDURAL HISTORY OF THE CASE

Petitioner (Jody Lynn Ward) was indicted in July 2003 in Georgetown County for the alleged murders of Wilford Brown and Elton Rutledge, Jr.

Petitioner proceeded to trial by a jury and Judge on March 15-18, 2004. The jury ultimately convicted Petitioner as indicted and the Honorable Paula H. Thomas sentenced Petitioner to two-2 concurrent life sentences. A timely notice of appeal was filed and the appeal was reviewed pursuant to Anders vs. California in which the Court of Appeals affirmed the sentences and convictions January 26, 2007 (2007-UP-048). A timely rehearing was filed and rehearing was denied March 22, 2007. Subsequently thereafter Petitioner filed petition for Writ of Certiorari. The petition for certiorari was withdrawn by Petitioner June 29, 2007 and the remittitur was thereafter handed down the the circuit court. Petitioner filed his first application for Post Conviction Relief ("PCR") July 11, 2007. An evidentiary hearing was convened May 1, 2008. By way of written Order the Honorable Judge John denied the application.

On May 27, 2008, Petitioner submitted a timely Rule 59(e), SCRPC, motion to alter/amend judgement. August 6, 2008, Judge John denied the Rule 59(e) motion. A timely notice of appeal was filed and Petitioner for Writ of Certiorari August 20, 2009 and the remittitur was handed down September 8, 2009.

Petitioner filed his second PCR application July 13, 2009 based on "new rule" of law, while his first PCR was currently

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being reviewed on certiorari. Respondent made a Return and Motion to dismiss. A Conditional Order of Dismissal was issued and Petitioner made his timely opposition to the dispositive pleading. January 13, 2010 a final order was issued granting the Respondents motion to dismiss.

A timely notice of appeal was filed in this Court that was ultimately denied and dismissed. The remittitur was handed down about April 1, 2010.

Petitioner filed a third PCR application May 4, 2010 based on a "new rule" of law. The Respondent filed a Return and Motion to dismiss June 1, 2010. Petitioner lodged a timely opposition to the Respondent's dispositive pleading June 14, 2010. A Conditional order was issued and Petitioner lodged a timely opposition to the Conditional Order. A final Order was issued granting the Respondent's motion on July 20, 2010. A timely notice of appeal was filed, accompanied with a pro-se petition August 18, 2010. Petitioner filed a Reply brief. certiorari was ultimately denied August 18, 2011.

Petitioner filed a Notice of Petition for Original Jurisdiction; Petition for Original Jurisdiction; Petition for Writ of habeas Corpus in South Carolina Supreme Court on October 31, 2011.

It was ultimately denied on November 16, 2011; to fully exhaust all State remedies. Petitioner herein files his motion for New trial Based On After-Discovered Evidence herein.

FACTS AND ISSUE

Petitioner herein is informed and believes in good faith that Michael Andrew Abner payed "Murder For Hire" to his alleged victims that Petitioner was convicted for murdering by trial jury.

Petitioner directs the Court herein to what's been marked as Fortior Exhibit A - Letter written to Lynn Ward Petitioner's mother from Michael Andrew Abner. By reading the letter it is in fact evidence of After-Discovered Evidence that Petitioners trial jury never heard and it will probably change the results if a new trial is granted; was discovered on or about October 2011 therefore this is after Petitioner's 2004 trial, which could not have been discovered before trial by exercise of due diligence, see: Fortior Exhibit B- Michael Andrew Abner is a serial killer and never started admitting to any crimes he committed until whenever his killed his last victim on or about January 12, 2010 where he admitted to killing (2) two other victims more than (20) twenty years ago, in the State of Kentucky. see: Fortior Exhibit C- where Petitioner was treated at Georgetown Memorial Hospital for five (5) stab wounds (3) three stab wounds under left armpit on side; (1) stab wound to left elbow; (1) one stab wound between left index and middle finger that was treated with stitches and was inflicted by Michael Andrew Abner, see: Fortior Exhibit D- incident report.

Fortior Exhibit E- is proffer testimony of witnesses that will

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testify at the hearing of this case herein. (2) witnesses being Rondie J. Ward and carol S. Ward who Michael Abner called on the telephone and admitted to paying Petitioner (2) alleged victims "Murder for Hire". Therefore is material to the issue herein and is not impeaching or merely cumulative.

Petitioner submits that he is entitled to a hearing as a matter of law.

See: Fortier Exhibit F- Affidavit Ashton J. Ward

The After-Discovered Evidence must reflect upon the defendant's innocence. Generally, A motion for a New Trial should be considered when New Evidence is Discovered; or when New Evidence is discovered after the completion of State PCR, see: Simpson v. Moore, 627 S.E.2d 701, 708 (S.C. 2006). In this case at hand Petitioner has exhausted a trial by Jury in 2004; and all State remedies; PCR was held May 1st, 2008. This New After-Discovered Evidence was not discovered until well after 2008.

The Petitioner bares the burden of proof and must satisfy each element for the Court to grant the motion, see: Hayden v. State, 299 S.E.2d 854, 855 (S.C. 1983). The motion must be filed before the trial court with jurisdiction over the conviction, see: S.C.R. Crim.P. 29.

The provisions of Rule 29(b) place no time limitations on a motion for a New trial based on After-Discovered Evidence. See: State v. Spann, 513 S.E.2d 98, 100 (S.C.1998), (Granting motion

DISCUSSION

AFTER DISCOVERED EVIDENCE: In order to be entitled to a new trial on the ground of after discovered evidence, the movant is required to demonstrate that the evidence:

- (1). is such that it will probably change the result if a new trial is granted.
- (2). was discovered after trial.
- (3). could not have been discovered before trial by exercise of due diligence.
- (4). is material to the issue; and
- (5). is not impeaching or merely cumulative.

see: state v. Allen, 276 S.C. 412, 279 S.E.2d 365 (1981);  
State v. Caskey, 273 S.C. 325, 256 S.E.2d 737 (1979);  
State v. Prince, 316 S.C. 57, 447 S.E.2d 177 (1993);  
State v. Freeman, 319 S.C. 110, 459 S.E.2d 867  
(Ct.App.1995);  
State v. Needs, 333 S.C. 134, 508 S.E.2d 857 (1998);  
State v. Taylor, 333 S.C. 159, 508 S.E.2d 870 (1998);  
State v. Hill, 360 S.C. 13, 598 S.E.2d 732 (Ct.App.2004).

A motion made on the ground of after-discovered evidence is addressed to the sound discretion of the trial court, and a denial of the motion will not be overturned on appeal unless an abuse of discretion amounting to an error of law is shown. Bettis v. Busbee, 283 S.C. 502, 323 S.E.2d 536 (Ct.App.1984).

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It is the better practice for a trial judge to specify the grounds upon which he denies a motion for new trial based on after discovered evidence. State v. Pierce, 263 S.C. 23, 207 S.E.2d 414 (1974).

Although "due diligence" for the purposes of this motion has not been fully defined in South Carolina, in one recent case the Court applied some limitation to the concept. In State v. Spann, Spann was convicted of the 1981 Sexual assault, robbery, and murder of Melvin Neill, as well as the burglary of her home, and received a death sentence. See: State v. Spann, 279 S.C. 399, 308 S.E.2d 518 (1983). Between July and November 1981, within a twelve mile radius in York County, Mrs. Neill and two other women were killed in a similar fashion. After Spann was convicted, another person, Johnny Hullett, was convicted of one of the other killings.

Spann filed a new trial motion based on after-discovered evidence. At the new trial hearing, Spann presented the testimony of three expert witnesses: a forensic pathologist (Dr. Spitz); a forensic psychiatrist (Dr. Taney); and an expert in crime scene analysis and criminal personality profiling (Mr. Ressler).

Dr. Spitz testified that all three women were strangled in a unique way, a method he had never before observed in forty three years of practice. He testified to other factual similarities between the crimes, and opined that one perpetrator was responsible for all three murders. Dr. Taney testified the three murders were committed by a single individual, a sexual sadistic murderer. He testified to the psychiatric characteristics of

these types of killers, and opind based upon his examination of the appellant that it was "impossible" that Spann had committed these offenses. Dr. Taney also testified that sexual sadistic killers are almost always psychiatrically disturbed white males. Spann was a black man with no history of psychiatric problems; Hullett was a white male with a long psychiatric history. Finally, Mr. Ressler profiled the killer of these three women as a white male in his mid-twenties to mid-thirties with a history of mental illness, who was either single or had a dysfunctional marriage, a person with bizarre fantasies, a history of childhood abuse, and knowledge of the area. Spann did not fit this profile.

The circuit Court Judge found the expert testimony "thought provoking" and "intriguing" and specifically found that Mr. Ressler's testimony "raise[d] a reasonable inference as to [Spann's] innocence." The Judge rejected the testimony of all three experts as grounds for the granting of a new trial, however, finding the evidence and science upon which their opinions were based were all in existence at the time of Spann's trial, and thus could have been discovered by his attorney's with the exercise of due diligence. The Supreme Court disagreed with the trial judge. The Court stated, "for the attorney's to have pursued these types of experts, they would first have needed to recognized the similarities between the crimes, similarities not apparent at the time even to the experts (i.e. law enforcement investigators and the pathologist) involved in all three cases. We hold that the due diligence standard imposed upon trial

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attorney's can not be said to be this high". The Supreme Court held "the circuit court judge committed an error of law, under the unusual facts of this case, in holding that the newly discovered expert's evidence could have been discovered by the exercise of due diligence". The Court reversed the trial Court's ruling and remanded for further proceedings.

NOTE: A motion to reopen a case for additional testimony will be denied where counsel does not proffer the testimony and does not show that it would make a difference in out come of the case. Wright v. Strickland, 306 S.C. 187, 410 S.E.2d 596 (Ct.App.1991).

Petitioner submits that under the unusual facts of his case that he is entitled to a new trial. He submits that he meets all five criteria to be entitled to a new trial on the grounds of after discovered evidence.

Petitioner herein submits Fortior Exhibits which will demonstrate that the new evidence meets the requested criteria that was explained in his facts and issues of this motion. Petitioner further submits that the hereto attached proffer of the testimony of the witnesses that he wishes to call at the new trial hearing of this motion herein.

CONCLUSION

WHEREFORE, based on the foregoing Motion for a New Trial should issue in the instant matter or in the alternative this Court should fashion any available equitable relief warranted.

Respectfully Submitted,

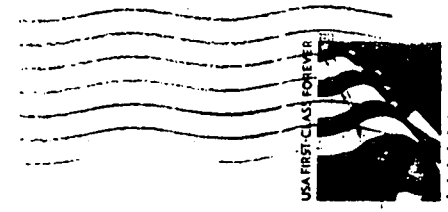
Jody Lynn Ward, #300644  
Jody Lynn Ward, 300644  
Lieber Correctional Inst.  
P.O. Box 205  
Ridgeville, S.C. 29472

FORTIOR

EXHIBIT

A

Michael Abner #207751  
K.S.P.-3 9/12 R14  
266 WATER ST.  
Eddyville, Ky. 42038



Lynn Ward  
P.O. Box 923  
Georgetown, S.C.

2944230923

29442

14

Dearest Lynn

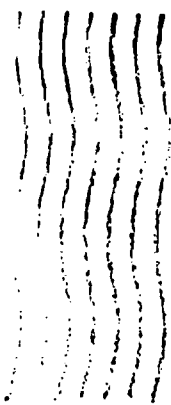
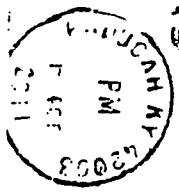
15

10-16-2011

I know you dont want to  
hear from me and I truly  
understand why but this time  
I had no choice since I  
am doing everything in my  
power to help Jody but not  
for him but for Ashton and  
the girls, they need not just  
any Daddy but their Daddy.  
The reason I am writing to  
you is because it seems  
everytime Ashton writes me  
the letter will be postmarked  
like on the 5<sup>th</sup> of October  
but I dont get it to like  
the 14 of October. I know this  
letter and all my letters coming  
is being read by INTERNAL AFFAIRS  
Thats the law in prison just like  
Cops on the streets. It seems  
the FBI thinks I have killed  
in more states than this so  
they go thru all going out mail  
and all coming in mail I get,  
So make sure everyone knows  
OVER

all letters I send and get are read by these people. They shook me down my cell just as soon as I got that A Padavit from Ashton spilled coffee on it and took me to the Internal Affairs office asking me what its about. I told them the truth that I was trying to make a wrong right. So please send me another one and the A FATADAVE I know I did not spell it right but you all know what I am talking about. Send it to me and I will see my caseworker get it notarize and send it back fast as I can. So tell all the family my letters are being read coming in and going out. Hell we dont have anything to hide so please send me a new one fast as you can so I can get it back to you all.

Michael



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FORTIOR  
EXHIBIT  
B

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Home



Offender Detail Listing  
Information current as of 04/08/2011 03:00 PM

**NOTICE: Inmate data newer than 120 days might not have been finalized.**

**Offender Information**

**Name:** ABNER, MICHAEL A  
**Inmate SPN/ID:** 83679 / 207751  
**Facility:** Eastern State Penitentiary  
**Age:** 48  
**Race:** White  
**Gender:** Male  
**Eye Color:** Green  
**Hair Color:** Gray or Partially Gray  
**Height:** 5' 07"  
**Weight:** 150lbs.  
**Inst Start Date:** 04/14/2010



207751

----- Offender Photo -----

For facility information and telephone numbers, contact the facility directly. For more information, contact the Department of Corrections, 200 Commonwealth Avenue, Frankfort, KY 40601.

**Aliases**

**No aliases found for this offender.**

**Conviction Information**

Offense Number 1	
<b>Indictment #:</b> 10-CR-0006 <b>Crime Date:</b> 03/08/2010 <b>Conviction Date:</b> 04/27/2010 <b>Conviction County:</b> Pulaski	<b>Indictment Count:</b> 001 <b>KRS Code:</b> 439.3401 <b>Felony Class:</b> X <b>Sentence Length:</b> 0999 years 99 months 99 days

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Offense: MURDER - HB455	
Offense Number 2	
Indictment #: 10-CR-0006 Crime Date: 01/12/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 001 KRS Code: 439.3401 Felony Class: X Sentence Length: 0999 years 99 months 99 days
Offense: MURDER - HB455	
Offense Number 3	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 001 KRS Code: 439.3401 Felony Class: X Sentence Length: 0999 years 99 months 99 days
Offense: MURDER - HB455	
Offense Number 4	
Indictment #: 10-CR-0006 Crime Date: 01/12/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 003 KRS Code: 511.020 Felony Class: 8 Sentence Length: 0020 years 00 months 00 days
Offense: BURGLARY, 1ST DEGREE	
Offense Number 5	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 003 KRS Code: 511.020 Felony Class: 8 Sentence Length: 0020 years 00 months 00 days
Offense: BURGLARY, 1ST DEGREE	
Offense Number 6	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 004 KRS Code: 513.020 Felony Class: A Sentence Length: 0020 years 00 months 00 days
Offense: ARSON IN THE 1ST DEGREE	
Offense Number 7	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 002 KRS Code: 515.020 Felony Class: 8 Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	
Offense Number 8	
Indictment #: 10-CR-0006 Crime Date: 01/12/2010	Indictment Count: 002 KRS Code: 515.020

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Conviction Date: 04/27/2010 Conviction County: Pulaski	Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	
Offense Number 9	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 002 KRS Code: 515.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	

**Parole Information**

**No parole information found for this offender.**



Send comments and suggestions to [KOOL Resource Team](#)

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April 15, 2010



## Abner gets life for triple homicides ([http://someset-](http://someset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)



Michael Abner, 47, of Eubank, admitted in Pulaski Circuit Court Wednesday that he killed Jack Roerink, 79, and — more than 20 years ago — Mamie Mercer, 80, and Mae Stringer, 88. Pulaski Circuit Judge Jeffrey T. Burdette sentenced Abner to life in prison without the possibility of parole.

## [kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides](http://someset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)

Local news

By HEATHER PYLES, CJ Staff Writer  
(<http://someset-kentucky.com>)

Somerset — SOMERSET—A man accused of killing no fewer than three people pleaded guilty to murder and other charges in court yesterday.

Family and friends of Jack Roerink, Mamie Mercer and Mae Stringer crowded into the Pulaski County Circuit Courtroom Wednesday morning to hear Michael Andrew Abner, 47, plead guilty in the killings of the three victims.

"I'm just glad it's over," said Andy Mercer, grandson of Mamie Mercer, who Abner admitted to killing more than 20 years ago.

Abner appeared to be fighting tears Wednesday morning as he, several law enforcement officials, several attorneys and onlookers waited for a hearing that would last no more than 20 minutes.

Abner appeared with his attorney, Jim Cox, before Pulaski Circuit Judge Jeffrey T. Burdette Wednesday for the pleadings. He was originally scheduled to appear for an arraignment today, but those plans were moved up once a plea deal was met.

Abner was arrested on Tuesday, Jan. 12 after authorities discovered he'd broken into the home of Jack Roerink, who was 79 at the time of his death.

Authorities discovered Roerink's body in his home in Eubank and Abner, who reportedly knew Roerink, was found a short while later after officers traced Roerink's missing truck to Abner's ex-wife's home. Investigators said Abner stabbed Roerink multiple times with a kitchen knife during the incident before taking several items and fleeing with some of Roerink's property, including his truck.

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Once he was in custody, Abner told law enforcement officials that he'd killed twice before.

Mamie Mercer's body was discovered in her South Hart Road home in the Saline community on Wednesday, Oct. 12, 1983 in her bed, a victim of strangulation, and Abner was questioned during an investigation by Kentucky State Police. He was never arrested, and the case remained open and unsolved throughout the years until Abner's arrest this year.

"When something like this happens, and it goes so long, people start looking at other people in the community," Andy Mercer said about the murder that sent him and the rest of his family reeling.

Commonwealth's Attorney Eddy F. Montgomery, reading from evidence received from authorities outlining Abner's confessions, said Abner entered Mamie Mercer's home while another woman, who lived with Mercer, was in the shower and strangled Mercer, unbeknownst to the other female.

"You learn to live with this, but it's never forgotten," Andy Mercer said.

Mercer said his grandmother, who was a religious woman and could be seen walking everywhere for her health, bought fire wood from Abner.

"It rocked the neighborhood," Andy Mercer said about the murder.

Mamie Mercer was 80 years old at the time of her death, and Abner was 20 years old at the time of the incident.

"This brings closure to all of that," Andy Mercer added.

Abner strangled 83-year-old Mae Stringer in 1988, when he was 25 years old.

Stringer's family and investigators believed she had perished in a house fire on Dec. 2, 1988, but investigators said Abner stated he strangled the 83-year-old woman to death in her home on Ringgold Road before setting the house on fire.

Montgomery, reading from statements received from the authorities, said Abner poured perfume over Stringer's body and set fire to the home.

"There's been three victims that we've talked about here, and there's been more than 30 days in between the murders of each of these victims," Burdette stated to Abner during the hearing. "You've had an opportunity between the first and second victims to ... admit, to offer some peace of mind to the family of the first victim, but after 30 days and after that time period, you did kill again.

"Another 30 days or more passed, matter of fact, years," Burdette continued. "(You had) an opportunity ... to redeem, or to talk to the families or the authorities to admit your wrongdoings, but you did not."

During Wednesday's hearing, Montgomery and Cox stated that it was revealed during a competency hearing that Abner's IQ was over 70, which means he qualified for the death penalty if he'd been found guilty through trial of the charges he faced.

Abner had been indicted on one charge of murder, one charge of first-degree robbery and one charge of first-degree burglary in connection with Roerink's death. He was also indicted on one count of murder and one count of first-degree robbery in connection with Mercer's death, and he was indicted by a grand jury on one count of murder, one count of first-degree robbery, one count of first-degree burglary and one count of first-degree arson in connection with Stringer's death.

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Abner pleaded guilty Wednesday to those same charges. Montgomery recommended that he receive life in prison without the possibility of parole for each of the murder charges, 20 years in prison for each of the burglary charges, 20 years in prison for each of the robbery charges, and 20 years in prison for the arson charge.

Burdette accepted that recommendation after Montgomery stated that he'd spoken to the relatives of Roerink, Stringer and Mercer and received their approval of the plea and the sentences.

"I believe that you deserve to be incarcerated for the remainder of your life," Burdette told Abner.



Commonwealth Journal 110-112 E. Mt. Vernon St. Somerset, KY 42501

FOR T I O R  
EX H I B I T  
C

GEORGETOWN MEMORIAL HOSPITAL  
PO Drawer 1718/606 Black River Road/Georgetown, SC 29442/(803) 527-7000  
EMERGENCY DEPARTMENT

SUMMARY

<u>PATIENT</u>		<u>MEDICAL RECORD #</u>
<u>WARDS, -JODIE*</u> <i>Sody</i>		817968
<u>EMERGENCY DEPT. PHYSICIAN</u>	<u>ACCOUNT #</u>	<u>ADMISSION DATE</u>
S. O. Compagnone, M.D.		12/13/2000
<u>PRIMARY CARE PHYSICIAN</u>		

HISTORY OF PRESENT ILLNESS: This 26-year-old white male presents to the emergency room because of multiple stab wounds. He was involved in an altercation prior to coming to the ER. Slashing-type wounds evidently done with a carpenter's chisel. This was of the left upper posterior chest wall. The wounds are about 3 cm and two wounds of 2 and 1.5 cm of his left upper arm. He also has a wound over his left elbow; this is approximately 2 cm and 1-cm wound over the palm of his left hand. When he first came in, he had a chest x-ray done, which showed no pneumothorax. The remainder of his physical examination, other than his lacerations, were grossly normal.

IMMUNIZATIONS: He is getting his tetanus diphtheria shot.

PHYSICAL EXAMINATION:

VITAL SIGNS: Grossly normal. The patient does have panic attacks and his pulse was 132, blood pressure 184/78.

EMERGENCY ROOM COURSE: He was given Ancef 2 g. All wounds were cleansed and irrigated. They were then all sutured with interrupted #4-0 nylon sutures. He was given a prescription for some Keflex 500 mg q.6h.

DIAGNOSIS:

Multiple stable wounds.

DISCHARGE INSTRUCTIONS: He is to start on his medication, i.e. the Keflex in the morning. Take Tylenol or Advil for pain and to return in about 10 days for suture removal.

*S. O. Compagnone*  
S. O. Compagnone, M.D.

DD: 12/13/2000 TD:19:05  
DT: 12/14/2000 TT:16:19  
744/53270

27



GEORGETOWN MEMORIAL HOSPITAL  
P.O. BOX 1718  
GEORGETOWN S.C. 29412-1718  
353 527-7000

AMBULATORY SURGERY RECORD  
EMERGENCY ROOM AND  
OUTPATIENT RECORD

PATIENT NAME AND ADDRESS WARD, JODY R 499 DEER SPRING LOOP GEORGETOWN SC 29440 (843) 520-4442		DATE OF BIRTH 05/14/74	AGE 26Y	SEX M	RACE W	M/S M	P/T 3	MEDICAL RECORD NO. 817968
PHONE 1		SOB SEC NO 249-43-3569	FC	DATE OF ADMISSION 12/13/00	TIME 1212	ACCOUNT NUMBER 960830		
CITY GEORGETOWN		COUNTY GEORGETO	COMPLAINT MULTIPLE STAB WOUNDS					
FAMILY		TETANUS STATUS	WEIGHT		ALLERGIES A			
OPER 983		WILKINSON JR., GEORG						
VITAL SIGNS: T 98 P 132 R 18 B/P 106/76		PHYSICIAN'S REPORT						

*T.D.  
Ancef 2 Gm.  
Shinj 6 am*

ORDERS/TREATMENT

- LABS: X-RAYS
- CBC C-ER
- ABG P-PCR
- SMA7 C-SPINE
- SMA12 P.C-SPINE
- AMYLASE KUB
- PT/PTT ABD
- UA/U-CRS PELVIS
- GLUCOSE LYTES
- OTHER: O. VIA
- EKG/RS IV
- MONITOR
- CARDIAC ULTRASOUND
- B/P NSI NIP STIM-CCT
- PULSE OX OBSERVE

*C*

*B2 kepler*

*4 lacerations  
retained  
C side of chest  
C an 7 2  
C elbow  
C hand*

DIAGNOSIS

*Multiple stab wounds*

DISPOSITION OF PATIENT: DCA  AMA  TREATED AND DISCHARGED  ADMITTED  RECORDED  TIME OUT 1355

TO PRIVATE PHYSICIAN  TO OTHER FACILITY  RETURNED TO ED  RETURNED TO HOME

CONDITION ON DISCHARGE OR TRANSFER: IMPROVED  UNIMPROVED  NOT TREATED  EXPIRED  DECEASED  AMA

FOLLOW-UP INSTRUCTIONS: GEORGETOWN MEMORIAL HOSPITAL (803) 527-7000 DATE

I UNDERSTAND THESE INSTRUCTIONS

*To start antibiotics  
To take all A.D. for pain  
To return in 10 days - Wickmeyer*







Georgetown Memorial Hospital

5-14-74 0000

29

EMERGENCY DEPARTMENT  
TRAUMA FLOW SHEET

DATE: 12/13/80		NAME: Jodie Ward		AGE:	RACE: <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	TRAUMA CATEGORY: <input checked="" type="checkbox"/> EMERGENCY <input type="checkbox"/> URGENT <input type="checkbox"/> NON URGENT	
TIME OF ARRIVAL: 12/12		CHIEF COMPLAINT: Multiple stab wounds		LMP: na	TIME: 12/12		
METHOD OF ARRIVAL: #4 Vehicle		PULSE: 98/132/118	RESP: 18	BP: 118/76	AUTO: <input checked="" type="checkbox"/> MANUAL	ALLERGIES: NKDA	TET/DM STATUS: DUTD
ASSESSMENT ON ARRIVAL				PRE-HOSPITAL CARE			
AIRWAY	<input checked="" type="checkbox"/> Maintained		<input type="checkbox"/> obstructed	<input type="checkbox"/> C-COLLAR		<input type="checkbox"/> RESTRAINTS	
	<input type="checkbox"/> Oral/nasal airway		<input type="checkbox"/> intubated	<input type="checkbox"/> IV FLUIDS		<input type="checkbox"/> BACKBOARD	
BREATHING	<input checked="" type="checkbox"/> Spontaneous		<input type="checkbox"/> assist	<input type="checkbox"/> OXYGEN		<input type="checkbox"/> SPUNTS/ARMS	
	<input type="checkbox"/> comments:			<input type="checkbox"/> MEDICATIONS		<input type="checkbox"/> SPUNT/LEGS	
CIRCULATION	Pulse: <input checked="" type="checkbox"/> Present		<input type="checkbox"/> CPR	<input type="checkbox"/> MAST		<input type="checkbox"/> OTHER	
	Monitor rhythm: <input checked="" type="checkbox"/> Pink		<input type="checkbox"/> Pale	<input type="checkbox"/> WARM		<input type="checkbox"/> COOL	
HEAD	Pupils: RIGHT		LEFT	<input type="checkbox"/> Diaphoretic		<input type="checkbox"/> Other	
	Ears: <input checked="" type="checkbox"/> Equal		<input type="checkbox"/> Sluggish	<input type="checkbox"/> Ashen		<input type="checkbox"/> Cyanotic	
ABDOMEN	Pupils: <input checked="" type="checkbox"/> Equal		<input type="checkbox"/> Sluggish	<input type="checkbox"/> Tender		<input type="checkbox"/> Firm	
	Ears: <input checked="" type="checkbox"/> Drainage		<input type="checkbox"/> CSF	<input type="checkbox"/> Distended		<input type="checkbox"/> Nontender	
EXTREMITY	Appearance: <input checked="" type="checkbox"/> Blood		<input type="checkbox"/> Blood	Bowel sounds: <input type="checkbox"/> WNL		<input type="checkbox"/> Hypoactive	
	Appearance: <input checked="" type="checkbox"/> Blood		<input type="checkbox"/> Blood	<input type="checkbox"/> Other		Appearance: <input checked="" type="checkbox"/> Stab wounds under scapula + 7 slightly posterior	
GLASGOW COMA SCALE				LABS			
EYE OPEN TO Time: 12/12				CBC			
Spontaneous: 4				U/A			
Speech: 3				H&H			
Pain: 2				Type X-match			
Remain closed: 1				Type/Hold			
VERBAL				Lytes			
Oriented: 5				SMA			
Confused: 4				Glucose			
Words: 3				CKMB			
Sound: 2				Amylase			
No response: 1				ETOH			
MOTOR				Preg. Test			
Obeys commands: 6				Serum			
Localizes pain: 5				Urine			
Withdraws: 4				CONDITION			
Abnormal flexor: 3				<input type="checkbox"/> Unchanged			
Extension: 2				<input type="checkbox"/> Critical			
No response: 1				<input type="checkbox"/> Stable			
TOTAL INTAKE				<input type="checkbox"/> Improved			
IVF				TRANSFERRER TO:			
NG							
TOTAL OUTPUT							
URINE							
NG							
DRAINAGE							
INITIALS				ASSESSMENT COMPLETED BY:			
JTA							

30

7124

# LABORATORY REPORT GEORGETOWN COUNTY MEMORIAL HOSPITAL

955 - EXCESS TYPED ONE PRESSURE LEVEL

BP 164/72  
MAP 119  
DPA 115

BP 177/80  
MAP 120  
DPA 118

BP 174/81  
MAP 120  
DPA 117

BP 172/81  
MAP 120  
DPA 117

BP 174/78  
MAP 120  
DPA 118

BP 185/89  
MAP 128  
DPA 129

BP 176/75  
MAP 125  
DPA 129

BP 165/87  
MAP 122  
DPA 127

*Jody R. WARD  
Re 22*

## 2nd REPORT

## 2nd REPORT

## 1st REPO

960830  
WARD, JODY R  
DOB 05/18/74  
AGE 20Y  
WILKINSON JR., GEORGE  
277 HILL SPRING LOOP  
GEORGETOWN SC 29440  
12/11/88  
MD UNIT #17768 URGENTCY #0  
PS-2

BP 174/81  
MAP 120  
DPA 117

BP 174/78  
MAP 120  
DPA 118

BP 172/81  
MAP 120  
DPA 117

BP 174/78  
MAP 120  
DPA 118

BP 185/89  
MAP 128  
DPA 129

BP 176/75  
MAP 125  
DPA 129

BP 165/87  
MAP 122  
DPA 127

*Jody R. WARD Re 18*

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SINGLE COPY



**Georgetown  
Memorial  
Hospital**

P.O. DRAWER 1718 • GEORGETOWN, SC 29442 • 803-527-7000

Exam Date: 12-13-2000  
ReqSeq: 486505

Typed Date: 12-13-2000 Time: 1333  
Transcriptionist: VJ

WILKINSON, GEORGE A.  
Adm Dr: WILKINSON, GEORGE A.

Adm Diag: MULTIPLE STAB WOUNDS

Name: WARD, JODY R  
DOB: 05-14-1974 MR#: 817968

499 DEER SPRING LOOP  
GEORGETOWN SC 29440

Pt Type: 3 Room No:

MM

PORTABLE AP CHEST:

THE HEART AND MEDIASTINAL CONTOURS HAVE AN UNREMARKABLE APPEARANCE.  
THE LUNGS ARE CLEAR AND PULMONARY VASCULARITY IS WITHIN NORMAL LIMITS.  
THE VISUALIZED STRUCTURES ARE INTACT.

IMPRESSION: NO ABNORMALITIES DETECTED.

DICTATED BY: RADIOLOGIST: G.T. DESCHAMPS JR, M.D.

If you are allergic to penicillin, there is a small risk you will have a similar reaction to cephalosporin antibiotics. Be sure to take antibiotics until all the medicine is gone unless you develop severe side effects.

Please note that birth control pills may not work as well as normal when you are taking an antibiotic. The most common side effects of these drugs are: diarrhea, indigestion, stomach cramps, and vomiting; women can get yeast infections with antibiotic treatment. Please stop taking your medicine and call your doctor right away if you have severe side effects, or any symptoms of drug allergy: hives, itching, rash, fever, or breathing problems. Cephalosporins have not been shown to be completely safe in pregnancy.

-----  
ADDITIONAL INSTRUCTIONS:

TAKE ANTIBIOTIC AS DIRECTED AND UNTIL ALL GONE - START IN AM  
TYLENOL/ADVIL AS NEEDED FOR PAIN  
HAVE SUTURES OUT IN 10 DAYS  
-----

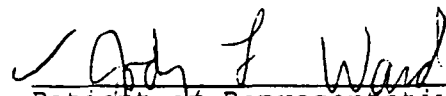
FOLLOW-UP CARE:

Your physician today has been DR. COMPAGNONE

For follow-up care you should see your doctor or return here in \_\_\_\_\_ days. When you see your doctor, bring your medicines and instructions to the office. If you had x-rays, an EKG, or lab tests today, they have been reviewed by your doctor. We will contact you at once if other important findings are noted after further review by our staff. If you do not continue to improve or if your condition worsens, please call your doctor or the emergency room right away.

I acknowledge receipt of these instructions. I understand that my condition may require more care and will arrange for further treatment as recommended.

  
\_\_\_\_\_  
Staff Signature

  
\_\_\_\_\_  
Patient or Representative Signature

Wednesday, December 13, 2000 - 01:38 PM

FORTIOR  
EXHIBIT  
D

# INCIDENT REPORT

ONLY

12000000

3A

INCL. No Yes

DETECTIVE

VICTIM

SUBJECT

FACTS

PROPERTY

PROPERTY

INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
13A ABHAN				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
3.				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 1714 GAPWAY RD, GEORGETOWN, SC ZIP CODE 29440- WEAPON TYPE LETHAL CUTTING INSTRUMENT

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK				LOCATION NO.
12/13/2000	11:45		12/13/2000	12:05	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	
					12/13/2000	12:05	12:14	13:38	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
	#1	#2	#3				/			

ADDRESS CITY STATE ZIP CODE LOCATION NO.

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
ABNER, MICHAEL, A	#1	#2	#3	J	W	M	37 /	N	843-520-0650	

HEIGHT 508 WEIGHT 145 HAIR BROWN EYES BROWN FACIAL HAIR, SCARS, TATTOOS GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS 195 MEADOW LN CITY GEORGETOWN STATE SC ZIP CODE 29440- LOCATION NO.

VISIBLE INJURY (MCT.1)  YES  NO  EXPLAIN- Lacerations COMPLAINT OF ANY NON-VISIBLE INJURIES  YES  NO

VICTIM (NO. 1) USING: ALCOHOL  YES  NO  UNK.  DRUGS:  YES  NO  UNK.  TYPE:

TWO-MAN VEH.  ONE-MAN VEH.  DETECTIVE PLASMT.  OTHER  ALONE  ASSISTED  \*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.

SUSPECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
<input type="checkbox"/>										

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. DAYTIME PHONE EVENING PHONE

ADDRESS CITY STATE ZIP CODE LOCATION NO.

SUBJECT (NO. 1) USING ALCOHOL  YES  NO  UNK.  ARRESTED NEAR OFFENSE SCENE  YES  NO  DATE/TIME OF OFFENSE DATE/TIME OF ARREST

DAY OF THE WEEK	HOW REPORTED	A= OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF. FACTOR	A= RESISTANCE/HOSTILITY	E= COMPLAINANT FRE-QUENTLY INTOXICATED
S M T W T F S UNK		B= REPORT TAKEN BY PHONE	E= OFFICER INITIATED		B= WEAPONS	F= DOMESTIC
		C= COMPLAINANT WALKED IN	F= OTHER		C= UNFOUNDED CALLS	N= NORMAL

ABHAN  
 UNITS FROM THE SHERIFF'S OFFICE WERE CALLED TO 195 MEADOW ST. IN REFERENCE TO A STABBING AT APPROXIMATELY 12:00 PM ON 3-13-200. MICHAEL ABNER WAS SEATED ON THE FLOOR OF THE RESIDENCE AND APPEARED TO HAVE SEVERAL INJURIES ON HIS FACE AND HEAD AREAS. ABNER STATED THAT HE WENT TO 1714 GAPWAY ROAD TO TALK TO JODY WARD. ABNER STATED THAT WARD RAN OUT OF THE RESIDENCE AND ATTACKED HIM WITH A KNIFE. ABNER SAID THAT FEARING FOR HIS LIFE, HE PULLED A WOOD CHISEL AND DEFENDED HIMSELF AGAINST WARD. ABNER WAS TRANSPORTED TO THE EMERGENCY ROOM BY EMS. APPROXIMATELY TWENTY MINUTES LATER CENTRAL DISPATCH ADVISED UNITS THAT WARD WAS AT THE EMERGENCY ROOM FOR TREATMENT ON THE INJURIES HE SUSTAINED. ACCORDING TO WARD ABNER CAME TO THE RESIDENCE ON GAPWAY RD. AND IMMEDIATELY ATTACKED HIM (WARD) WITH THE WOOD CHISEL STABBING HIM SEVERAL TIMES

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

TYPE (GROUP)	TOTAL VALUE
STOLEN	0
DAMAGED	0
BURNED	0
RECOVERED	0
SEIZED	0

SUBJECT IDENTIFIED  YES  NO  SUBJECT LOCATED  YES  NO  S.F.   ACTIVE  ADM. CLOSED  ARRESTED UNDER 18  EX-CLEAR UNDER 18  UNFOUNDED  ARRESTED 18 AND OVER  EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE 1  OFFENDER DEATH 2  NO PROSECUTION 3  EXTRADITION DENIED 4  VICTIM DECLINES COOPERATION 5  JUVENILE NO CUSTODY

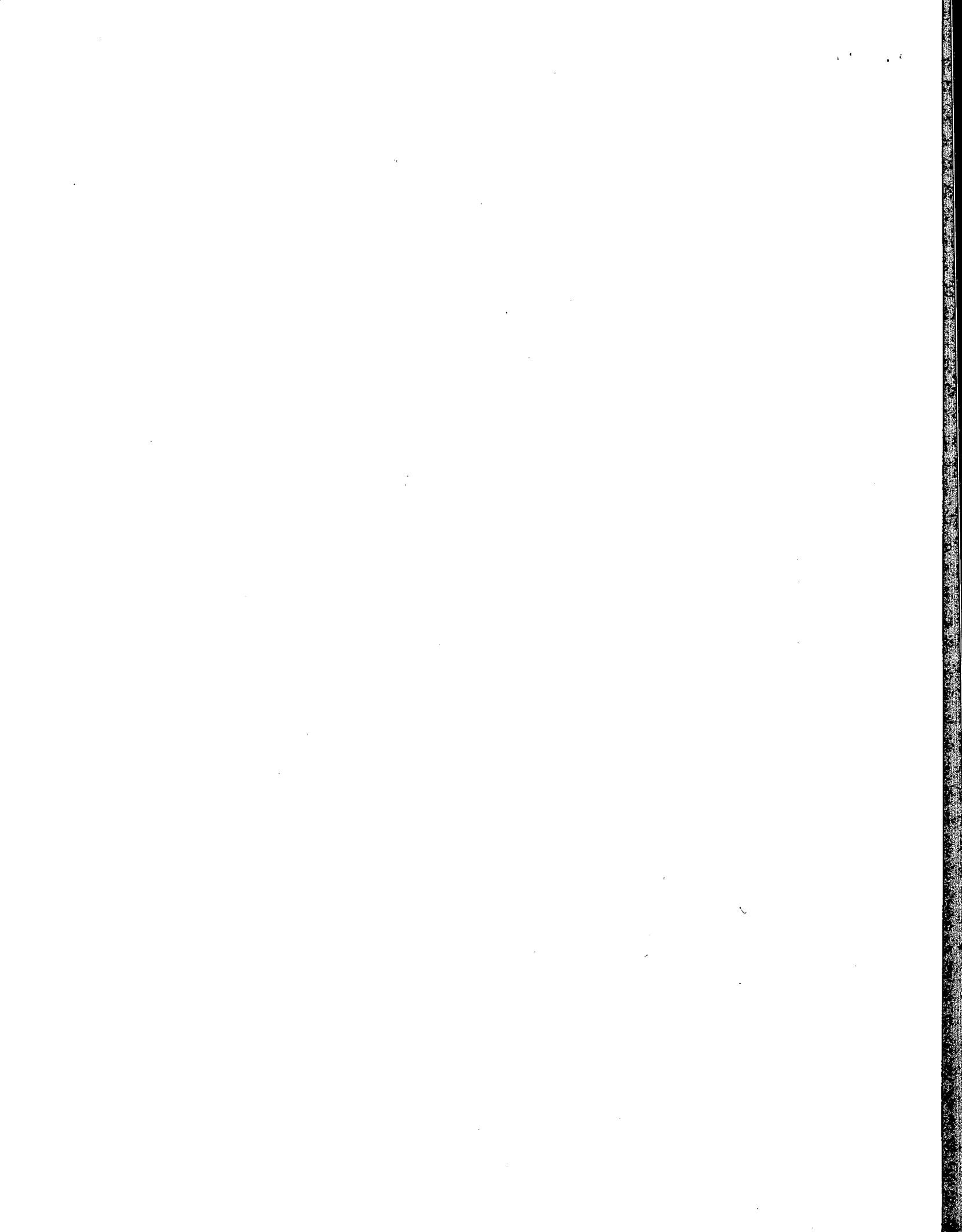
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
Edwards, James	12/13/2000 12:05:00	1ED31			1SM53
Owens, Wayne	12/13/2000	1OW76	FOLLOWUP INVESTIGATION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OFFICER Jackson, Randy	12/19/2000 9:47:28	1JA66

# ADDITIONAL NARRATIVE

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Agency Name: Georgetown County Sheriff	ORI #: SC0220000	Report Date/Time:	OCA #: 12000800
----------------------------------------	------------------	-------------------	-----------------

ON THE LEFT SIDE. BRUCE RICHARDSON (248-3954) WHO WAS AT THE RESIDENCE SAID THAT HE HEARD A COMMOTION AND WHEN HE WENT OUTSIDE HE SAW THE TWO MEN FIGHTING AND ABNER HAD A YELLOW HANDLED WOOD CHISEL AND WAS TABBING WARD IN THE SIDE WITH IT AS WARD WAS HITTING HIM (ABNER) IN THE FACE WITH HIS FIST. RICHARDSON TOOK THE CHISEL FROM ABNER AND BROKE THE TWO UP. ABNER THEN GOT IN HIS TRUCK AND LEFT THE AREA. BOTH MEN WERE BEING TREATED AT THE HOSPITAL AND INVESTIGATOR JACKSON WAS CALLED TO PROCESS THE SCENE. A YELLOW HANDLE WOOD CHISEL, A LEATHER JACKET WORN BY ABNER, AND A WHITE SHIRT WORN BY WARD WERE TAKEN FOR EVIDENCE. THERE IS NO FURTHER INFORMATION AT THIS TIME.



FORTIOR  
EXHIBIT  
E

(1). PROFFER TESTIMONY OF RONDIE J. WARD

Michael Andrew Abner called Rondie J. Ward and told him that he paid Jody Lynn Ward's alleged victims "Murder For Hire", to kill him/ Petitioner.

DIFFERENCE IN THE OUTCOME OF THE CASE

Since the trial jury never heard this at the first trial it would make a difference in the outcome of the case if a new trial was granted; because the jury could infer reasonable doubt of Petitioner's guilt.

(2). PROFFER TESTIMONY OF CARL S. Ward

Carl S. Ward was on the joint spare phone line and also heard Michael Andrew Abner tell her husband Rondie J. Ward that he paid Jody L. Ward's alleged victims "Murder For Hire" to kill him.

DIFFERENCE IN THE OUTCOME OF THE CASE

Since the trial jury never heard this at the first trial it would make a difference in the outcome of the case if a new trial was granted; because the jury could infer reasonable doubt of Petitioner's guilt

(3). Proffer Testimony of Michael Andrew Abner

The testimony of Michael will show from the letter that was written to Lynn Ward in October 2011 that he had something to do with the Jody Lynn Ward case and that Jody will go home when he tells it; The testimony from reasonable inference is that he did in fact pay Wilford Brown and Elton Rutledge Jr. to kill "Murder for Hire" Petitioner, Jody Lynn Ward.

Difference in the outcome of the case

Had the first trial jury heard this after-discovered evidence there's a reasonable probability that the result would have been different because it raises reasonable doubt of Petitioner's guilt.

(4). PROFFER TESTIMONY OF LYNN WARD

That on or about October 2011 she received a letter to her P.O. Box 923 addressed from Michael Abner to her.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(5). PROFFER TESTIMONY OF ASHTON J. WARD

That on or about October 2011 he went to his grandmothers and she told him that she had a letter from Michael Abner which

he took and opened and his testimony will be that the Fortier Exhibit envelope and the letter was in fact the letter that was inside the envelope whenever it was opened.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael A. Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(6). PROFFER TESTIMONY OF WESLEY LOCKLAIR

That on or about March 2004 he conducted an interview via/telephone with Michael A. Abner whether he had involvement with Jody Lynn Ward and at that he denied having any involvement with the case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

(7). PROFFER TESTIMONY OF MARGARET ANN KNEECE

That on or about March 2004 she conducted a interview via/telephone with Michael A. Abner whether he had anything to do with my (2) alleged murders and at that time he denied having any involvement with my case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

FORTIOR  
EXHIBIT  
F

SWORN AFFIDAVIT OF

ASHTON WARD

I, Ashton Judy Ward hereby swear this statement to be true to the best of my knowledge that I opened a letter that was addressed to my grandmother from Michael Abner and read it.

[Large wavy scribbles covering the middle section of the page]

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 30 DAY OF April, 2012

Ellen T. Hansen

NOTARY PUBLIC

MY COMM. EXPIRES May 11, 2014

I AM, Ashton Ward

131 Ashton Judy Ward

Ashton Ward

dated 4/30, 2012

FILED  
GEORGETOWN COUNTY, S.C.

2012 MAY 16 PM 2:42

ALMA Y. WHITE  
CLERK OF COURT

SWORN AFFIDAVIT OF  
JODY LYNN WARD

I hereby, Jody Lynn Ward, 300644 acting as a pro se litigant swear that the affidavit I'm about to give herein is true and correct to the best of my ability.

On or about October 2011 I was contacted by my son, Ashton J. Ward and was informed that Michael A. Abner had written a letter that was addressed to my mother Lynn Ward, and that she called him and that he came over and at that time he opened the letter and forwarded a copy to me. I'm filing under the Due Diligence for After-Discovered Evidence. I herein state that this evidence involves whether I'm innocent of the charges of (2) alleged murders vs. my guilt.

Michael A. Abner stabbed me five times on or about December 14, 2000. Before my trial of 2004 my two trial attorney's Margaret Ann Kneece; and Wesley Locklair did a interview with michael A. Abner and at that time he denied having any involvement in the case.

It's just been recently that he went back and confessed to two murders dating back to 1983 and 1988 2when he was arrested for murdering a man in Kentucky on or about January 2010.

My uncle Rondie J. Ward informed me that Michael A. Abner called him and told him that he did in fact pay my (2) two alleged victims to kill me and my first Trial Jury never heard this information.

I meet all (5) criteria for After-Discovered Evidence; and I could not have discovered the evidence by exercise the exercise if Due-Diligence, see State v. DeAngelis, cited as; 182 S.E.2d. 732 (1971).

Respectfully Submitted,

Jody L. Ward, 300644

~~Jody L. Ward #300644~~  
Jody L. Ward, 300644  
Lieber C.I. E-B  
P.O. Box 207  
Ridgeville, S.C.  
29472

SWORN AND SUBSCRIBED Before me

On This 7th day of May 2012

Sybra Jones  
Notary Public for South Carolina

My Commission Expires 1/24/2018

STATE OF SOUTH CAROLINA )  
COUNTY OF GEORGETOWN )

IN THE COURT OF GENERAL SESSIONS  
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Jody Lynn Ward, 300644 )  
Petitioner, )

C/A No: 03-GS-22-1030-1031

v. )

MOTION FOR EXPENDITURE OF  
FUNDS FOR INVESTIGATIVE AND EXPERT  
SERVICES, PURSUANT TO: § 17-3-50 (b)

State of South Carolina )  
Respondent. )

FILED  
GEORGETOWN COUNTY, S.C.  
2012 MAY 16 PM 2:42  
ALMA Y. WHITE  
CLERK OF COURT

Petitioner, Jody Lynn Ward, Pro se (awaiting appointed counsel) hereby moves, pursuant to S.C. Code § 17-3-50(b) for Expenditure of Funds for expert services. In support of this motion, Petitioner apprises the Court of the following facts and legal principles.

(1). Petitioner hereby seeks Investigator; forensic pathologist; Forensic Psychiatrist; and expert in crimes scene analysis and Criminal personality profiling; attorney.

See: §17-3-50 Determination of fees for appointed counsel and public defenders; maximum amounts; authorization to exceed maximums; payment for certain services.

§ 17-3-50(b) upon finding in exparte proceedings that investigative, expert, or other services are reasonably necessary for representation of the defendant the Court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, for funds available to the

Office of Indigent Defense of fees and expenses not to exceed five hundred dollars as the Court considers appropriate.

(2). Petitioner believes in good faith that Independent Investigation services are needed due to the extreme circumstances of this case.

(3). Michael A. Abner, is a serial killer and the above named expert witnesses is necessary in this case as a matter of law.

(4). Michael Andrew Abner stabbed Petitioner five times with a wood chisel and was treated with stitches at Georgetown Memorial Hospital.

(5). Petitioner is a mental health patient currently confined within the S.C. Department of Corrections Services, and resides within Edisto Unit and also request expert services.

(6). Petitioner believes in good faith that he needs funds for indigent private investigator services due to the fact that Michael A. Abner has already given a confession to the Internal Affairs after he was questioned, See: Below pursuant to Fortier Exhibit A; which reads... as I got that affidavit from Ashton spilled coffee on it and tuck me to the Internal Affairs Office asking me what it's about. I told them the truth that I was trying to make a wrong right."

See: State v. Bailey, 424 S.E.2d at 506, also see: Ake v. Oklahoma, 470 U.S. 68 (1985), wherefore, for all the foregoing

reasons, Petitioner submit he has presented good cause for expenditure of funds for investigative services and other expert services associated with this matter, and therefore respectfully request pursuant to S.C. Code Ann. § 17-3-50(b), that the Court issue a order for the requested funds and thereby Order the payment, from funds available from the Office of Indigent Defense. Petitioner prays for any and all relief this Court deems just and proper.

Respectfully Submitted,

Jody Lynn Ward.  
Jody Lynn Ward