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OCT 03 2016

TO THE HONORABLE JUSTICES OF THE SOUTH CAROLINA SUPREME COURT

REQUEST FOR RECONSIDERATION OF DENIAL OF PETITION OF WRIT S.C. SUPREME COURT
OF CERTIORARI DATED NOV. 23, 2015. CASE # 2014-001868.

PLEASE OVERLOOK MESSY TYPEING, I, M NEW AT THIS AND HAVE NO ONE TO ASSIST ME. DO NOT MISUNDERSTAND, I MEAN NO DISRESPECT IN ANY OF MY STATEMENTS. I RELY ON THE INTEGRITY OF THE COURT TO CORRECT THE GRAVE INJUSTICE DONE ME. IS THE SUPREME AWARE THAT WHEN ONE IS INDIGENT AND IS REPRESENTED BY THE SOUTH CAROLINA COMMISSION OF INDIGENT DEFENCE, AT LEAST IN MY CASE, I WAS TOLD I HAD NO SAY AT ALL IN MY DEFENCE. TO DENY THAT RIGHT IS WAS TO DENY ME WHAT IS CONSIDERED ONE OF THE MOST SACRED RIGHTS OF THE JUDICIAL SYSTEM. OF ALL RIGHTS.

~~IT~~ THAT IS TO ME, AS I, M SURE IT WOULD BE TO OTHERS, ESPECIALLY THE PUBLIC, IS INCONCEIVABLE THAT THE S.C. SUPREME COURT WOULD APPROVE OF AND CONDONE SUCH ACTIONS. THAT WOULD SEEM TO BE A DIRECT VIOLATION OF NOT ONLY THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA, BUT THE CONSTITUTION OF THE UNITED STATES OF AMERICA. THE BASIC OF WHICH THIS COUNTRY WAS FOUNDED ON, THE RIGHT OF ANY ACCUSED OF A CRIME, SO LONG AS OF SOUND MIND, TO ASSIST IN THEIR DEFENCE. TO DENY THAT RIGHT IS TO DENY JUSTICE.

2/3 WEEKS BEFORE TRIAL WAS TO START, I SUFFERED A 3rd. HEART ATTACK. I WAS RELEASED BACK TO LEXINGTON COUNTY JAIL AFTER 6/7 DAYS. A COUPLE DAYS BEFORE TRIAL WAS TO START I SUFFERED A RELAPSE, TAKEN BACK TO HOSPITAL. ADMITTED FOR TESTS. I WAS TOLD, BY MY ATTORNEY THAT THE PROSECUTOR PRESSED THE HOSPITAL TO RELEASE ME FOR TRIAL. THIS MAY NOT SEEM RELEVANT AT THIS TIME. READ ON.

AS A RESULT, ALL I REMEMBER OF THE TRIAL WAS TRYING TO GET PRESENT EVIDENCE/DOCUMENTS THAT WOULD HAVE CHANGED THE OUTCOME OF THE TRIAL. THAT IS IRREFUTABLE FACT. I, M ENCLOSEING WHAT WAS KNOWINGLY, WILLFULLY WITHHELD BY MY ATTORNEY: SAYING, AND I QUOTE: IT, S JUST PAPER."

THIS IS PAPER, THAT, FIRST, WOULD HAVE PROVED BEYOND ALL DOUBT THAT THE SO THE SO CALLED EVIDENCE OF PERFECTLY LEGAL, BUT EXTREMELY PREJUDICE ITEMS USED AGAINST ME, WERE REMOVED FROM A ROOM I PAID RENT ON FROM MY MOTHER IN VIRGINIA, BY A CLEARLY ILLEGAL SEARCH AND SEIZURE. THEN MOVED ACROSS 3 STATE LINES, ILLEGALLY, HELD FOR A YEAR, YEAR AND A HALF THE PRESENTED TO, AND ALLOWED NOT ONLY TO SIT IN FRONT OF A JURY, BUT ALSO ALLOWED TO BE TAKEN INTO THE DELIBERATION ROOM WHEN DECIDING THE VERDICT.

THIS WAS DONE SOLELY TO INFLUENCE AND TO PREJUDICE THE JURY. TO SAY OTHERWISE ONE WOULD HAVE TO BE OUT OF TOUCH WITH REALITY." NOT ONLY WOULD THE EVIDENCE I NOW PRESENT TO THE COURT THAT WAS WITHHELD IN VIOLATION OF BRADY, IT WOULD HAVE CREATED DOUBT AS TO THE TRUTHFULNESS AND CREDIBILITY OF OTHER FALSE ALLEGATION.

READ THE REQUEST SENT TO WYTHE COUNTY AUTHORITIES BY LEXINGTON IT EXPLAINS ITSELF: THERE MIGHT BE A COMPUTER WITH CHILD PORN: STAND BY: " IN CASE ENOUGH EVIDENCE IS GATHERED FOR A WARRENT."

OVER

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THERE WAS NO COMPUTER WITH CHILD PORN, NO COMPUTER PERIOD: NOTHING RESEMBLING CHILD PORN. NO PICTURES OF ANY NUDE MINORS. WHAT WAS FOUND WERE PICTURES OF ME AND A CLEARLY ADULT WOMEN DOING WHAT ADULTS DO. ADULT TOYS A NATIONAL SURVEY FOUND WERE IN 70/80% OF ALL HOMES IN AMERICA OF BOTH MARRIED AND SINGLE COUPLES. UPON ENTERING AND FINDING NO COMPUTER AS THEY WERE TOLD TO LOOK FOR, THE SEARCH SHOULD HAVE STOPPED. NO COMPUTER, NO PROBABLE CAUSE. THAT IN ITSELF WAS A VIOLATION OF PROPER PROCEDURE AND OR DUE PROCESS.

AT NO TIME DID WYTHE COUNTY AUTHORITIES INFORM MY BROTHER NOR MOTHER THAT THEY HAD THE RIGHT TO REFUSE TO ALLOW THE SEARCH NOR DID THEY TELL THEM, AS REQUIRED BY LAW THE ROOM TO BE SEARCHED AND ITEMS THEY WERE LOOKING FOR. "WYTHE AUTHORITIES HAD ALMOST 4 HOURS TO OBTAIN A WARRANT. AND FAILED TO DO SO. THE PROSECUTOR USED STATE V MATLOCK, 414 U.S. 164, 1974 AS RIGHT TO CONDUCT SEARCH WITHOUT A WARRANT. ALSO MENTIONED WAS STATE AS CONSENT. WRONG". SEE U.S. V MATLOCK, 415, U.S. 164, SUPREME COURT 1974, START AT 179, 180, 181, 182, 183, 184, 185. "WHICH READS IN PART: WE ARE NOT DEALING WITH FORMALITIES.

THE PRESENCE OF A SEARCH WARRANT SERVES A HIGH FUNCTION, ABSENT ASOME GRAVE EMERGENCY, THE FOURTH AMENMENT HAS INTERPOSED A MAGISTRATE BETWEEN THE CITIZEN AND THE POLICE. THIS WAS DONE NOT TO SHIELD CRIMINALS NOR TO MAKE THE HOME A SAFE HAVEN FOR ILLEGAL ACTIVITIES. IT WAS DONE SO THAT AN OBJECTIVE MIND MIGHT WEIGH THE NEED TO INVADRE THAT PRIVACY IN ORDER TO ENFORCE THE LAW. THE RIGHT OF PRIVACY WAS DEEMED TO BE PRECIOUS TO ENTRUST TO THE DISCRETION OF THOSE WHOSE JOB IS THE DETECTION OF CRIME AND THE ARREST OF CRIMINALS..

POWER IS A HEADY THING: AND HISTORY SHOWS THAT THE POLICE ACTING ON THEIR OWN CANNOT BE TRUSTED. AND SO THE CONSTITUTION REQUIRES A MAGISTRATE TO PASS ON THE DESIRES OF THE POLICE BEFORE THEY VIOLATE THE PRIVACY OF THE HOME".

WYTHE COUNTY IGNORED THAT REQUEST TO STAND BY. WENT BY AND SEARCHED NOT ONE TIME WITHOUT A WARRANT, BUT TWO TIMES. AFTER SEARCHING MY ROOM THOROUGHLY, THEY SAID THERE WAS NOTHING OF INTEREST NOR ILLEGAL, BUT EVERYTHING BACK, AND LEFT. FIRST ILLEGAL SEARCH.

ONLY TO RETURN THE NEXT DAY, SAID ALTHOUGH THERE WAS NOTHING ILLEGAL, THEY WERE GOING TO SEIZE AND HOLD THE ITEMS". SEE PART OF U.S. V MATLOCK, 184/185; THE POINT OF THE FOURTH AMENDMENT, WHICH IS OFTEN NOT GRASPED BY ZEALOUS OFFICERS, IS NOT THAT IT DENIES LAW ENFORCEMENT THE SUPPORT OF THE USUAL INFERENCES WHICH REASONABLE MEN DRAW FROM EVIDENCE. ITS PROTECTION CONSISTS IN REQUIRING THOSE INFERENCES BE DRAWN BY A NEUTRAL AND DETACHED MAGISTRATE INSTEAD OF BEING JUDGED BY THE OFFICER ENGAGED IN THE OFTEN COMPETITIVE ENTERPRISE OF FERRETING OUT CRIME". THEY DID PRECISELY WHAT THE FOURTH AMENDMENT WAS DESIGNED TO OUTLAW".

AT NO TIME WAS A SEARCH WARRANT OBTAINED". THERE WAS ADEQUATE TIME TO OBTAIN ONE OR MORE WARRANTS. THERE WAS NO EMERGENCY, NOR DANGER TO ANY POLICE OFFICE OR OTHER PERSONS WHICH REQUIRED THAT THE SEARCH PROCEED WITHOUT AWAITING THE TIME AT WHICH A WARRANT COULD BE APPLIED FOR".

NEXT PAGE

THE SEARCH OF THE HOUSE WAS NOT INCIDENTAL TO THE ARREST OF THE DEFENDENT.

THE SAME OFFICERS WHO HAD CONDUCTED AN ILLEGAL SEARCH AND SEIZE, WERE THE SAME ONES WHO STATED THEY HAD CONSENT, ALTHOUGH NO ONE WAS IN COURT TO VERIFY THEIR STATEMENT". THAT WAS CLEARLY HEARSAY" THE FOURTH AMENDMENT PROVIDES THAT THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND, EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED AND THE PERSONS OR THINGS TO BE SEIZED". THE JUDICIAL SCRUTINY PROVIDED BY THE SECOND CLAUSE OF THE AMENDMENT IS ESSENTIAL TO EFFECTUATING THE AMENDMENT, AND IF, UNDER THAT CLAUSE A WARRANT COULD HAVE BEEN OBTAINED BUT WAS NOT, THE ENSUING SEARCH IS UNREASONABLE UNDER THE AMENDMENT". 180 U.S.V. MATLOCK, THE SEARCH IS IMPERMISSIBLE BECAUSE OF THE FAILURE OF THE OFFICERS TO SECURE A SEARCH WARRANT WHEN THEY HAD THE OPPORTUNITY TO DO SO".

ALL THESE ISSUES REQUIRED BY LAW WERE BLATANTLY, INTENTIONALLY IGNORED BY THE WYTHE COUNTY VA. AUTHORITIES". THERE REASON FOR NOT OBTAINING A WARRANT: THEY SAID NO CRIME HAD BEEN COMMITTED IN THEIR COUNTY AT THAT TIME". THAT SINCE THEY WERE ALLOWED TO SEARCH THE FIRST TIME, THEY DID, NOT FEEL THEY NEEDED A WARRANT". THE FACT LAW, AS REQUIRED, WAS KNOWINGLY, WILLFULLY IGNORED IS UNDENIABLE":, ". THAT IT WAS ALSO IGNORED AT TRIAL, AND ON ALL APPEALS IS ALSO IRREFUTABLE: "IGNORED SOLELY DUE TO NATURE OF THE ALLEGED OFFENCES.

TO FURTHER CONFIRM LAW IGNORED, WHEN THE VIOLATION OF MY FOURTH AMENDMENT WAS BROUGHT UP BEFORE START OF TRIAL: I.E.: THE ISSUE OF A VALID, OR ILLEGAL SEARCH AND SEIZE WAS ADDRESSED OF THE FOURTH AMENDMENT VIOLATION, THE PROSECUTOR SAID IT WAS ESSENTIALLY A PRIVATE SEARCH OUTSIDE THE FOURTH AMENDMENT". THE JUDGE SAID: ALLRIGHT

MY ATTORNEY SAID NOTHING"". ANY ATTORNEY WORTH THE INK ON HIS DIPLOMA WOULD HAVE VIGOROUSLY OBJECTED,, AND PREVAILED". AND THOSE PERFECTLY LEGAL, BUT EXTREMELY PREJUDICE ITEMS TO MY TRIAL WOULD NOT HAVE BEEN ALLOWED TO BE VIEWED, WOULD NOT HAVE BEEN ALLOWED TO SIT BEFORE THE ACCUSERS AND THEN ALLOWED TO BE TAKEN TO DELIBERATION ROOM WHEN DECIDING THE VERDICT."

A PRIVATE SEARCH IS JUST THAT:: PRIVATE:: AND NOT FOR REVIEW NOR SCRUTINY BY ANY JUDGE NOR JURY EXCEPT BY WAY OF A MAGISTRATE ISSUING A VALID WARRANT TO SEARCH AND OR SEIZE: THEN AND ONLY THEN CAN ITEMS/EVIDENCE BE PRESENTED TO A JUDGE AND OR JURY". ANY ITEMS/EVIDENCE OBTAINED ILLEGALLY, WITHOUT A VALID SEARCH AND SEIZE WARRANT SIGNED BY A MAGISTRATE AND OR JUDGE CAN NOT BE LEGALLY VIEWED TO HELP VINDICATE NOR TO CONVICT ANY PERSON AT TRIAL". ANY ITEMS/EVIDENCE OBTAINED WITH SUCH ARE INADMISSABLE".

HAD THOSE EXTREMELY PREJUDICE ITEMS NOT BEEN ALLOWED, THERE IS NO DOUBT THE OUTCOME WOULD HAVE BEEN DIFFERENT. "HAD THOSE ITEMS BEEN PRESENTED IN ANY OTHER TRIAL OTHER THAN AN ALLEGED ACTS AGAINST MINORS, THEY WOULD NOT HAVE BEEN ALLOWED.: HAS THE COURTS OF THIS NATION, OF SOUTH CAROLINA RESORTED TO ACTIONS

TAKEN ILLEGALLY, WITH TOTAL DISREGARD TO LAW, WITH ^{out} WARRENTS, AS THIRD COUNTRYS DO, TO OBTAIN CONVICTIONS BY ANY MEANS, ?? TO ALLOW THIS VERDICT TO STAND, TO NOT OVERTURN IT, ESPECIALLY AFTER READING AND VIEWING OTHER DOCUMENTS/EVIDENCE ENCLOSED, WOULD BE ACTIONS TAKEN BY THIRD WORLD COUNTRYS, AND A GROSS INSULT TO THE JUDICIAL SYSTEM THIS NATION WAS FOUNDED ON."

MY ATTORNEY AT TRIAL HAD A COPY OF THE REQUEST TO STAND BY: AS DID THE STATE/PROSECUTER, I, D VENTURE THE JUDGE HAD ONE ALSO".

A COPY OF THE VA. DMV REPORT, PROVEING BEYOND DOUBT THAT ON OR ABOUT DATE OF ONE EXTREMELY SERIOUS, ALLEGED OFFENCE: ON OR ABOUT AS ALLEGED VICTIM STATED, BY SAYING IT HAPPENED A WEEK [STRIKE WEEK] [MONTH AND A WEEK AGO. ARIVEING AT THE ON OR ABOUT DATE OF JUNE 25th, 2007, WHEN GIVING THE STATEMENT JULY 30th, 2007; .

HAD HER STATEMENT BEEN GIVEN JULY 31th, AND THE PRIER MONTH HAD 31 DAYS, THE DATE OF ALLEGED OFFENCE WOULD HAVE BEEN GIVEN AS THE 27th, OF JUNE, 2007; . SEE DATE I WAS IN THIER OFFICE, ALMOST 250 MILES FROM SOUTH CAROLINA, JUNE 27, 2007; . DOUBT: : UNDENIABLE: ."

THE ALLEGED INCIDENT SUPPOSEDLY OCCURED JUNE 25th, 2007, AT PINE RIDGE MOBILE HOME PARK, GASTON, S.C. "SEE DATE OF FINAL SCE&G BILL MAILED TO ME AT THE LOCATION WHERE I LIVED: 26 GAS LAMP DR. W. COLUMBIA. S.C. "

I MANAGED PINE RIDGE MHP FOR A FEW MONTHS IN 2006, STARTED TO BUY THE TRAILER FROM THE PARK OWNERS, HAD POWER TURNED TO MAKE SURE EVERY THING WORKED, CHANGED MY MIND ABOUT BUYING GAVE THE QUIT THE JOB, GAVE HOME BACK TO OWNERS. "AFTER NOT BEING IN THE PARK FOR A MONTH OR TWO, THE OWNERS RENTED OR SOLD THE HOME TO A FAMILY WITH CHILDREN AN ASK ME IF I, D LEAVE POWER ON UNTIL NEW TENANT OR OWNERS COULD GET POWER IN THIER, NAME: : I DID FOR 6/8 WEEKS, THEN CALLED SCE&G AND HAD FINAL BILL MAILED TO ME ME. THE FAMILY MOVED IN SOMETIME AUGUST/SEPT., 2006; . NOTE DATE FINAL BILL: OCT. 2006; . LAUREN CASE, THE ACCUSER SAID THE INCIDENT ALLEGED OCCURED JUNE, 25, 2007; . ALMOST A YEAR AFTER THE FINAL BILL WAS MAILED: "AGAIN UNDENIABLE DOUBT".

TO VERIFY WHAT I SAID WAS TRUE, I GAVE MY ATTORNEY THE NAMES OF BOTH OWNERS OF THE PARK. I DID NOT HAVE PHONE NUMBER, BUT TOLD HIM TOWN THEY LIVED IN, THEY WOULD HAVE VERIFIED I DID NOT LIVE IN NOR HAD I BEEN IN PINE RIDGE MHP IN ALMOST A YEAR IF NNOT LONGER. "HE DID NOTHING: "REASON: : HE SAID HE DID, NT FEEL HE COULD PROVE 100% I HAD NOT COME BACK TO S.C. AT THAT TIME."

MY ATTORNEY HAD ALL IVE MENTIONED YET REFUSED TO PRESENT ANYTHING. "COUNSEL HAS A DUTY TO MAKE REASONABLE INVESTIGATIONS OR TO MAKE A REASONABLE DECISION THAT MAKES PARTICULAR "" "" INVESTIGATIONS UNNECESSARY. U.S.C.A. CONST. AMEND. 6; '. TO SAY I DID NOT FEEL I COULD PROVE 100%: : AND DO NOTHING, , IS NOT, BY ANY MEANS A REASONABLE INVESTIGATION AS REQUIRED BY LAW". HAD COUNSEL INVESTIGATED, AND PRESENTED AT TRIAL EVIDENCE/DOCUMENT'S IN HAND "THERE IS MORE THAN A HIGH POSSIBILITY, ALMOST CERTAIN, THE OUTCOME WOULD HAVE DIFFERENT, ".

THE FAILURE OF COUNSEL TO ACT ON THE ABOVE ISSUES ON MY BEHALF ARE MORE THAN REQUIRED, BY LAW, TO ESTABLISH A VIOLATION OF THE SIXTH AMENDMENT: . AND TO PROVE BEYOUND ALL DOUBT: : INEFFECTIVE COUNSEL AT ITS HIGHEST LEVEL "THAT IS IRREFUTABLE FACT".

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PLEASE READ THIS FIRST.

A 5th, NEAR FATAL HEART ATTACK OCT. 10th. 2015 FORCES ME TO TAKE THIS HIGHLY UNORTHODOXED ACTION. MARCH 27, 2016, I TURNED 74. I STILL HAVE NOT RECOVERED, MY HEALTH DECLINES DAILY. "WE ALL KNOW TOMORROW IS PROMISED TO NO ONE, DEATH CAN COME AT ANY MOMENT TO YOUNG AS WELL AS OLD. IF, HEAVEN FORBID, ONE YOUNG LADY 13 WHEN ALLEGATIONS FIRST MADE. NOW 22 OR 23 SHOULD PASS BEFORE ME, WHAT MOST LIKELY IS MY LAST CHANCE AT THE TRUTH WILL GO WITH HER. I WAS CONVICTED ON 8 CHARGES, SHE CAN CLEAR ME OF NO LESS THAN SEVEN AND CAST SERIOUS DOUBT TO ANY OTHERS MADE BY HER LAUREN CASE, OR HER FRIEND AND COHORT, STEFANINE SMOTZER.

UPDATE: SEPT. 7, 2016. A RETURN TRIP TO THE HOSPITAL AUGUST 19th 2016, BROUGHT NEWS I OR NO ONE ELSE WITH HEART PROBLEMS WANTS TO HEAR: TO MUCH DAMAGE HAS BEEN DONE TO MY HEART, NOTHING CAN BE DONE, NOT BYPASS, NOT OPEN HEART NOR A HEART TRANSPLANT, :NOTHING

NOW THE IMPORTANCE OF THIS IS AT ITS HIGHEST LEVEL: "THE 5th HEART ATTACK TOOK EVERYTHING OUT OF ME, ALL MY ENERGY. THAT ALONE CAUSED MY DELAY IN RESPONDEING TO THE DENIAL OF WRIT OF CERTIORARI DATED NOV. 23rd, 2015. AS SUCH, I BEG THE COURTS INDULGENCE AND UNDERSTANDING NOW THAT I:VE RECEIVED THIS OTHER DEVASTATING NEWS.

ALL THAT CAN BE DONE NOW IS TREAT WITH MEDICINE AND HOPE AND PRAY I LIVE LONG ENOUGH TO SEE JUSTICE DONE. IF MY REQUEST TO OVERTURN THE CONVICTION AND DENIAL OR WRIT AND GRATE ME A KNEW TRIAL AFTER REVIEWING WHAT IM ENCLOSEING THAT WAS WILLFULLY INTENTIONALY WITHHELD, SOME YOUNG LADIES WILL HAVE GOTTEN BY WITH THE MOST HORRENDOUS CRIMES OF ALL DUE NOTHING BUT GENDER. AND ALLEGED OFFENCES: THEY WILL HAVE GOTTEN BY WITH FILING MULTIPLE FALSE POLICE REPORTS, GIVING FALSE POLICE REPORTS, CONSPIRACY AS WELL AS OTHER MAJOR FELONIES.

THE FACT THAT MY ATTORNEY WAS INCOMPETENT, INEFFECTIVE, AND BASICLY USELESS IS UNDENIALBLE.

INEFFECTIVE COUNSEL IS IRREFUTABLE:.,"

DEFENCE COUNSEL WAS IRREFUTABLY INEFFECTIVE BY ONE OR ALL OF THE PREVIOUSMENTIONED FACTS AS WELL AS ISSUES I KNOW BRING BEFORE THE COURT, BUT ARE BY NO MEANS LIMITED TO OTHER RELEVANT ISSUES I MAY NOT BE AWARE OF: I"LL RELY ON THE INTEGRITY OF THE CTO INSURE JUSTICE IS NONE. COUNSEL WAS INEFFECTIVE ON ALL OR MORE OF ISSUES I KNOW RAISE: ONE OR ALL: . KNOWINGLY, WILLFULLY WIPHOLDING EVIDENCE AT TRIAL: VIOLATION OF 2ed; 4th, 6th; I.E. 2ed CLAUSE OF FOURTH AMENDMENT: FAILURE TO NOTICE FLAWS IN INDICTMENTS: I.E. 8 DEFICIENT, INVALID:

PROSECUTER, AFTER RETURNING FROM LUNCH, NEAR END OF TRIAL ANNOUNDCED HE HAD FOUND THREE INVALID INDICTMENTS THAT HAD WRONG CODE ON THEM AND ASK THEY BE AMENDED. THE JUDGE THEN ANNOUNCED HE HAD FOUND ONE WITH TWO NNAMES ON IT: AMENDMENT WAS ALLOWED BY JUDGE QUOTEING, I BELIEVE STATE V MCGILL AS AUTHORITY TO REMOVE A NAME: HE WAS WRONG: WHAT WAS ALLOWED IN THAT CASE WAS TO CORRECT THE MISSPELLING OF A NAME "" AND WAS DONE BEFORE THE CASE WAS CALLED FOR TRIAL: BEFORE BEING PRESENTED IN COURT."

OVER

CONT:FROM PAGE 5'

THIS FUTHER CONFIRMS ILLEGAL SEARCH AND SEIZE:SEE PAGE 2-JUDGE ALSO USED STATE V LAUX, AUTHORITY TO ALLOW SEARCH. AGAIN ERROR: JUDICIAL??YES:"

STATE V LAUX:544 S.E.2ed.276, SC:SUPREME COURT 2001;378; STATES IN PART:OFFICER CONKEY WENT TO LAUX APARTMENT AND WAS MET BY COOKE AT 11;15am.TOLD HIM THIS WAS HER APARTMENTAND SHE STAYED WITH MR.LAUX.SHE THEN ORALLY CONSENTED TO A SEARCH::AND SIGNED A WRITTEN CONSENT SEARCH WAIVER OF RIGHTS FORM IN WHICH SHE STATED SHE WAS THE OWNER OR PERSON IN CHARGE OF THE ITEMS OR PREMISES TO BE SEARCHED."DEE COOKE VERIFIED SHE TOLD POLICE SHE LIVED IN THE APARTMENT AND HAD GIVEN HER CONSENT TO THE SEARCH:SHE ALSO TESTIFIED SHE POSSESSED A KEY TO THE APARTMENT".

REFER TO PAGE 3= ⇐ REFER TO PAGE 2;
ISSUES ARGUED ON DIRECT APPEAL.WHETHER THE TRIAL COURT ERRED IN ADMITTING IRRELEVANT AND PREJUDICIAL PHYSICAL CHARACTER EVIDENCE FOUND IN APPELLANTS BEDROOM, HOTEL ROOM AND CAR?ALSO THAT I WAS DENIED A FAIR TRIAL IN VIOLATION OF DUE PROCESS:.

THE ANSWER TO THAT IS IRREFUTABLE:SEE INCLOSEDS WYTHE CO. SHERIFFS OFFICE INCIDENT DETAIL/REQUEST FROM KEXINGTON COUNTY:.. THERES NOT A JUDGE IN THIS COUNTRY THAT WOULD HAVE ALLOWED THOSE EXTREMELY PREJUDICE ITTEMS TO HAVE BEEN ADMITTED HAD THEY BEEN AWARE OF THIS REQUEST".

WHICH WAS KNOWINGLY, WILLFULLY, INTENTIONALLY WITHHELD.:PRESENTED ONLY TO INFLUENCE AND PREJUDICE THE JURY".THEY WERE OBTAINED ILLEGALLY, THEREFORE::INADMISSABLE, .TO RULE OTHERWISE IS ABSURD:NO DISRESPECT, WOULD HOW FAR OUT OF TOUCH WITH REALITY THE COURTS ARE AND WHAT EXTREME THEY WILL GO TO, TO OBTAIN A CONVICTION IN CASES SUCH AS THIS:IGNORE LAW AS WRITTEN".

THE STATE/PROSECUTER HAD A COPY, SO DID MY ATTORNEY AT TRIAL. ID MY ATTORNEY ON DIRECT APPEAL FLAT REFUSED TO ALLOW ME TO PRESENT ANYTHING"SAYING HE AND HE ALONE, HAD COMPLETE DISCRETION.THEREBY DENYING ME WHAT IS CONSIDERED, AND IS, ONE OF THE MOST SACRED RIGHTS OF THE JUDICIAL.THE RIGHT OF ANY ACCUSED, SO LONG AS OF SOUND MIND ,A COCSTITUTIONAL RIGHT TO ASSOT IN HIS OR HER DEFENCE I WAS DENIED THAT IN ALL LEGAL PRECEDEINGS:.

AT PCR, AGAIN I WAS TOLD I HAD NO SAY AS TO HOW OR WHAT ISSUES TO PRESENT.THIS TIME AFTER ADAMANTLY ISSISTING, THE ATTORNEY DID GIVE IN:AND AMENDED/INCLUDED THE FOLLING:THEN SLEPT, WITH THOSE IN THE COURT ROOM LAUGHING:HE ADD THE FOLLING, BUT NEVER ARGUED ANY OF ANY RELEVANCE".UPON VIEWING ORDER OF DISMISSAL OF PCR, I"M NOT SURE WHO TYPED IT UP, JUDGE EDGAR W. DICKSON SIGNED IT.

THE ERRORS ARE NUMEROUS

FIRST ISSUES ON AMENDMED PCR:NUMBER ONE, AND IRREFUTABLE":.
INEFFECTIVF AND COMPLETELY INCOMPETENT COUNSEL:
TWO:FAILURE TO INVESTIGATE CASE AND PROPERLY PREPARE FOR TRIAL:
THREE:FAILURE TO INVESTIGATE ANY ALIBI:SAYING HE DID³FEEL HE COULD PROVE 100% I HAD NOT COME BACK TO S.C.AT THOSE TIMES AN
~~DO NOT BELIEVE I CAN NOT BY ANY MEANS A REASONABLE INVESTIGATION AS~~

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DO NOTHING IS NOT A REASONABLE INVESTIGATION AS REQUIRED BY
LAW: COUNSEL HAS A DUTY TO MAKE REASONABLE INVESTIGATIONS OR TO
MAKE REASONABLE DECISION THAT MAKES PARTICULAR INVESTIGATIONS
UNNECESSARY. U.S. CONST. AMEND. 6

FOUR: FAILURE TO MAKE MOTION TO QUASH NOT ONE: BUT 8 INVALID/
DEFICIENT INDICTMENTS: THERE IS NO WAY ON THE FACE OF THIS EARTH
THAT ANY ATTORNEY/EVEN A FIRST YEAR LAW STUDENT, COULD OVERLOOK
THAT MANY DEFICIENT INDICTMENTS. FOR AN EXPERIENCED ATTORNEY
TO DO SHOWS TOTAL LACK OF CONCERN FOR HIS OR HER CLIENT IF THEY
WERE PAYING THE SLIGHTEST ATTENTION IN THEIR CASE: OVERLOOK ONE:
MAYBE? EVEN TWO "BUT EIGHT" "IMPOSSIBLE, IF THE ATTORNEY WAS DOING
THEIR JOB". I BELIEVE THE CODE /STATUTE FOR CHANGES/AMENDMENTS
/REQUIREMENTS OF A TRUE BILLED INDICTMENTS: IT CLEARLY STATES
WITHOUT DEVIATION". IF ANY DEVIATION, IT MUST BE RETURNED TO THE
GRAND JURY. ONLY THEN CAN IT BE CHANGED/AMENDED BY THE GRAND
JURY IN ORDER TO BE TRUE BILLED, LEGAL AND BINDING UNDER LAW AS
ACKNOWLEDGED IN 1932; . THE ISSUE OF SUFFICIENCY WAS NEVER MENTIONED
NOR CHALLENGED AS A MATTER OF DEFENCE. JUST A SIMPLE TRUE
STATEMENT: I WAS NOT PROPERLY INDICTED.

THE COURT STATES THAT EVERY OBJECTION TO ANY INDICTMENT FOR
ANY DEFECT APPARENT ON FACE THERE OF SHALL BE TAKEN BY DEMURRER
OR ON By MOTION TO QUASH SUCH INDICTMENT BEFORE THE JURY IS
SWORN AND NOT AFTERWARDS". ALSO FOR THE FIRST TIME ON APPEAL [102]
DEFENDENT CAN RAISE ISSUE OF COURT'S JURISDICTION TO HEAR CASE

SINCE THIS ISSUE WAS NOT USED BY DEFENCE IT DOES NOT APPLY
TO THIS CASE. AND AS SUCH, JUDGE ERRORED IN AMENDING OF INDICTMENTS
IT STATES CLEARLY THAT EVERY OBJECTION TO ANY INDICTMENT". IT
DOES SAY NOR IMPLY STATE/PROSECUTION IS IMMUNE/EXEMPT".

PROSECUTOR, AFTER RETURNING FROM LUNCH, NEAR END OF TRIAL

STATED HE FOUND 3 INVALID INDICTMENTS, ASK THEY BE AMENDED. THE
JUDGE STATED HE HAD FOUND A 4th. WITH 2 DIFFERENT NAMES ON IT
AND ASK THE PROSECUTOR WHAT HE WANTED DONE WITH THEM, ABSURD: . BUT
ALLOWED". SEE PAGE 5 LAST PARAGRAPH, ALSO FIRST PARAGRAPH PAGE
6'. STATE V MCGILL, #14892; SUPREME COURT OF S.C., JUNE 8th, 1939, c

CODE 1939-1005, MURDER TRIAL CASE 191 S.C. 13 S.E. 2ed, 257. THE
RULING WAS TO ALLOWED/AMEND THE INDICTMENT SO AS TO ALLEGE THE
TRUE AND CORRECT NAME. THE JUDGE ALLOWED THIS FOR REASONS STATED
BY HIM: TO MERELY CORRECT THE WRONG SPELLING OF A NAME: A
MISPELLED NAME: NOT THE REMOVAL OF A NAME AS ALLOWED BY JUDGE
IN MY TRIAL: TO CHANGE THE IDENTITY OF VICTIM THE LATTER BEING
A MATTER OF SUBSTANCE: NOT THE SUBJECT OF AMENDMENT: SEE TRUE
BILL REQUIREMENTS.

IT ALSO MAKES CLEAR STATE V BLACKSTONE, 113 S.E. 528, 101, S.E.
845-846, THAT THE LAW WAS AMENDED UPON THE CALL OF THE CASE FOR
TRIAL, AND ORDERED TO TRIAL AFTER INDICTMENT WAS AMENDED BEFORE
GOING TO TRIAL: . NOT AFTER". THROUGH ALL THIS, 4 OTHER INDICTMENTS
WENT UNNOTICED BY EVERYONE "8 OF 11 INDICTMENTS WERE DEFICIENT: I
WAS CONVICTED ON 8; .

MY ATTORNEY ONLY BECAME AWARE OF THE INDICTMENTS AT PCR.

IT IS IMPOSSIBLE FOR AN EXPERIENCED ATTORNEY TO OVERLOOK THAT MANY INVALID INDICTMENTS:IMPOSSIBLE":.THAT IS JUST ANOTHER EXAMPLE OF ATTORNEYS INCOMPETENT,INEFFECTIVE COUNSEL".

FIVE FAILURE TO INVESTIGATE ANY ALIBI AS REQUIRED BY LAW.SEE PAGE 4. FAILURE TO INFORM STATE THAT I HAD AGREED TO A PLA COUNSEL INFORMED ME OF:TWO LEWD ACTS:IN RETURN,AS I UNDERSTOOD,I WOULD HAVE RECEIVED A 10 YEAR SENTENCE,AT 51%.OR ABOUT 5 YEARS.I AM HUMAN,I DID WHAT ANYONE WOULD DO:I ASK IF IT COULD BE REDUCED TO ABHAN:OR ONE CHARGE,AT THAT TIME I HAD BEEN IN LEXINGTON COUNTY JAIL ABOUT 18 MONTHS:ONE CHARGE WOULD HAVE LEFT ME:MINIS TIME IN JAIL,10-12 MONTHS."THE ATTORNEY ASK,IF I ACCEPTED,TO PUT IT I WRITTING AND MAIL TO HIM::I DID:SEE ENCLOSED LETTER:"

IM A HUMAN BEING::STILL IT WAS IGNORED:TWISTED AROUND:.IT SEEMS,THAT BECAUSE I DID WHAT ANYONE WOULD DO:TRY HARD AS ONE COULD TO MAKE SURE WHAT YOU HAD AGREED TO,WAS DONE:I.E.THE FIVE YEARS AS I UNDERSTOOD OFFER.I EXPLAINED,BEST I COULD THAT I ACCEPTED THE OFFER GOING SO FAR AS TO INFORM ATTORNEY,THAT,ALTHOUGH I DID NOT KNOW HOW HE HAD WORKED THE SENTENCE OUTAS LONG AS HE KNEW I GUESS I DIDNT NEED TO KNOW SINCE I KNEW HE AAND THE PROSECUTER HAD TALKED:AGAIN,"IM HUMAN:I ASK TO MAKE SURE PROSECUTER WOULD STICK WITH WHAT HE SAID:THE 10 ,SOMEHOW AT 51%,OR ABOUT FIVE YEARS".BY TELLING THE ATTORNEY TO NOT TELL FAMILY ANYTHING DID NOT IN ANY WAY MEAN I WAS ABANDING ANY THING.

WITH THE SAME TOKEN,TRYING TO INSURE THE SENTENCE WAS AS I UNDERSTOOD,DID NOT,IN ANY WAY MEAN I WOULD NOT ACCEPT ANYTHING OTHER:TO SAY OR EVEN THINK THAT IS ABSURD".NO DISRESPECT: BUT WHEN WILL COURTS REALIZE A PERSON ON TRAIL IS A HUMAN BEING:NOT A ROBOT".

SIX AS AN EXRERIENCED ATTORNEY HE KNEW WHAT ISSUES TO OBJECT TO IN ORDER TO PRESERVE FOR APPEAL, ~~YET~~ FAILED TO DO SO: INCOMPETENT,INEFFECTIVE COUNSEL AT ITS HIGHEST LEVEL:SHOULD BE CLEAR,AND WOULD BE,IF THE TRIAL HAD BEEN ANY OTHER CHARGES

ITS COMEING,AT MY AGE AND FAILING HAELTH,I"LL NOT LIVE TO SEE IT: BUT THE DAY IS FAST APPROACHING WHEN ACCUSERS CAN NO LONGER SAY IT AND IT BE TRUE.SOON THERE WILL HAVE TO BE EVIDAECE AS IN OTHER CRIMINAL TRIALS AND HAVE TO BE COLLABORATED:JUST BECAUSE ITS SAID DOES NOT MAKE IT TRUE".

EVEN IN ORDER OF DISMISSAL,THE COURT COULD NOT GET THINGS RIGHT, FIRST REFERING TO ME,RICHARD RATLIFF AS EDDIE RATLIFF,MY BROTHER: THEN SAYING THAT I TESTIFIED I LIVED IN DANVILLE VA."A TOWN NO WHERE NEAR WHERE I LIVED:MAX MEADOWS,VA.I NOT KNOW WHAT TRIAL THEY HEARD.

I DOUBT ANY WHERE IN HISTORY,AT ANY TRIAL,WHEN A PERSON IS PRESENT,AND GIVES TESTIMONY,TO FACTS HE WAS PRESENT WHEN SAID,ITS CONSIDER HEARSAY,NOT BY THE STATE OR PROSECUTER,BUT MY THE ACCUSED OWN COUNSEL:WHY""".LOOK AT THE TRANSCRIPT,NO WHERE WILL YOU FIND SO CALLED COUNSEL CROSS EXAMINED ALLEGED VICTEMs:INSTEAD HE WOULD SAY NOTHING MORE AND WALK AWAY:NOT ONCE DID HE MAKE EVEN A TOKEN EFFORT TOCONTRADICT ANY OF THER STATEMENTS:

INEFFECTIVE COUNSEL ON ALL ISSUES IS AND WOULD BE IF THE CHARGES WERE ANY OTHER:ITS TIME THE COURT DID WHATS *Right*, OVERTURN THE~~S~~ VERDICT,GRANT ME A NEW TRIAL,OR REDUCE MY SENTENCE TO TIME SERVED.

I WAS ARRESTED WITHOUT ANY INVESTIGATION BY LEXINGTON COUNTY AUTHORITIES, REASON GIVEN: AND I QUOTE: THERE WERE JURISDICTION ISSUES WITH WEST COLUMBIA. HAD THEY INVESTIGATED THEY WOULD HAVE FOUND THE ACCUSERS DID NOT EVEN LIVE WHERE THEY ALLEGED INCIDENTS SUPPOSEDLY OCCURED: ESPECIALLY TWO ALLEGED INCIDENTS THAT RESULTED OF MASTERBATING THAT RESULTED IN FOUR CHARGES BY THEM SAYING ONE VICTIM, ONE WITNESS: WITNESS/VICTIM.

PER ABOVE: TWO ALLEGED INCIDENTS OF MY ALLEGEDLY MASTERBATING TWO TIMES: THESE ALLEGATIONS WERE MADE BY LAUREN CASE AND STEFANIE SMOTZER, AND ALLEGEDLY OCCURED AT A HOME SMOTZER TESTIFIED SHE NO LONGER LIVED AT WHEN THESE INCIDENTS SUPPOSEDLY HAPPENED, BUT WITH HER GRANDMOTHER".

HAD AUTHORITIES INVESTIGATED, THIS CHARGE AS THEY WOULD HAVE HAD IT BEEN ANY ALLEGED OFFENCES OTHER THAN ONES AGAINST MINORS THEY ALSO WOULD FOUND I WAS ALMOST 250 MILES FROM S.C.: IN VIRGINIA".

HAD AUTHORITIES INVESTIGATED THEY WOULD HAVE FOUND THAT IN 97/98% OF ALLEGATIONS I WAS IN VA. "THERE WOULD NOT HAVE BEEN ENOUGH EVIDENCE FOR AN ARREST": ITS CALLED DOUBT: REASONABLE DOUBT. SAME WITH MY ATTORNEY: HAD HE MADE EVEN A TOKEN EFFORT TO VERIFY MY ALIBIS: HE WOULD HAVE FOULD THE SAME:"

REASONABLE IS A HIGHLY EFFECTIVE ISSUE IN ANY CRIMINAL OR CIVIL TRIAL: FIRST IT MUST BE BROUGHT TO THE COURTS ATTENTION: THIS WAS NOT DONE IN MY CASE. [REASONABLE DOUBT BELONGS AT START OF ABOVE STATEMENT".

WHEN DID ASKING YOUR ATTORNEY, ESPECIALLY IN A CASE AS IMPORTANT AS MINE [TO CROSS EXAMINE/TO CONTRADICT, TO SEEK TRUTH, EVEN AT THE RISK OF EMBARRASSING YOUR ACCUSERS IN LIES CONSIDERED TO BULLY ??? THATS EXACTLY WHAT THE JUDGE CALLED IT

ANOTHER EXAMPLE OF THE PREJUDICE THAT OCCURES IN CASES LIKE THIS [I CAN ONLY RELY ON THE INTEGRITY OF THE MORE EXPERIENCED SUPREME JUSTICES TO OVERLOOK THE OBVIOUS [TWO OF THE ACCUSERS ESPECIALLY THE OLDEST, LAUREN CASE, MADE AN ALLEGATION OF SOMETHING IMPOSSIBLE TO HAVE HAPPENED: AND BECAUSE I WANTED THE ATTORNEY TO QUESTION THEM ON IT: THE JUDGE CALLED IT PATENTLY ABSURD"":..

THE STATEMENT BY CASE: SHE WAS ACCORDING TO HER, RIDING DIRECTLY BEHIND ME AS I WAS DRIVING: SAID WHILE DRIVEING, I REACHED BACK AND TOUCHED HER KNEE". SAID I HAD MY SEAT BELT ON AT ALL TIMES: AND AFTER PARKING I REACHED BACK, STLL WITH MY SEAT ON, AND TOUCHED HER BREAST AND VAGINA"". DIRECTLY BEHIND ME?? LAUREN CASE SAID I THEN DID THE SAME TO HER FRIEND AND COHORT, STEFANIE SMOTZER."

A CONTORTIONESS COULD NOT HAVE DONE THAT"". YET THE ATTORNEY DID NOT EVEN TRY TO CONTRACDICT HER ABSURD STATEMENT". THERE IS SOMETHING DRASTICALLY WRONG WITH THE JUDICIAL SYSTEM/COURTS WHEN A JUDGE CALLS QUESTIONING/CROSS EXAIMEING, CONRTACDICTING A WITNESS STATEMENT SEEKING TRUTH CONSIDERS IT TO BULLY, AND CALLS IT PATENTLY ABSURD"". THE ONLY THING ABSURD IS FOR A JUDGE TO MAKE SUCH AN ASININE STATEMENT".

THEY WERE BOUGHT THE SAME DAY AS THE ITEMS FROM WAL MART:"IM ENCLOSING THE RECEIPT FROM WAL_MART.SORRY I CAN NOT FIND RECEIPT FROM THE ADULT STORE."

I BEG THE COURTS INDULGENCE AND UNDERSTANDING IN THIS MATTER.=5
=HEART ATTACKS:ANOTHER TRIP TO HOSPITAL ONLY TO BE TOLD NOTHING CAN BE DONE CREATES A VERY,VERY,STRESSFUL SITUATION:AND MAKES THIS REQUEST A DYINY REQUEST FOR JUSTICE".AS SUCH,I PRAY FOR UNDERSTANDING IN TAKING SO LONG TO FILE THIS:"
SMOTZER SAID SOMETHING HAPPENED AT THE KNIGHTS INN.INFO.AGAIN WITHHELD:AUTHORITIES WERE AWARE OF THIS AS WAS MY ATTORNEY,THE MOTHER FOUND THIS MOTEL BECAUSE IT HAD A WORKING SWIMING POOL" BOTH MET ME THERE AT CHECK IN:READ WAS MOTHER SAID IN HER STATEMENT:".DOUBT??REASONABLE DOUBT IS IRREFUTABLE:AUTHORITIES, PROSECUTER,DEFENCE ATTORNEY ALL WITHHELD EVERYTHING IVE TOLD YOU

THE ATTORNEY COULD BE THE POSTER MAN FOR INEFFECTIVE COUNSEL:".

THROUGHOUT ALL MY APPEAL PROCESS IVE BEEN DENIED WHAT,AS I STATED AT BEGINING,THE MOST IMPORTANT AND SACRED IF OUR CONSTITUTIONAL RIGHT:TO ASSIST IN MY DEFENCE ".SEE THE UNBELIEVEABLE AMOUNT OF INEFFECTIVENESS BY TRIAL COUNSEL[I.E.] WITHHOLDING OF HIGHLY RELEVANT INFORMATION/EVIDENCE THAT WAS INTENTIONALLY WITHHELD,HIS FAILURE ON ALL MATTERS TO DILIGENTLY REPRESENT ME AS A COMPETENT,EFFECTIVE COUNSEL IS REQUIRED BY LAW.

OVER MY OBJECTION:DIRECT APPEAL REFUSED TO ALLOW ME TO ASSIST IN ANY WAY".SAYING AS OTHERS DID,THAT HE AND HE ALONE HAD COMPLETE DISCRETION/SAY ON WHAT ISSUES AND HOW TO PRESENT THEM". HE ALSO LISTED,AS OTHERS,WHETHER COURT ERRORED IN ADMITTING IRRELEVANT AND PREJUDICIAL PHYSICAL CHARACTER EVIDENCE FOUND IN MY BEDROOM,HOTEL ROOM AND CAR".I GAVE PERMISSION FOR HOTEL AND CAR ,TO BRING THOSE OU WERE UNCALLED FOR.HE KNEW ID GIVEN PERMISSION ON THOSE TWO."HE WAS ALSO AWARE OF THE REQUEST TO STAND BY AND THE ILLEGAL SEARCH AND SEIZURE:WITHHELD THAT."SAID I WAS DENIED FAIR TRIAL IN VIOLATION OF DUE PROCESS:"TRUE""BUT RELEVANT ISSUES WERE WITHHELD".

PLEASE SEE INCLOSED INFO.DECLINEING HEALTH FORCES ME TO END SAYING I SINCERELY PRAY I,VE SENT ENOUGH FOR THE COURT TO SEE THE GRAVE INJUSTICE DONE AND OVER THE CONVICTION,GRANT ME A NEW TRIAL AND OR REDUCE MY SENTENCE TO TIME SERVED.

OVER

Sincerely
Richard D. Ruff
Richard D. Ruff #333368
F-6-B-1245-LEE C.I.
990 Wisconsin Hwy
Bishopville, SC 29010

DUE TO MY HEALTH, AS IMPORTANT AS THIS IS, I DON'T HAVE THE ENERGY TO TYPE EVERYTHING OVER, THEREFORE, I'M SENDING THE SAME COPIES TO BOTH COURTS: SUPREME COURT FOR RECONSIDERATION OF WRIT OF CERTIORARI AND ASK THE COURTS UNDERSTANDING.



LEXINGTON COUNTY SHERIFF'S DEPARTMENT
Evidence / Property Record

07063465
CSC w/ Minor



CASE # 07063465

Primary Incident Type: CSC w/ Minor- 2nd Degree

Location Found: Room 103 Knights Inn Motel, 1987 Airport Blvd, Cayce, SC 29033

VICTIM(S): Smotzer- Sefanie and Case, Lauren

SUSPECT(S): Ratliff, Richard David

Check: Placed in evidence locker #: 6

Date & Time Obtained:

Date & Time turned into Evidence Room

OR:

7-30-07 @ 2000 hours

7-30-07 @ 2220 hours

Check: Handed to Custodian

Disposition Code Definitions:
D-Destroyed R-Released
A-Agency Au-Auction

Evidence Room Use Only

Item #	Quantity	Description (Include SERIAL #, MAKE, BRAND, COLOR, MODEL - WHEN APPLICABLE)	Location in Evidence Room	Disposition	
				Disp. Code	Disposition Date

1	1	Raw Studs Dildo			
2	1	Lover's Super Strap Harness and Silicone Thruster			
3	1	Package Trojan Brand Latex Condoms (unopened box)			
4	1	Green No Boundaries Thong Size 5			
5	1	Secret Treasures Black Thong Rich Size 5			
6	1	Secret Treasures Red Throng Size 5			
7	1	2.5 oz tube K-Y Warming Jelly			
8	1	Hygeia Personal Products Love Kit			
9	1	Polaroid Photo of naked man			

BAR CODE

(OVER)
WONDER WHAT HAPPENED TO RECEIPT??
THEY MENTIONED WAL-MART - BUT NOT ONE
FOR THESE ITEMS: ALL PURCHASED SAME
DAY - 7-30-07!!
THESE ALL ADULT TOYS (ITEMS) THE
ACCUSERS SAID THEY SAW AT MY HOUSE
IN WEST COLUMBIA!! THE ATTORNEY AND
STATE KNEW THIS. "WHY WAS IT NOT
BROUGHT UP??"
IT WOULD HAVE PROVED ANOTHER LIE BY ACCUSERS!!

HOLD AS:
EVIDENCE
RECOVERED
FOUND
SEIZED

Found or Recovered by Officer: PRINT NAME SIGN NAME "E" Number
Roger Beaver _____ E72208

Receiving Custodian: PRINT NAME SIGN NAME DATE & TIME

NOTICE NAMES STEFANIE SMOTZER
AND LAUREN CASE

GIVING IMPRESSION BOTH WERE THERE

SEE PAGE MARKED KNIGHTS JURY !!

LAUREN CASE WAS NOT THERE

THERE WAS NO MENTION OF ANY TOYS UNTIL
SMOTER, AFTER BEING SHOWN THEM IN COURT, SAID SHE
HAD SEEN THEM AT MY HOUSE!! HER COHORTS REPEATED
WHAT SHE SAID!!

IF THAT TRIAL HAD BEEN ANY OTHER OFFENSE
VIOLENT MURDER!! SERIOUS ABUSE!! 3 ALLEGED
VICTIMS/WITNESSES, WOULD HAVE BEEN SEGRATED!!
THEY WOULD NOT HAVE BEEN ALLOWED TO HEAR
EACH OTHER'S TESTIMONY!! MY ATTORNEY
SHOULD HAVE VIGOROUSLY OBJECTED!!

ANOTHER PRIME EXAMPLE OF
AN EFFECTIVE COUNSEL!!

Knight's Inn

09002760

CSC/MINER



Voluntary Statement (con't.)

Victim/Witness

Suspect/Defendant

Page 2 of 2 pages

Date 7/30/07

QUESTIONS:

1- Whom went with you to the Knight's Inn to go swimming and whom did you meet? Stephanie and I met Richard Redliff (TS)

2- Which Knight's Inn did you go to? The one on 302 by I-26 (TS)

3- When you left the Knight's Inn to return to your house did Stephanie go with you? IF not where did she stay? NO, She stayed with Richard Redliff at the Knight's Inn. (TS)

4- How long were you gone? Approximately 1 hour or so (TS)

5- Was anyone else present with Stephanie when you left her with Richard at the Knight's Inn? No (TS)

6- When you left where was Richard and Stephanie? At the room. (TS)

7- Where was Richard and Stephanie when you returned? At the room waiting with the door open for me. (TS)

8- How did Stephanie act when you returned to the motel room? She seemed real happy to see me and Junior and Kenny. Then she wanted to hurry to the pool. After I got out of the pool, Stephanie wanted to go home. So we went back to the room to get our cooler and I changed to my clothes and we left. (TS)

END of Statement

I have read this page, initialed any corrections or changes, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Sworn to before me this 30th day of July, 2007

09-17-07PC2:45 0031

M. S.
 Witness or Notary Public

Tracy Smith
Signature of person giving voluntary statement

My Commission expires

**VOLUNTEER STATEMENT
(NOT UNDER ARREST)**

Page No. 2 of 7 Pages

I, Eddie R. Ratliff, am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to the Wythe County Sheriff's Department. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purpose it may serve.

I am 51 years of age, D.O.B. 06-25-1956 and I live at 293 Grove Street, Max Meadows, Virginia 24360

Ph 276-637-3083

Sometime over the last 2-3 years, Richard had 2 or 3 heart attacks. During this past Christmas, he came to visit us in Max Meadows. He said he wanted mom to meet Tracy and Stephanie & asked if they could come with him. We said "Sure—we would love to meet them." I had forgotten that in 2006, I and my partner came to Columbia, SC to promote a presidential candidate for '08 at the Democratic Party of SC Jefferson-Jackson Dinner. On that trip, we called Richard and he asked us to meet him, Tracy, & Stephanie at a Liquor Store.

When we met them, Richard was in one vehicle and Tracy and Stephanie was in Tracy's truck. It was nice meeting them but something unusual took place which bothered me. Tracy only had a few minutes. She said she had to leave because she was going to meet a man she met on the Internet 30 miles away. I asked her how long she had been talking to him and she stated "a couple of weeks." I asked her if she was taking her daughter along and she replied "Yes." That shocked me. I even said to her "Do you think it's wise or safe to be taking your daughter on a trip 30-45 miles away to meet up with a man you've never met and have only talked to on the Internet?" She said "Oh I've done it many times before. It will be alright." I told her I thought that was a terrible idea with all the predators and asked how she could take a 10 year old girl with her to meet men she didn't know. What if something happened? What if they were both raped or killed?" She replied "that didn't worry her. She was careful." I was troubled about it but cautioned her to be more careful in the way she meets dates. As we drove away, I had a discussion with my partner about how alarming that was to me. He agreed.

Richard, Tracy, & Stephanie came up for Christmas in two vehicles. Richard drove his own car. Tracy and Stephanie came in her (Tracy's) truck. They were here for 3-4 days. During that time, Tracy & Stephanie slept in the only available bedroom upstairs directly across from my bedroom. Richard slept downstairs on the couch.

I, nor anyone else that I know of, ever witnessed any improper conduct between Richard, Tracy, or Stephanie. They seemed almost like a family. We thought a lot of Tracy & Stephanie & even exchanged Christmas gifts. I was a bit concerned about either of them (Richard or Tracy) getting in the car with Stephanie because they both drank a lot of vodka—sipping throughout the day and I knew they took drinks in the car with them.

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at Wythe County Sheriff's office, this 5th day of August, 2007.

WITNESS: [Signature] WCSO 235

WITNESS: [Signature]

Eddie Ratliff
Signature of person giving voluntary statement

**VOLUNTEER STATEMENT
(NOT UNDER ARREST)**

Page No. 3 of 7 Pages

I, Eddie R. Ratliff, am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to the Wythe County Sheriff's Department. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purpose it may serve.

I am 51 years of age, D.O.B. 06-25-1956 and I live at 293 Grove Street, Max Meadows, Virginia 24360

Ph 276-637-3083

Sometime in the spring of 07, Richard said Tracy and Stephanie were moving to Phoenix, AZ and he didn't know what he'd do without them. He was upset that the child he cared so much was moving away. He asked if they could come back up and they did earlier in the spring. They came again in two vehicles. Tracy and Stephanie slept upstairs across from me. Richard slept on the couch downstairs.

Because of my mother's health, I am up and down throughout the night going back and forth downstairs to check on her, make sure she's resting, not in pain. I usually make 3-4 trips downstairs at all times of the night to check in on her, to get water, go to the restroom and etc.. Each time I came downstairs while they were here, Richard was sleeping soundly on the couch. I never observed him coming upstairs or Tracy or Stephanie coming downstairs (at night). I believe I would have heard something if they had because I doze lightly throughout the night, knowing I have to listen for any potential falls or the possibility mom would get up and try to go through the house alone. Mom slept across the hall from the living room. Her door is always open and the hall light is left on in case I have to run downstairs. She never once mentioned seeing Richard go upstairs in the night or them coming downstairs.

On a couple of occasions, and in daylight in our living room, I saw Stephanie sit on Richard's lap in front of Tracy...and once alone. It was short and initiated by Stephanie. It didn't appear to be abnormal. It looked paternal and innocent.

Richard said Tracy was quitting her job and moving with Stephanie in May. We encouraged him to come home and let us nurse him back to health because he was frail and had lost so much weight. I don't recall when he came here but I believe it was in April. *I have proof it was March 11, 2007*

While here, he spoke regularly of Tracy and Stephanie. I wondered if he and Tracy were still having some kind of affair. Tracy and Stephanie called Richard regularly. He also called them regularly. He spoke about Stephanie so much that we put 2 & 2 together—her age and the time he met Tracy, and assumed he just didn't want to admit Stephanie was his child.

I have read each page of this statement consisting of 7 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at Wythe County Sheriff's Dept. ^{4th} this 3rd day of August, 2007.

WITNESS: Sgt. Dennis W. 235

WITNESS: Sgt. [Signature]

Eddie Ratliff
Signature of person giving voluntary statement

**VOLUNTEER STATEMENT
(NOT UNDER ARREST)**

Page No. 5 of 7 Pages

I, Eddie R. Ratliff, am not under arrest for, nor am I being detained for any criminal offense concerning the events I am about to make known to the Wythe County Sheriff's Department. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purpose it may serve.

I am 51 years of age, D.O.B. 06-25-1956 and I live at 293 Grove Street, Max Meadows, Virginia 24360
Eddie Ratliff Referring to ME (Richard) sending money to Stephanie and her mother, Tracy!! Ph 276-637-3083

had sent her money several times. Tracy was calling too and I overheard Richard telling her "Tracy I don't have the money. I just don't have it. When he got off the phone I asked why she wanted money from him all the time. He said her boyfriend had skipped out on two bail bondsman and they had tracked him down and arrested him. He was in jail. Tracy wanted help bailing him out.

On or about Friday night July 27th, Richard seemed preoccupied and was up and down throughout the night. On Sunday night, July 29th, Richard had dinner and went upstairs to bed. He no sooner got upstairs and the phone rang. I answered it and it was Stephanie asking to speak to Richard. I told her to hold on and let me see if he had gone to sleep. I went to his door, saw his light on and figured he was still awake so I told him she was on the phone. He told me to tell her he would call her back. She called three or four times. Each time I went to the top of the stairs and asked him if he could call her back. I assured her he would because he said he would. It was getting bedtime and finally around 11 pm, he picked it up. I looked at my caller ID and it was her and I was thankful he answered because I didn't want to be awakened since my nights are interrupted going downstairs to check on mom.

On Monday morning, July 30th, Richard was up stirring around early and going back and forth to his car. I asked him why he was up so early and he said "Stephanie is not going to leave me alone until I come back down there." I reminded him he had just been down there and told him he needed to stay home—that he had just gotten back from there and couldn't jump in the car and run to SC every time they wanted him too. I assumed when he went to SC, he was going to visit both Stephanie and her mother. I couldn't imagine Tracy would not know Stephanie wanted him down there when she was willing to send her up here alone (although she never came alone).

I explained to Richard he was just now picking up some weight and looking better and that I and his mom was worried to death about his health and him getting in that car and driving. He said they wanted him there by Tuesday so he was going to surprise them and show up a day early.

Richard called me from a Barbeque Restaurant I recommended to him in Statesville on the way down. I asked him to call us when he got to Columbia and he assured me he would. Somewhere around 3 pm, he called to say he was there. I asked him if he had met up with Tracy and Stephanie yet and he said no but he had talked to them. He again stated he would see us on Wednesday.

Later that day after he was gone, my mother told me she had gone up to his room and he had some naked pictures of women on the dresser and she wanted them out of the house. She also expressed concerns that he would get pulled over for drinking and driving.

I have read each page of this statement consisting of 7 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at Wythe County Sheriff's Dept., this 30 day of August, 2007.

WITNESS: [Signature] WCSO 235

WITNESS: [Signature]

[Signature]
Signature of person giving voluntary statement

08/06/2007 13:00

12762236127

WYTHE CO SHERIFF

PAGE 03
Date 08/06/2007

Page: 2

WYTHE CO SHERIFF'S OFFICE
INCIDENT DETAIL

Direction Of Travel:

Mode Of Travel:

FILED

SUSPECT VEHICLE INFORMATION

Vyr: 0000 Make:
Lic:

Model:
Lis: VIN:

Style: Color:
2007 2008

VEHICLE INFORMATION

LINKS

SYSTEM LOG

System Log: JCARP 08/02/2007 22:46:28
System Log: JCARP 08/02/2007 22:46:28
Reference CAD: 2007-0000005705

NARRATIVES

Narrative By: VAUGHANR 08/02/2007 15:26
On August 2, 2007, Detective Tracy Barr from Lexington County Sheriff's Office, Lexington, SC, contacted our office and reported that they had arrested Richard Ratliff in their jurisdiction for criminal sexual conduct with a minor. Detective Barr stated that Ratliff lives at 293 Grove Street in Max Meadows. She stated that there may have been a computer at the residence with child pornography. They wanted me to remain on stand-by in case they obtained enough information for a search warrant.

SC.

Detective Eddie Prestigiacomo contacted Sgt John Thompson and he went to the residence on Grove Street. In the bedroom he observed pornography, panties, and a 32 caliber handgun.

On 8-2-2007, Inv Doug Carner and me went back to the residence, photographed the items in the bedroom and collected the following items:

3-3-Page 2



10/22/08

WYTHEVILLE CSC
Customer Information Form

Customer Name: RATLIFF, RICHARD, DAVID

In order to complete your transaction(s), DMV will require the following documentation:

MISCELLANEOUS RETURN REASONS

David Ratliff was in DMV on March 9, 2007 to renew is Diver's License, he also registrated his vehicle on June 27, 2007. The vehicle is a 1998 Ford Taurus.

2012 APR 12 9 12 28
FILED

When you return, please bring the following:

1. All of the documents you presented on your first visit.
2. The additional documents/information listed above.
3. Required fees.
4. This form.

Teller: DMVHAP 10
Fax number: _____

Fax Attn: _____

Manager or Designee Signature: George H. Koone

3-3 - PAGE 1

Account Number: 3-2100-7025-5206

A late payment charge of 1.5% will be added to any balance remaining 25 days after billing. Please make checks payable to SCE&G.

FILED

2006 OCT 19 10 08

FB 002 19 3210070255206 21635 **C037
RICHARD DAVID RATLIFF
26 GAS LAMP DR
WEST COLUMBIA SC 29169-3646

Final Bill Amount Due on 11/14/06	\$ 44.75
Amount Enclosed	

SCE&G
Columbia, SC 29218

3210070255206010000000000010060000004475

IMPORTANT: Please return this portion with your payment so that the return address shows in the envelope window.



FINAL BILL

Statement Date: October 18, 2006

Page 1 of 1

Account Number: 3-2100-7025-5206

Name: RICHARD DAVID RATLIFF
Service Address: 137 BENT TREE CIR LOT 48
GASTON SC 29053-9518

N 21635

Electric - Rate 008 - Residential Service					
Meter #	Billing Period	Days	Meter Reading	Constant	KWH
001131375 - Mobile Hom	Sep 28 - Oct 18	20	05887 to 06317	1	430
Basic Facilities Charge				\$	5.00
430 KWH					39.75
Total Electric Charges				\$	44.75

If you have questions, you may call us 24 hours a day.
Telephone # 800-251-7234

For gas leaks, downed/sparking power lines, or power outages, you may call us toll free 24 hours a day.
Telephone # 1-888-333-4465

Billing Summary		
Electric Charges	\$	44.75
Total Current Charges	\$	44.75
Previous Bill Amount	\$	26.27
Payment Thank You		10/09/06 -26.27
Balance Brought Forward	\$.00
Final Bill Amount Due on 11/14/06	\$	44.75

SPECIAL MESSAGES:

Thank you for being our customer. This is your final bill with us. Please contact your SCE&G office if we can help in meeting any of your future energy needs.

Electronic check conversion is a more efficient, safe and secure way of processing paper checks. When you mail in a check as payment, you authorize us to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. Funds may be withdrawn from your account on the day we receive your payment and if your information is electronically sent to your bank, you will not receive your check back from your bank. If you do not wish to have your check converted into an electronic debit or if you have any questions about electronic check conversion, please contact SCE&G at 1-800-251-7234.

PAYMENT INFORMATION

- Pay by check or money order payable to SCE&G and mail it with the bill stub in the enclosed window envelope.
- Pay online at www.sceg.com (directly from your bank account). Simply click on Manage Your Account to get started with ePay. It's fast, secure, and free!
- Pay using your Visa, MasterCard, Discover, Electronic Check, or ATM Debit Cards. Call toll-free 1-800-450-9160, 24 hours a day. There is a fee of \$3.50 per transaction. BillMatrix receives the full amount of the fee as the provider of this service. Additional limitations may apply.

INITIAL BRIEF OF RESPONDENT

STATEMENT OF ISSUES ON APPEAL

THE TRIAL COURT PROPERLY ADMITTED EVIDENCE THAT WAS RELEVANT AND PROBATIVE IN THIS CASE.

FURTHER, APPELLANT'S ISSUE AS RAISED IS NOT PRESERVED FOR REVIEW ON APPEAL.

ISSUE AS RAISED BY APPELLANT IS NOT PRESERVED FOR REVIEW ON APPEAL BECAUSE APPELLANT NEVER MAINTAINED IT WAS IMPROPER CHARACTER EVIDENCE.

FIRST, THE ISSUE IS NOT PROPERLY PRESERVED FOR REVIEW ON APPEAL. IN ORDER TO PRESERVE AN EVIDENTIARY ISSUE FOR REVIEW ON APPEAL A CONTEMPORANEOUS OBJECTION MUST BE MADE WHEN THE TESTIMONY IS OFFERED.

TO PRESERVE AN ISSUE FOR REVIEW THERE MUST BE A CONTEMPORANEOUS OBJECTION THAT IS RULED UPON BY THE TRIAL JUDGE.

IF PARTY FAILS TO PROPERLY OBJECT, THE PARTY IS PROCEDURALLY BARRED FROM RAISING THE ISSUE ON APPEAL.

ISSUE NOT PRESERVED WHEN APPELLANT DID NOT OBJECT TO TESTIMONY AT TRIAL ON THE GROUND'S RAISED ON APPEAL, THAT IT WAS IMPROPER CHARACTER EVIDENCE, BUT OBJECTED ONLY ON THE BASIC OF RELEVANCY.

APPELLANT ONLY MOVED AT TRIAL TO EXCLUDE THE EVIDENCE BASED ON RELEVANCE AND ITS PREJUDICIAL NATURE UNDER RULE 403, SCRE.

HE NEVER ARGUED THE EVIDENCE WAS IMPROPER CHARACTER EVIDENCE.

APPELLANT NEVER RELIED ON THE CASE NOR DID HE ARGUE THE EVIDENCE WAS IMPROPER CHARACTER EVIDENCE EVEN AFTER THE COURT DISCUSSED NELSON,

APPELLANT DID NOT ADD ITS HOLDING TO THE REASON FOR HIS OBJECTION, HE MERELY STATES THERE WAS NOTHING FURTHER FROM THE DEFENDENT.

IT LISTS EVIDENCE AND ENDS AS FOLLOWS.

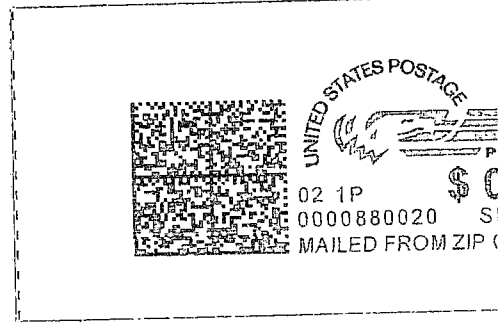
AS A RESULT, ANY ADMISSION OF THE EVIDENCE ITSELF WOULD BE ENTIRELY CUMULATIVE TO THE DESCRIPTIONS AND COULD NOT HAVE POSSIBLY PREJUDICED APPELLANT.

FOR ALL THE FOREGOING REASONS, IT IS RESPECTFULLY SUBMITTED THAT THE JUDGEMENT AND CONVICTION OF THE LOWER COURT BE AFFIRMED.

ANOTHER PRIME EXAMPLE OF INEFFECTIVE COUNSEL
THERE CAN NOT BE ANY EXCUSE FOR AN EXPERIENCED ATTORNEY TO FAIL TO ARGUE PROPER ISSUES & TO PRESERVE FOR APPEAL EXCEPT TOTAL INCOMPETE/INEFFECTIVE COUNSEL!!

EACH REFERENCE TO APPELLANT IS FURTHER IRRITABLE PROOF OF INEFFECTIVE COUNSEL AS I'M SURE WHOEVER READS KNOWS WHEN REFERING TO WHAT APPELLANT FAILED TO DO -- IS THE ATTORNEY!!!

Richard Ratliff #333368
B-1245 - LEE C.V.
10 Wisacky Hwy.
Hopville, S.C. 29010



SUPREME COURT of SOUTH CAROLINA
P.O. BOX 11330
COLUMBIA, S.C. 29211