

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Honorable William P. Keesley, Circuit Court Judge

Case No. 2010-CP-32-2626

Jason D. Parker, #328223,

Petitioner,

v.

State of South Carolina,

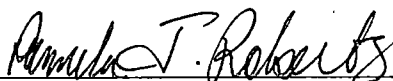
Respondent.

NOTICE OF APPEAL

Jason D. Parker appeals the order of the Honorable William P. Keesley dated February 24, 2012, denying post-conviction relief to the Petitioner. Undersigned counsel received written notice of entry of this order on March 7, 2012. A copy of the order on appeal is attached to this notice.

March ^{29th} 2012

Respectfully submitted,



Pamela Jane Roberts, Esquire
SC Bar # 14231
Bowman and Brooke LLP
1441 Main Street, Suite 1200
Columbia, SC 29201
(803) 726-7420
Attorney for Petitioner

Other Counsel of Record:

Kaelon E. May
Office of The South Carolina Attorney General
PO Box 11549
Columbia, South Carolina 29211-1549
Attorney for Respondent

RECEIVED

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S.C. SUPREME COURT

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Honorable William P. Keesley, Circuit Court Judge

Case No. 2010-CP-32-2626

Jason D. Parker, #328223,

Petitioner,

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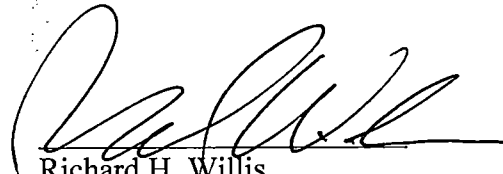
State of South Carolina,

Respondent.

PROOF OF SERVICE

I, Richard H. Willis, certify that I have served the Notice of Appeal on the State of South Carolina, by depositing a copy of it in the United States Mail, postage prepaid, on March 30, 2012, addressed to the Respondent's Counsel of Record, Kaleon E. May, Office of The South Carolina Attorney General, PO Box 11549, Columbia, SC 29211 and The Office of Appellate Defense of The South Carolina Commission on Indigent Defense, PO Box 11433, Columbia, SC 29211. I further certify that all parties required by Rule 262(b) to be served and have been served this 30th day of March, 2012.

March 30, 2012



Richard H. Willis
SC Bar # 06159
1441 Main Street, Suite 1200
Columbia, SC 29201
Attorney for Petitioner

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
)
)
Jason D. Parker, #328223,)
Applicant,)
)
v.)
)
State of South Carolina,)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS

2010-CP-32-2626

ORDER OF DISMISSAL

FILED

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed June 25, 2010. Respondent made its Return on October 19, 2010. An evidentiary hearing into the matter was convened on August 30, 2011, at the Lexington County Courthouse. The Applicant was present at the hearing and was represented by Pamela J. Roberts, Esquire. The Respondent was represented by Kaelon E. May of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. The State offered the testimony of Rob Madsen, Esquire (Mr. Madsen) Applicant's plea counsel. This Court also had before it the records of the Lexington County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

I. PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant waived presentment at the April 2010 term of the Lexington County Grand Jury for Voluntary Manslaughter (2010-GS-32-1135) and Destruction or Desecration of Human Remains (2010-GS-32-1144). He

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was represented by Robert Madsen, Esquire. On April 7, 2010, the Applicant pled guilty as charged. He was sentenced by the Honorable R. Knox McMahon to confinement for an aggregate period of twenty-four (24) years. The Applicant did not appeal his guilty plea or sentence.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel;
 - a. "Counsel failed to file Notice of Appeal."
 - b. "Inadequate preparation, failure to object to court's sentence error."
 - c. "Denial of Competency Hearing."
 - d. "Failure to investigate and failure to provide experts."
 - e. "Failed to object to solicitor's errors in stating the facts/evidence."
 - f. "Denial of Discovery."
 - g. "Conflict of Interest"

FILED

WPA #2

II. SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT THE PCR EVIDENTIARY HEARING

Applicant's Testimony

At the PCR hearing Applicant testified that he filed his application for post-conviction relief because he wanted to appeal his sentence but that he missed the deadline to file an appeal. Applicant testified that he understood he had 10 days to file an appeal of his guilty plea. Applicant testified that after his guilty plea he asked plea counsel if he would file an appeal, that plea counsel shook his head and said something, but that Applicant did not hear what plea counsel said. Applicant testified that he spoke with his mother about appealing as well as another inmate. Applicant testified that he contacted a Mr. Boatman who worked at the law library in the jail and that Applicant spoke with his mother the same night after his guilty plea. Applicant testified that he made no effort to try to contact

plea counsel about filing an appeal after the guilty plea hearing. Applicant testified that on April 10, 2010 and April 18, 2010, he filled out a form requesting an appeal and then inquired about the status of his appeal request. Applicant testified that he did not submit either of these forms to plea counsel. Applicant testified that plea counsel misinformed Applicant that Applicant could not plead to involuntary manslaughter or get an involuntary manslaughter instruction if Applicant proceeded to trial, and that Applicant had to plead to voluntary manslaughter.

WPC #3
Applicant testified that he did not receive a reply to the form he completed on April 10, 2010, that he completed the second form on April 18, 2010 and put it in the mail to the clerk of court, and that Applicant received a reply from the clerk on April 26, 2010. Applicant testified that he did not attempt to contact plea counsel between April 10, 2010 and April 18, 2010, and that Applicant never discussed the form with plea counsel. Applicant testified that in the form he completed on April 18, 2010, Applicant indicated that plea counsel lied to Applicant by telling Applicant that voluntary manslaughter was the best option and not involuntary manslaughter. Applicant testified that he did not attempt to file an appeal.

Applicant testified that plea counsel failed to question Applicant's competency on the day of the plea, that Applicant did not undergo a mental examination, and that Applicant recalled telling the plea judge that he had no problem understanding what he was doing at the guilty plea. Applicant testified that he did not speak with anyone prior to the guilty plea, that Applicant explained his stay at 3 Rivers to plea counsel, and that Applicant self admitted himself in 2002 to 3 Rivers for two weeks. Applicant testified that when he was discharged from 3 Rivers that Applicant was diagnosed with depression and anxiety, and that Applicant had severe anxiety in crowds. Applicant testified that he informed plea counsel of all his mental diagnoses and issues. Applicant testified that on the day of

the guilty plea Applicant did not tell the plea court that he was taking a medication called Remeron, that Remeron did not affect Applicant's ability to comprehend the proceedings, and that in 2009 Applicant was only taking Remeron.

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Applicant testified that he asked plea counsel about the solicitor and that plea counsel informed Applicant that counsel was friends with the solicitor. Applicant testified that he did not ask if plea counsel discussed Applicant's case with the solicitor, that plea counsel did not tell Applicant what he discussed with the solicitor, and that Applicant never told plea counsel that he was concerned with counsel's relationship with the solicitor. Applicant testified that at the guilty plea Applicant understood he was pleading to voluntary manslaughter, that Applicant understood the maximum possible sentence was 30 years and that Applicant received a 24 year sentence. Applicant testified that this was not a technical sentencing error but that the underlying facts as stated by the solicitor were in error. Applicant testified that the solicitor provided incorrect information to the plea court about the color of the vehicle and the pathologist's opinion. Applicant testified that plea counsel's mitigation did not correct the solicitor's misinformation and that plea counsel incorrectly stated Applicant's prior drug history.

Applicant testified that there was not sufficient evidence presented to the plea court by plea counsel during mitigation about the time of the fight. Applicant testified that the fight started verbally then Applicant shoved the victim who had a knife, that Applicant got the knife away from the victim and pinned the victim down. Applicant testified that it was not entirely his decision to plead guilty and that Applicant did not tell plea counsel that Applicant wanted to proceed to trial.

Mr. Madsen's Testimony

Plea counsel testified that he represented the Applicant in connection the victim's killing at the guilty plea. Counsel testified that the plea judge informed Applicant about his right to appeal and that Applicant must do so within 10 days, and that Applicant did not request counsel to file an appeal. Counsel testified that Applicant never said anything about filing an appeal, that if Applicant had requested counsel to file an appeal then counsel would have filed an appeal. Counsel testified that he spoke with Applicant's mother after the guilty plea hearing to explain Applicant's sentence. Counsel testified that he recalled being contacted about one month after Applicant's guilty plea about the status of an appeal and that counsel ^{REPLIED} ~~replied~~ that no appeal was filed. Counsel testified that he did not recall writing something down after the guilty plea, that after the guilty plea hearing counsel did not have any further contact with Applicant, and that after sentencing Applicant did request his file from counsel. Counsel testified that he did not recall having any communication one year after the guilty plea hearing.

Counsel testified that he has been a public defender for Lexington County since August 2008 and that he was appointed to represent the Applicant in April 2009. Counsel testified that prior to working at the public defender's office he worked at the eleventh circuit solicitor's office from September 2002 up until August 2008. Counsel testified that he did not work any cases that he handled during his time at the solicitor's office. Counsel testified that he maintained his relationships from the solicitor's office when he moved but nothing further. Counsel testified that solicitor Shawn Graham was working at the solicitor's office the entire time counsel worked there as well. Counsel testified that he attended law school with solicitor Graham but that they did not meet until counsel worked at the Lexington County solicitor's office. Counsel testified that he and the solicitor's sons were the same age, went on play dates but that was long before counsel represented Applicant.

Counsel testified that he had not done anything socially with the solicitor for a few years prior to representing Applicant. Counsel testified that his relationship with solicitor Graham did not affect counsel's representation of Applicant. Counsel testified that he discussed Applicant's case with the solicitor during plea negotiations and that counsel's representation of Applicant was not compromised by working with the solicitor's office. Counsel testified that Applicant informed him about Applicant's stay at 3 Rivers, ^{Wife} and some insights. Counsel testified that after Applicant's initial evaluation at 3 Rivers the Applicant did not have any further mental evaluations conducted. Counsel testified that he had no reason to question Applicant's competency, that counsel had no communication problems with Applicant during the representation and on the day of the guilty plea. Counsel testified that he met with Applicant eight (8) times prior to the guilty ^{PLEA} and that counsel discussed the indictments, the elements of the offenses, and the nature of the charges against Applicant. Counsel testified that he and Applicant discussed the state's burden of proving guilt beyond a reasonable doubt if Applicant chose to proceed ^{TO} trial as well as the burden associated with self-defense. Counsel testified that Applicant shared his version of the facts and that Applicant informed counsel there was a struggle and that a cord was around the victim's neck because the victim had a knife. Counsel testified that Applicant's co-defendants were represented by ^{AN} attorney and that counsel discussed this with Applicant. Counsel testified that Applicant never informed him that Applicant was taking any medication.

Counsel testified that he filed a discovery motion, received the discovery materials, and reviewed the discovery materials with Applicant. Counsel testified that the discovery included incident reports and audio statements, and that there were no witnesses outside of the Applicant's case that would have been beneficial. Counsel testified that he discussed possible defenses with

Applicant and developed an opinion regarding the state's ability to prove guilty beyond a reasonable doubt at trial. Counsel testified that the only offer made by the state was what the Applicant ended up pleading to and that counsel met with Applicant on April 2, 2010 to review the audio tapes and the impact they would have. Counsel testified that he recalled informing the plea court during mitigation that the Applicant had gotten back into drugs, that counsel discussed Applicant's drug use prior to the plea, and that counsel recalled a specific conversation with Application about Applicant starting back using crack cocaine. Counsel testified that he informed the plea court that Applicant lost his job because of drug use and that Applicant did not correct counsel in that Applicant lost his job because of a suspended license.

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III. APPLICABLE LAW

FILED

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional

judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

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Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. ~~Nevertheless, the allegation of ineffective assistance of counsel probably raises a question of fact which cannot be conclusively refuted by the record and, therefore, requires that an~~ *Wife* ~~evidentiary hearing be held. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983); Delaney v. State, 269 S.C. 555, 238 S.E.2d 679 (1977).~~ With respect to guilty plea counsel, the Applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985).

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the

application for post-conviction relief, the transcripts and documents from the prior proceedings, the exhibits introduced into evidence at the hearing, and legal arguments of counsel. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

Ineffective Assistance of Counsel

a. Failure to File Notice of Appeal

Applicant asserts that counsel was ineffective for failing to file an appeal. This Court does not find the Applicant credible concerning his testimony regarding requesting that an appeal be filed. Applicant has not proven that he instructed plea counsel to appeal from his guilty plea. Weathers v. State, 319 S.C. 59, 459 S.E.2d 838 (1995). This Court finds that plea counsel testified credibly that he informed Applicant about his right to appeal and that counsel was not told to file an appeal. When the question is whether counsel was ineffective in failing to file a direct appeal from the conviction and sentence, the United States Supreme Court has held that counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to think either (1) that a rational defendant would want to appeal, or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. Roe v. Flores-Ortega, 528 U.S. 470, 120 S.Ct. 1029 (2000). Counsel testified that had Applicant indicated to counsel that he wanted to appeal counsel would have filed an appeal. Under these circumstances, counsel's failure to file an appeal was not unreasonable. This Court finds that counsel was not ineffective in failing to file an appeal; therefore, this allegation is denied and dismissed.

b. Failure to object to court's sentencing error

Applicant asserts that plea counsel ^{was} ineffective ^{or} for failing to object to the court's sentencing error. Applicant testified that the court did not make a technical error in his sentence as Applicant testified that he understood the maximum possible sentence was thirty (30) years and that Applicant received a twenty-four (24) year sentence. Applicant testified that plea counsel should have objected to the solicitor's misstatement of the underlying facts. Applicant testified that during the guilty plea hearing he did not alert plea counsel to the solicitor's alleged misinformation and did not ask plea counsel to respond. The record reflects that Applicant did not inform the plea court about any misstatements by the solicitor. Applicant has failed to show that any objection made by counsel would have changed the results of the guilty plea. Applicant indicated to the plea court that he was guilty of voluntary manslaughter after the solicitor recited the facts of the crime for the court. (Tr. p.63). This Court finds that Applicant has failed to show that counsel's performance was deficient and any resulting prejudice; therefore, this allegation is denied and dismissed.

c. Denial of Competency Hearing

Applicant asserts that plea counsel was ineffective for failing to request a competency hearing. At the PCR hearing Applicant testified about his self-admission to 3 Rivers and his resulting diagnosis. Applicant also testified that on the day of his guilty plea he was taking a medication called Remeron but did not inform the plea court of this. Counsel testified that Applicant informed of Applicant's stay at 3 Rivers and the resulting diagnosis. Counsel also testified that Applicant was not further evaluated after 3 Rivers, that Applicant did not inform counsel Applicant was taking medication, and that counsel had no reason to question Applicant's competency. Competency to enter a guilty plea is no more stringent than competency to stand trial. Jeter v. State, 308 S.C. 230, 417 S.E.2d 594 (1992). To sustain a claim of incompetency in fact at a plea, applicant in a PCR

proceeding must show by the preponderance of the evidence he was incompetent at the time of plea. Id. To sustain a claim counsel was ineffective for failing to request a competency hearing, an applicant must show a reasonable probability that he would have been found incompetent. Id. This Court finds that the Applicant has failed to produce any evidence from any medical professional or produce any evidence other than his bare assertion that he did not comprehend what he doing at his guilty plea hearing because he was incompetent or because of the medication Applicant was taking. The guilty plea transcript reflects that Applicant clearly understood the questions asked of him and that Applicant responded in an appropriate manner. This Court finds that Applicant failed to show counsel's performance was deficient and any resulting prejudice; therefore, this allegation is denied and dismissed.

d. Failure to Investigate

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Applicant asserts that plea counsel was ineffective for failing to investigate and discuss possible defenses with Applicant. The plea judge did an excellent job of covering every issue that was required to make a Boykin determination, including matters such as defenses. The plea judge went over the concept of lesser-included offense very clearly. The plea judge covered the defense of accident. The Applicant entered a plea to choking a man to death. It is difficult to envision how Applicant believes that any claim of a lesser-included offense of involuntary manslaughter could have prevailed. Moreover, at the guilty plea hearing Applicant indicated that plea counsel discussed with Applicant self-defense, that Applicant was waiving any and all defenses, and that Applicant understood. (Tr. p.62). the plea judge asked Applicant if he had any questions about voluntary manslaughter for the judge or plea counsel and Applicant indicated that he did not need to discuss it further. (Tr. p.63). In any event, Applicant failed to establish that plea counsel was deficient in

failing to pursue an involuntary manslaughter plea or the likelihood that a jury would have been given that option, or that it is likely a jury would have returned a verdict for that offense.

Furthermore, counsel obtained the discovery materials and reviewed all the materials with Applicant including the audio statements. Counsel testified that he met with Applicant eight (8) times and that they discussed the indictments, the elements of the offenses, and the nature of the offenses. Counsel and Applicant reviewed possible defenses if Applicant chose to proceed to trial. To establish counsel was inadequately prepared, an Applicant must present evidence of what counsel could have discovered or what other defenses could have been pursued had counsel been more fully prepared. Jackson v. State, 329 S.C. 345, 495 S.E.2d 768 (1998). The "brevity of time spent in consultation, without more, does not establish that counsel was ineffective." Easter v. Estelle, 609 F.2d 756, 759 (5th Cir. 1980). When claims of ineffective assistance of counsel are based on lack of preparation time, an Applicant challenging his conviction must show specific prejudice resulting from counsel's alleged lack of time to prepare. United States v. Cronin, 466 U.S. 648 (1984); U. S. v. LaRouche, 896 F.2d 815 (4th Cir. 1990). Here, the Applicant could not point to any specific matters counsel failed to discover which would have caused him to proceed with a jury trial instead of pleading guilty. This Court finds the Applicant offered no evidence at the PCR hearing that counsel could have found that would have been likely to have any outcome more favorable to the Applicant. Therefore, this Court finds that these allegations are denied and dismissed.

e. Conflict of Interest

Applicant asserts that a conflict of interest existed because plea counsel had a prior relationship with the solicitor in Applicant's case. Counsel testified that he worked at the Lexington County solicitor's office with solicitor Graham prior to moving to the Lexington County public

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defender's office. Counsel testified that when he began his representation of Applicant, counsel and the solicitor had not socially engaged in a few years and that any relationship he had with the solicitor did not compromise counsel's representation of Applicant. The mere possibility of a conflict of interest is insufficient to challenge a criminal conviction. Langford v. State, 310 S.C. 357, 426 S.E.2d 793 (1993). "In order to establish a violation of the Sixth Amendment, a defendant who raised no objection at trial must demonstrate that an actual conflict of interest adversely affected his lawyer's performance." Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809 (1984). The Applicant must show that his attorney actually owed duties to a party whose interests were adverse to the Applicant. Id; Thomas v. State, 346 S.C. 140, 551 S.E.2d 254 (2001). This Court finds that Applicant has not proven that plea counsel had any conflict of interest. Applicant was aware at all relevant times that counsel had formerly worked for the solicitor's office. This Court finds that Applicant has failed to demonstrate that there was any conflict of interest arising from a friendship with the assistant solicitor. Applicant testified that counsel told Applicant that counsel was a friend of the solicitor. Applicant failed to prove that the relationship was anything other than a friendship that many members of the Bar have with other members of the ^(counsel) Bar. Additionally, Applicant failed to show that any alleged conflict of interest resulted in any prejudice to Applicant; therefore, this allegation is denied and dismissed.

All Other Claims

Except as discussed above, this Court finds that the Applicant affirmatively waived the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or

implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

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FILED

V. CONCLUSION

Based on all the ~~forgoing~~ ^{FOREGOING}, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post conviction relief. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

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FILED

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 24th day of FEB., 2012.

William P. Keesley
William P. Keesley
Presiding Judge

LEXINGTON, South Carolina

Short Title: * Parker, Jason D. v. The State # 328223

Type : Petition For Certiorari - PCR

Case # : 2012210672

Court : Supreme Court

Date Filed : 03-31-2012

Appeal From : Lexington

2010-CP-32-02626 The Honorable William P. Keesley

2/24/2012

June 29
~~May 14~~

PCR

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March 30, 2012

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

RECEIVED

APR 08 2012

Re: Jason D. Parker, #328223 v. State of South Carolina
Case No.: 2010-CP-32-2626

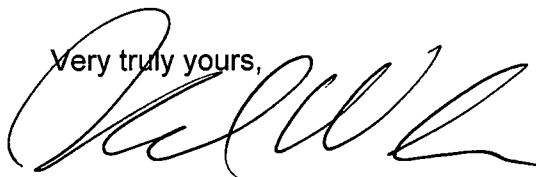
S.C. SUPREME COURT

Dear Mr. Shearouse:

I am enclosing herewith the originals and 1 copy each of the Notice of Appeal and Proof of Service along with 2 copies of the Order of Dismissal in regard to the above titled case. I would appreciate your filing the original Notice of Appeal and Proof of Service and a copy of the Order of Dismissal and then returning copies to our office in the enclosed self-addressed postage prepaid envelope.

Thank you for your assistance in this matter.

Very truly yours,



Richard H. Willis

RHW/msk
Enclosures

cc: *with enclosures*
Jason D. Parker
Kaleon E. May
The Office of Appellate Defense



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

April 30, 2012

APR 30 2012

S.C. Supreme Court

Ms. Stacy L. Sheppard
Circuit Court Reporter
100 Lunsford Lane
Lexington, SC 29072

Dear Ms. Sheppard:

Please provide us with the following transcript:

Jason D. Parker v. State of South Carolina Case #: 10-CP-32-02626

County: Lexington Date of Trial: August 30, 2011

Presiding Judge: William P. Keesley

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Sharon A. Graham
Administrative Coordinator

cc: S.C. Supreme Court
Attorney General's Office



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

June 26, 2012

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

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JUN 26 2012

S.C. Supreme Court

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

Jason D. Parker v. State of South Carolina

6/22/2012

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham
Administrative Coordinator



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

 ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 21, 2012

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

RECEIVED

AUG 21 2012

S.C. Supreme Court

Re: Jason D. Parker v. The State

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in this case are due to be served and filed with the Court today. However, because of my heavy workload at this time, I am requesting an extension for 30 days, in which to serve and file the petition.

By copy of this letter, I am informing Kaelon E. May, Esquire, of the Attorney General's Office, of my request.

Sincerely,

LaNelle C. Durant
Appellate Defender

LCD/pcm

cc: Kaelon E. May, Esquire

The Supreme Court of South Carolina

Jason D. Parker, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-210672

The Honorable William P. Keesley
Lexington County
Trial Court Case No. 2010CP3202626

ORDER

The request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until September 21, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

August 22, 2012

cc:

Kaelon Elizabeth May
LaNelle Cantey DuRant

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Certiorari to Lexington County
William P. Keesley, Circuit Court Judge

RECEIVED

SEP 21 2012

S.C. Supreme Court

JASON D. PARKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-210672

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Jason Parker respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, September 21, 2012.
2. Counsel for Mr. Parker respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

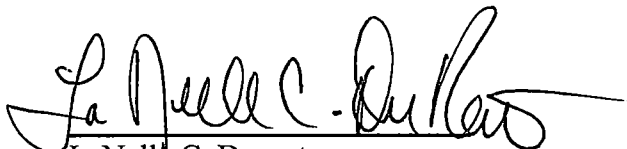
3. On September 20, 2012, counsel filed a petition for writ of certiorari and accompanying appendix in Laquan Marshall v. State in this Court. On September 19, 2012, counsel filed a Motion to Remand to Lower Court in Jimmy Ott Cuttino v. State in the Court of Appeals. On September 18, 2012, counsel held an oral argument in State v. James J. Curry, Jr. before this Court. On September 13, 2012, counsel filed a brief of appellant in State v. Ronald Gooden in the Court of Appeals. On September 12, 2012, counsel held an oral argument in State v. Tarrence Jordan before the Court of Appeals; and counsel filed an Anders brief of appellate and accompanying record on appeal in State v. Kenneth Lipsey in the Court of Appeals. On September 12, 2012, counsel filed an Anders brief of appellate and accompanying record on appeal in State v. Kenneth Lipsey in the Court of Appeals. On September 7, 2012, counsel filed a brief of appellant in State v. Oran Smith in the Court of Appeals; and filed a petition for writ of certiorari in William D. Burden v. State with this court. On September 6, 2012, counsel filed a brief of appellate in State v. Jimmy Ott Cuttino in the Court of Appeals. On August 30, 2012, counsel filed a Johnson Petition for Writ of Certiorari and accompanying appendix in Shaun David Caplinger v. State with this Court. On August 29, 2012, counsel filed a petition for writ of certiorari and accompanying appendix in State v. Dominic Leggette with this Court. On August 27, 2012, counsel filed the initial brief of appellant and designation of matter in The Matter of the Care and Treatment of Christopher Taft in the Court of Appeals. On August 24, 2012, counsel filed a brief of petitioner in The Matter of the Care and Treatment of Thomas Simmons in this Court. On August 21, 2012, counsel filed a Motion for Appointment of Outside Counsel due to a conflict in Benjamin Garrick v. State with this Court. On August 17, 2012, counsel filed a petition for writ of certiorari and accompanying appendix in Vante R. Birch v. State with this Court. On August 16, 2012, counsel filed a petition for rehearing in State v. Christopher Manning with the Court of Appeals; and counsel filed a Johnson

petition for writ of certiorari with accompanying appendix in Steven L. McClain v. State with this Court. On August 15, 2012, counsel filed the initial brief of appellate and designation of matter in The Matter of the Care and Treatment of William Bryan Fetner in the Court of Appeals. On August 13, 2012, counsel filed a petition for writ of certiorari and accompanying appendix on Michael Bohannon v. State with this Court. On August 8, 2012, counsel filed a petition for rehearing in State v. Bennie Mitchell with the Court of Appeals. On August 6, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Herman Belton v. State; and the Johnson petition and accompanying appendix in Darone Derricott v. State in this Court . On August 1, 2012, counsel filed the petition for rehearing in State v. Cameron Hammonds with the Court of Appeals. On July 30, 2012, counsel filed the Johnson petition for writ of certiorari in Joseph Heyward v. State in this Court. On July 25, 2012, counsel filed the petitions for writ of certiorari to the Court of Appeals in State v. Kevin Epting and State v. Joel Robinson with this Court and the initial brief of appellant and designation of matter in State v. David Jakes in the Court of Appeals.

- 4. Counsel makes this request in good faith and not for purpose of delay.
- 5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County
William P. Keesley, Circuit Court Judge

JASON D. PARKER,

PETITIONER,

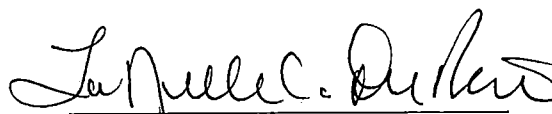
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

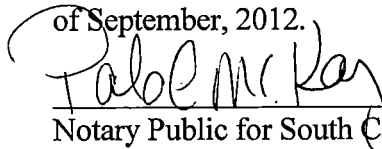
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Kaelon May, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 21st day of September, 2012.



LaNelle C. Durant
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 21st day
of September, 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: July 24, 2022.

The Supreme Court of South Carolina

Jason D. Parker, Petitioner,

v.

State of South Carolina, Respondent.

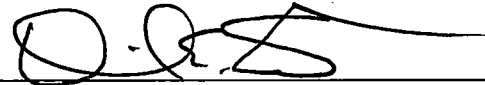
Appellate Case No. 2012-210672

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until October 26, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

September 25, 2012

cc:

Kaelon Elizabeth May

LaNelle Cantey DuRant

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Certiorari to Lexington County
William P. Keesley, Circuit Court Judge

RECEIVED

OCT 26 2012

S.C. Supreme Court

JASON D. PARKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-210672

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Jason D. Parker respectfully requests a **final thirty (30) day extension, until November 26, 2012**, in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Jason D. Parker respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. On October 24, 2012, counsel filed a second petition for rehearing pursuant to a substituted opinion issued by the Court of Appeals on October 10, 2012, in State v. Christopher Manning in the Court of

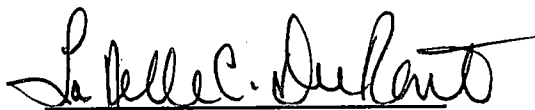
Appeals. On October 22, 2012, counsel filed an initial brief of appellant and designation of matter in The Matter of the Care and Treatment of Bobby Russell in the Court of Appeals; and filed an Anders brief of appellate and designation of matter and accompanying record on appeal in The Matter of the Care and Treatment of Quentin D. Markham in the Court of Appeals. On October 18, 2012, counsel filed a petition for rehearing in State v. Christopher Manning with the Court of Appeals. On October 17, 2012, counsel filed an Anders brief of appellate and designation of matter with accompanying record on appeal in The Matter of the Care and Treatment of John E. Darnell with the Court of Appeals. On October 15, 2012 counsel filed an initial brief of appellate and designation of matter and a Motion to Unseal Records in State v. John Peter Barnes with the Court of Appeals. On October 10, 2012, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Anthony Franklin v. State in this Court. On October 9, 2012, counsel filed a Motion to Remand for Reconstruction of the Record or for a New Trial in State v. Kevin Reed in the Court of Appeals. On October 5, 2012, counsel filed a Motion to Supplement Appendix in Michael Bohannon v. State in this Court. On October 3, 2012, counsel held an oral argument in State v. Jimmy Lee Sessions before the Court of Appeals. On October 2, 2012, counsel held an oral argument in State v. Jeffrey S. Evans before this Court. On September 27, 2012, counsel filed a petition for rehearing in State v. Christopher Ryan Whitehead in the Court of Appeals. On September 20, 2012, counsel filed a petition for writ of certiorari and accompanying appendix in Laquan Marshall v. State in this Court. On September 19, 2012, counsel filed a Motion to Remand to Lower Court in Jimmy Ott Cuttino v. State in the Court of Appeals. On September 18, 2012, counsel held an oral argument in State v. James J. Curry, Jr. before this Court. On September 13, 2012, counsel filed a brief of appellant in State v. Ronald Gooden in the Court of Appeals. On September 12, 2012, counsel held an oral argument in State v. Tarrence Jordan before the Court of Appeals; and counsel filed an Anders brief of appellate and accompanying record on appeal in State v. Kenneth Lipsey in the Court of Appeals. On September 7, 2012, counsel filed a brief of appellant in State v. Oran Smith in the Court of Appeals; and filed a petition for writ of certiorari in William D. Burden v. State with this Court. On September 6, 2012, counsel filed a brief of appellate in State v. Jimmy Ott Cuttino in the Court of Appeals. On August 30, 2012, counsel filed a Johnson petition for writ of certiorari and

accompanying appendix in Shaun David Caplinger v. State with this Court. On August 29, 2012, counsel filed a petition for writ of certiorari and accompanying appendix in State v. Dominic Leggette with this Court. On August 27, 2012, counsel filed the initial brief of appellant and designation of matter in The Matter of the Care and Treatment of Christopher Taft in the Court of Appeals

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office consents to this request as shown by signature below.

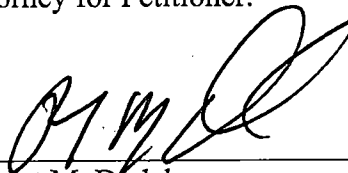
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until November 26, 2012**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

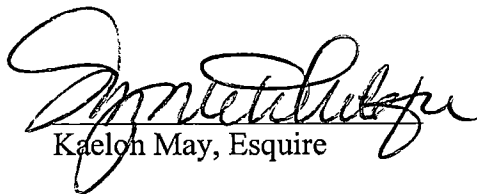
Attorney for Petitioner.



Robert M. Dudek
Chief Appellate Defender

This 26th day of October, 2012.

I consent:



Kaelon May, Esquire

The Supreme Court of South Carolina

Jason D. Parker, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-210672

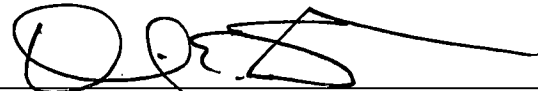
The Honorable William P. Keesley
Lexington County
Trial Court Case No. 2010CP3202626

ORDER

For good cause shown, the request for an extension to serve and file the Petition for Writ of Certiorari is granted and extended until November 26, 2012. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

FOR THE COURT

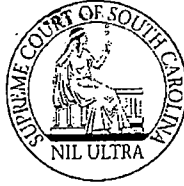
BY



CLERK

Columbia, South Carolina
October 29, 2012

cc: Kaelon Elizabeth May
LaNelle Cantey DuRant



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

November 27, 2012

Jason D. Parker, 00328223
4460 Broad River Road
Columbia SC 29210

Re: Jason D. Parker v. The State
Appellate Case No. 2012-210672

Dear Petitioner:

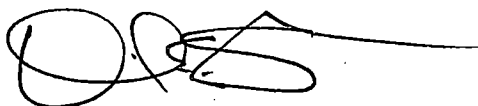
Your counsel has submitted a petition for writ of certiorari indicating that this appeal is without merit and moves to be relieved as your counsel. *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). The records of this Court reflect that counsel served you with a copy of the Petition and Appendix.

You may, within forty-five (45) days of the date of this letter, file with this Court a *pro se* response to the petition filed by your counsel. In this response, you may raise and argue any issues you believe the Court should consider in this appeal. Upon receipt of your *pro se* response or the expiration of forty-five (45) days, the matter will be submitted to the Court for its consideration.

If you do decide to file a *pro se* response, the response must be either typewritten or legibly hand printed, and must have at least a one inch margin on all sides.

Further, you will need to only submit one copy of your response, and this copy should not be stapled or bound in any manner.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Kaelon Elizabeth May
LaNelle Cantey DuRant

The Supreme Court of South Carolina

RE: TRANSFER OF CASES FROM SOUTH
CAROLINA SUPREME COURT TO THE COURT OF
APPEALS

ORDER

Pursuant to Rule 243(l), SCACR, the following post-conviction relief cases are hereby transferred to the South Carolina Court of Appeals:

1. 2010-178866 Darrell Efrid v. State
2. 2011-193110 Preston Costa v. State
3. 2011-193113 McCenia Amouri Dials v. State
4. 2011-193527 Tyrone Ransom v. State
5. 2011-193709 Reginald Davis v. State
6. 2011-195226 Marty Craig McKinsey v. State
7. 2011-196591 Juan Ramos v. State
8. 2011-196599 Phillip Antonio Byrd v. State
9. 2011-197706 Victor C. Penny v. State
10. 2011-197707 Daniel B. Stratten v. State
11. 2011-197708 Kimjaro Presley v. State
12. 2011-198349 Troy Robinson v. State
13. 2011-198472 Richard Bernard Moore v. State
14. 2011-199414 Bobby Shay Rathburn v. State
15. 2011-199417 Tyrone Lewis Jr. v. State
16. 2011-199927 Anthony Williams v. State
17. 2011-200190 Christopher J. Hickman v. State
18. 2011-200548 Quentes S. Wells v. State
19. 2011-201107 Demetrius Lewis v. State
20. 2011-201129 Chan Bun v. State
21. 2011-201146 Thaddeuss Starks v. State
22. 2011-201589 Adam Bickham v. State
23. 2011-202767 Fredrick Alphonso Irby v. State
24. 2011-202769 Drew John Monahan v. State

25. 2011-202770 Michael D. Day v. State
26. 2011-202773 Richard F. Whelchel v. State
27. 2011-204347 Lance Lyles v. State
28. 2011-204375 Russell Fred Spitzer v. State
29. 2011-204386 Darrell L. Goss v. State
30. 2011-204847 Kenaz Collier v. State
31. 2011-204966 Clarence Bamberg v. State
32. 2012-205988 Chadrick Cole v. State
33. 2012-206006 Richard Stegall v. State
34. 2012-206007 Dustin Tiller v. State
35. 2012-206008 Frankie Lee Bryant III v. State
36. 2012-206048 Kevin D. Cook v. State
37. 2012-206227 Tashon Sampson v. State
38. 2012-206228 Douglas L. Rice v. State
39. 2012-206648 Tippy Marie Retana v. State
40. 2012-206672 Vante R. Birch v. State
41. 2012-207129 Keith R. Bradley v. State
42. 2012-207131 David A. Fowler v. State
43. 2012-207133 James F. Russell v. State
44. 2012-207147 Cecil Allen Simmons v. State
45. 2012-207246 Andre Lee Reed v. State
46. 2012-207555 Steven R. Johnson v. State
47. 2012-207626 Archie Hoover v. State
48. 2012-207627 Stanley Bradley v. State
49. 2012-207628 Marcus Martin v. State
50. 2012-207816 Darrell Gleaton v. State
51. 2012-207817 Evelyn Buckle v. State
52. 2012-208011 James Wilkinson v. State
53. 2012-208012 Kenneth L. Young v. State
54. 2012-20826 Wiley Post James v. State
55. 2012-208047 Korrell Battle v. State
56. 2012-208666 Larry Mitchell v. State
57. 2012-208667 Wilbur G. Moses Jr. v. State
58. 2012-208889 Dennis L. Snipes v. State
59. 2012-208906 Tommie Watts v. State
60. 2012-209526 Kareem Wiley v. State
61. 2012-209532 Brian Powell v. State
62. 2012-209536 Phillip A. Hingleton v. State
63. 2012-209537 John P. Hendrix v. State
64. 2012-210228 Clark Inabinett v. State

65. 2012-210669 Sean D. Wells v. State
66. 2012-210670 Christian Harris v. State
67. 2012-210671 James Matthews v. State
68. 2012-210672 Jason D. Parker v. State
69. 2012-211090 Nathaniel Caldwell III v. State
70. 2012-211269 Nancy E. VonCannon v. State
71. 2012-211289 Christopher M. Vaughn v. State
72. 2012-211296 Douglas Thompson v. State
73. 2012-211389 Teddie Lee Grant v. State
74. 2012-211391 Jerod Juan Cook v. State
75. 2012-211592 Michael Freeman v. State
76. 2012-211874 Ackief Pauling v. State
77. 2012-212070 Vondell Sanders v. State
78. 2012-212076 Fredy Sibrian v. State
79. 2012-212079 Jamal Lindsey v. State
80. 2012-212090 DeRoyick Montgomery v. State
81. 2012-212099 Clinton F. Stephens v. State
82. 2012-212155 Terrance Tompkins v. State
83. 2012-212162 Wayne Cooley v. State
84. 2012-212227 Montavis K. Gaines v. State
85. 2012-212300 Alfred Redwine v. State
86. 2012-212303 Tyquan Jared Amir Jones v. State
87. 2012-212304 Harry N. Charles II v. State
88. 2012-212312 Tyrone A. Ravenell v. State
89. 2012-212315 Matthew William Gilliard III v. State
90. 2012-212317 Michael Anthony York v. State
91. 2012-212353 Donald Hurlbert v. State
92. 2012-212400 West Webb Mitchem v. State
93. 2012-212401 Kieve Malik Smith v. State
94. 2012-212408 Derrick F. Williams v. State
95. 2012-212411 Jason Maness v. State
96. 2012-212505 Floyd Randolph Granger III v. State
97. 2012-212520 Kimberly Taylor v. State
98. 2012-212580 Brandon Lav'ar Johnson v. State
99. 2012-212591 Robert Young v. State
100. 2012-212592 Joseph A. Dozier v. State
101. 2012-212649 Tony Lynn v. State
102. 2012-212733 Leon Billups v. State
103. 2012-212737 Harry H. Jones v. State
104. 2012-212780 Boyce Lee Nesbitt v. State

105. 2012-212783 Clarence Miller v. State
106. 2012-212785 Albert Spann v. State
107. 2012-212811 Devin Gantt v. State
108. 2012-212826 Frank Green Jr. v. State
109. 2012-212831 Stephen Paul Casillo v. State
110. 2012-212869 Jose M. Maldonado v. State
111. 2012-212877 Little Johnny Lee Mackey v. State
112. 2012-212882 Randy Bryant v. State
113. 2013-000427 Lamont Valentine Poole v. State
114. 2013-000429 Larry Prophet v. State
115. 2013-000627 Rachion Omar Robinson v. State
116. 2013-000654 Pernell Thompson v. State
117. 2013-000870 Lavar Sanders v. State
118. 2013-000872 Casio Mack Richardson v. State
119. 2012-213129 Billy Nathan Lee v. State
120. 2012-213201 Stacey Abney v. State
121. 2012-213240 Gary Waiters v. State
122. 2012-213292 Ronald Footman v. State
123. 2012-213308 Melcelus Toland v. State
124. 2012-213338 Sylvester Boone v. State
125. 2012-213420 Morris Stewart v. State
126. 2012-213562 Christopher Shell v. State
127. 2012-213573 Randy Jennings v. State
128. 2012-213619 Matthew Taylor v. State
129. 2012-213661 Robert L. Dickerson v. State
130. 2012-213667 Kamala Creighton v. State
131. 2012-213668 David Heath v. State
132. 2012-213671 Henry Lee Bradley v. State
133. 2012-213684 Christopher Dale Shirley v. State
134. 2012-213700 David Lee Rose v. State
135. 2013-000043 Steven William Roberts v. State
136. 2013-000045 Christopher Dean Johnson v. State
137. 2013-000069 Ricky Price v. State
138. 2013-000079 Anthony M. Brown v. State
139. 2013-000111 Pamela Marie Teal v. State
140. 2013-000127 (Bobby) Robert James Rippy v. State
141. 2013-000128 Travis Sentell Rice v. State
142. 2013-000137 Michael A. Williams v. State
143. 2013-000139 Timothy Stahlnecker v. State
144. 2013-000362 Stanley L. Butler v. State

145. 2012-212890 Antoine J. China v. State
146. 2012-212936 Christopher O'Neal Pringle v. State
147. 2012-213032 Angel Gonzales v. State
148. 2012-213036 David Andres Ortiz Molina v. State
149. 2012-213038 Travis D. Bellamy v. State
150. 2012-213118 Kareem J. Leaphart v. State

IT IS SO ORDERED.


C.J.
FOR THE COURT

Columbia, South Carolina

November 22, 2013

cc: Chief Appellate Defender Robert M. Dudek
Deputy Chief Appellate Defender Wanda H. Carter
Appellate Defender Robert M. Pachak
Appellate Defender Kathrine H. Hudgins
Appellate Defender LaNelle C. DuRant
Appellate Defender Susan B. Hackett
Appellate Defender Benjamin J. Tripp
Appellate Defender Carmen V. Ganjehsani
Appellate Defender David Alexander
Assistant Deputy Attorney General Salley W. Elliott
Assistant Attorney General John W. Whitmire
Assistant Attorney General Tyson A. Johnson
Assistant Attorney General Suzanne H. White
Assistant Attorney General Ashleigh R. Wilson
Assistant Attorney General Megan E. Harrigan
Assistant Attorney General Karen C. Ratigan
Assistant Attorney General Daniel F. Gourley
Assistant Attorney General David A. Spencer
Assistant Attorney General J. Rutledge Johnson
John Benjamin Aplin, Esquire
Tricia Blanchette, Esquire
J. Falkner Wilkes, Esquire

Tara D. Shurling, Esquire
Joshua Snow Kendrick, Esquire
Ernest Charles Grose, Jr., Esquire
Jeremy Adam Thompson, Esquire
Glenn Walters, Esquire
R. Bentz Kirby, Esquire
Hemphill P. Pride, III, Esquire
William Joseph Barr, Esquire
Arie D. Bax, Esquire
Bruce A. Bryholdt, Esquire
Tommy Thomas, Esquire
Teddie Lee Grant #342172
Wilbur G. Moses Jr. #244241
Michael Freeman #262416
Kevin D. Cook #268901
Phillip A. Hingleton #166888
Michael D. Day #318713
Larry Mitchell #264463
Korrell Battle #292294
Steven R. Johnson #245428
Frederick Alphonso Irby #339195
Andre Lee Reed #218837
Fredy Sibrian #338184
Tashon Sampson #261273
James Matthews #258992
Jason D. Parker #328223
Kimberly Taylor #316813
Nancy E. VonCannon #315528
Christopher M. Vaughn #339181
Travis-D. Bellamy #323612
Terrance Tompkins #318169
Clinton F. Stephens #246685
Morris Stewart #343460
Tyquan Jared Amir Jones #320934
Harry N. Charles II #268775
Tyrone A. Ravenell #318711
Derrick F. Williams #331226
Albert Spann #324640
Pamela Marie Teal #343575
Wayne Cooley #168807

Jose M. Maldonado #340872
Alfred Redwine #291230
Little Johnnie Lee Mackey #294652
Travis Sentell Rice #304580
Joseph A. Dozier #255343
Gary Waiters #273876-
Pernell Thompson #336975
Clarence Miller #267397
Larry Prophet #304134
Christopher Dale Shirley #339568
David Lee Rose #091858
Lemont Valentine Poole #265389
Christopher Shell #181291
Robert L. Dickerson #113793
Floyd Randolph Granger III #339558
Brandon Lav'ar Johnson #321109
Sylvester Boone #341082
Christopher Dean Johnson #343032
Ricky Price #285743
Kareem J. Leaphart #297361
Casio Mack Richardson #339735
Devin Gantt #337539
Randy Jennings #259845
Anthony M. Brown #341644
Michael A. Williams #273114
David Heath #128440
Antoine J. China #292911
The Honorable Jenny Kitchings

SUBPOENA IN A CRIMINAL CASE

SOUTH CAROLINA CRIMINAL COURT	COUNTY LEXINGTON
THE STATE	DOCKET NO. LCSD # 09072460
V. JASON PARKER	SUBPOENA FOR <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> DOCUMENT(S) OR OBJECT(S)

TO: **LEXINGTON COUNTY CORONER'S OFFICE**
 Fax # 785-8492

YOU ARE HEREBY COMMANDED to appear in the above named court at the place, date, and time specified below to testify in the above-entitled case.

PLACE LEXINGTON COUNTY JUDICIAL CENTER 205 East Main Street Lexington, South Carolina	COURTROOM UPON RECEIPT DATE AND TIME UPON RECEIPT
---	--

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s).

LIST DOCUMENT (S) OR OBJECT (S)
 A copy of the Coroners file related to JONATHAN TREMAINE SULTON (DOB 07/18/89 SSN 093-78-8121) including all photographs and diagrams

 Please contact Chief Investigator Matt Martin when these records are ready to be released. You may contact him at 785-2201.

THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED LEAVE TO DEPART BY THE COURT OR BY AN OFFICER ACTING ON BEHALF OF THE COURT

CLERK OF COURT ETH CARRIGG	DATE October 5, 2009
DEPUTY CLERK <i>[Signature]</i>	

THIS SUBPOENA IS ISSUED UPON APPLICATION OF THE

SOLICITOR DEFENDANT

D. Shawn Graham-Deputy Solicitor

ATTORNEY'S NAME AND ADDRESS
DONALD V. MYERS, SOLICITOR
11th JUDICIAL CIRCUIT
LEXINGTON COUNTY JUDICIAL CENTER
205 EAST MAIN STREET
LEXINGTON, SOUTH CAROLINA 29072

CORONER'S INCIDENT REPORT

HARRY O. HARMAN, CORONER
COUNTY OF LEXINGTON
STATE OF SOUTH CAROLINA

Case # 09-759
Permit # 555689

Date: 8/6/2009 Day: Thursday Received: 13:08 Arrived: 14:08

Name: Sulton, Jonathan Tremain Race/Sex: BM Age: 20 Birth Date: See next page.
Address: 3418 Emanuel Church Road, Lexington SC 29073

Occupation: Fast food Company: Bojangles
Social Security # See next page. Driver's License # See next page.

Marital Status: Single
Next of Kin: Fredrina Johnson Relationship: Mother Phone:
Address: Same as above.

Attending Physician:
Phone: Date Last Attended: Diagnosis:

Time of Death: Est 03:00 Date of Death: 8/6/2009 Place: Dirt road

Weather Conditions: Sunny, hot (93 degrees)

Apparent Injuries/Causes of Death: Severe burns
Manner of Death: Homicide Date, Time, Place of Injury: 8/6/2009 @ est 03:00,
200 block of Mayberry Court, Lexington SC 29070

Determined Cause of Death: A. Undetermined

Deceased Last Seen or Heard From - Day: Thursday, August 6, 2009

Time: 01:30 By Whom: Jason Parker

Where Last Seen:

Witnesses, Address & Phone:

Funeral Home: Amos & Sons Funeral Home, Batesburg SC (released 8/21/2009 @
3:05 PM - RM)

Deputy Coroner Randy Martin

SUPPLEMENTAL REPORT

Name: Sulton, Jonathan Tremain

Date: 8/6/2009

Case # 09-759

Social Security _____

Birth Date: _____

Driver's License # _____

Autopsy Ordered: Yes

Autopsy Performed At: Newberry - Dr. Ross

Blood Samples: Yes

Urine Samples: Yes

Personal Effects Disposition: N/A

Death Certificate Status: Lexington County Coroner's Office - Martin

Date Death Certificate Signed: _____ Certificate Sent To: _____

Date Supplement Signed: 9/14/2009 Information Added: Cause/manner

Remarks:

I responded to the 200 block of Mayberry Court in reference to the death of a male who had been found lying in the roadway. Lexington County Sheriff's Department established a crime scene perimeter, and I spoke with Det. Chandler, who said the decedent was lying on his back and had been burned. Lexington County Sheriff's Department CSI fingerprinted the decedent's left hand and sent the prints to AFAIS (14:26)

After signing the log, I entered the location at 15:00. CSI's Derrick and Crump were processing the scene. The SLED arson dog arrived and located the accelerant area, which was marked for CSI collection. The decedent's clothing was also collected by CSI. Det. Chandler said the decedent was found by two field workers (she has their statements).

I observed a male lying in the roadway on his back, severely burned, primarily on his head and torso. His race or age could not be determined. He appeared to have had some type of accelerant poured over him, as a slight smell of gasoline was present.

Capitol Transportation was called at 15:04, responded at 15:07, arrived at 15:37, and transported the decedent at 16:00 (tag #958352). An autopsy was scheduled at Newberry Pathology on 8/7/2009 at 09:00.

Deputy Coroner Randy Martin

CASE UPDATE
August 20, 2009

Name: Sulton, Jonathan Tremain
(Formerly John Doe)

Date: 8/6/2009

Case # 09-759

I attended a meeting with Det. Chandler and Lt. Frier in reference to identifying John Doe, as Det. Chandler had followed a lead involving a missing person reported on August 25, 2009. Matching physical description, x-ray and dental records were compared with multiple similarities, and an interview with the mother of the missing person revealed a tatoo on the forearm. *wrong* →

Dr. K. Garvin with Newberry Pathology went to Lexington County morgue and removed a layer of skin on the victim's arm to reveal a tatoo. A photograph was taken and shown to the missing person's mother, who identified the tatoo as belonging to her son, Jonathan T. Sulton.

Lexington County Sheriff's Department's investigation is ongoing.

Deputy Coroner Randy Martin

AMENDED

NEWBERRY PATHOLOGY ASSOCIATES, P.A.
185 Executive Drive, P. O. Box 839
Newberry, S. C. 29108
Phone: (803) 276-0201
1-888-446-9898
Fax: (803) 276-0208

NECROPSY REPORT: FA09-510
NAME: JONATHAN T. SULTON
TYPE OF AUTOPSY: Complete

AGE: 20 RACE: BLACK SEX: MALE SSN: _____ D.O.B. _____

PROSECTOR(S): JANICE E. ROSS, M.D. COUNTY: LEXINGTON

DIED on at AUTOPSIED on 08/07/2009 at 9:00 AM

FINAL NECROPSY DIAGNOSIS:

1. SECOND AND THIRD DEGREE BURNS OF THE BODY : 80%
2. TOXICOLOGY RESULTS: NEGATIVE FOR ETHANOL, DRUGS AND CARBON MONOXIDE
3. IDENTIFICATION IS MADE BY COMPARISON OF DENTAL RECORDS AND BY A TATTOO

MANNER OF DEATH: HOMICIDE

PROBABLE CAUSE AND MECHANISM OF DEATH

INTERVAL

UNDETERMINED

08/20/2009 AMENDED (Identified)

09/04/2009 AMENDED FINAL REPORT

Date Mailed Out: 9/9/09

Jonathan T. Sulton

Report by: J.E. Ross, M.D.

CASE HISTORY

This adult deeply pigmented male was found on a dirt road in a rural area in Lexington County, South Carolina on 08/09/2009 by some migrant workers. It appeared that someone put a limb on top of him and set him on fire. The smell of gasoline was present. There is thermal injury on the upper body. Apparently the limb was over the feet of the victim.

The body was brought to this prosector for autopsy.

EXTERNAL EXAMINATION: The body is received with some remnants of underwear which are charred over his genitalia. He measures 64 ½ inches in height and weighs an estimated 145 pounds. His hair is singed but appears to be black. The eyes are brown. There is some contusion of the right conjunctiva. The teeth are natural and in good repair. The head, neck, chest, down to the level of the underwear and upper extremities all have 2nd and 3rd degree thermal injury. The anterior legs down to the mid calves also have 2nd to 3rd degree thermal injury as do the back of the legs. Around the groin and the lower calves and feet there is 1st and 2nd degree thermal injury. Otherwise, examination of the neck, chest and abdomen is unremarkable.

Examination of the upper extremities shows a tattoo of a cross on the left posterior forearm (amended 09/04/09).

Examination of the lower extremities shows a somewhat oval shaped abrasion over the lateral left anterior calf without specific pattern.

Examination of the back shows some spared skin over the back, the buttocks and the left posterior calf. The genitalia are those of an adult male with thermal injury.

DISSECTION: The usual Y-shaped incision is made. The panniculus of the chest and abdomen shows no contusion. The abdominal cavity, pleural cavities and pericardial sac contain no excessive fluid. The structures of the anterior neck maintain symmetry. The hyoid bone is intact. The trachea and larynx are patent. There is no soot in the airway which is reddened. The strap muscles are without contusion except for a small hemorrhage high on the left neck under the jaw (amended 09/04/09).

DESCRIPTION OF INTERNAL ORGANS

THYROID: The thyroid gland weighs 16 grams. It maintains symmetry of its reddish-brown firm parenchyma.

THYMUS: The thymus gland weighs 60 grams.

Jonathan T. Sulton

Report by: J.E. Ross, M.D. ✓

DESCRIPTION OF INTERNAL ORGANS, Continued:

HEART: The heart weighs 358 grams. The coronary arteries are patent. The myocardium is reddish-brown and firm. The valves are grossly unremarkable.

LUNGS: The right lung weighs 500 grams. The left lung weighs 432 grams. The arterial trees are patent. The tracheobronchial trees contain a slight amount of frothy fluid. The parenchyma is purplish-red and firm.

LIVER: The liver weighs 1,380 grams. Its capsule is smooth and glistening. Sections show purplish-gray parenchyma.

GALLBLADDER AND DUCTS: Unremarkable.

SPLEEN: The spleen weighs 135 grams. Its capsule is smooth and glistening. Sections show purplish-red parenchyma.

PANCREAS: The pancreas weighs 120 grams. It maintains its usual yellowish-tan nodular parenchyma.

ADRENALS: Unremarkable.

KIDNEYS: The right kidney weighs 134 grams. The left kidney weighs 140 grams. Their capsules strip with ease to show smooth cortical surfaces. Sections show the usual cortical medullary ratios bilaterally. The ureters, urinary bladder and prostate gland are without significant pathology. The bladder contains 300 cc of clear yellow urine.

GI TRACT: The stomach contains 10 cc of brown liquid.

MUSCULOSKELETAL SYSTEM. Without significant pathology. X-rays show no fractures.

CENTRAL NERVOUS SYSTEM: The scalp is reflected and the calvarium is removed. No contusions are seen. The brain is removed in the usual manner and maintains symmetry of the cerebrum, cerebellum, pons and medulla. The brain weighs 1,150 grams. Sections show the gray and white matter in the usual anatomic design. The blood vessels at the base of the brain appear patent. No fractures nor hemorrhages are present.

Jonathan T. Sulton

Report by: J.E. Ross, M.D.

CASE SUMMARY

This autopsy was done upon the request of and after due authorization by the ~~Lexington County Coroner in the~~ Newberry County Memorial Hospital Morgue on 08/07/2009 at approximately 9:0 AM.


Autopsy findings included 2nd and 3rd degree burns of the body (80%). The Toxicology results are negative for ethanol, drugs and carbon monoxide.

Sections of all organs demonstrate the before mentioned findings. Specimens are drawn for toxicological analysis.

It is the opinion of this prosector after review of the history and autopsy findings on this victim that the cause of death is undetermined. The manner of death is homicide.

NOTE: The cause of death is most likely axphyxia due to compression of the neck. There was a slight hemorrhage high in the neck at autopsy which was questionable at the time as to being significant. Compression of the neck by way of a "choke hold", for instance, could leave no significant burises and give the above picture.

The manner of death is best listed as homicide. This victim was dead before the fire and therefore could not have powered gasoline on himself.



Janice E. Ross, M.D.
Forensic Pathologist

9-8-09
Date Signed

JER:ajg
08/10/2009

09/04/09 AMENDED REPORT

under his nails? from Strachan?

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

Coroner Harry O. Harmon
Lexington County Coroner's Office
117 Duffie Drive
Lexington, SC 29072

TOXICOLOGY DEPARTMENT
August 25, 2009
SLED No: L09-09671
Your Case No: 09072460
Incident Date: 08/06/2009

[V] John Doe

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE

Item: 4 **Sample Type: Blood (Toxicology) - Iliac Vein Blood labeled "JOHN DOE FA09-510"**

Analysis by Headspace Gas Chromatography (GC) and/or Headspace Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
Ethanol	Negative	% w/v	0.01
Methanol	Negative	% w/v	0.01
Acetone	Negative	% w/v	0.01
Isopropanol	Negative	% w/v	0.01



8/25/09

Screen by Enzyme Linked Immunosorbant Assay (ELISA)

Analyte	Result	Units	Threshold
Amphetamine	Negative	mg/L	0.15
Benzodiazepines	Negative	mg/L	0.05
Methamphetamine	Negative	mg/L	0.15
Oxycodone	Negative	mg/L	0.10
Cannabinoids	Negative	mg/L	0.03

Screen by Fluorescence Polarization Immunoassay (FPIA)

Analyte	Result	Units	Threshold
Cocaine Metabolite	Negative	mg/L	0.10
Opiates	Negative	mg/L	0.10

Carbon Monoxide

Analyte	Result	Units	Threshold
Carboxyhemoglobin Synonyms: i.e. Carbon Monoxide bound to hemoglobin Notes: Toxic levels: 15-35% Lethal levels: 48-95%	Negative	%	10.00

Item: 7

Sample Type: Bile - labeled "JOHN DOE FA09-510"

No Analysis Performed

Item: 8

Sample Type: Gastric - labeled "JOHN DOE FA09-510"

No Analysis Performed

Item: 9

Sample Type: Brain - labeled "JOHN DOE FA09-510"

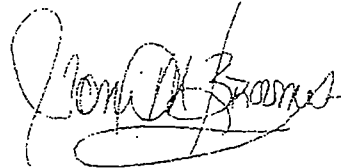
No Analysis Performed



8/25/09

Item: 10 Sample Type: Liver - labeled "JOHN DOE FA09-510"

No Analysis Performed



Terri M. Broome
Forensic Toxicologist

CC: Dr. Janice E Ross - Newberry Pathology
Tricia Chandler - Lexington County Sheriff's Department

For any additional interpretation of results please contact the Toxicologist above at the SLED Toxicology Department, (803) 896-7385

Biological specimens processed for testing which are not consumed during analysis will be maintained for 180 days from the completion date of the analysis and then destroyed unless otherwise notified.



NEWBERRY PATHOLOGY ASSOCIATES, P.A.
185 Executive Drive, P. O. Box 839
Newberry, S. C. 29108
Phone: (803) 276-0201
1-888-446-9898
Fax: (803) 276-0208

NECROPSY REPORT: FA09-510
NAME: JOHN DOE
TYPE OF AUTOPSY: Complete

AGE: RACE: SEX: MALE SSN: D.O.B.

PROSECTOR(S): JANICE E. ROSS, M.D. COUNTY: LEXINGTON

DIED on at AUTOPSIED on 08/07/2009 at 9:00 AM

FINAL NECROPSY DIAGNOSIS:

SECOND AND THIRD DEGREE BURNS OF THE BODY : 80%

MANNER OF DEATH: PENDING TOXICOLOGY

PROBABLE CAUSE AND MECHANISM OF DEATH

INTERVAL

PENDING TOXICOLOGY

Date Mailed Out: 8/11/09

John Doe

Report by: J.E. Ross, M.D.

CASE HISTORY

This adult deeply pigmented male was found on a dirt road in a rural area in Lexington County, South Carolina on 08/09/2009 by some migrant workers. It appeared that someone put a limb on top of him and set him on fire. The smell of gasoline was present. There is thermal injury on the upper body. *Apparently the limb was over the feet of the victim.*

The body was brought to this prosector for autopsy.

*What limb
no shoes or pieces
collected??*

EXTERNAL EXAMINATION: The body is received with some remnants of underwear which are charred over his genitalia. He measures 64 ½ inches in height and weighs an estimated 145 pounds. His hair is singed but appears to be black. The eyes are brown. There is some contusion of the right conjunctiva. The teeth are natural and in good repair. The head, neck, chest, down to the level of the underwear and upper extremities all have 2nd and 3rd degree thermal injury. The anterior legs down to the mid calves also have 2nd to 3rd degree thermal injury as do the back of the legs. Around the groin and the lower calves and feet there is 1st and 2nd degree thermal injury. Otherwise, examination of the neck, chest and abdomen is unremarkable. ??

Examination of the upper extremities is unremarkable.

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John Doe

Report by: J.E. Ross, M.D. ✓

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CASE SUMMARY


This autopsy was done upon the request of and after due authorization by the Lexington County Coroner in the Newberry County Memorial Hospital Morgue on 08/07/2009 at approximately 9:0 AM.

Autopsy findings included 2nd and 3rd degree burns of the body (80%).


Sections of all organs demonstrate the before mentioned findings. Specimens are drawn for toxicological analysis.

This report is rendered in the absence of a toxicological analysis. If a positive analysis is submitted to this prosector, an amended opinion may be necessary.

It is the opinion of this prosector ~~after review of the history~~ and autopsy findings on this victim that the cause and manner of death is pending toxicology.



Janice E. Ross, M.D.
Forensic Pathologist



8-11-09
Date Signed

JER:ajg
08/10/2009



Lehigh County Sheriff's Department

RUNAWAY/MISSING PERSON WORKSHEET



PLEASE PRINT

Subjects Full Name: SULTON JONATHAN TREMAINE
 (Last) (First) (Middle)

Sex: M Race: BLK Place of Birth: (State) Queens, NY

Date of Birth: _____ Height: 504 Weight: 162 lbs Eye Color: BRN

Hair Color: BRN Aliases: JOHN-JOHN SSN#: _____

D.L. # and State: unk

Unique Scars and/or Tattoos: TAT - RT FOREARM - BIG "CROSS"

Case #: 09075380

Reporting Officer: T. Hall

Date Last Seen: THREE WKS AGO

Clothing Description: WHITE T-SHIRT - UNK PANTS

Vehicle Description: N/A

School Attending: N/A

Picture Received: Yes

Any Involvement with the Department of Juvenile Justice: - NO

CAUTION - GANG MEMBER "CRIPS"

KNOWN TO ABUSE POT & COCAINE

Check any Caution or Medical Conditions that Apply:

Armed and Dangerous	<input type="checkbox"/>	Escape Risk	<input type="checkbox"/>	Epilepsy	<input type="checkbox"/>
Violent Tendencies	<input type="checkbox"/>	Sexually Violent Predator	<input type="checkbox"/>	Suicidal	<input type="checkbox"/>
Martial Arts Expert	<input type="checkbox"/>	Heart Condition	<input type="checkbox"/>	Medication Required	<input type="checkbox"/>
Explosive Expertise	<input type="checkbox"/>	Alcoholic	<input type="checkbox"/>	Hemophiliac	<input type="checkbox"/>
Known to Abuse Drugs	<input checked="" type="checkbox"/>	Allergies	<input type="checkbox"/>	Diabetic	<input type="checkbox"/>
Other: Explain					

Shane, is the
1st one? Gen
must 7th autopsy?
I don't see it in dissection

JOHN DOE

AUTHORIZATION FOR CORONER'S AUTOPSY

I, RANDY MARTIN, duly authorized Coroner, or duly authorized representative of the Coroner of Lexington County, SC, do hereby authorize Newberry Pathology Associates, Inc., Newberry County Memorial Hospital, to perform a complete autopsy on the body and head of said patient with the object of establishing the cause of manner of death. Authority is also granted to remove exposed and unexposed tissues and parts for preservation to establish identity and to determine cause and manner of death and to dispose of tissues in a proper and suitable manner.

08-20-2009
(Date)

Randy Martin
Signature of Person Authorizing Autopsy

THE FOLLOWING INFORMATION IS NEEDED TO EXPEDITE EXAMINATION AND REPORTS

Name of Coroner or Deputy Coroner Handling Case RANDY MARTIN Phone: 803-359-8439
Email Address LCRMARTIN@LEX-SC.COM Fax: 803-785-8492
Pager _____ Cellular 803-518-4415
Person to whom bill should be sent LCR

The body will be transported to Newberry Hospital by CAPITAL TRANSPORTATION
(Undertaking Firm or Authorized Person)

PERTINENT INFORMATION CONCERNING PATIENT

SCDC Correction # _____

Name JONATHAN T. SULTON Age 20 DOB _____ Sex M Race B

Home Address: _____ SSN 512903

Date of Injury _____ Time of Injury _____ Location _____

Date of Death 8-16-09 Time of Death 0300 Location DIRT ROAD - IN ROADWAY
200 BLOCK OF IRVING BLVD CT.

Date and Time Last Seen Alive 8-16-09 @ 0130 Date and Time Found 8-16-09 @ 1308

Suspected Mode of Death PENOVUL

ALL BODIES MUST BEAR IDENTIFICATION TAGS FIRMLY TIED TO ANKLE OR TOE

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

William P. Keesley,

Circuit Court Judge

RECEIVED

JAN 11 2013

S.C. Supreme Court

JASON D PARKER,

PETITIONER

v.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2012-210672

JASON D PARKER #328223

Broad River Correctional Institution
4460 Broad River Road MO 237
Columbia, S.C. 29210

INDEX

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STATEMENT..... 3
FACTS/BACKGROUND..... 6
CONCLUSION.....10

ISSUES PRESENTED:

Did the PCR court err in failing to find counsel ineffective for not insuring that Petitioner's guilty plea was entered freely, voluntarily, and knowingly?

Did Petitioner waive his right to an appeal by not filing in a timely manner?

Should Petitioner's counsel obtained a mental competency hearing knowing that Petitioner had been hospitalized before for mental problems?

STATEMENT:

The PCR Court erred in failing to find counsel ineffective for not insuring that Petitioner's guilty plea was entered, freely, voluntarily, and knowingly.

I, Jason Parker am being held unlawfully because the evidence the state used against me was unlawfully seized in violation of my Fourth Amendment right.

These allegations may also be converted, in most instances, into a component of a well drafted Sixth Amendment. For Example:

I received ineffective assistance of counsel prior to and during my plea of guilty, inasmuch as my attorney failed to advise me that the evidence seized from my residence might be successfully suppressed at a trial by jury on the basis of a Fourth Amendment claim and,

My plea of guilty was not knowingly and intelligently entered, inasmuch as my lawyer failed to advise me that the evidence seized from my residence might be successfully suppressed if entered my right to trial by jury.

My mental competency was never questioned in either the plea hearing or the PCR hearing. I had been admitted to Three Rivers and had been under the direction of a physician. My attorney should have investigated further and gotten the

necessary witnesses and expert testimony.

I was diagnosed with depression, a personality disorder, an anxiety disorder and was on medication at the Lexington County Detention Center, McCormick Correctional Facility, and now at Broad River Correctional Institution.

While I have been at Broad River the doctors have diagnosed me with being Bipolar, having a paranoid personality disorder, as well as having depression, an anxiety disorder, and a personality disorder.

All of these disorders cause mania, being impulsive, shifts in mood, depression, and can often cause individuals to perform poorly or inconsistently. Being paranoid can cause individuals to be preoccupied with unsupported doubts about friends and associates. They can also be reluctant to confide in others due to a fear that information may be used against him or her.

In fact, by Mr. Madsen's own admission (App.50,II.1-11.) he had stated that when he had met with me, most of the time that he spoke with me I had been in tears about the incident with Mr. Sulton. And there had been a couple of times where he says quite honestly when either himself or individuals from his office had come by to speak with me, I had expressed some things that Mr. Madsen or his staff needed to report to the jail. Which in turn ended up with me being put on suicide watch, which is apparently not a pleasant thing and I had been very upset about that. Madsen said that he kind of felt the duty for my safety. And

that he realized I had a tremendous amount of remorse for what happened.

Mr. Madsen indicated (App. 146,II.2-25) that I had initially informed him of my going into Three Rivers and also Insights treatment facilities. (App.154,II.19-24) Madsen discussed different options , in terms of benefits and drawbacks of going to trial versus pleading. Madsen was asked if he thought that I understood that discussion we were having. His response was (I appeared to understand). Was he not really sure if I firmly understood or not?

FACTS/ BACKGROUND

On April 7, 2009 two indictments were handed down in the Court of General Sessions Lexington, South Carolina before The Honorable R. Knox McMahon, presiding Judge for the Defendant Jason D Parker.

The first indictment, 2010-GS-32-01135 reads that on or about August 6, 2009 Jason D Parker did in Lexington, South Carolina kill one Jonathan Sulton without malice, expressed, or implied, in a sudden heat of passion and upon sufficient legal provocation, kill the victim Jonathan Sulton, by strangling him to death during the course of a physical altercation between the two men in violation of 16-3-50 Code of Laws of South Carolina. The Defendant Jason Parker understood that this indictment was for voluntary manslaughter for which he could receive a sentence of up to 30 years. The Defendant pled guilty. APP.4,II.14-18.

The second indictment, 2010-GS-32-01144 reads that Jason D Parker did in Lexington, South Carolina on or about August 6, 2009, knowingly and willfully and without proper legal authority, destroy or damage the remains of a deceased human being and /or desecrate human remains, to wit, the Defendant, Jason Parker, after killing the victim Jonathan Sulton.APP.10,II.7-15

That the Defendant, Jason Parker, after killing the victim, Jonathan Sulton, did pour gasoline over the remains of Jonathan Sulton and set his remains on fire in violation of 16-17-600 (a) of the Code of Laws of South Carolina as amended. The Defendant understood that this indictment for destruction or desecration of human remains for which you can receive a sentence of not less than one, no more than ten years and/or a fine of \$5000.00. Defendant replied that he understood the sentencing and pled guilty. APP.10,II.19-25- APP. 11.II.3.

There were plea negotiations per the Solicitor David Graham. The Solicitor reduced the original charge of murder down to voluntary manslaughter.

On Friday April 9, 2010 I was transported the Kirkland Correctional Insitution R&E, which is a 24 hour lockdown facility allowing only time out to eat and possibly shower. We do not get phone priviledges and are only given 2 envelopes to use per month. So at this time I was unable to contact Mr. Madsen.

I wanted to get some information and find out what I needed to do to file my appeal, but since this was over a weekend and it takes time to be processed into the system and get settled in I was not able to get the information that I needed. App.109, II.2-10.

On Saturday April 10, 2010 I wrote a request to a Mr. Boatman who is in the Law Library requesting help and information on how to begin the appeal process. (App. 165) His reply was that he would visit me.

Once I completed this form I wrote a letter to the Clerk of Court's office to find out if an appeal or anything else had been filed. I received a letter by return mail that nothing was on record.

Mr. Boatman never responded to my request to see me. Instead he sent one of the legal clerks (which is an inmate) to come talk to me. He said that ten days was the limit on time for getting the appeal in and that I should file a PCR which would be just as quick.APP.113,II.

The next form I filled out was on April 18, 2010. I dropped it in the mailbox on the way to the cafeteria. A Couple of days later the clerk came back to see me. By this time days had gone by and the date was April 26, 2010 on the request. I found out later that Mr.Boatman was on vacation. App.114,II. 12-16.

App.114, II. 12-25, 115,II. 1-19. I filled out another request form and sent it in. I was not filing an appeal just asking for help in making the appeal. I could not call Madsen or anyone else because as I said before we were on lockdown and you are unable to make calls.

I did not waive my right to the appeal. I tried the best that I could with the limited resources that I had at my disposal.

CONCLUSION:

In closing I would like to say that I did not waive my right to an appeal. I was in a lockdown facility with limited resources and no access to true legal advice. I did the best that I could under the circumstances. Communication to the outside while in R&E is extremely difficult.

I feel that Mr. Madsen should have gotten me a mental evaluation before my plea bargain. He showed concern for my safety while in the Lexington County Detention Center by calling the jail and me being put on suicide watch. Why did he not continue and see if I was competent to go to court and handle a trial and plea bargain.

I think more emphasis should have been placed on the discovery process, investigative areas, and expert testimony.

I appreciate your time in this matter.

Jason D Parker

What ended up happening is over a period of time with their relationship, there ended up being kind of a breach of trust of a car that was investigated against John John.

John John had told him it was basically a crack rental from an individual. Jason in the end actually talked with the lady and took the car back to her. She says it was more that someone else had stolen the car from her, but he ended up taking the car back to her.

What happened is Mr. Sulton didn't have a place to stay. So with the fact that Ms. Williams and Mr. Parker had a place to stay, he asked if he could kind of park the car out in their yard and just sleep in the car.

Page 55 (54) Line 5-

They discussed it among themselves and said he could come in and sleep on the couch. So he was kind of staying on and off at their residence sleeping on the couch for a period of time. They had known him, two or three months prior to all this happening.

At some point in time, there ended up being a dispute earlier in the day that kind of started in the house and ended up going outside between Mr. Sulton and a fellow by the name of Cap and another individual that Jason tells me was a large fellow and said was from Batesburg and played football out there.

From what Jason understood, it was over Mr. Sulton owing them some money for some drugs. Given the fact that Cap owed Jonathan some money.

He said that Mr. Sulton had tried to get the money that they owed him. They talked about \$ 40.00. Jason, tells me it was more like they owed Mr. Sulton about \$180.00 for crack cocaine. That is actually borne out in the discovery from the investigators.

Prestigiacom, from his investigation apparently Mr. Sulton had told some other people that he was kind of sore that they had owed him some money. He tells me on that night after that dispute ended up happening, there was a fellow there who was a preacher by the name of Mr. Jafari.

Jason and this Jafari fellow ended under leaving and going to a convenience store while that argument was taking place. When Jason got back, he came in the back door and saw Mr. Sulton at the couch, didn't have a shirt on, that Ms. Williams was underneath him.

As soon as he came in there, she kind of rushed out. His thing was What in the world is going on? Apparently once she ended up leaving the room, the argument between these two individual's ended up escalating.

He tells me that Mr. Sulton ended up having a knife. They started wrestling around. He was bale to get the knife away from him. I believe hit him with a book. But when they were struggling around, ne ended up getting a cord and wrapping it around Mr. Sulton's neck.

He says at some point n time, Mr. Sulton quit struggling. It wasn't his intent obviously to kill him. He said there was blood coming out of his mouth and he was dead.

Page 61 (60)

Mr. Madsen: Judge, we appreciate the offer from the solicitor's office. Our thoughts were that if we were to have gone to trial, they would have found him guilty of what he is pleading guilty for.

Page 54 (53) lines 10-20)

Mr. Sulton did not have a place to stay . So with the fact that MS. Williams and Mr. Parker had a place to stay, he asked it he could kind of park that car in their yard and just sleep in the car.

The South Carolina Court of Appeals

Jason D. Parker, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-210672

ORDER

This matter is before the Court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief.

Petitioner's counsel asserts that the petition is without merit and requests permission to withdraw from further representation. Petitioner has filed a pro se petition.

After careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition and grant counsel's request to withdraw.

Thomas C. Hoff

J.

Paul E. Stout, Jr.

J.

A. K.

J.

Columbia, South Carolina

cc: LaNelle Cantey DuRant, Esquire

FILED

10/8/14 *JA*

John Walter Whitmire, Esquire
Alan McCrory Wilson, Esquire
Jason D. Parker, 00328223



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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October 08, 2014

Jason D. Parker, 00328223
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Jason D. Parker v. State
Appellate Case No. 2012-210672

Dear Mr. Parker:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: LaNelle Cantey DuRant, Esquire
John Walter Whitmire, Esquire
Alan McCrory Wilson, Esquire
The Honorable William P. Keesley



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

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October 27, 2014

The Honorable Beth Carrigg
205 E Main St Ste 146
Lexington SC 29072-3557

REMITTITUR

Re: Jason D. Parker v. State
Lower Court Case No. 2010CP3202626
Appellate Case No. 2012-210672

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours, -


CLERK

Enclosure

cc: LaNelle Cantey DuRant, Esquire
John Walter Whitmire, Esquire
Alan McCrory Wilson, Esquire
Jason D. Parker, 00328223
The Honorable William P. Keesley