

RECEIVED

Lara M. Caudy
Division of Appellate Defense
1330 Lady Street Suite 401
Columbia, SC 29210-3332

OCT 14 2016

S.C. SUPREME COURT

RE: Evidence of an unsworn Jury Panel,
The State VS. William Gregg 111, Case
NO: 2007-GS-43-796

With response to your September 14, 2016 letter, regarding that new information, cannot be brought to the Cour't attention at this point. The Supreme Court has held that failure to note a jurisdictional deficiency prior to an appeal, and like-wise, it is well established that jurisdiction cannot be waived or considered as procedurally barred, Brown VS. State, 345 S.C. 342, 34-47, 540 S.E. 2d 846. 849 (S.C. 2001). ("Since subject matter jurisdiction is an issue which is fundamental and may be raised at any time, See Anderson VS. Anderson, 299 S.C. 110. 115. 382 S.E. 2d 897. 900 (S.C 1989)").

It is my responsibility and is supported by comity mandated by the U.S. Constitution 14th Amendment, as well as this Constitution Article 1 & 3. As a matter of Law, that's when the Jury is empaneled and sworn, a rule that reflects and protects the Defendant interest in retaining a chosen Jury is an integral part of the Fifth Amendment, Crist VS. Bretz, 437 U.S. 28 98 S.ct., 2156.

However, this correspondence is not for the purpose for mere conduit, thus to avoid the prohibitions against Hybrid representation, See Jones VS. State, 348 S.C. 13 S.E. 2d 517 (2002).

AS provided by the record the Jury had entered the Courtroom at 2:20 pm.; See the excerpt of transcript for the afternoon of 7/29/08, Page 4,


Ln. 24; Page 5, Lns. 1-4. The record reflects clearly that the Jury had not
been sworn, See (Exhibit A.).

The P.C.R. Court made reference to the trial transcript of record,
thus noted it's page enumeration. See (Exhibit B.), Page 58, Lns. 8-13.

PLEASE CONSIDER THIS VITAL FACTOR:


SWORN AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF October 2016


NOTARY PUBLIC FOR SC

MY COMMISSION EXPIRES: 9/16/2020

Respectfully Submitted,

 #274507

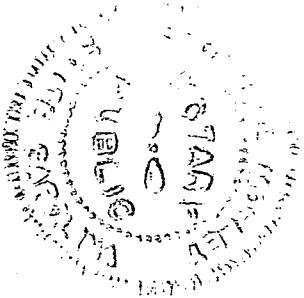
William Gregg 111, #274507

BRCI Mlt. / Unit

4460 Broad River Rd.

Columbia, SC 29210

(2 of 3)



THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

2015-CP-4302446

William Gregg 111, #274507,

Petitioner,

VS.

The State of South Carolina,

Respondents,

APPELLATE CASE NO: 2016-000892

ATTACHMENTS

(Exhibit C.) The initial Commencement of the trial transcript of record held July 28-30, 2008, Case NO: 2007-GS-43-796;

(Exhibit A.) Excerpt of transcript for the afternoon of 7/29/08, Case NO: 2007-GS-43-796;

(Exhibit B.) Designated portion of the transcript of record within the Court of Common Pleas, Case NO: 08-CP-43-2479.

The above named Petitioner certify that the above listed exhibits has been forward with the correspondence to Lara M. Caudy Esq., Title RE: Evidence of an Unsworn jury panel. The State VS. William Gregg 111, Case NO: 2007-GS-43-796.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 11 DAY OF October 2016

NOTARY PUBLIC FOR SC

MY COMMISSION EXPIRES: 9/16/2024

Respectfully Submitted,

William Gregg X274507

William Gregg 111, #274507

BRCI Mlt. / Unit

4460 Broad River Rd.

Columbia, SC 29210

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF SUMTER) 2007-GS-43-796

State of SC,)
) PLAINTIFF)
 vs.) TRANSCRIPT OF RECORD)
)
William Gregg, III)
) DEFENDANT)

July 28-30, 2008
Sumter, South Carolina

B E F O R E:

THE HONORABLE R FERRELL COTHRAN, JR., JUDGE; and
a jury.

A P P E A R A N C E S:

HARRY CONNER, ASSISTANT SOLICITOR
Attorney for the Plaintiff

CHRISTOPHER HART, ESQUIRE
Attorney for the Defendant

Kathleen Richardson, RPR, CRR
Official Court Reporter

INDEX OF WITNESSES

DARRELL HERRIOTT

Direct By Mr. Conner	72
Cross By Mr. Hart	84
Redirect By Mr. Conner	100
Recross By Mr. Hart	102
Redirect By Mr. Conner	102

RICK NELSON

Direct By Mr. Conner	111
Cross By Mr. Hart	117
Redirect By Mr. Conner	122

JAMES TURNER

Direct By Mr. Conner	129
Cross By Mr. Hart	148
Redirect By Mr. Conner	207
Recross By Mr. Hart	213

WILLIAM GREGG

TERRANCE COLCLOUGH

Direct By Mr. Conner	220
Cross By Mr. Hart	228
Redirect By Mr. Conner	240

PAMELA FRANKLIN JONES

Direct By Mr. Conner	243
Cross By Mr. Hart	256
Redirect By Mr. Conner	280

Recross By Mr. Hart 282

LILLIAN KOEIMAN

Direct By Mr. Hart 287

SHERRILL WILLIAMS

Direct By Mr. Hart 293

Cross By Mr. Conner 304

Redirect By Mr. Hart 313

Opening Statement by Mr. Conner 60

Opening Statement by Mr. Hart 66

Closing Statement by Mr. Hart 318

Closing Statement by Mr. Conner 348

Jury Charge 365

Verdict 383

Sentencing 388

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
S-1	diagram	38, 51	54
S-2	photo	38, 51	54
S-3	photo	38, 51	54
S-4	photo	38, 51	54
S-5	photo	38, 51	54
S-6	photo	38, 51	54
S-7	photo	38, 51	54
S-8	photo	38, 51	54

S-9	photo	38, 51	54
S-10	photo	38, 51	54
S-11	bullet fragments	51	54
S-11a	inside package		
S-12	bullet fragments	51	54
S-13	piece of wall	51	54
S-13a	inside package		
S-14	GSR kit	51	54
S-15	baseball hat	51	54
S-16	**** withdrawn ****		
S-17	letters, etc.	51	
S-18	big calendar		207
S-19	photo		211
S-20	photo		212
S-21	photo		212
S-22	photo		
S-23	photo		
S-24	incident report	241	
D-1	photo	98	
D-2	photo	193	
D-3	photo		
D-4	photo		
D-5	photo		
D-6	photo	220	
D-7	statement	220	

1 THE COURT: All right. I understand we have
2 some motions.

3 MR. HART: That is correct, Your Honor. Your
4 Honor, Chris Hart representing Mr. William Gregg. As
5 you know, before you, Your Honor, you have an
6 indictment with count one of murder, count two,
7 possession of a firearm during a crime of violence,
8 and count three, possession with intent to distribute
9 heroin.

10 At this moment, Your Honor, we make a motion to
11 sever the charges of count two and count three from
12 the indictment and would respectfully ask the Court
13 to move forward today on count one, which is the
14 murder count.

15 And specifically, Your Honor, we make our motion
16 based off of several reasons. In reference to count
17 three, one of -- skip that count three, Your Honor.
18 Count three, on or about November 2nd I believe there
19 was a quantity of heroin that was found in a
20 residence which the police believed that Mr. Gregg
21 lived in and they believed that Mr. Gregg possessed.

22 However, this murder happened on November 1st of
23 2003, a day before they went and searched the house.
24 It's our position that count one has absolutely
25 nothing to do with count three.

1 Specifically, Your Honor, it says under State v
2 Tucker which is 324 SC 155, it's a 1996 case, Your
3 Honor, says criminal charges can be tried together
4 when they arise out of a single chain of
5 circumstances.

6 In this particular case, Your Honor, there is no
7 single chain of circumstances. Also secondly, Your
8 Honor, State v Tucker, it says where the counts can
9 be proved by the same evidence and they are of the
10 same general nature.

11 As you can see, Your Honor, it would take a
12 completely different set of facts to prove the drug
13 charges of the heroin as opposed to the murder.
14 None -- neither one of them has nothing to do with
15 the other, Your Honor. In addition, they are not of
16 the same general nature.

17 Secondly, Your Honor, it says where the offenses
18 charge, separate indictments of the same general
19 nature involved, connected transaction closely
20 related in time, place, and character, the trial
21 Judge has discretionary power to order indictments
22 tried together if the defendant's subsequent rights
23 would not be prejudiced.

24 We believe, Your Honor, under rule 404B that his
25 rights will be prejudiced, Your Honor. We believe

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I N D E X

WITNESS/DESCRIPTION PAGE NO.

EXCERPT OF TRANSCRIPT FOR THE AFTERNOON OF 7/29/08

RAY MACKESSY

DIRECT CROSS REDIRECT RECROSS

MR. CONNER 5

MR. HART 14

DUSTIN SMITH

MR. CONNOR 29 36

MR. HART 35

ILA SIMMONS

MR. CONNOR 37

MR. HART 42

JANICE ROSS

MR. CONNER 46

KENNETH WHITLER

MR. CONNER 51 63

MR. HART 58

KENDRICK MILLER

MR. CONNER 66 92

MR. HART 76

CERTIFICATE PAGE 99

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
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NO. DESCRIPTION I.D. EVID

EXHIBITS MARKED DURING PRIOR COURT SESSION

S-1 THROUGH 21

D-1 FOR ID ONLY

D-2 FOR ID ONLY

EXHIBITS MARKED DURING THIS PORTION OF TRIAL

S-22	PHOTOGRAPH		7
S-23	PHOTOGRAPH		7
S-11A	INTERIOR PACKAGE FOR S-11		58
S-13A	INTERIOR PACKAGE FOR S-13		58
D-1	PHOTOGRAPH		23
D-3	PHOTOGRAPH	25	26
D-4	PHOTOGRAPH		27
D-5	PHOTOGRAPH		28

1 (EXCERPT OF TRIAL)

2 (On the record at 2:18 p.m.)

3 THE COURT: As far as the witness issue is concerned,
4 I -- my understanding, he was subpoenaed by the State. The
5 State wants to be relieved of that subpoena at this time;
6 is that -- is that correct?

7 MR. CONNER: That's correct, Your Honor.

8 THE COURT: Okay. Then -- then I find the State has
9 the right to be relieved from that subpoena. Now
10 obviously, if defense counsel wants to subpoena, you have
11 that option. Right?

12 MR. HART: Yes, sir.

13 THE COURT: Okay. But he's released at this point
14 from the State's subpoena. So, the State is under no
15 further obligation from it, and it's up to you however you
16 want to proceed on that.

17 MR. HART: Yes, sir.

18 THE COURT: Okay. Anything before we bring the jury
19 in?

20 (No audible response from either counselor.)

21 THE COURT: From either side? Anything?

22 MR. HART: Nothing from us, Your Honor.

23 THE COURT: All right. Bring us the jury.

24 MR. CONNER: Nothing from the State.

25 (The jury enters the courtroom at 2:20 p.m.)

1 BAILIFF: Your Honor, we have all the jurors and
2 alternate present in the courtroom.

3 THE COURT: Thank you, sir. Mr. Solicitor, you may
4 call your next witness.

5 (Sotto voce discussion between Mr. Conner and Mr. Hart.)

6 MR. CONNER: May it please the Court?

7 THE COURT: Yes, sir.

8 MR. CONNER: I understand that the defendant, or the
9 defense counsel, will stipulate that all the evidence that
10 was submitted to the SLED laboratories were taken to the
11 SLED laboratories from the Sumter -- I believe it's the
12 Sumter County Sheriff's Office evidence room by Ms. Cindy
13 Pearson. And there would be no question in regards to the
14 chain of evidence on that.

15 THE COURT: Is that correct, Mr. Hart?

16 MR. HART: That's correct, Your Honor.

17 THE COURT: Okay. The stipulation is in the record
18 and the chain of evidence is stipulated to.

19 MR. CONNER: And at this time, Your Honor, I'd call
20 Ray Mackessy, with the Sumter County Sheriff's Office.

21 THE COURT: All right.

22 **RAY MACKESSY**, having been first
23 duly sworn and seated, testifies as follows:

24 **DIRECTION EXAMINATION BY MR. CONNER:**

25 Q Would you state your full name and spell your last for

~~STATE OF SOUTH CAROLINA)~~

COUNTY OF SUMTER)

COURT OF COMMON PLEAS

WILLIAM GREGG)
274507

PETITIONER,)

v.)

TRANSCRIPT OF RECORD
08-CP-43-2479

STATE OF SOUTH CAROLINA,)

RESPONDENT.)

December 17, 2014
Sumter, South Carolina

B E F O R E :

THE HONORABLE J. CORDELL MADDOX, JR., JUDGE

A P P E A R A N C E S:

JOHN S. KEFFER, ESQ.
Attorney for the Petitioner

DANIEL GOURLEY, ESQ.
Attorney for Respondent

FRANCES B. RAY, RPR
Circuit Court Reporter

INDEX

	Page
Background of the case	3
William Gregg:	
Direct examination	4
Cross-examination	9
Rebuttal examination	56
Christopher Hart:	
Direct examination	38
Cross-examination	49

EXHIBITS

RESPONDENT'S:

No.	Description	I.D./EVD.
1	Letter	39/39

1 don't have it.

2 MR. KEFFER: Please answer any questions
3 the State would have.

4 MR. GOURLEY: I don't have any further
5 questions, Your Honor.

6 MR. KEFFER: Nothing further, Your Honor.

7 THE COURT: Okay, you can step down.

8 All right, what I'm gonna do, obviously I
9 didn't have the 100, or 99 pages. I will take it
10 under advisement, read through all this transcript
11 which is going to be about 500 pages and let you
12 know something as soon as I can get through it all,
13 okay.

14

15 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *

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1 no idea who Darryl Herriot is?

2 A At the time I didn't know who they was.

3 Q Well, when did you know who he was? When did you
4 figure out who he was?

5 A The day that they came to the trial and pointed
6 the finger at me and alleged that I did this.

7 Q Well, how did your lawyer figure out that Darryl
8 Herriot had a baby, woman that you had a baby with,
9 how did he know about it?

10 A The testimony.

11 Q I'm sorry?

12 A I don't know, through testimony.

13 Q Okay. Did you review any material from the
14 private investigator that was hired by Mr. Hart?
15 Mr. Hart testified he hired a private investigator
16 and took pictures. Were you able to review any of
17 that material?

18 A No, I didn't.

19 Q You never had any conversations with Mr. Hart
20 about that?

21 A No.

22 MR. KEFFER: Your Honor, I don't have any
23 other questions.

24 THE WITNESS: I still to this day I
25 haven't received anything in Mr. Hart's file; I

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

2015-CP-4302446

RECEIVED

OCT 14 2016

S.C. SUPREME COURT
Petitioner,

William Gregg 111, #274507,

VS.

The State of South Carolina,

Respondents,

APPELLATE CASE NO: 2016-000892

CERTIFICATE OF SERVICE

I the above named Petitioner hereby certify that I had forward a correspondent titled, RE: Evidence of an unsworn Jury panel, The State v. William Gregg 111, Case NO: 2007-GS-43796 on the 11 day of Oct, 2016, to Lara M. Caudy addressed at: Division of Appellate Defense 1330 Lady Street, Suite 401, Columbia, SC 29201-3332; And below listed parties have been served the same.

SWORN AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF October 2016

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 8/16/2020

Daniel Francis Gourley 11 Esq.

P.O. Box 11549

Columbia, SC 29211-1549

Respectfully Submitted,

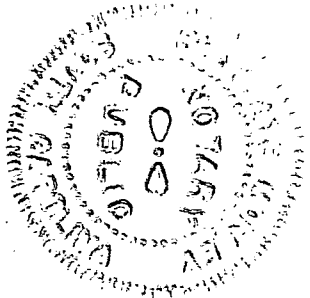
William Gregg #274507

William Gregg 111, #274507

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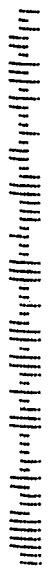
Mr. William (Lobby) X 274507
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Columbia S.C. 29210



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

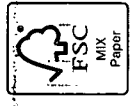
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