

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

FEB 23 2017

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Letitia H. Verdin, Circuit Court Judge
Case No. 2013-CP-23-04178

Anthony Maurice Lounds

Appellant

V

STATE OF South Carolina

Respondent

NOTICE OF APPEAL

Appellant appeals the Honorable Letitia H. Verdin's Dismissal dismissing Appellants' Rule 60(b) motion, AFTER DISCOVERED EVIDENCE. On ~~NOVEMBER 30~~, 2016, The Honorable Letitia H. Verdin signed an order Denying Applicants 60(b) AFTER DISCOVERED EVIDENCE motion. Appellant received written notice of entry of Denial on FEBRUARY 8, 2017. A copy of the Honorable Letitia H. Verdin's Denial and a copy of Appellant's motion is attached.

ANTHONY MAURICE LOUNDS #227456
McCORMICK CORR. INST. F2B-125
386 Redemption Way
McCORMICK, SC. 29899.

McCORMICK, South Carolina
February 16, 2017

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

CASE No. 2013-CP-23-041

RECEIVED

FEB 23 2017

Appellant

S.C. SUPREME COURT

Anthony Maurice Lounds

V

STATE OF South Carolina

Respondent

CERTIFICATE OF SERVICE

I, ANTHONY MAURICE LOUNDS #227456 do hereby certify that on this February 16, 2017, I served upon the below named individuals copies of the NOTICE OF APPEAL by depositing copies of the same via U.S. mail in an envelope addressed as set forth herein below.

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

Greenville County
Clerk of Court
Greenville County Courthouse
305 EAST NORTH STREET
Greenville, SC 29605

Karen C. Radigan
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-11549

ANTHONY MAURICE LOUNDS #227456

February 16, 2017

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS	
)		
COUNTY OF GREENVILLE)	FOR THE THIRTEENTH JUDICIAL CIRCUIT	
)		
Anthony Maurice Lounds,)	C.A. No. 2015-CP-23-4911	
S.C.D.C. No. 227456,)		
)		
Applicant,)		
)		
v.)	FINAL ORDER	
)		
State of South Carolina,)		
)	ENTERED COMPUTER	
)		
Respondent.)		

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSIMMER
 2016 SEP 26 PM 2 49

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed August 7, 2015, and amended October 13, 2015. The State made its Return and Motion to Dismiss requesting that the Application be summarily dismissed on or about February 26, 2016.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, a Conditional Order of Dismissal was signed by the Honorable Robin B. Stilwell on March 8, 2016, and filed on March 9, 2016, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated March 24, 2016, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

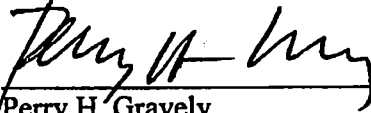
In a document captioned "Applicant's Responds to Conditional Order of Dismissal," filed March 21, 2016, Applicant argues his failure to file within the time period mandated by the statute of limitations should be excused pursuant to S.C. Code § 17-27-45(C) (hereinafter, "the Discovery Rule"). Applicant has failed to present sufficient reasons why the Conditional Order

of Dismissal should not become final. In order for the Discovery Rule to apply, the new evidence presented must be material. The court found in its Conditional Order that the "new evidence" offered by Applicant was not material to the issue of guilt or innocence, and probably would not change the result of a new trial if had.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within 30 days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR., for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 7th day of Sept, 2016.



Perry H. Gravely
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville, South Carolina.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO: 2015CP2304911

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2015 SEP 26 PM 2 41

Anthony Maurice Lounds vs. South Carolina State Of

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a),
SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy:
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:
Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE - Perry H Gravely

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

Anthony Maurice Lounds McCormick Correctional
Institute 430 Oaklawn Rd Pelzer, SC 29669

Patrick Schmeckpeper PO Box 11549 Columbia,
SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court
- Clerk of Court

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF GREENVILLE
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2013 CP 2304178

RECEIVED
 FEB 23 2017
 S.C. SUPREME COURT
 FILED IN THE COURT OF COMMON PLEAS
 COUNTY OF GREENVILLE
 GREENVILLE, S.C.
 11:00 AM
 2017

Anthony Maurice Lounds
 State of South Carolina

PLAINTIFF(S) DEFENDANT(S)

Submitted by: Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court: Court denies the Rule 60(b) motion made by Anthony Maurice Lounds.

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


 Circuit Court Judge

2162 Judge Code
 11/30/2016 Date

For Clerk of Court Office Use Only

12-7-16

12-7-16

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on, to attorneys of record or to parties (when appearing pro se) as follows:

R. Mills Ariail, Jr. 11 North Irvine Street, Suite 11,
Greenville, SC 29601

Karen Christine Ratigan PO Box 11549, Columbia, SC
29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer

Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court

Court Reporter

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

ANTHONY M. LOUNDS

Vs.

THE STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

RECEIVED CASE NO: 2013-CP-2304178

FEB 23 2017

S.C. SUPREME COURT

FRAUD UPON THE COURT

Fed R. Civ. P. 60(b)

AFTER DISCOVERED EVIDENCE

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL WICKENS
2016 NOV 17 12 08

More over not only does this court possess the inherent Authority to consider such Fraud The court has a duty to consider whether there's been A Fraud on the court, and if so to order an appropriate remedy when ever such fraud comes to the courts attention, even fully. "Fraud on the court" may occur when acts of party prevent his adversary from fully and fairly presenting his case or defense. EVEN Fully litigated judgement can be set aside on grounds of fraud, atleast by making civil motion in the original forum.

- FRAUD on the court must involve unconscionable plan or scheme which is designed to improperly influence court in its decision, preventing opposing party from fully fairly presenting his case. DUE PROCESS, Violation of U.S. Constitution, and South Carolina Laws.

Subornation of perjury by an attorney constitute EXTRINSIC FRAUD and allows a judgement to be set aside due to fraud upon the court as such conduct by an attorney effectively precludes the opposing party from having his day in court. It is fraud which misleads a court in determining issues and induces the court to find for the party perpetrating the fraud. These actions committed by an attorney an officer of the court constitute fraud upon the court and voids the whole proceeding. Applicant's case was life without parole such serious, and grave consequences.

STATEMENT OF CASE

Applicant was indicted by The Greenville County Grand Jury in the November 2010 term of General Sessions for armed robbery (2009-GS-23-10155 Count 1) and possession of a weapon during the commission of a violent crime (2009-GS-10155 Count 2). Scott D. Robinson, Esquire represented the Applicant. STATE brought the case to trial on July 12, 13, 2011. Applicant was found guilty on July 13, 2011 the Honorable C. Victor Pyle, Jr. sentenced the Applicant to Life without parole for the armed robbery and five years concurrent for possession of a weapon during the commission of a violent crime. The Applicant filed a notice of appeal in the South Carolina Court of Appeals Susan B. Hackett, Esquire of the South Carolina Commission on Indigent Defense, perfected the appeal. The Court of Appeals affirmed the Applicant's convictions and sentence State v. Lounds, Op. No. 2013-up-289 (S.C. Ct. App. June 26 2013) Applicant filed PCR with Greenville County Clerk of Court on August 2, 2013. A hearing was held on October 21, 2014 at the Greenville County Court house before the Honorable Letitia W. Verdin. R. Mills ARIALL, JR represented the Applicant, Karen Ratigan Esq. of the Attorney General's office represented Scott D. Robinson. In Applicant's Application for post-conviction relief, the Applicant alleged he is being held in custody unlawfully for the following reason:

1. Ineffective assistance of trial counsel: SEE PCR FILED WITH CLERK. The courts presume counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." The Applicant must overcome this presumption in order to receive relief.

Applicant testified at the PCR hearing, and also testifying was Brigham Young, Zeldric Sharneng Vance, and Janet Lounds. Applicant testified he disclosed the existence of a witness whom would have proven the Applicants innocence, and trial counsel failed to investigate and call witnesses. Trial Counsel testified at the PCR hearing he was assigned this case in the later part of December 2010, and just had learned on the day of the PCR that NIHAR PATEL, Esq. was the attorney on the case before it was assigned to him. NIHAR PATEL Esq. was relieved on December 8, 2010 due to conflict. Applicant testified he seen investigator from Scott Robinson law firm on December 31, 2010 and seen the investigator again on March 24, 2011 along with solicitor George Campbell at that time the Applicant was served with states notice to seek life without parole SEE EXHIBIT 2 Filed with clerk. Applicants sister Janet Lounds testified at PCR hearing, she informed trial counsel's investigator about witnesses whom would have proven Applicants innocence, she also testified she took witness to lawyers office. Trial counsel testified that he had investigator during the period of my trial, and stated PAUL SILVAGGIO was involved with the investigation of this case. SEE TESTIMONY OF TRIAL COUNSEL FROM PCR hearing Pg. 303-317. AFTER the PCR hearing Applicant contacted PAUL SILVAGGIO OF SILVAGGIO INVESTIGATIONS, LLC, regarding the testimony attorney Scott Robinson had provided to the court regarding the investigation of Applicants case. Paul Silvaggio informed the Applicant that his service with Scott Robinson's law firm was severed at the end of April 2011.

Paul Silvaggio Forwarded letter to Applicant's PCR Counsel whom heard testimony Scott Robinson had given before the court
SEE LETTER FROM PAUL SILVAGGIO DATED NOVEMBER 28, 2014

to Applicant's PCR Counsel Mr. R. Mills Ariail, Jr Applicant further communicated with Paul Silvaggio, as Paul Silvaggio requested copy of Applicant's discovery to see what aspects of Applicant's case he had actually investigated. Applicant forward copy of discovery to Paul Silvaggio Enclosed Please SEE
letter from Paul Silvaggio dated March 17, 2015. Trial

Counsel improperly influenced the court in making decision, furthermore Counsel prevented Applicant from fully and fairly presenting his case Due Process, Constitutional violation.

When your opposing lawyer lies or submits falsified documents, as he is an officer of the court, this amounts to fraud upon the court and voids the whole proceeding. In the order of dismissal issued by the Honorable Letitia H. Verdin on December 8, 2014, stated this court finds that the Applicant has not established any constitutional violations or deprivations before or during Applicant's trial and sentencing proceedings.

Counsel was not deficient and the Applicant was not prejudiced by Counsel's representation. Applicant submit a criminal defense attorney has a duty to conduct a reasonable investigation so that he may discover all reasonably available mitigation evidence as well as any reasonably available evidence tending to rebut evidence produced by the state McKnight v. State 661 S.E2d 354-361 (2008)

Trial Counsel knowingly provided court with perjured testimony as he knew Paul Silvaggio had severed his association with his law firm months before my trial. Applicant's trial was held July 12, 13 2011 while Paul Silvaggio's association ended April 2011. Applicant's testimony was that he seen Scott Robinson for the first time on July 10 just 2 days before trial, and Scott agreed by stating: "Sounds about accurate." Applicant's sister Janet Counds testified she informed Paul Silvaggio about witnesses whom would have proven Applicant's innocence. Applicant submits he never knew the association of Paul Silvaggio and attorney Scott Robinson had severed until after the PCR hearing. Applicant submits by the testimony of trial counsel stating "sound about accurate" regarding visiting with Applicant just 2 days before trial, what was trial counsel going to do had he given the names of Brigham Young & Zeldric Vance just 2 days before trial. Applicant submits this was not a case of over whelming evidence as jury sent note in during deliberations requesting police report alleged victim gave police on night of the alleged incident SEE TRIAL TRANSCRIPT. Had trial counsel communicated with him and adequately prepared for trial of such magnitude and grave consequence he could have found out about Brigham Young & Zeldric Vance whom testified at Applicant's PCR hearing.



SILVAGGIO INVESTIGATIONS, LLC
When a Strong Defense is NOT Negotiable

November 28, 2014

Mr. R. Mills Ariail, Jr., Attorney at Law
11 N. Irvine Street
Greenville, South Carolina 29601
Office# (864) 232-4883

Re: Your PCR Client – Anthony Maurice Lounds

Mills,

I have been recently contacted by your Post Conviction Relief client – Mr. Anthony Maurice Lounds regarding my involvement and / or lack of involvement in the defense investigation in the matter for which he is currently serving a life sentence.

Mr. Lounds has asked me to send you a copy of the two letters that I have authored and mailed to him; those being dated April 29th, 2012 and November 17th, 2014 for your review and retention for which I have enclosed. Please note that my involvement with the Scott D. Robinson Law Firm was severed at the end of April 2011 following a Murder trial in Oconee County. I will tell you that the reason for my severing association with the noted firm was due to the repeated anti-family comments made to me by Mr. Robinson; i.e. "next time I hire an investigator they aren't going to have a fuck'n family". Another example was that my young daughter had a musical performance at school one evening and I informed Mr. Robinson that I really needed to attend. Time went on during a trial in Oconee and I ultimately missed the performance as he required my presence during this trial. **The next day**, following my daughter's performance, he looked at me and said "well I won't need you for this part so why don't you leave and go to your daughter's performance". Now you can see why my relationship with the noted Firm was severed to say the least.

Your client did have a series of criminal charges pending and because I was working through the Law Office of Scott D. Robinson, all of my related files were turned back in to his office. I did not retain copies of any of those files, as again they were directly through his Firm and not through my investigative company.

After you review the enclosed letters, please feel free in calling upon me at (864) 569-8382. Email at: paul@silvaggioinvestigations.com and / or via the United States Postal Service at the address listed below.

Respectfully submitted,


Paul A. Silvaggio
Licensed Private Investigator [State of South Carolina]
GCSO – Homicide Supervisor [Retired]

Cc: File



SILVAGGIO INVESTIGATIONS, LLC
When a Strong Defense is NOT Negotiable

March 17, 2015

Mr. Anthony Maurice Lounds [Inmate# 227456]
 McCormick Correctional Institute F2 B-125
 386 Redemption Way
 McCormick, South Carolina 29899

Re: Documents you sent and now being returned to you

Anthony,

I respect your position in this matter and yes I will and always have told the truth. There is nothing in this world more important than ones name and integrity.

As to your sister –Janet Lounds, I never refrained from taking your calls nor her calls but I will not tolerate your sister’s disrespect with her loud and boisterous tone toward me. Your sister’s actions are not a reflection of you and I certainly do not hold you accountable for her actions.

The documents that you sent me and are enclosed with this letter are as follows:

-) Two page Letter from Anthony Maurice Lounds [Dated: February 25, 2015]
-) One page Report from the GCSO – MD Gladson [Dated: September 05, 2009]; 09-142228
-) One page Supplemental Report from the GCSO – DEP Leppard [Dated: October 01, 2009]; 09-142228
-) One page Warrant [I-343242] [Dated: September 29, 2009]; Armed Robbery
-) One page Information Sheet [Dated: September 17, 2009]; Forgery
-) Two page Letter to Attorney Nihar Patel from Assist Sol Campbell [Dated: November 30, 2010]
-) One page Warrant [I-343243] [Dated: September 29, 2009]; Weapons Possession
-) Two page Report from the GCSO – MD Gladson [Dated: September 05, 2009]; Armed Robbery
-) One page Signed Statement of Brian Workman [Dated: September 29, 2009]; 09-142228
-) One page Wanted Flyer of Anthony Maurice Lounds
-) One page depicting check # 1172 [Check Dated: September 06, 2009]; acct of Bryan Workman
-) Two page Supplemental Report of Investigator King [Dated: October 05, 2009]; 09-142228
-) One page Supplemental Report of Investigator King [Dated: September 24, 2009]; 09-142228
-) One page Incident Report of Investigator Martin [Dated: October 01, 2009]; 09-148908

After reviewing each of the documents noted above, I do not recall the incidents named. There is a very good likelihood that I did not perform a Defense Investigation as the ‘Staff Investigator’ and not as a contracted Private Investigator. This being a result of the fact that I did not retire from the Greenville County Sheriff’s Office until November of 2009 while the documents authored above are, in majority, dated prior to my retirement. I would have conflicted the above matters with your Attorney Scott Robinson, therefore I would not have worked the Defense Investigation.

Respectfully submitted

Paul A. Silvaggio
 Licensed Private Investigator [State of South Carolina]
 GCSO – Homicide Supervisor [Retired]

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Letitia H. Verdin, Circuit Court Judge

ANTHONY MAURICE LOUNDS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-000124

APPENDIX

WANDA H. CARTER
Deputy Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

KAREN RATIGAN
Senior Assistant Deputy Attorney General
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

1 Q Okay. Okay. And if Mr. Robinson had
2 contacted you, you would have testified at Mr.
3 Lounds' trial that this was a drug deal?

4 A I would have testified to what I just
5 testified to.

6 Q Okay. That it was a drug deal and not an
7 armed robbery?

8 A I would testify that he didn't rob him.

9 Q Okay.

10 A I guess you say drug deal.

11 Q Yes, sir. Okay.

12 MR. ARIAIL: Nothing further, Your Honor.

13 THE COURT: Sir, you can step down.

14 MR. ARIAIL: That is all we have, Your
15 Honor.

16 THE COURT: All right.

17 MS. RATIGAN: The State would call Mr.
18 Robinson, Your Honor.

19 THE COURT: All right.

20 THE CLERK: Mr. Robinson, place your left
21 hand on the Bible and raise your right hand.

22 SCOTT ROBINSON

23 having first been duly sworn, testifies as follows:

24 THE CLERK: Thank you. Please state your
25 full name for the record.

1 **THE WITNESS:** Scott David Robinson.

2 **THE CLERK:** Thank you.

3 **DIRECT EXAMINATION**

4 **BY MS. RATIGAN:**

5 **Q** Mr. Robinson, do you recall representing
6 Mr. Lounds on these charges?

7 **A** I do.

8 **Q** Mr. Lounds testified you were appointed in
9 December of 2010. Does that sound accurate?

10 **A** Yeah. The latter part of December of 2010.

11 **Q** Were you the first attorney on the case?

12 **A** I just heard that Mr. Patel was the
13 attorney before me.

14 **Q** Did you receive materials, discovery
15 materials from Mr. Patel or did you file your own
16 discovery motions?

17 **A** I would have normally filed my own
18 discovery motions.

19 **Q** Did you receive those materials from the
20 state?

21 **A** Yes, anything that they had they gave it to
22 me.

23 **Q** And did you have an investigator during
24 this period of time?

25 **A** I did.

1 Q And who was that?

2 A Paul Silvaggio.

3 Q Was he involved in your investigation of
4 this case?

5 A Yes.

6 Q Would you -- let me strike that. Did you
7 send a copy of discovery materials to Mr. Lounds?

8 A Yes. He would have probably had Mr.
9 Silvaggio go over them with him or bring them to him.
10 He may have had the discovery too that Mr. Patel had
11 given him as well.

12 Q So your testimony is your practice would
13 have been for the investigator to go over it?

14 A Yes.

15 Q Okay.

16 A Or myself.

17 Q Can you recall in this case whether you
18 went over it with Mr. Lounds or was it Mr. Silvaggio?

19 A I don't recall that. Paul is a very good
20 investigator. He would have wanted to go over it with
21 him possibly. But I'm not sure.

22 Q Was Mr. Lounds over at the detention
23 center?

24 A Yes.

25 Q Did you go visit him at the detention

1 center?

2 **A** I believe I did. I don't know when I
3 visited him. I would have visited him, I think. I
4 don't recall exactly when. My practice would be to
5 visit him.

6 **Q** Do you recall whether you had any meetings
7 with him in the courthouse?

8 **A** I would have probably had a meeting with
9 him at the courthouse at trial, during breaks or
10 whatever.

11 **Q** So what did you do in preparation for Mr.
12 Lounds case?

13 **A** Well, here's what we have. The situation
14 was that he was accused of going to a Motel 6 and
15 robbing a guy named Brian Workman and then going to
16 an Ingles with another gentleman and cashing checks.
17 Mr. Workman's testimony was inconsistent as far as
18 statements go. He gave different statements in this
19 case. I was going to draw out of him the
20 inconsistencies of the statement because I believe he
21 said Mr. Lounds, he could identify him and also about
22 a gun when there was no gunshot heard by anyone. The
23 strategy was to take apart the State's case and go
24 after that part of it. That's what I thought I would
25 do.

1 I couldn't put Mr. Lounds on the stand
2 because he had a pretty significant prior record for
3 burglaries, larcenies. He had actually been -- he
4 actually started serving time in different jail
5 things from 1995. He had about approximately 15
6 outstanding charges at the same time as this trial.

7 Q Mr. Lounds testified that you met with him
8 two or three days before the trial. Does that sound
9 accurate?

10 A Yeah, it does.

11 Q Do you recall whether or not you had
12 meetings with him prior to that?

13 A I can't recall independently when I would
14 have met with him. Either myself or Mr. Silvaggio
15 would have.

16 Q Does your file reflect that, uh, the name
17 of Brigham Young was ever given to either you or Mr.
18 Silvaggio prior to trial?

19 A I'm not sure about that. I don't know. I
20 am not sure that -- I know the day of trial there was
21 a guy named Brigham. Mr. Lounds --

22 THE COURT: Again, I'm going to ask you to
23 leave if you are not -- if you can't just sit
24 here quietly and listen, all right? I don't
25 need anybody to point anybody out to me. Thank

1 you.

2 Go ahead, Ms. Ratigan.

3 **BY MS. RATIGAN:**

4 **Q** So I believe you stated that there was a
5 gentleman named Brigham at the trial?

6 **A** At the trial, yes.

7 **Q** Had that name been given to you prior to
8 trial? Do you remember?

9 **A** I don't have any recollection of that. I
10 never met with Mr. Brigham Young. I don't even know
11 if Mr. Lounds knew his last name. I think when he
12 talked with the detectives and he pointed out that he
13 was in that video from Ingles, he indicated this
14 guy's name was Allen, not Brigham.

15 **Q** If he had given you the name of Brigham
16 Young, would you have asked your investigator to
17 follow up?

18 **A** Of course, yes.

19 **Q** Do you recall anyone in Mr. Lounds family
20 giving you any kind of information on witnesses?

21 **A** I don't have any recollection. I do know
22 we subpoenaed witnesses that Mr. Lounds asked us to.
23 I think the names of potential witnesses would have
24 been on page 8. We would have subpoenaed them in
25 this matter. But on the question of Mr. Brigham

1 Young, I mean, trying to portray this as a drug deal
2 versus a robbery in this kind of case, I don't know
3 if that would have been the best trial strategy.

4 Q Did Mr. Lounds tell you his version of what
5 happened that night? Do you recall?

6 A I don't recall exactly what he told me at
7 that time.

8 Q Did Mr. Lounds ever mention to you the
9 names of Anthony Watkins or Zeldric Vance that you
10 recall?

11 A Vance, no. Watkins was actually one of the
12 witnesses on our witness list that Judge Pyle read to
13 the jury and he was subpoenaed.

14 Q All right. And was Mr. Lounds served with
15 the LWOP notice?

16 A Yeah, that would have been some time in
17 early 2011.

18 Q So pretty soon after you came on the case,
19 he was served with the notice of intent to seek life
20 without parole?

21 A Yes.

22 Q Do you recall ever having received a plea
23 offer from the State while you represented Mr.
24 Lounds?

25 A I don't recall independently. I actually

1 took the precaution of calling Sloan Ellis. Sloan
2 Ellis did not recall any plea offer being made in
3 this matter.

4 Q Just for the record, Sloan Ellis is who?

5 A He was the assistant solicitor who
6 prosecuted the case with Mr. Campbell in this matter.
7 I don't believe -- I think Mr. Lounds -- whatever the
8 plea offer would have been, it would have been 15 or
9 so, approximately 15 charges that were outstanding at
10 that point. I can't imagine that plea offer would
11 have been something he would've taken.

12 Q But you don't have any independent
13 recollection that there was a plea offer?

14 A I don't. I don't believe there was.

15 Q As part of your general practice, what do
16 you do when you get a plea offer from the state?

17 A Take it to the client. That's why I think
18 that either myself or Mr. Silvaggio would have done
19 that. But I believe that -- if an offer actually did
20 take place, it would have been a very high, very
21 significant offer in this matter. I don't believe
22 Mr. Lounds would ever take it.

23 MS. RATIGAN: That's all I have, Your
24 Honor.

25 THE COURT: All right. Mr. Ariail?

1 **MR. ARIAIL:** Thank you, Your Honor. May it
2 please the Court.

3 **CROSS-EXAMINATION**

4 **BY MR. ARIAIL:**

5 **Q** Now, Mr. Robinson, just go back real quick.
6 You heard Mr. Young and Mr. Vance testify that no
7 armed robbery occurred, correct?

8 **A** That's what they said.

9 **Q** Okay. I don't understand. Did you receive
10 any calls from any family members about these
11 witnesses?

12 **A** That would have been -- I have a pretty
13 good memory as far as what I did last week. But as
14 far as something that happened two or three years, I
15 have no independent, I don't know. I would have
16 followed up on it typically. Either myself or Mr.
17 Silvaggio would have followed up on it.

18 **Q** Would you keep any notes in your file on
19 that?

20 **A** I normally would not. As I said, I had an
21 investigator at the time. He would've talked to
22 anyone that he was contacted about.

23 **Q** What do you have in your file, what do you
24 recall as far as any alibi or any type of defense in
25 this case?

1 A There was no person or there was no alibi
2 in this case.

3 Q Okay.

4 A He was there in the room. All of the
5 witnesses -- he admits he was there in the room. He
6 admits -- he admitted to the officer he was on the
7 tape at Ingles cashing these checks. He may not have
8 been the one to cash the checks but he was with a guy
9 that he said was Allen in the Ingles. The same
10 checks that were taken from Mr. Workman in this
11 matter. Mr. Workman also on the stand said that Mr.
12 Lounds was the person who robbed him that night and
13 he was about three feet away.

14 Q Okay. Now, when you reviewed all of this
15 with Mr. Workman, were there any other witnesses that
16 you had -- from my understanding of Mr. Young, there
17 were at least seven people in this room including the
18 victim. So did you see any of those or talk to any
19 of those individuals or have any --

20 A Mr. Lounds, anyone that he asked us to talk
21 to, he did not know the actual names of these folks.
22 They had street names. One of the persons that they
23 talked to was Al Capone.

24 Q Okay.

25 A I don't know if he knew -- he didn't know

1 who that was as far as like the real name of that
2 person, where they live, their telephone number or
3 anything of that nature.

4 Q When you talked to Mr. Young at trial, do
5 you remember what your discussion with him was and
6 what he was going to testify about?

7 A He would have -- he would have -- what I
8 told the judge. He would have testified that he was
9 there and they were not -- they were actually doing a
10 drug deal at that time with this individual. The guy
11 didn't give them any money so he got the checkbook
12 instead and went to Ingles.

13 Q Okay.

14 A That's what I believe he would have said.

15 Q Anthony Watkins, did he show up to trial?

16 A I don't know that. I know we sent
17 subpoenas. I don't know if he ever showed up at
18 trial.

19 Q Do you know who you subpoenaed for trial?

20 A I don't know independently. What I do
21 know, I can tell you by looking at the -- I am
22 speculating. I can look at the potential witnesses.
23 There would have been Randy Bryant, Anthony Watkins,
24 Alford Chandler. Those are the names he would have
25 given me.

1 Q Okay. The key -- what I am trying to get
2 and figure out is that apparently we have a case
3 where I have got two individuals now alleging that it
4 didn't happen, there was no robbery, there was a drug
5 deal. They are coming in here acknowledging there
6 was a drug deal. What did you do to go through to
7 figure out if this is truly an armed robbery or if
8 this was a drug deal like they were saying?

9 A On the one hand, we had the victim who said
10 that he was within three feet of Anthony Lounds and
11 he identified him in a six-person lineup as a person
12 who robbed him. That is what he said in this case.
13 He said that he had a gun. He also said that they
14 took, he and whoever, took the checkbook, either
15 robbed him of the checkbook, took the checkbook or
16 whatever and took it to Ingles where he cashed the
17 checks. He was on a videotape cashing the checks.
18 They have a gun, a black gun. I made a motion to
19 exclude that because it wasn't the same but it was a
20 black gun.

21 Q Okay.

22 A On the other hand, whether it is an armed
23 robbery or a drug deal where they are stealing the
24 checks, I am not really sure what the difference is
25 as far as in terms of how the jury perceives Mr.

1 Lounds. The victim says robbed him with a gun, hit
2 him in the head, took his checkbook and whatever
3 stuff he had and went to Ingles. That is what the
4 victim said.

5 Q I guess the question -- the reason I'm
6 asking these questions is if it is an armed robbery
7 which he is charged with rather than a drug deal,
8 that is a two separate wholly different issues,
9 correct?

10 A What you have is if it is a drug deal, if
11 during the drug deal -- I think Mr. Young just
12 testified to this. He said that the guy didn't have
13 cash. He said I want cash. He got a checkbook. He
14 got his ID. The jury could -- I don't think the jury
15 -- this is my own perception, but I think that a jury
16 could look at that as a robbery or someone taking
17 money from somebody. Whether I had a gun or not is
18 another issue. According to the victim, he had a
19 gun.

20 Q Right. These individuals, you heard them
21 testify. Nobody said there was any guns that were
22 involved in this.

23 A The victim says there was a gun.

24 Q Here is what I'm asking. If the alleged
25 victim has made this whole thing up, then wouldn't it

1 be sensible to try to run down some of these
2 witnesses who not only testify to what they testified
3 now but probably would throw in some more potential
4 impeachment information that you could use against
5 Mr. Workman?

6 A He has got to know the name of these
7 people. If he doesn't know the name of the people
8 and he can't tell me who these people are other than
9 Al Capone or Boochie or something like that, I have
10 no -- I nor my investigator know who these people
11 are.

12 Q So no one in his family or Mr. Lounds gave
13 you that information, I guess?

14 A If someone had given us this information,
15 Mr. Silvaggio especially, he would have run that
16 person down. If they knew the names, the addresses
17 and the telephone numbers of these people.

18 Q Did you discuss -- when you meet with him,
19 how many times did you meet with him personally or
20 talk about this case?

21 A I have no recollection. I'm not sure.

22 Q Did he have any questions or request you to
23 do anything from your recollection as to what --

24 A We went over the problems with the
25 statement that the victim gave in this case. The

1 victim gave several statements. We went over the
2 problem that -- anything he wanted to tell me, we
3 talked about as far as research, as far as what he
4 was wanting -- anytime you get life without parole
5 notice given to you, I'm sure it is extremely nerve-
6 racking. Anything he wanted to talk about, we talked
7 about or Mr. Silvaggio talked about.

8 **MR. ARIAIL:** Okay. I have no further
9 questions, Your Honor. Thank you.

10 **THE COURT:** Ms. Ratigan?

11 **MS. RATIGAN:** I have nothing further. The
12 state would rest, Your Honor.

13 **THE COURT:** All right. Sir, you can step
14 down.

15 **THE WITNESS:** Thank you, Judge.

16 **MS. RATIGAN:** We would also waive any
17 closings, Your Honor.

18 **THE COURT:** All right.

19 **MR. ARIAIL:** Your Honor, I just have one
20 reply witness if I could put up real quick. Ms.
21 Lounds, Janet Lounds.

22 **THE COURT:** All right.

23 **JANET LOUNDS**

24 having first been duly sworn, testifies as follows:

25 **THE CLERK:** Thank you. Please state your

CERTIFICATE

73

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Greenville, South Carolina, on this 15th day of April, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

Teresa B. Johnson

Official Court Reporter

THE STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS

Letitia W. Verdin Circuit Court Judge

Case No. 2013-CP-23-04178

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ANTHONY M. LOUNDS

V.

Applicant

STATE OF SOUTH CAROLINA
Respondent

CERTIFICATE OF SERVICE

I, ANTHONY LOUNDS do hereby certify that on this November 8, 2016, I served upon the below named individuals copies of the FRAUD UPON THE COURT. By depositing copies of the same via U.S. mail in an envelope addressed as set forth below. CLERK PLEASE FILE IN YOUR OFFICE, AND RETURN CLOCKED STAMPED COPY TO ADDRESSEE.

GREENVILLE COUNTY CLERK'S OFFICE
GREENVILLE COUNTY COURTHOUSE
305 EAST NORTH STREET
GREENVILLE, SC 29601

ALAN WILSON
ATTORNEY GENERAL
P.O. BOX 11549
Columbia, SC 29211

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FEB 23 2017

S.C. SUPREME COURT

ANTHONY LOUNDS

ANTHONY M. LOUNDS #227486

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366 Redemption Way
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