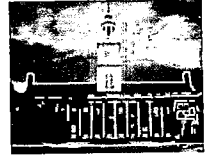




Marlboro County Fourth Judicial Circuit Public Index



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Switch View

Lee Ellerbee VS State of South Carolina

Case Number:	2014CP3400215	Court Agency:	Common Pleas	Filed Date:	08/18/2014
Case Type:	Common Pleas	Case Sub Type:	Post Convict Rel 500	File Type:	Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Dismissed per Rule 41(a)	Disposition Date:	03/15/2017	Disposition Judge:	Henderson, Roger E.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

[Case Parties](#)
[Judgments](#)
[Tax Map Information](#)
[Associated Cases](#)
[Actions](#)
[Financials](#)

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Ellerbee, Lee					Plaintiff		03/15/2017
<input checked="" type="checkbox"/> Ellerbee, Lee					Plaintiff Pro Se		08/18/2014
State of South Carolina					Defendant		08/18/2014

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NOTICE OF APPEAL

4/6/17

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Po box 11330
Columbia SC, 29211

Lee Ellerbee, # 297877, v. State of
South Carolina 2014-CP-34-215

Dear Mr. Daniel E. Shearouse.

Enclosed is a notice of appeal in the above case that, Lee Ellerbee, # 297877 pro se. The court trailed me twice for the same crime without an indictment. Knowing that I got poor education. So I was unable to process, or understand what had happen to me. The Court trayed me type.

RECEIVED

APR 10 2017

S.C. SUPREME COURT

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(OFF-THE-RECORD BENCH CONFERENCE.)

THE COURT: Ladies and gentleman, some poet said that the best laid plans of mice and men often go astray, and one's just gone astray. So, we're not going to try this case this week. I'm going to excuse you at this time.

This is very unexpected for everybody, so we're not sure how we're going to pick up and go from here. I'm going to ask you to call back that call-in number sometime after 7:00 tonight. Does everybody have the call-in number? If you don't have the call-in number, please stand at this time.

(NO ONE STANDS.)

THE COURT: All right, please call in that number.

(END OF TRANSCRIPT OF RECORD.)

This is all you all need you
CAN see for your self I did
GET A FAIR TRIAL

WITNESSES

~~Rusty Parrish~~

MCSO

M.E. Terry

Not Right

WILLIAM H. TERRY, JR.
CLERK OF COURT
MARLBORO COUNTY, SOUTH CAROLINA

03 NOV -7 09:16

FILED

ARREST WARRANT #:

MAR0691

Arrested on September 18, 2002

ACTION OF GRAND JURY

Tire Bill

Foreman:

Greg Smith, Jr.
Grand Jury

11/06/03

VERDICT

Guilty

Foreman:

Michael O'Neil
Petit Jury

Date:

11-3-03

DOCKET #: 03GS34-1129

THE STATE OF SOUTH CAROLINA

County of Marlboro

COURT OF GENERAL SESSIONS

Term: October, 2003

THE STATE

vs.

Lee Edward Ellerbe

I N D I C T M E N T F O R

0079

BURGLARY IN THE FIRST DEGREE

(DWELLING) 16-11-311

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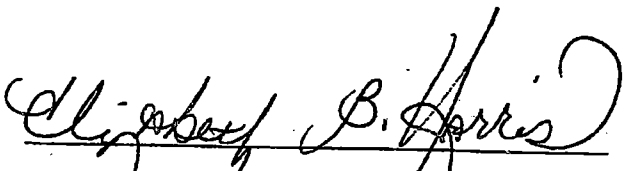
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

I, ELIZABETH B. HARRIS, OFFICIAL COURT REPORTER FOR THE FOURTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR MARLBORO COUNTY, SOUTH CAROLINA, ON THE 6TH DAY OF OCTOBER, 2003.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO.

MAY 13, 2006


ELIZABETH B. HARRIS, CVR
OFFICIAL COURT REPORTER

WITNESSES

~~Rusty Parrish~~

MCS D

M.F. Terry

03 NOV -7 09:16
FILED

ARREST WARRANT #:

MAR0691

Arrested on September 18, 2002

ACTION OF GRAND JURY

True Bill

Foreman:

Greg Smith, Jr.

Grand Jury

11/06/03

VERDICT

Guilty

Foreman:

Michael Owen

Petit Jury

Date:

11-13-03

DOCKET #: 03GS34-1129

THE STATE OF SOUTH CAROLINA

County of Marlboro

COURT OF GENERAL SESSIONS

Term: October, 2003

THE STATE

vs.

Lee Edward Ellerbe

I N D I C T M E N T F O R

0079

BURGLARY IN THE FIRST DEGREE

(DWELLING) 16-11-311

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CERTIFICATE PAGE 35

EXHIBITS

(NO EXHIBITS INTRODUCED.)

WITNESSES

~~Rusty Parrish~~

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FILED

DOCKET #: 03GS34-1129

THE STATE OF SOUTH CAROLINA
County of Marlboro

COURT OF GENERAL SESSIONS

Term: October, 2003

ARREST WARRANT #:

MAR0691

Arrested on September 18, 2002

THE STATE

vs.

Lee Edward Ellerbe

ACTION OF GRAND JURY

True Bill

INDICTMENT FOR

0079

BURGLARY IN THE FIRST DEGREE

(DWELLING) 16-11-311

Foreman:

Henry Smith, Jr.
Grand Jury

11/06/03

VERDICT

Guilty

Foreman:

Michael O'Neil
Petit Jury

Date:

11-13-03

A CERTIFIED
TRUE COPY

William B. Sundin
CLERK OF COURT
MARLBORO COUNTY

STATE OF SOUTH CAROLINA)
County of Marlboro)

INDICTMENT #03GS34-1129

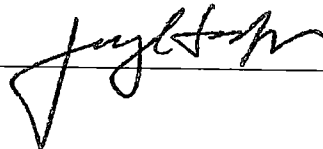
At a Court of General Sessions, convened on October 06, 2003
the Grand Jurors of Marlboro County present upon their oath:

COUNT: BURGLARY IN THE FIRST DEGREE
(DWELLING) 16-11-311

That Lee Edward Ellerbe in the County of Marlboro on or about August 20,
2002, did enter the dwelling of William McInnis located at 126 Whitehall Road,
Bennettsville, SC, without consent and with the intent to commit a crime therein
and said defendant entered or remained in said dwelling in the nighttime, in
violation of Section 16-11-311, South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute
in such cases made and provided.

SOLICITOR:



A CERTIFIED
TRUE COPY

William B. Zunderbush

CLERK OF COURT
MARLBORO COUNTY

WILLIAM B. ZUNDERBUSH
CLERK OF COURT
MARLBORO COUNTY

03 NOV -7 A9:17

FILED



1 do continue his representation. Are you doing this under
2 the Indigent Defense Fund?

3 MR. WILSON: Yes, sir.

4 THE COURT: I mean, you are not privately retained?

5 MR. WILSON: No, sir, I am not.

6 THE COURT: All right. I am, I'm going to require
7 Mr. Wilson to continue his representation of you,
8 particularly if you're looking at a possible court date or
9 trial date of October the 6th, 2003. I do, I do think --
10 is there any reason the case cannot be disposed of at that
11 term of court? Not on that date, but that term of court?

12 MR. BLAKE: No, Your Honor, and there are multiple
13 burglaries, but it's the August 20th, 2002, incident that
14 occurred at 126 Whitehall, Whitehall Road in
15 Bennettsville. That is the case that's up for trial.

16 THE COURT: All right. Mr. Wilson, any reason you
17 can't be prepared for that at that time?

18 MR. WILSON: There is no reason I can't be prepared,
19 Your Honor, provided one of things that I do want. Back
20 on April 10th, I sent a letter to the solicitor's office
21 asking for some discovery information. Specifically, I
22 wanted information about the burglary at 126 Whitehall on
23 August the 20th. And I don't want to get too much into
24 the facts, but apparently what he's accused of is having
25 broken into the house and then being held there at

(87)

1 gunpoint, which he denies. And what I'm asking for is
2 whatever information there is or evidence, physical
3 evidence there is of the breaking and entering, and I have
4 not been provided with any such information thus far. We
5 would definitely need that prior to trial.

6 THE COURT: All right. Solicitor, do you have any
7 sort of forensics on the breaking and entering?
8 Photographs, fingerprints? You say that he was inside the
9 residence, or anything to show a -- I guess you're talking
10 about a forcible entry rather ---

11 MR. WILSON: That's correct, Your Honor.

12 SERGEANT TERRY: Yes, sir, Your Honor, we have the
13 property owner that called 911 and kept Mr. Ellerbe there
14 until we arrived.

15 THE COURT: But you don't have a -- I mean, there was
16 -- you don't have any photographs or anything like that?

17 SERGEANT TERRY: No, sir.

18 THE COURT: The reason I say that, that obviously
19 he's entitled to anything that you might have, and have
20 you been furnished with the statements of ---

21 MR. WILSON: I have not. The only thing I have
22 received from -- in regards to the August 20th incident is
23 a copy of the incident report and the warrant.

24 THE COURT: All right, how about statements? Have
25 you got any statements taken?

1 MR. ELLERBE: Yes, sir.

2 THE COURT: All right, I find, and once again I'm
3 going to ask. Do you understand that you are facing life
4 sentences?

5 MR. ELLERBE: Yes, sir. I understand all of them.

6 THE COURT: All, right, it's ---

7 MR. ELLERBE: About seven of them.

8 THE COURT: Pardon? All right, but do you understand
9 you have no training in a courtroom?

10 MR. ELLERBE: I understand that, too, sir.

11 THE COURT: Do you have any questions you want to ask
12 the Court about what you are getting ready to do?

13 MR. ELLERBE: Well, I have one question or two. I, I
14 want to know why I can't get a bond. That's all.

15 THE COURT: Well, right now because I don't know the
16 facts of your case, and under our laws the victims of
17 crimes have the right to be present at any bond hearing.
18 So, we couldn't have the bond hearing at this time.

19 MR. BLAKE: Your Honor, we will contact the victims
20 and bring Mr. Ellerbe before the Court sometime this week
21 so we can get that issue resolved.

22 THE COURT: Very good, I'll be glad to hear it. All
23 right, do you want Mr. Wilson for you at the bond hearing?

24 MR. ELLERBE: Sir?

25 THE COURT: You going to try to handle the bond

(S)
1 MR. WILSON: Yes, sir. I mean, that's what he wants.

2 THE COURT: Well, then, he's going ---

3 MR. WILSON: He wants to be able to make all the
4 decisions and do the questioning himself.

5 THE COURT: Well, in that case I don't think that
6 he's entitled to an attorney. He's going to have to do it
7 himself, but you do it at your own risk. Do you
8 understand that?

9 MR. ELLERBE: Yes, sir, I do.

10 THE COURT: You want to relieve your counsel?

11 MR. ELLERBE: Yes, sir.

12 RULING

13 THE COURT: All right, I'm going to do this. I am
14 going to relieve Mr. Wilson, but you're going forward at
15 trial without an attorney on October the 6th, 2003. Do
16 you understand that?

17 MR. ELLERBE: Yes, sir.

18 THE COURT: And if you should decide to retain
19 counsel or in some fashion persuade Mr. Wilson to continue
20 his representation of you, you will do so with the
21 understanding you are going to trial, be ready for trial
22 October 6th, 2003.

23 MR. ELLERBE: Yes, sir.

24 THE COURT: There won't be any continuances or
25 anything of that nature. Do you understand?

INDEX OF WITNESSES

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LEE EDWARD ELLERBE

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EXHIBITS

(No EXHIBITS INTRODUCED.)

1 MR. BLAKE: Your Honor, this is Lee Edward Ellerbe.
 2 He has a number of different indictments: 2002-GS-34-2065,
 3 2067, 2070, 2069, 2068, 2066, 2071, 2076, 2075, 2074,
 4 2073, 2072, and I apologize for the order of those.

5 That's just how it is on the docket. They are multiple
 6 burglaries. Mr. Ellerbe had Ralph Wilson from the Horry
 7 County Bar appointed to him, and I'm not exactly sure of
 8 the date of that appointment, but it was probably a year
 9 or so ago. Mr. Wilson?

10 MR. WILSON: I think February of this year.

11 MR. BLAKE: Okay, and I believe that Mr. Ellerbe has
 12 a motion to go pro se, and we have had this trial --
 13 scheduled for trial. Mr. Wilson's been aware of it, and
 14 I've talked to Mr. Ellerbe in the jail, and the state
 15 certainly would not be going to trial this term if Mr.
 16 Ellerbe does go pro se. But I needed to bring this matter
 17 before the Court so that we can get ready for a trial that
 18 will be coming up.

19 THE COURT: Mr. Funderburk, would you put him under
 20 oath?

21 LEE EDWARD ELLERBE, AFTER BEING DULY SWORN,
 22 TESTIFIED AS FOLLOWS:

23 EXAMINATION

24 BY THE COURT:

25 Q All right, you are Lee Edward Ellerbe?

(2)

LEE E. ELLERBEE #297877
B.R.C.I----MONT-168
4460 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

May 25, 2012

S.C. Court Administration
1015 Sumter St. Suite 200
Columbia, S.C. 29201

I WAS TRIED TWICE SO JSG
CASE SEC; DM CLK

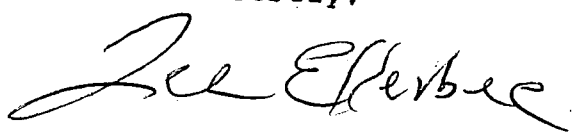
To Whom It Concerns:

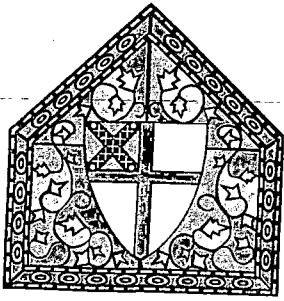
On October 6, 2003, I went to trial in Marlboro County on an indictment numbered 2002-GS-34-2067. Prior to the selection of a jury for the trial these proceedings were stopped after a bench conference between the solicitor and the court and the case was dismissed shortly thereafter.

After making an inquiry to the Clerk of Court concerning the status of this charge, I was informed that the disposition of this charge was "Nolle Prosequi" as of November 13, 2003. I would like to know the reason for the dismissal of this charge. The Clerk of Court could not answer this question and suggested that I contact the Solicitor's office for the answer.

After contacting the Solicitor's office twice without response, I'm now contacting this office seeking assistance in my quest for an answer regarding the reason for dismissal. Any assistance your office can provide concerning this matter is tremendously appreciated. Thank you for your time and consideration, with best regards and kind wishes always.

Sincerely,





**PENICK
VILLAGE**

An Episcopal
Continuing Care
Retirement Community

Dear Lee,

I am sorry to tell you that Bill McInnis died in January, 2008. He committed suicide as you had heard. He had struggled for several years with many issues, including poor health, and I suppose he felt that he had no hope. There was a memorial service for him at the Church of the Messiah in Rockingham where he held services each week, and the Bishop of North Carolina lead the service.

going
with his
wife

In addition, we had a service here at Penick Village. He had a good ministry here and is remember fondly by many people. It is very sad, but I hope that he found peace. God is merciful and gracious.

Blessings to you.

The Rev. Patsy Smith

Chaplain

(15)

Am sending you all I got to prove
me right, wuss my life matter to
and some one got to pay as me

This Williams McInnis

he kill his self because he no

He lies on me he know I was

1 ready for trial, Your Honor.

2 THE COURT: Thank you, sir. All right, ladies and
3 gentlemen, as you've heard, the state has called a trial
4 against Mr. Lee Edward Ellerbe, who's been charged with
5 the crime of burglary. Ladies and gentlemen, under our
6 law both the state and the defense is entitled to what we
7 call a fair and impartial jury, and what that means is not
8 what you might think it means. It really means simply a
9 jury that can make its decision in this case based solely
10 on the evidence and the testimony that you hear in this
11 courtroom and nothing that you hear outside of this
12 courtroom, and that you will not be influenced by any
13 experience or something that has happened to you outside
14 of this courtroom. And a lot of times we have experiences
15 in our life that might make it difficult for us to make
16 our decision based solely on what we hear in the
17 courtroom. We might be influenced by something that has
18 happened to us or some friend or relative of ours or some
19 information that we have that came outside the courtroom,
20 and so I have a number of questions to ask you to
21 determine your qualification to serve on the jury. There
22 are no right or wrong answers. I'm just seeking
23 information.

24 Please remember that you are under oath. Please
25 remember that you must respond if the question applies to

1 they are not in the courtroom to hear it themselves. All
2 they need to know about this case they'll hear from me or
3 they'll hear while they are sitting in that witness stand,
4 so please understand that.

5 All right, anything else from the state before we
6 bring in the panel?

7 MR. BLAKE: No, Your Honor.

8 THE COURT: Anything else from, Mr. Ellerbe, from
9 you?

10 MR. ELLERBE: No, sir.

11 THE COURT: All right, you want to go over there and
12 sit closer to Mr. Wilson so if you need to ask him a
13 question you'll be a little close and you can sit between
14 he and your wife. If you don't want to sit over there,
15 that's fine. But, you know, if you want to ask him any
16 questions, why, you need to be close enough to do that.

17 Bring our panel back in please, sir. Solicitor, I'll
18 ask you to call the case once the jury gets in.

19 (THE JURY PANEL ENTERS.)

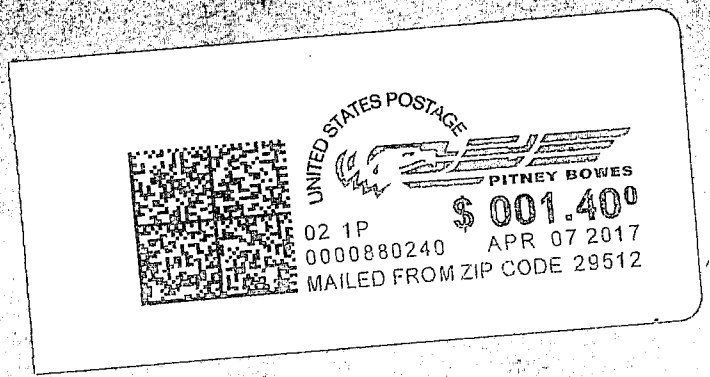
20 THE COURT: All right, ladies and gentlemen, we are
21 ready to get started at this time. Solicitor, you may
22 call your case.

23 MR. BLAKE: Thank you, Your Honor. State calls *State*
24 *vs. Lee Edward Ellerbe*. The charge is burglary in the
25 first degree, docket number 2002-GS-34-2067. The state is

297877 3B 120

08/1/15

25
E SC 29512



The HONORABLE DANIEL E. SHEAROUSE
 CLERK SUPREME COURT OF SOUTH CAROLINA
 P.O. BOX 11330
 COLUMBIA SC 29211