

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

RECEIVED

MAY 04 2017

Appeal from Sumter County S.C. SUPREME COURT  
Honorable Brooks P. Goldsmith, Circuit Court Judge

William Gregg

Petitioner,

v.

State of S.C.

Respondent,

Pro se Johnson Brief

Appellate Case No: 2016-000892

---

QUESTIONS PRESENTED

- 1) On appeal is an Order which declares unconstitutional the statutory scheme; And also the amount allowed for investigative cost and services in such cases in violation of S.C. Code Ann § 17-27-10 thur 120 ?
- 2) Did the trial Court commit Reversal Error, when the Court failed to set aside the entire jury panel on the ground that the panel was chosen in violation of S.C. Code Ann § 14-7-130 (Supp 1994) ?
- 3) Was Counsel ineffective when he failed to object to the admission of evidence by the State, that had no relevance to my case ?
- 4) Applicant did not knowingly and voluntarily waive his right, to a direct appeal of his conviction, and Applicant petition's the Supreme Court to consider whether the PCR Court errored in it's rulings ?

### STATEMENT OF THE CASE

Around 11:30 pm. November 1, 2003, Kevin and Darrell Herriott were leaving Herriott's girlfriend's house. Franklin was driving Herriott's 2000 Kia Sportage and Herriott was sitting in the front passenger seat. As they were backing out of the driveway, another car came "flying around the curve." App. 75, 1. 22 - 76, 1. 18. This vehicles slowed down and Franklin stopped and spoke to the driver. App. 76, 11, 19-22. The two vehicles were parked next two each other with their driver's side door windows aligned. App. 78, 11. 15-17. Herriott claimed that as he turned his head to "pluck [his] cigarette out the window," he heard a gunshot. When he turned back around he saw the muzzle of a firearm "flash." The gunshots were coming from the other vehicle. Herriott immediately jumped out of the car and fled into woods. App. 76, 1. 23-77, 1. 8.

After the gunshots stopped, Herriott heard Kendrick Miller, who was allegedly standing in the yard in front of Herriott's girlfriend's house, yell, "Oh. He done shot him." Herriott ran back to the car and looked inside the vehicle. After he saw that Franklin had been shot, Herriott ran to Franklin's mother house, which was only a block away, and told Franklin's mother what happened. He then fled the scene. He did not call 911 or wait for law enforcement to arrive. App. 95, 11. 3-23. Herriott allegedly called the police the next day and arranged a time to meet with law enforcement and provide a statement. App. 96, 11. 1-3.

Both Herriott and Kendrick Miller claimed Petitioner was the shooter. App. 79, 11. 2-12; App. 462, 1. 19 - 465, 1. 6. These "eyewitness" identifications were the only evidence against Petitioner. The state theorized at trial that Petitioner shot and killed Franklin because he suspected Franklin had been responsible for a recent burglary at Petitioner's house where clothing and other merchandise Petitioner had purchased in New York to sell at his booth at a local flea market

was stolen. However, law enforcement did little to investigate the case. Once Miller, and later Herriott, identified Petitioner as the shooter, law enforcement did absolutely nothing to investigate other suspects or leads.

Petitioner presented an alibi defense. Sherrill Williams, Petitioner's childhood friend and old girlfriend, testified that Petitioner would often visit her in Garner, North Carolina on his way to and from New York where the two were raised. Petitioner had family in New York and would often drive from Sumter to New York on several occasions, Sherrill rode with Petitioner to New York to visit her family. After a week or two week visit, Petitioner would drive Sherrill home to North Carolina on his way back to Sumter. App. 1. 5 - 296, 1. 25.

Sherrill testified that Petitioner came to visit her on October 31, 2003, the day before the murder, on his way to New York. She remembered the date because it was Halloween as well as her mother's birthday. App. 297, 1. 8 -298, 1. 2. Petitioner stayed at her house until Wednesday, November 5, 2003. App. 300, 11. 14 - 24. Again, the murder occurred on November 1, 2003.

The police interviewed Sherrill on December 2, 2003. Sherrill likewise told the police in a written statement that Petitioner came to visit her on October 31, 2003 and left on Wednesday, November 5, 2003. App. 299, 1. 9 - 300, 1. 13.

[Larry Williams], on the third day of December, 2003 appeared personally before [Lt. Westley J. Gardner], of the Sumter County Sheriff's office answering any questions and gave his free and voluntarily statement to [Lt. Westeley J. Gardner] that he said: that it was on October 31, 2003, he picked up William Gregg, "Bubba" to

---

1) (LT. Westley J. Gardner) The police interviewed Larry Williams on December 3, 2003. Larry Williams likewise told police in a written sttatement. Christophor Hart, who was Petitioner's trial counsel, said he hired a private investigator to locate and interview potential witnesses, App. 552. 11. 1 - 6.

meet him at Kentucky fry chicken on the day in question and was driving a White Oldsmobile. The prosecutor did not reveal these changes [Pam] made in her story at trial, nor was any given at the Petitioner's 2008-CP-43-2479 and the veracity of these potential witnesses testimony. See <sup>①</sup> Exhibit# 13, 14

---

A United States District Court, District of South Carolina issued warrant for arrest, Case Number 3:04-590 to arrest William Gregg on charges of unlawful flight to avoid prosecution, in violation of Title 18. United States Code § 1073. William Gregg was ultimately arrested in New York on September 29, 2006; Extradited to Sumter, South Carolina, and while in the Sumter detention center served with a murder warrant only. See Supplemental Exhibits App. 25 - 34, 14 - 15.

A Sumter County Jury ultimately indicted Petitioner on October 25, 2007 for murder, possession of a firearm during a crime of violence, and possession with intent to distribute heroin. App. 614-615. His case was called to trial on July 28, 2008 before the Honorable R. Ferrell Cothran, Jr., and a Jury.<sup>②</sup> App. 1. Assistant Solicitor Harry Conner represented the state, and Christopher Hart represented Petitioner. App. 1. Judge Cothran granted Petitioner's motion to serve the charge of possession with intent to distribute heroin after finding the offense was not sufficiently connected or closely related in kind, place, to the murder and weapons offense.<sup>3</sup> App. 51, 11. 4 - 18.

---

<sup>2</sup>) The reason why the transcript of Petitioner's trial does not include the Voir Dire or Jury selected proceedings is due to a conflict of interest created by Petitioner former appointed counsel of Record Irma P. Brooks, to include Charles T. Brooks. The Brooks have caused the Petitioner a deprivation of a Right to challenge to trial Records to its fullest extents, See Supplemental Appendix 9., to include Exhibits.

<sup>3</sup>) Law enforcement found heroin during a Search of Petitioner's home the day after the shooting. App. 51, 11. 4 - 18.

On July 30, 2008, jury found Petitioner guilty. App. 383, 1. 15 - 384, 1. 6. Judge Cothran sentenced him to thirty five years' imprisonment for murder and weapons offense. App. 390, 1. 20 - 391, 1. 3. Petitioner did not appeal his conviction or sentence. Ftn. 4)

On October 27, 2008, Petitioner filed an application for post-conviction relief (PCR). App. 492 -497. The state filed a return to this application dated May 7, 2009. App. 498 - 502. Petitioner filed a pro se amended application on March 22, 2013. App. 503 - 507. An evidentiary hearing was convened on December 14, 2014, more than six years after Petitioner filed his original application, before the Honorable J. Cordell Maddox, Jr. App. 508. Assistant Attorney General Daniel Gourley represented the state, and John S. Keffer represented Petitioner. App. 508. By order filed May 18, 2015, Judge Maddox denied Petitioner relief. App. 568 - 575. Ftn. 5)

The reasons, these evidentiary factors were not received or presented to the 2008-CP-43-2479 PCR court. Petitioner was by a representation that was by a conflict of interest created by the lawyers Irma P. Brooks, to include the law office of Charles T. Brooks, in pursuing Petitioner's statutory rights to have "all" of the issues presented to the PCR court showing his trial counsel is ineffective "Irma P. Brooks submitted Petitioner's exparte motion for approval of funds in order to contract an exparte investigation before the Honorable Ferrell Cothran Jr., trial judge." Sentencing judge on July 1, 2009. Cothran denied motion July 6, 2009. See Supplemental Appendix Exhibits.

---

4) The Petitioner filed pro se, to this case matter 2008-CP-43-2479 on July 1, 2009, and pursuant to the stationary Rules, Petitioner had explicitly state and had fully exercised his statutory rights to a White v. state review at :263 S.C. 110, 208 SE. 2d 35 (1974) per se to judge to adjudicate. See App. Supplemental Appendix 1 - 6.

5) For whatever reasons, on September 10, 2012, the Honorable R. Ferrell Cothran Jr., assigned John S. Keffer as counsel of record for Petitioner evidentiary hearing that was convened on December 17, 2014. App. 508. By order filed May 18, 2015, Judge Maddox denied Petitioner relief. App. 568-575.

During the evidentiary hearing, Petitioner asserted that "the whole case [revolved] around the witnesses alleging that I committed this crime," but his attorney did little to investigate these eyewitness, particularly Kendrick Miller. App. 513, 1. 7 - 514, 1. 8. Petitioner explained that while Miller claimed he knew Petitioner, Petitioner did not know who Miller was and had never met him before. App. 515, 1. 20 - 516, 1. 12; App. 518, 11. 5 - 19. He asserted, "This is a witness that's alleging he actually [saw] me at this crime, and I haven't, haven't see him until the day of the...trial." App. 518, 11. 11 - 14. Petitioner contended that Darrell Herriott and Miller "conversed back and forth" and "concocted a story that said I committed the crime." App. 519, 11. 13 - 18. Moreover, Petitioner said he did not know what Miller was going to testify to on the stand because Miller never gave the police a written statement and trial counsel failed to interview or investigate Miller before trial. App. 515, 1. 20 - 516, 1. 12; App. 518, 11. 5 - 16.

Christopher Hart, who was Petitioner's trial counsel, said he hired a private investigator to locate and interview potential witnesses. App. 552, 11. 1 - 6. He was particularly interested in locating and interviewing Darrell Herriott, who claimed he was a passenger in the vehicle when Franklin was shot and killed and identified Petitioner as the shooter. Hart said he asked Petitioner who Herriott was and all Petitioner told him "for two years" was that he knew Herriott "as a guy named Black" and that he thought Herriott was a truck driver who lived in North Carolina. Despite efforts to do so, the investigator Hart hired could not find Darrell Herriott before trial. Hart said he was surprised when Herriott later testified at trial that Petitioner and Herriott had "a baby by the same momma." Based on Herriott's testimony, Hart said it appeared Petitioner and Herriott had a closer relationship than Petitioner led him to believe. Lastly, Hart testified that his

investigator interviewed Kendrick Miller before trial and Miller said "he heard some shots, but he didn't see any of the shooting. He didn't see anything take place." App. 550, 1. 24 - 553, 1. 16; See App. 469, 11. 14 - 20.

The PCR court ultimately found Petitioner failed to prove trial counsel was ineffective for failing to properly investigate. App. 573. Nothing that trial counsel hired a private investigator who interviewed Kendrick Miller, the court found counsel's "actions were reasonable [under] the circumstances and did not fall below professional norms of reasonableness." App. 573. Moreover, the court found Petitioner "can show no prejudice as he failed to present any evidence or witnesses in support of his argument that [t]rial [c]ounsel failed to investigate his case." App. 573. Consequently, the court denied Petitioner relief.

For whatever reason, Petitioner's PCR attorney failed to file a notice of appeal from the order of dismissal. However, Petitioner filed a pro se notice of appeal, this Court requested Counsel Keffer provide the date on which he received written notice of entry of the order of dismissal. App. 576. This Court ultimately dismissed Petitioner's appeal after Counsel Keffer failed to provide this information to the Court. App. 576.

On November 2, 2015, Petitioner filed a second application for post-conviction relief seeking the right to a belated appeal of the denial of his original application, among other relief. App. 577 - 586. The state filed a return to this application and motion to dismiss dated December 30, 2015. App. 587 - 590. An evidentiary hearing was convened on March 18, 2016 before the Honorable Brooks P. Goldsmith. App; 591. Assistant Attorney General David Gourley represented the

---

) Miller actually identified Petitioner as the shooter. While he claimed he did not see the shooting because his back was to the driveway when the shooting occurred, Miller said he saw Petitioner "creep" around the car Franklin was driving after the shooting and drive away. He claimed he saw Petitioner's face. App.462, 11. 7 -24.

State, and Timothy L. Griffith represented Petitioner. App. 591. During the hearing, the assistant general indicated the State would consent to a belated appeal based on his review of the "various documents" filed by Petitioner and his conversation with Petitioner's first PCR attorney. App. 612. By order filed April 7, 2016, Judge Goldsmith granted Petitioner a belated appeal pursuant to Austin v. State, 305 S.C. 453, 409 S.E. 2d 395 (1991). App. 610-613.

ARGUMENT

QUESTION

I

**On appeal is an Order which declares unconstitutional the statutory scheme; And also the amount allowed for investigative cost and services in such cases in violation of S.C. Codes Ann. § 17-27-10 thru 120. ?**

Petitioner's Six and Fourteenth Amendments to the constitution compel every State to provide counsel to indigent criminal defendant; Although State is not required to provide unlimited fundings, it must ensure that defendant has competent counsel and services of experts necessary to a meaningful defense U.S.C.A. Const., Amends 6.14.

"[F]undamental fairness entitle indigent defendants to an adequate opportunity to present their claims fairly within the adversary system." The promise of "an adequate opportunity" vanishes if the State, with its unlimited resources to investigate a PCR applicant's case at all phases of litigation, Baily v. State, 309 S.C. 455, 460, 424 S.E.2d 503, 506 (S.C. 1992). On Petitioner's appeal is an Order which declares unconstitutional the statutory scheme. See Supplemental Exhibit # 1, 2.

On October 27, 2008, Petitioner filed an application for Post Conviction Relief (PCR) App. 492-497. The State filed a Return to this application dated May 7, 2009. App. 498-502. Petitioner filed a pro se amend application on March 22, 2013. App. 503-507. On September 10, 2012, The Honorable R. Ferrell Cothran Jr., Trial Judge / Sentencing Judge signed Consent Order to Relieve Applicant's former counsel, Edgar Donald Jr., and Appointed John S. Keffer, Esquire as

counsel of record in an evidentiary hearing convened on December 14, 2014, after  
Petitioner filed his original application, (1) and also denied the Motion for  
funding allowed for investigation costs and services into Applicant's case matt-  
ers when funds was requested for an investigator. As the Record do disclose the  
Judge is the sentencing / trial judge of record.<sup>2</sup> Assistant Attorney General  
Danial Gourley represented the State, and John S. Keffer represented Petitioner.  
App, 508. By order filed May 18, 2015, Judge Maddox denied Petitioner relief. App.  
568568-575; Supplement Exhibit # Exhibit # 3 .

Petitioner's Sixth and Fourteenth Amendment Rights to be Effective Assis-  
tance of Counsel were violated when trial counsel failed to investigate and in-  
terview [Larry Williams] and [Lt. Westley Gordner] of the Sumter Sheriff's Dep-  
artment, two alleged witnesses into the circumstances of Petitioner's guilt.  
These two alleged witnesses could have supported defendant's alibi, and trial  
counsel had a duty to make an independent investigation into the facts and not  
rely on his belief that the State would perform the testing.

At a minimum, criminal defense counsel has a duty to interview potential  
witnesses and to make an independent investigation of the facts and circumstances  
of the case. See Bagwell v. State, 410 S.C. 259, 763 S.E.2d 630 (No. 5267) App.  
40-44., 154, 163, 164, 171, 179, 210-216, at the PCR hearing, Gregg's PCR counsel  
failed to fully disclose all material exculpatory or impeachable evidence regard-  
ing the case, No: 2008-CP-43-2479, William Gregg v. State of South Carolina, ie at.  
See (Client Request and Correspondence Letters January 12, 2010, February 16, 2010,  
and March 3, 2011.). (See Supplemental Exhibit # 15,16,17,18 ). FOIA request  
Edgar Donald Jr., Esquire, received while in office with Young, Keffer and Donald

- 
- (1) See Case No: 2008-CP-43-2479, Consent Order of continuance and substi-  
tution of counsel, September 10, 2012.  
2) See Case No: 2008-CP-43-2479, Motion for Funding denied July 6, 2009.

law office. Petitioner's Attorney Edgar Donald, appointed to represent an indigent defendant charge with murder expended \$113.75, Through representation of Gregg, Received Petitioner's FOIA request in Regards to the referenced case matters, 2008-CP-43-2470, prior to the Evidentiary hearing and further worked for the Third Circuit Solicitor's office.

"[T]his information is material and have significant probatives to issue in my Post Conviction Relief matters. See Gibson v. State of SC, No. 24914, (Cite as: 334 S.C. 515, 514 S.E.2d 320). Regardless of defense counsel's knowledge of the parameters of crime. The Petitioner is being prejudiced during trial, and being results from how trial counsel fails to object to erroneous use of law. My stances are when the Solicitor made discussion about count #3, in the indictment before and in the presence of the jury, it did stand as factors toward my innocence and guilt. A general request for Brady material. Ie. at 103-107, 96 S.Ct. at 2397-99, L.Ed. 2d at 34-52. Gregg's pre-trial Brady motion requested "[a]ll information of whatever form ... which tends to exculpate the defendant either through the potential impeachment of any State witness and all information of whatever form ... which may lead to evidence which tends to exculpate the defendant ... or impeaching the credibility of any potential State's witness ..."

In "specific request" and "general-or no-request", situations, "favorable evidence is material, and constitutional error result from its suppression by the government, if there is a reasonably probability that, had the evidence been disclosed to the defense, the result is accordingly shown when the Government's evidentiary suppression under mines confidence in the out come of the trial. Kyles v. Whitley, 514 U.S. at 432-36, 115 S.Ct. at 1565-66.

The PCR Act provides that indigent applicants shall receive funding for Court cost and expenses or representation "in amounts to the extent funds are made avai-

lable to indigent defendants" ie at, See Supplemental Exhibit # 3,4.  
Letter to Clerk Campbell from Assistant Attorney General Mary C Williams, dated  
January 2b, 2009, Request Order of appointment Irma P. Brooks, dated January 26,  
2009.

The PCR Act clearly provides that the Court shall determine the payment of  
cost for funds for investigative services and experts in an ex parte proceeding ie  
at. See Supplemental Exhibit # 3,4.

William Gregg v. State of South Carolina, 2008-CP-43-2479, correspondence to William  
Gregg, dated June 19, 2009, and August 17, 2009. Denial of ex parte proceedings for  
indigent defendants who request funding for experts and investigative services in  
any PCR action could infringe upon the Applicant's constitutional rights ie at,  
See Supplemental Exhibit # 7,9,3,4.

Irma P. Brooks correspondence to William Gregg In Re: "Motion for Funding"  
2008-CP-43-2479 denied dated July 1, 2009 and July 7, 2009. See Supplemental  
Exhibit # 3,4,5,8.

Although the PCR Act say's that "any Judge" of competent Jurisdiction may  
preside over a PCR proceeding that is not entirely true. In all Post-Conviction  
proceedings a Judge must recuse himself if he was also the Judge who presided over  
the guilty plea, criminal trial or probation revocation proceeding for which Post-  
Conviction Relief is being sought. See Floyd v. State cite as 400 S.E. 2d 145 (S.C.  
1991). It is a shown fact that the Brooks representation of William Gregg for PCR  
is due to a conflict of interest created by the Brooks themselves by allowing the  
trial / sentencing Judge to participate in the Applicant's funding request. This  
did violate Petitioner's due process ie at See <sup>9</sup> Supplemental Appendix 9,10, Exhibit  
#3, Supp Appendix pg. 9-11

ARGUMENT

QUESTION

II

Did the trial Court Commit Reversal Error, when the Court failed to set aside the entire jury panel on the ground that the panel was chosen in violation of S.C. Code Ann §14-7-130 (Supp. 1994) ?

Trial transcript page (487-490), The Court: I had one of the jurors that just notified me, she has a Family Court hearing tomorrow morning at Ten (10) o'clock in the morning.

S.C. Code Ann §14-25-125, (Supp. 1991) County Residency is all that is required for services on the jury in Circuit or Probate Court. S.C. Code Ann. § 14-7-130, (Supp. 1994), and §62-1-306, (1987). The records of the Highway Department sufficient to compile juror list for those Courts, because County Residency is listed in the records.

Trial transcript: (page 487 Ln. 16-20), "The Court: In Manning, and that she informed Judge King -- some how, that never got to me --- that she had this issue. He said he would MARK IT OUT AND TAKE CARE OF IT. Of course, he qualified the general panel. I didn't know anything about it." Clearly, this juror was serving on a jury in two different counties, Sumter and Clarendon counties, in violation of S.C. Code Ann. 14-7-130, and in violation of Petitioner's Procedural and Substantive Due Process Rights. A complete review of the record will show that the S.C. Code Ann. 14-25-125, was violated as out lined above and is violative of equal protection.

Trial Transcript: (pg. 214 line 24 through page 215). The Court: I talked with family Court, she left there about 20 or 30 minutes ago and she said she would be here in the next five or ten minutes." Once the Court was made aware of the facts surrounding this juror and without any record of qualifying of the juror, the Court according to statute should have set aside the entire panel in the least at the most this one juror.

Trial Counsel failed to protect Petitioner's due process rights, when he did not object to the Court allowing this juror who knew was serving on a jury in another county. He had a duty to ensure that Petitioner's right, to be tried according to the mandated of the statute.

petitioner was charged for offense in Sumter County and chose to go to trial in Sumter County, and according to S.C. Code Ann. 14-25-125, he should have been tried by a jury that was empaneled from residence of Sumter County. Counsel by his failure to object has further contributed to the violation of Petitioner's due Process Rights, See State v. Black, 462 S.E. 2d 311 " it is a fundamental principle, that a contemporaneous objection is required at trial to properly preserve on error for Appellate review. State v. Hoffman, 440 S.E. 2d 869."

ARGUMENT

QUESTION

III

---

**WAS Counsel ineffective when he failed to object to the admission of evidence by the State, that had no relevance to my case ?**

In Holman v. State, 381 S.C. 491, 674 S.E. 2d 171. The Supreme Court held that "trial Counsel's failure to object to the admission of handgun, no relevance to the offense for which Defendant was charged amounted to ineffective assistance." See also State v. McCormell, 290 S.C. 278, 350 S.E.2d 179, "holding the admission of bullets and a pistol unconnected to the crime was erroneous and prejudicial."

Here trial Counsel failed to object to the admission of a bullet that was recovered from the home of the Defendant, that had no connection to the crime. See State's Exhibit #13, Trial transcript page 52 lines 6 thru 19. The Defendant's home had no connection in any manner to the incident. Counsel failure to object to this clearly inadmissible evidence was ineffective assistance of Counsel, and this failure can not be justified by claiming this failure as a valid trial strategy See Whitehead v. State, 308 S.C. 119, 417 S.E. 2d 529.

Substantial and easily avoidable prejudice resulted from Counsel's failure to challenge the admission of uncorrected, was erroneous and prejudicial. See State v. McCormell, 350 S.E. 2d 179. The admission of this irrelevant and prejudicial evidence, undermines the confidence in the outcome of the trial. And v. Catoe, 642 S.E. 2d 590.

ARGUMENT

QUESTION

IV

Applicant did not knowingly and voluntarily waive his right to a direct appeal of his trial conviction, and Applicant petition's the Supreme Court to consider whether the PCR Court erred in its ruling?

Counsel for William Gregg on March 7, 2017, received letter from Petitioner William Gregg, dated March 2, 2017, requesting Counsel supplement the record with Petitioner's pro se request for a Belated Direct Appeal Pursuant to White v. State, See at: 265 S.C. 110, 208 S.E. 2d 35 (1974) per se to Judge to adjudicate filed with the Sumter County Clerk of Court on July 1, well before 2008-CP-43-2479, evidentiary hearing.

Petitioner Gregg, filed PCR Application on October 27, 2008, and upon so filing Petitioner particularly stated that his Trial Counsel, did not filed his direct Appeal Notice in time. As Trial Counsel, have gave a written statement clearly showing that the direct appeal was filed out of time, and Trial Counsel, have used no methods to corrections, nor submitted to the Appellate Court records, any giving as a explanation as to why the Notice of Appeal convictions was not filed in time as required. "An indigent Defendant has a right to be informed of an appeal and the manner and method for taking the appeal."

The Petitioner also would include his pro se Motion to Relieve Counsel Charles T. Brooks filed with the Sumter County Clerk of Court on September 17, 2009. Petitioner Gregg seeks to cite to these documents in his pro se response to the Petition filed by undersigned counsel. Petitioner's pro se request for a Belated Direct Appeal Pursuant to White v State, is also relevant to the relief Petitioner seeks in the Petition for writ of certiorari filed by counsel.

Here, trial Counsel is responsible for the Defendant's appeal not being filed pursuant to and accordingly to Rule 602 (e)(1). S.C.A.C.R., requires trial Counsel to represent a Defendant until final judgment, including any proceeding on direct

Appeal, unless certain exceptions are met. In the absence of an intelligent waiver, by the Defendant Counsel must either initiate an appeal or comply with the procedure in Anders v. California. 386 U.S. 738 87 S.Ct. It is well settled that if the Defendant does not explicitly and clearly states the waivers on records, by the terminology of voice and signatures to the Court records the right to Counsel to file.

Moreover, the Order of Dismissal indicates that the PCR Court had before it the Sumter County Clerk of Court records. App. 569, 578, 584, 585, 586. Supplemental Appendix pg. 1-6

#### CONCLUSION

Based on the facts presented above and the effects of the Applicable Law that Controls the issues in this case.

Petitioner's prays that this Court Exercise it's Supervisory Power and Order a new trial.

Respectfully submitted,

William Gregg 214507  
William Gregg

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Appellate Case No: 2016-000892

William Gregg  
Petitioner,

v.

CERTIFICATE OF SERVICE

State of S.C.  
Respondent,

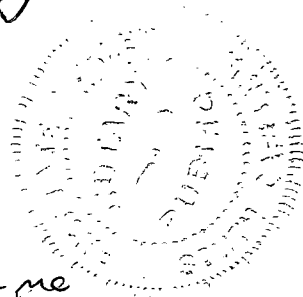
Petitioner declares under the penalty of perjury that he mailed a copy of his Pro se Johnson Brief to the parties listed below, by placing it in the U.S. Mail here at Broad River Correctional Institution mailroom at 4460 Broad River Rd., Columbia, SC 29210.

MS. Julie Coleman, Esq.  
Rembert Dennis Byilding  
1000 Assembly St. Rm. 519  
Columbia, S.C. 29201  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

William Gregg  
BRCI Mt. Unit / Rm. 1085  
4460 Broad River Rd.  
Columbia, S.C. 29210

*William Gregg* X274507

Date: *4 / 28 / 2017*  
cc: file



*Sworn before me*  
*4/28/17* *S*  
*9/16/2017*

**EXHIBITS**

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

RECORDED  
) IN THE COURT OF COMMON PLEAS  
2012 SEP 13 11:03 AM FOR THE THIRD JUDICIAL CIRCUIT

William Gregg, #274501,

JAMES C. CAMPBELL Case No. 2008-CP-43-2479  
CLERK OF COURT  
SUMTER COUNTY, S.C.

Applicant,

v.

**CONSENT ORDER OF CONTINUANCE  
AND SUBSTITUTION OF COUNSEL**

State of South Carolina,

Respondent.

CERTIFIED TRUE COPY  
OF ORIGINAL

*[Signature]*  
DEPUTY CLERK OF COURT

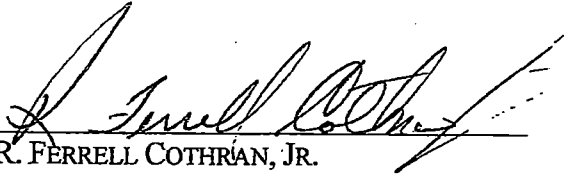
This matter comes before the Court by way of an application for post conviction relief filed October 27, 2008. An evidentiary hearing into the matter is scheduled for September 19, 2012, at the Sumter County Courthouse. Applicant's counsel of record, Edgar Donald, Jr. is no longer in private practice and current employed with the Third Circuit Solicitor's office. His former law partner, John S. Keffer, Esquire, requests this Court substitute him as counsel of record. Respondent consents to this request.

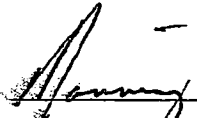
Additionally, Applicant requests that the case be continued to the next term of court for post-conviction relief for the Third Judicial Circuit to allow new counsel to adequately prepare for an evidentiary hearing in this matter. Respondent consents to this continuance request. This Court finds that this matter should be continued until the next term of court for post-conviction relief matters in the Third Judicial Circuit.

**IT IS THEREFORE ORDERED:**

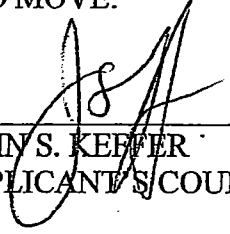
1. That Edgar Donald, Jr., Esquire is relieved as counsel of record and former partner John S. Keffer, Esquire be substituted as counsel for Applicant;
2. That this post-conviction relief matter shall be continued and re-scheduled for the next term of court;
3. The Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED this 16 day of Sept, 2012.


  
R. FERRELL COTHRAN, JR.  
Chief Administrative Judge  
Third Judicial Circuit

 \_\_\_\_\_, South Carolina

I SO MOVE:

  
\_\_\_\_\_  
JOHN S. KEEFER  
APPLICANT'S COUNSEL

I CONSENT:

  
\_\_\_\_\_  
MEGAN E. HARRIGAN  
ASSISTANT ATTORNEY GENERAL

*Civil Practices  
7 Notices involve rights vacation*

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SUMTER )  
 )  
 William Gregg, 274507 )  
 Applicant, )  
 vs. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 THIRD JUDICIAL CIRCUIT  
 Case No.: 2008-CP-43-2479  
 MOTION FOR FUNDING

The Applicant, William Gregg, makes an *ex parte* motion for approval of funds in order to Contract an expert investigator. The Applicant is requesting advance payment of the amount of Five Hundred (\$500.00) Dollars out of funds available to the Office of Indigent Defense (OID) to be applied toward payment of such expenses as may be necessarily incurred for these services.

Ms. Brooks seeks approval to contract for the expert in investigation, which she believes is necessary, to the preparation of this case. In addition, she is requesting payment of the amount of Five Hundred (\$500.00) Dollars out of funds available to the Office of Indigent Defense (OID) to be applied toward payment of such expenses as may be necessarily incurred for these services.

As grounds for this motion, the Applicant submits the following, which the Applicant states to be based upon information and belief:

1. The Applicant was convicted of Murder and Possession of a firearm during a crime of violence.
2. This is a serious crime and it requires hiring of an expert investigator.
3. The Applicant denies the allegation(s).

*Irma P Brooks*

Irma P. Brooks  
 309 Broad Street  
 Post Office Box 3512  
 Sumter, South Carolina 29151  
 (803) 418-5708

Sumter, SC  
 July 1, 2009

*Denise L. Jewel Colby*  
 July 6, 09

Exhibit #4

*James C. Campbell*

Circuit Judge

Clerk of Court

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at [www.sccid.sc.gov](http://www.sccid.sc.gov), and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

STATE OF SOUTH CAROLINA )  
COUNTY OF )

IN THE COURT OF (Select one.)

COMMON PLEAS  FAMILY COURT

JUDICIAL CIRCUIT

William Gregg )  
# 274507 )  
Plaintiff(s), )

CASE NO.: 2008-CP-43-02479

APPOINTMENT OF COUNSEL OR GAL

-vs- )  
State of S.C. )

(Select one.)

ORDER

Defendant(s). )

AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

Post-Conviction Relief (PCR)/habeas case

Adoption

Juvenile

SVP case

Custody and/or Visitation

Abuse and Neglect

Minor Name Change

Other:

It appears that ~~WFG~~; who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

- It further appears that: (Select only one.)
- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on: \_\_\_\_\_
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained \_\_\_\_\_, Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.

Other: IRMA P. BROOKS, Esquire  
P.O. Box 3512  
Sumter, S.C. 29151

CERTIFIED TRUE COPY  
ORIGINAL FILED  
*Maia L. Hoff*  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

counsel  lead counsel (if capital PCR case)  guardian ad litem

Therefore, it is ordered that ~~Brooks~~, hereby is appointed as (Select one.)  
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that \_\_\_\_\_, Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED THIS 26<sup>th</sup> DAY OF January, 2009.

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

JUDGMENT IN A CIVIL CASE

CASE NO: 2008CP4302479

IN THE COURT OF COMMON PLEAS  
CLERK OF COURT  
SUMTER COUNTY, S.C.

RECORDED  
2009 JAN 25 PM 12:28  
JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

William Gregg 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: \_\_\_\_\_

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:  
see attached Order Appointing Counsel for Plaintiff

Dated at Sumter, South Carolina, this 26th day of January 2009.

Court Reporter:

PRESIDING JUDGE -

This judgment was entered on the 26th day of January 2009, and a copy mailed first class this 26th day of January 2009, to attorneys of record or to parties (when appearing pro se) as follows:

William 274507 Gregg Lee Corr Inst/Sumter-N-  
2247 990 Wisacky Highway Bishopville, SC  
29010  
Irma Pringle Brooks Law Office of Charles T.  
Brooks, III P.O. Box 3512 Sumter, SC 29151

Henry Dargan McMaster S.C. Attorney  
General'S Ofc./Williams P.O. Box 11549  
Columbia, SC 29201

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*James C. Campbell*

James C. Campbell - Clerk of Court

SCRPC APP-24/FORM 4

EX. No 2

## Law Office of Charles T. Brooks, III

---

CHARLES T. BROOKS, III, ATTORNEY AT LAW  
309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150  
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151  
(803) 418-5708  
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

June 19, 2009

William Gregg, 274507  
Lee Correctional Institution, S.N. 2247  
990 Wisacky Highway  
Bishopville, South Carolina, 29010

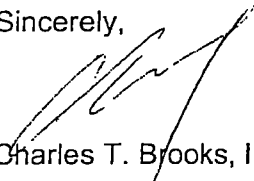
RE: William Gregg v State of South Carolina

Dear Mr. Gregg:

Please provide the name and addresses of the witnesses that are relevant to your case.

Also enclosed are all the documents we have in reference to your PCR excluding the transcript which is 400 pages in length and will take some time to get to you.

Sincerely,



Charles T. Brooks, III

CTB/jlb

Enclosure as Stated

Exhibit  
No 3

## Law Office of Charles T. Brooks, III

---

CHARLES T. BROOKS, III, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150  
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151  
(803) 418-5708  
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

July 7, 2009

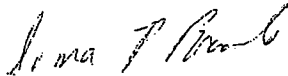
William Gregg, 274507  
Lee Correctional Institution, S.N. 2247  
990 Wisacky Highway  
Bishopville, South Carolina, 29010

RE: William Gregg v State of South Carolina

Dear Mr. Gregg:

Please be advised that Judge Cothran has denied our request to get an investigator in your case.

Sincerely,



Irma P. Brooks

IPB/jlb

Attachment

Exhibit  
No. 4

## Law Office of Charles T. Brooks, III

---

CHARLES T. BROOKS, III, ATTORNEY AT LAW  
309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150  
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151  
(803) 418-5708  
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

August 17, 2009

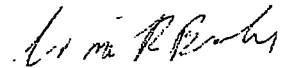
William Gregg, 274507  
Lee Correctional Institution, S.N. 2247  
990 Wisacky Highway  
Bishopville, South Carolina, 29010

RE: William Gregg v State of South Carolina

Dear Mr. Gregg:

Please direct all correspondence to our office. If you have something that you would like to have filed please send it to us.

Sincerely,



Irma R. Brooks

IRB/jlb



HENRY MCMMASTER  
ATTORNEY GENERAL

August 20, 2009

Charles T. Brooks, III, Esq.  
Law Office of Charles T. Brooks, III  
Post Office Box 3512  
Sumter, South Carolina 29151

Re: William Gregg v. State of South Carolina  
2008-CP-43-2479

Dear Mr. Brooks,

Pursuant to your letter of August 18, 2009, I have reviewed the transcript provided by the court reporter in Mr. Gregg's case. The transcript as I received it contains pages 1-391. While you did not indicate what portion(s) Mr. Gregg believes are missing, I noted that I do not see jury selection in the transcript. I will send a letter to the court reporter asking her to review her tapes for any additional recordings. In the meantime, should you have a specific concern about a portion of the transcript, please let me know as this may be helpful to the court reporter in locating any additional information on the case.

Please contact me with any questions or concerns at (803) 734-3737 or [MSWilliams@scag.gov](mailto:MSWilliams@scag.gov).

Best regards,

Mary S. Williams  
Assistant Attorney General

## Law Office of Charles T. Brooks, III

---

CHARLES T. BROOKS, III, ATTORNEY AT LAW

309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150  
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151

(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

August 21, 2009

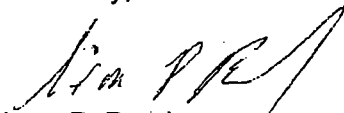
William Gregg, 274507  
Lee Correctional Institution, S.N. 2247  
990 Wisacky Highway  
Bishopville, South Carolina, 29010

RE: William Gregg v State of South Carolina

Dear Mr. Gregg:

Attached is a copy of letter we received from the Attorney General in reference to your transcript. We will advise you once we hear anything.

Sincerely,



Irma P. Brooks

IPB/jlb

Enclosure as Stated

## Law Office of Charles T. Brooks, III

---

CHARLES T. BROOKS, III, ATTORNEY AT LAW  
309 BROAD STREET - SUMTER, SOUTH CAROLINA 29150  
POST OFFICE BOX 3512 - SUMTER, SOUTH CAROLINA 29151  
(803) 418-5708  
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

August 26, 2009

William Gregg, 274507  
Lee Correctional Institution, S.N. 2247  
990 Wisacky Highway  
Bishopville, South Carolina, 29010

RE: William Gregg v State of South Carolina

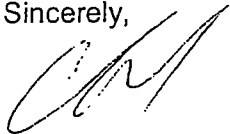
Dear Mr. Gregg:

Please be advised that, I, Charles Brooks, will be handling your PCR matter. Mrs. Brooks is no longer practicing law. I have handled many PCR matters and have been successful in a few.

We have submitted an Order for funds for approval to Judge Cothran and he denied it.

If you have any questions or concerns in reference to your PCR, please forward them to me.

Sincerely,



Charles T. Brooks, III

CTB/jlb

VOLUNTARY STATEMENTCounty of SumterPersonally appeared before LT. W.J. Gardner states that:My name is Larry WilliamsMy address is 422 Magnolia Drive Bisherville, S.C.Date of Birth 11/15/58 SSN - - - - - Phone # 316-8660

Before answering any questions or making any statements, I have been advised of my Miranda Rights by LT. W.J. Gardner and I do understand my Miranda Rights and I am making this statement freely and voluntarily.

I don't remember exactly what day it was but it was either Oct. 31, 2003 or Nov. 1<sup>st</sup>, 2003, that Friday or Saturday, when I picked Bubba up from the Kentucky Fry Chicken about 10:00pm to go to New York. We call William Gregg "Bubba". Pam, who is Bubba's girlfriend brought him to the Kentucky Fry to meet me. She was driving a white Oldsmobile. I went to Brooklyn, New York to my sister's, sister funeral and also to pick up some clothes to sell. The funeral was on Monday November 3<sup>rd</sup>. My sister Taneshie Williams also went with us. We got to New York about 10:00am the next morning. I dropped my sister off at her sister's house in New York. Another lady name Hattie Bell Blathers also went with us. When we got there, Hattie Bell, Bubba and I went shopping after I drop my sister off. After we get done shopping we tried to find a motel in New York but there was none we like so we went to New Jersey and got a motel room. We stayed at that

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

This statement was completed at 4:30 PM on the 3<sup>rd</sup> day of Dec. 2003.

Larry Williams  
Signature of person giving voluntary statement

LT. W.J. Gardner

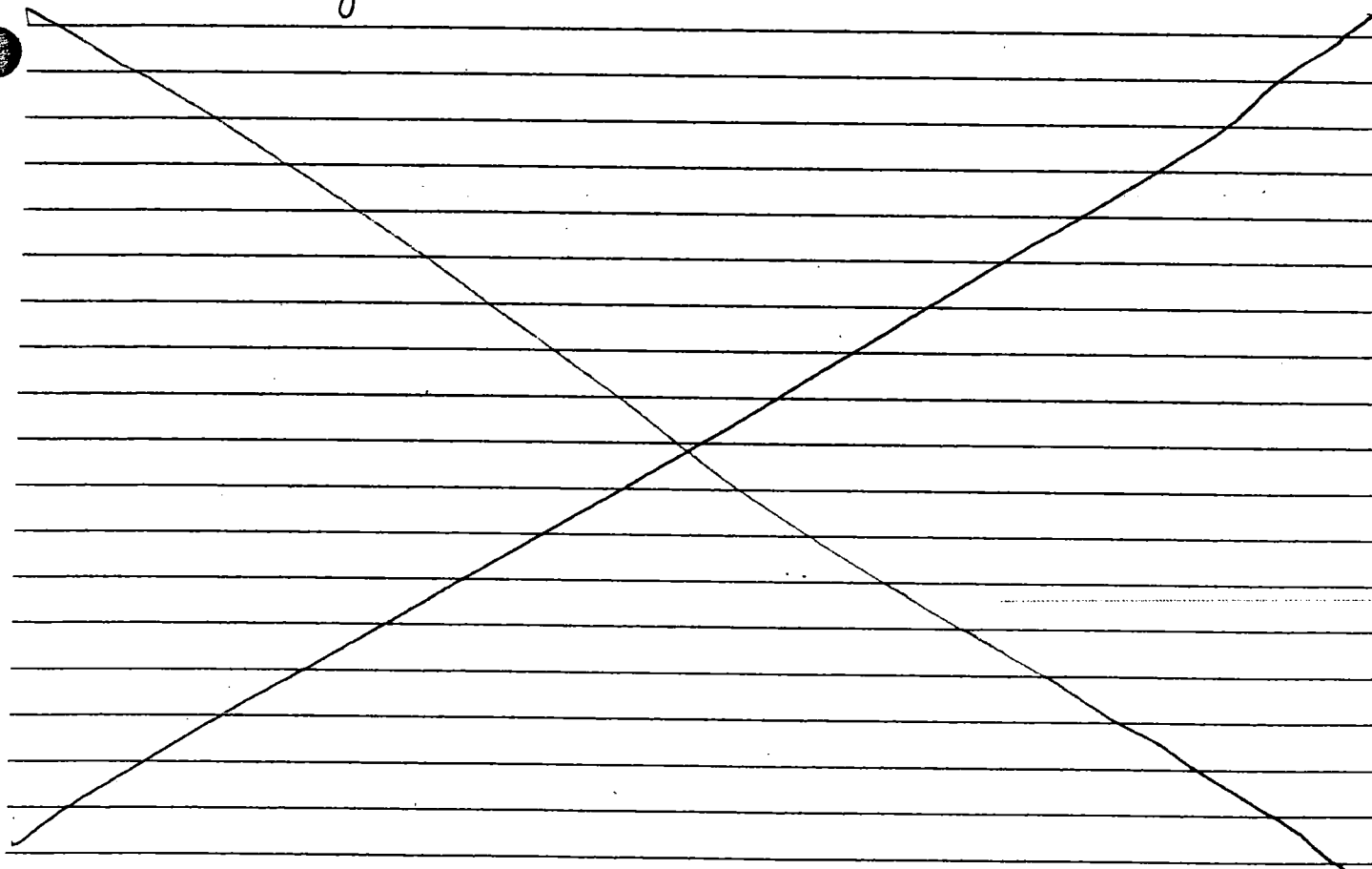
I also received a copy of this statement on the above date and time.

Signature: Larry Williams

VOLUNTARY STATEMENT SUPPLEMENTAL

Statement of, Continued.

LW Motel until we came back to South Carolina. We LEFT New York on Tuesday and got home on Wednesday afternoon. All Four of us came back together. Bubba came back with me, he did NOT stay in New York. When we got back I went to Jackie Smith's house in Bishopville and Jackie took him home. I haven't seen Bubba since then. The Kentucky Fry chicken that I mention in my statement is the one across from Shaw's Air Force Base. I swear this statement is true and accurate to the best of my LW knowledge. LW



Person giving statement to place initials behind last word of statement as appears on last page.

Jay Williams  
 Signature of person giving voluntary statement

William Greag  
Lic. # / Sn / 274507  
990 Levisucky Hwy  
Bishopville, S.C. 29010

January 12, 2010

Edgar R. Donald, Jr.  
23 West Calhoun Street  
Sumter, S.C. 29150

John S. Keffer  
23 West Calhoun Street  
@ sumterattorney.com

Re: William Greag v. State, 08-CR-43-20479,  
in re: Client/Attorney presentation notices.

Dear Mr. Donald,  
please allow my correspondence to serve as my formal notices and requests respectfully submitted to you in relations to the above stated case matter.

Mr. Donald you are hereby advised first regarding the counseled attorney visits that were scheduled by you that of which I did not received any justifications from you explained.

However I ask that you give me some type responses to my concerns in the "whys" you have not kept the appointments scheduled by you.

I also request that you invoke my rights to have case files produced from the following:

1. Trial Atty;
2. Solicitor's Office;
3. Attorney General Office;
4. SLED;
5. Sumter Sheriff's Office, see lead Detectives/Investigators files Supplemental Reports; and
6. Clerk of Court files.

I am respectfully requesting that you have these placed in your possessions so that the due diligences methods will be conformed to and you will have record evidence to present my case by and accomplish a prevailing positions as expected.

Thanking you in advance and I look forward in hearing from you in this very near future.

Respectfully Submitted,  
William Greag  
William Greag

Jan. 12, 2010 John S. Keffer  
cc: E. R. Donald, Jr., Esq.  
Files / WLG

Copy

Exhibit # 16

William Gregg  
lect/20/274507  
990 Wisacky Hwy.  
Bishopville, S.C. 29010

February 16, 2010

Edgar R. Donald, Jr.  
Attorney At Law  
23 West Calhoun St.  
Sumter, S.C. 29150

John S. Keffeler  
23 West Calhoun St.  
Sumter S.C. 29150  
@sumterattorney.com

Re: William v. State, et al: Client's Request.  
Completion to January 12, 10 Requests to Counsel.

Dear Mr. Donald:

Please allow my correspondence to serve as my formal request for you to make completion to to prior original request submitted to you on January 12, 2010, in regards to procuring the files from the Solicitor's Office (original forms) to my case. The justifications for you to complete this particular request have significant probatives to issues in my Post Conviction Relief. (See Brady v. Maryland; and See: U.S. v. Agurs; Ciglio v. U.S.; Kyles v. Whitley, and the Strickler v. Greene). Counsel Donald I also made a request for you to provide me with information concerning the Attorney's Visit, hereas. I appreciate your responses to this matter "but" I am moreso concern with the potentials that DOC being responsible for your canceled ~~visits~~ visits. Also inform me in regards to the methods about the necessary laws you are placing to my issues and about the White v. State procedures to my PCR and appeal matters (Direct), I thank you in advance.

02/16/10

cc: ER. Donald, Jr. Keffeler J.  
Fles/WE ~~for~~

William Gregg

Exhibit # 17

Leaf Marked  
# 2,200

William Cragg  
LCR/SS/274507  
990 Wisocty Hwy.  
Bishopville, S.C. 29010

March 3, 2011

Edgar Donald, Sr.  
Atty At Law  
23 W. Calhoun St.  
Sumter S.C. 29150

John S. Ketter  
23 West Calhoun Street  
Sumter S.C. 29150  
@sumterattorney.com

---

Re: My PCR case; Cragg v. State, 2008-CP-43-2479,  
per se telephone conversation w/ Larry Beel, Friend.

---

Dear Mr. Donald:

please allow my correspondence to serve as my direct formal third notice respectfully submitted to you in regards to the following matters that need to be attended before the evidentiary hearing be held; as did Lacey informed me that he specifically made you aware of the things I compel you to do in my prior requests, I need for you to procure the files from Mr. Hart's Office, the Solicitor's Case Files and submit a motion for Correction to the trial transcript, and I also request that you pre-hear the issue regarding the White v. State, review, appeal, because the Respondent will concede to this issue because of the case posture, I also compel you to add the issue that it is a **Conflict of Interest** with the motion Judge Cochran denied when funds was requested for an Investigator, as the record for sentencing do disclose the judge is the sentencing judge in my case and this is a conflict of interest. I need for the Court to do

ORIGINAL

an evaluation to, point blank, this is an issue that will show Judge Corthan should have focused himself from being involved; Lloyd v. State, 303 SC 298, 400 SE2d 145 (1997).

Counsel Donald I know that you are of a high understanding about being prejudice during trial and it being a results from how trial Counsel fails to object to erroneous use of law, my stances are when the Solicitor made discussion about Count #3 in the indictment before and or in the presence of the jury it did stand as factors toward my innocence and guilt and this issue must be amended like all other issues once you procure all named files as I requested you to do so, and finally; I ask that you submit a telephone adding your office numbers form so I can telecom call you and I ask that you inform me in advance as to what day you will be visiting me.

I remind you Counsel that it is the burden placed on us to prove the allegations submitted and it is also a law that all available issues from the records must be raised adequate and accurately to the PCJ for a findings of fact and conclusions of law specifically to each issue and this is why you I ask that you procure all case files and submit the motion to amend as Rule 71.1 (d), SCRPC do command. I am thanking you in advance for your time, assistance and attention given to all matters.

Look to hear from you soon.

John S. Keffer  
cc: Donald, Esq.  
Filez/LDC

Respectfully Submitted,  
s. William Corey  
William Corey  
990 Wisacky Hwy.  
Bishopville, S.C. 29010

ORIGINAL

*Return  
Affidavit*

**COPY**

**STATE OF SOUTH CAROLINA**

**COUNTY OF SUMTER**

---

**SEARCH WARRANT**

---

**CASE #03106280**

**Date: November 4, 2003**

**SGT JAMES TURNER**

COPY

Form Approved by  
S. C. Attorney General  
Section 17-13-160  
March 15, 1978

CASE # 03106280

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF SUMTER

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE  
MUNICIPALITY OF SUMTER.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)  
TO BE SEARCHED

A SINGLE WIDE TAN, MOBILE HOME WITH RUST STAINS, WOODEN FRONT PORCH, WOODEN FENCE IN THE FRONT YARD, A RED 4 DOOR MOTOR VEHICLE IN THE FRONT YARD, SIGN POSTED NO MOTORBIKES, NO HUNTING, NO SOLICITING. RESIDENCE OF ONE WILLIE GREGG III, LOCATED AT 111 PALM SPRINGS DRIVE, WEDGEFIELD, S.C.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY SOUGHT  
(SECTION B)

ONE BLACK MALE, KNOWN AS WILLIE GREGG III, WANTED FOR MURDER

This Search Warrant shall not be valid for more than ten days from date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of premises searched at the time of such search if practicable, and if not, to such person as soon thereafter as is practicable; in the event the identify of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to prominent place on such premises.

Sumter, S. C.  
November 3, 2003

[Signature] (L.S.)  
Signature of Judge

10:00 AM

**COPY**

(3-78)

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF SUMTER

Personally appeared before me, one SGT JAMES TURNER who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT  
ONE BLACK MALE, KNOWN AS WILLE GREGG III, WANTED FOR MURDER

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)  
TO BE SEARCHED

A SINGLE WIDE TAN, MOBILE HOME WITH RUST STAINS, WOODEN FRONT PORCH, WODEN FENCE IN THE FRONT YARD, A RED 4 DOOR MOTOR VEHICLE IN THE FRONT YARD, SIGN POSTED NO MOTORBIKES, NO HUNTING, NO SOLICITING. RESIDENCE OF ONE WILLIE GREGG III, LOCATED AT 111 PALM SPRINGS DRIVE, WEDGEFIELD, S.C.

REASON FOR AFFIANTS BELIEF THAT THE  
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES  
THAT IS THE SUBJECT'S RESIDENCE AND AT APPROXIMATELY 8:40 A.M. ON November 4, 2003, THE SUSPECT'S GIRLFRIEND TOLD RICHLAND COUNTY DEPUTY JOE DAVIS THAT WILLIE GREGG III IS IN THE MOBILE HOME.

Sworn to and Subscribed before me

This 3rd day of November, 2003

[Signature] (L.S.)  
Signature of Judge

[Signature]  
Affiant

SGT JAMES TURNER  
Address 107 EAST HAMPTON AVENUE

SUMTER, SC 29150

Phone (803) 436-2000

CONTROL NO. B154587

L0313172 AB Exhibit # 22

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED

### FORM B (RULE 6)

#### CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL CUSTODY OR CONTROL

(Initial Custody)

This is to certify that I LT. Rick Nelson am employed by  
(Name)

SUMTER SHERIFFS OFFICE and that on  
(Name of Agency or Department)

11-2-03, I seized from 111 Palm Springs Dr.  
(Date) (Name)

pursuant to CONSENT TO SEARCHES  
(State Whether Subject to a Warrant, Lawful Arrest or Otherwise)

at or near 111 Palm Springs Dr.  
(Place Where Seized)

the following substance(s) or container(s):  
(Describe substance or container with sufficient particularity to distinguish it.)

BLACK PLASTIC BAG CONTAINING A CLEAR BAG CONTAINING  
40 white PACKS OF brown Powder.  
ONE plastic bag containing a white powder substance.

On 11-2-03, I made delivery of the above described  
(Date)

substance(s) or container(s) to Drug EVIDENCE BOX of  
(Name)

SUMTER COUNTY SHERIFFS in substantially the same condition  
(Law Enforcement Agency)

as when I received it.

LT. Rick Nelson  
(Signature)

Place: SUMTER COUNTY  
Date: 11-2-03

Sworn before me on this 02 day of 11, 2003

Yvonne Cole  
Notary Public for South Carolina  
My Commission expires: Nov. 30th 2009

CONTROL NO. B154587

20313172 AB Exhibit # 23

PRINT ALL INFORMATION EXCEPT WHERE SIGNATURE IS REQUIRED

### FORM C (RULE 6)

CERTIFICATE OF PROOF OF CHAIN OF PHYSICAL  
CUSTODY OR CONTROL  
(Subsequent Change of Custody)

This is to certify that I Cindy C. Pierson am employed by  
(Name)

Sumter County Sheriff's Office as Evidence Technician and that on  
(Name of Agency or Department) (Capacity of Employment)

11-3, 2003, I received from Drug Evidence Drop Box  
(Date) (Specify Whether by Mail or in Person)

from Drug Vault of S.C.S.O.  
(Name of Person) (Law Enforcement Agency)

the following substance(s) or container(s) which were originally seized by

LT. Rick Nelson  
(Name of Person Making Original Seizure)

(Describe substance or container with sufficient particularity to distinguish it.)

Black Plastic bag containing a clear bag containing

40 white Packs of brown powder.

One plastic bag containing a white powder substance

On 12-17, 2003, I made delivery of the above described  
(Date)

substance(s) or container(s) to Drug Evidence Drop Box of  
(Name)

S.L.E.D. in substantially the same condition  
(Law Enforcement Agency)

as when I received it.

Cindy C. Pierson  
(Signature)

Place: Sumter, L.E.C.

Date: 11-03-03

Sworn before me on this 3<sup>rd</sup> day of Nov., 2003

Emma D. McElwee  
Notary Public for South Carolina

My Commission expires: 7-25-10

2 was a warrant signed by a Magistrate  
8  
ser. pg. 13 : 18-19

No

SUMTER COUNTY SHERIFF'S OFFICE  
CONSENT TO SEARCH

Date: 11/4/03

Location: 111 Palm Springs

I, Pamela Franklin do hereby consent to the search of my premises and/or automobile located in Sumter County without a search warrant by officers of the Sumter County Sheriff's Office, Sumter County, S.C. These officers are authorized by me to take from my premises and/or automobile, any letters, papers, materials, illegal drugs, contraband, or other property which they may desire, and that may be used in their investigation of any criminal activity. Description of property to be searched

Singlewide Tan with Brown Trim, Rust stains all over.

Wooden enclosed Porch

I have been advised that I do not have to give my consent and I am aware that any evidence obtained as a result of the search can be used against me in a court of law.

This written permission is being given freeley and voluntarily and without any threat or promises by any officer of the Sumter County Sheriff:s Office.

SIGNED: Pamela Franklin

Deputy conducting Search: \_\_\_\_\_  
(Print Name)

Witness: \_\_\_\_\_

Description of property removed: Search of the Premises for Willie Gregg III. This consent remains in effect until Gregg is Apprehended and may be conducted at any time the Sheriff's office deems.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

