

#341546

The State of South Carolina Court of Appeals = Date 5-8-17

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Statement of Grounds to Court of Appeals

page 1

part 2 = page 1

SC Court of Appeals

Statement for Grounds for Sentence Modification or
Sentence Reconsideration

Indictment No 2016-GS-42-0568

page 1

Appeal Case # 2017-000908

Part 2 "Explanation of Grounds for Sentence Modification and Sentence Restructure"

In the part 2 I want to explain how I got involved with this Indictment of Trafficking Meth on 4-15-16. I want to let the court understand just like I had explained this situation to my lawyer Ricky Harris. This charge in incarcerated for is by Entrapment. The CRI in my case name is David Brent Goode and is currently at Walden Correctional Institution serving a 4 year sentence on drug charges. Me and David Brent Goode have been friends for around 10 years. I never had any idea Brent Goode had been in trouble with pending charges around date 4-15-16. How I got involved with this Trafficking Meth Indictment on 4-15-16 was a pre-arranged by the "CRI", Brent Goode calling me on 4-15-16. My friend had been telling me that he would get me a job for about a week remodeling houses with his 1st cousin. Brent Goode "CRI", also told me him and his first cousin ran a small scale bussiness and his name was Jim. On date 4-15-16 I got called by my friend Brent Goode asking me if I could find someone to provide the drugs to them, or his cousin and I would have a job as a helper starting in a few days. On date 4-15-16 Brent Goode called me a second time that day and told me that his 1st cousin Jim wanted ~~me~~ to call me, and find a ounce of Meth for him because, Brent was at their job finishing up a deadline, and not to worry I was getting a job out of this situation. Next thing happened is the Investigator calling me, or Jim wanting to come pick me up and find someone to sell him a ounce of Meth. I rode around for what I thought was a future boss looking for someone to sell him the drugs for over 4 hours. Jim or Investigator James Ruane drove over county lines from Spartanburg County to Cherokee County, my house in Gaffney to pick me up on date 4-15-16. After looking for what I thought my future bossman drugs for nearly 4 hours I finally find someone that meets us and sold the Investigator the drugs on that date 4-15-16. What I have stated in this Entrapment is in Buy Notes for Case # 16040895. I did not sell or make no hand to hand transaction of no drugs to Investigator Ruane on date 4-15-16. In buy Notes # 16040895 on 4-15-16 Nissan Maxima pulls directly behind Investigator Ruane brings him the drugs and makes the hand to hand transaction. A dark complexed white male in Nissan Maxima made hand to hand transaction with Investigator Ruane and left with out arrest or incident on 4-15-16. continued →

#341546

Statement of Grounds for Sentence Modification

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page 2

State of South Carolina Court of Appeals

Appeal Case # 2017-000908

page 2

This controlled buy in Buy Notes #16040895 has no audio or video of the transaction.

Transaction was not recorded due to equipment running out of battery. Form B (Rule 6) and Form C (Rule 6) custody forms for evidence in case on date 4-15-16, are not labeled with my name anywhere on drug evidence forms. Form B (Rule 6) and Form C (Rule 6) evidence forms not notarized, by a Notary Public of South Carolina in this case. These forms are not legal docketts for court, and tainted evidence. Also no money

for controlled buy in evidence against me in case. No physical evidence to constitute a Trafficking Meth charge. Also I feel because of Investigators did not have audio and video of this transaction on 4-15-16, I was charged with a crime that im not guilty of committing. Arguement on my behalf if Investigator James Ruane would of had audio and video of this transaction I would of had proof that I did not hand drugs to the Investigator. I think this was done intentionally not having this audio and video to Entrap me, on a wrong charge. On trial date on 3-14-17 my Attorney Ricky Harris subpoenaed the "CRI", Brent Goode back from SEDC to Spartanburg County Detention Center to interview him on my behalf for a Entrapment defense. I was told by my Attorney Ricky Harris that Brent Goode was willing to testify at my jury trial in my behalf on a Entrapment defense against Investigator James Ruane. But before I was about to pick jurors for the trial me and my attorney Ricky Harris had a arguement because of he did not think we could win the trial. Reasons he said was my witness that was going to testify against me was a Sheriff's Officer and I was a civilian. I was pushed into a guilty plea of a wrong charge that the evidence in my case does not show that im guilty of. I did organize this transaction, but I was promised a job by the CRI and Investigator to locate the drugs for the two. I never handed no drugs to anyone in this controlled buy, but was stuck with the Trafficking Meth charge, because of no audio or video I feel. My arguement and opinion. No physical evidence on this case. No controll buy money in evidence, or audio and vides and evidence or drugs in case labeled against me with my name on forms. I also wanted the Court of Appeals to know how I got introduced and involved with Narcotics Investigator James Ruane and this controlled buy on 4-15-16

#341546

Statement of Grounds for Sentence Modification

LEGAL
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page 3

Appeal Case # 2017-000908

page 3

I was arrested on this Indictment No 2016-GS-42-0568 "Trafficking Meth" 4 days after the controlled buy on 4-19-16. Because of the reason of me not cooperating with Narcotics Investigators with information and becoming a CRT for the Spartanburg County Sheriff's, I was stuck with this Trafficking Meth charge. I was told many times by my attorney Ricky Harris that solicitor Eddie Hunter had a problem with me. My Attorney Ricky Harris could not tell me any reason why the solicitor had a problem with me, but said he was tired of talking to the solicitor about this situation. My attorney Ricky Harris also said solicitor Eddie Hunter had to involve the number meaning 18 years in any plea, of mine. Attorney Ricky Harris said the solicitor took this case of mine personal and in thinking because of me not helping Narcotics Investigators with information. That's why I filed a complaint with the Supreme Court of South Carolina Disciplinary Counsel against solicitor Eddie Hunter. The case number on Eddie Hunter was filed on 1-19-17 and file number is 17-DE-L-0054. I was told that these are legal matters that must be addressed by you to the court or raised by you on appeal using appropriate appellate procedures. That's why im bringing this up to the court of appeals attention now. Because I did not become a snitch or CRT for Narcotics Investigators the solicitor Eddie Hunter had a problem with me I feel. The only thing I could do is write the Supreme Court and ask for their help in this situation. I have been known, my charge I plead to was not right in my case. But what could I do about anything in my situation. That's why im asking the Court of Appeals to review my case for a Sentence Modification. I do feel that Investigator James Ruane has overstepped his boundaries with my situation and case with Entrapment. I also feel that the solicitor basically took this to a personal level between himself and I. I could of seen a "conspiracy", charge against me by the narcotics and solicitor because of my involvement in the controlled buy. But the Trafficking Meth charge had no evidence. It seems that Investigators can charge anyone they want with a drug distribution and arrest them days later without evidence of a crime, and get away with these matters. The solicitor will take care of finding you guilty of a charge that you had not committed in a court of law without evidence. Scare tactics. I have been threaten by solicitor with life sentence months ago.

#341546

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Statement of Grounds for Sentence Modification and

page 4

Sentence Reconsideration

page 4

Appeal Case # 2017-000908

The life sentence threat was part of the scare tactic of solicitor Eddie Hunter. But I felt something was botched with my plea when solicitor Eddie Hunter never read anything about my case to the judge Derham Cole. I knew the solicitor and attorney Ricky Harris knew this charge of trafficking and guilty plea was wrong from the start. The solicitor Eddie Hunter did not want the Judge to maybe overrule his case against me by hearing the facts of the case. I knew the evidence was all hear-say and not physical evidence. The solicitor Eddie Hunter basically just read my record and nothing else.

I felt my attorney should of made a motion of dismissal months ago before the potential jury trial date. I have sent copies of my motion of discovery with the statement of grounds so the court can view the evidence for the Entrapment, and lack of physical evidence.

I had to write this in pencil on page 4 because my pen got took from me at Kirkland R+E for contraband. But the pencil will have to do in finishing up for my statement of grounds. I plead to a botched plea and I should of never been in a court room to begin with, because of a vindictive solicitor in the case. All I could do is plead to a

Judge Cole for the courts mercy in my behalf and for my past drug use. My attorney Ricky Harris hardly said anything and nothing in my defense. I hope the Court of Appeals considers the part 2 of statement of grounds for a Sentence Modification and Sentence Reconsideration on my behalf. I also don't know if the Investigator James Ruane that works for Spartanburg County Narcotics Unit, can drive into Cherokee county to pick me up and take me back into Spartanburg County while I look for someone to sell him the drugs. I don't know if that is something that is illegal or not, but it sticks out to my attention in my motion of discovery. Maybe not procedure! My attorney never explained the guilty plea process to me. I was told by attorney to take the damn Plea the solicitor gives now or never, or get 25 to 30 years for losing a jury trial against a Sheriff's Officer. Pushed into plea.

I still have a pending complaint on Ricky Harris my attorney for this reason with Supreme Court of Disciplinary Counsel. "Date 3-28-17 File # 17-DE-L-0361" Also on 3-14-17 my Attorney told me to take the "damn" plea now or never on 3-14-17, a arguement with profanity, and part of the complaint on attorney. After arguement I was in shock and in a confused mind set about circumstances and everything happened so quickly with plea on 3-14-17.

Shannon Ramester

CONTROL NO. 5153095

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 James Ruane am employed by
(Name)

SCSO and that on
(Name of Agency or Department)

April 15, 2016, I seized from Sh
(Date) (Year) (Name)

pursuant to Undercover Drug Purchase
(State Whether Subject to Warrant, Lawful Arrest or Otherwise)

at or near _____
(Place Where Seized)

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

Crystal like substance Trinidad Road, S.C. 1st

On April 15, 2016, I made delivery of the above described
(Date) (Year)

substance(s) or container(s) to Evidence of
(Name)

SCSO in substantially the same condition
(Law Enforcement Agency)

as when I received it.

Place: _____

Date: _____

James Ruane
(Signature)

Sworn to me on this _____ day of _____, _____

Notary Public for South Carolina

My Commission expires: _____

CONTROL NO. 5153095

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 ROBERT ROSENBERG am employed by
(Name)

SPARTANBURG COUNTY SHERIFF'S OFFICE as EVIDENCE OFFICER and that on
(Name of Agency or Department) (Capacity of Employment)

04 18, 16, I received IN PERSON
(Date) (Year) (Specify Whether by Mail or in Person)

from DROP BOX of SPARTANBURG COUNTY SHERIFF'S OFFICE
(Name of Person) (Law Enforcement Agency)

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

J. Ruano
(Name of Person making Original Seizure)

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

Best Bag

On 04 18, 16, I made delivery of the above described
(Date) (Year)

substance(s) or container(s) to Drug Room of
(Name)

SPARTANBURG COUNTY SHERIFF'S OFFICE in substantially the same condition
(Law Enforcement Agency)

as when I received it.

[Signature]
(Signature)

Place: _____
Date: _____

Sworn to me on this _____ day of _____,

Notary Public for South Carolina
My Commission expires: _____

LANCASTER, SHANNON M - Suspect

DOB 04/08/1974
 Sex M
 Height 6'00"
 Address 304 OLD DIRT RD; OLD DIRT RD
 State SC
 Phone (864)621-2376
 DL Number 7376763

Race W-WHITE, NON-HISPANIC
 Ethnicity Non-Hispanic
 Weight 175
 City SPARTANBURG
 Zip 29307
 DL State South Carolina

NARCOTICS - Complainant

DOB
 Sex
 Height 6'00"
 Address 8045 HOWARD ST
 State SC
 Phone (864)503-4500
 DL Number

Race
 Ethnicity
 Weight 180
 City SPARTANBURG
 Zip 29303
 DL State

Property**Drug - Evidence**

Quantity 27.6
 Measurement Gram
 IBR / UCR Code Drug/Narc, Amphet or Methamphe
 Status Seized

Total Value \$1.00
 Amount Recovered \$0.00
 Date Recovered 04/15/2016
 Owner

Narratives**Original Narrative - Ruane, James - 04/18/2016 13:26:26**

On April 15, 2016 Investigator Ruane, acting in a undercover capacity contacted Shannon Lancaster in reference to purchasing an ounce of methamphetamine. Shannon Lancaster stated to Investigator Ruane to pick him up, and take him (Lancaster) to go get the methamphetamine. Investigator Ruane had \$1,250.00 of recorded Sheriff's Office Funds and an audio/video recording device. Investigator Ruane driving an uncover Spartanburg County vehicle was followed by other Investigators to pick up Shannon Lancaster. Once Investigator Ruane picked up Shannon Lancaster, he (Lancaster) told Investigator Ruane that he (Lancaster) had to go to Wellford for the methamphetamine. Investigator Ruane, followed by other Investigators, drove Shannon Lancaster to the buy location located at 112 Wild Oaks Drive, Wellford, SC. Investigator Ruane handed the recorded Sheriff's Office Funds to Shannon Lancaster who then exited the vehicle and walked inside the trailer. A short time later, Shannon Lancaster walked back to the vehicle and handed Investigator Ruane a plastic bag containing a pink crystal like substance. Investigator Ruane left and met with Investigators at a predetermined location. The pink crystal like substance weighed approximately 27.6 grams and did field test positive for methamphetamine. The pink crystal like was placed into Best Bag #S153095 and placed into evidence at the Sheriff's Office for further testing. The audio/video recording was transferred to a DVD for storage and still photo's were made for this case file.

This incident happened within 1/2 mile of Wellford Academy located at 684 Syphrit Road, Wellford, SC 29385.
 Judge Blackley Issued the following warrants on Shannon Lancaster:2016A4210201358 PWID 1/2 Mile of School, 2016A4210201359 Trafficking Meth
 2nd.

Buy Notes for Case #16040895

14:29—Investigator Ruane picked up Shannon Lancaster at 105 Saddle Drive, Gaffney, SC

14:24—Investigator Ruane and Shannon Lancaster leave 105 Saddle Drive, Gaffney, SC

15:05—pulled in trailer park in Wellford, SC. SC Tag MBT320 Jetta Volks parked at trailer. 1st trailer on right. Expedition with paper tag also parked at trailer

15:08—Investigator Ruane left Shannon Lancaster at trailer with buy money and went to Dollar General in Wellford and parked

15:28—Investigator Ruane returned to trailer to pick up Shannon Lancaster

15:40—Investigator Ruane and Shannon Lancaster left trailer. Shannon Lancaster informed Investigator Ruane that it would be about 1 hour before the methamphetamine would be at the trailer. Investigator Ruane and Shannon Lancaster decided to get something to eat in the area to wait for the methamphetamine.

15:43—Investigator Ruane and Shannon Lancaster went to Spinx/Burger King at Hwy 29 and Hwy 129. While waiting Shannon Lancaster informed Investigator Ruane that he would try to call "Chuncka", Larry Ralph White, to get the methamphetamine. Investigator Ruane informed Shannon Lancaster that Investigator Ruane would not want to purchase the methamphetamine from him. Investigator Ruane knows Larry Ralph White very well through other methamphetamine investigators and Investigator Ruane was worried that Larry Ralph White might recognize him as being a Narcotics Investigator. Shannon Lancaster also spoke with a unknown person on the phone who wanted to buy a small amount of methamphetamine that Shannon Lancaster had on his person. Shannon Lancaster told that person to meet us at the Spinx/Burger King. That person never showed up before we left.

17:05—Investigator Ruane and Shannon Lancaster left Spinx/Burger King

17:10—Investigator Ruane and Shannon Lancaster arrived back at the trailer, and left headed to Spartanburg, SC. Shannon Lancaster informed Investigator Ruane that his girlfriend would meet us on Asheville Hwy. in Spartanburg with the methamphetamine. Shannon Lancaster told Investigator Ruane that we would meet his girlfriend at the Pizza Hut on Asheville Hwy. Shannon Lancaster also called back the person who was going to buy the methamphetamine that Shannon Lancaster had on his person and told that person to meet us at the Pizza Hut on Asheville Hwy.

Buy Notes for Case #16040895 (continued)

17:34—Shannon Lancaster informed Investigator Ruane that the Hispanic would have the methamphetamine in Wellford, SC. Investigator Ruane turned around and headed back to Wellford, SC. Shannon Lancaster told Investigator Ruane that they would be pissed off if we didn't get the methamphetamine from Wellford since the guy was on his way. Shannon Lancaster stated that they would cut him off if we didn't get the methamphetamine from them.

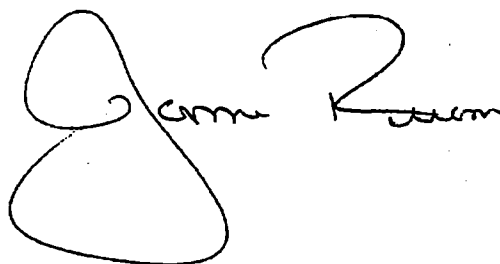
17:42—Investigator Ruane and Shannon Lancaster arrived back at the Dollar General in Wellford, SC. Shannon Lancaster was attempting to meet an unknown person to sell him a small quantity of methamphetamine that Shannon Lancaster had on his person.

17:46—Investigator Ruane and Shannon Lancaster arrived back at the trailer in Wellford, SC. Shannon Lancaster informed Investigator Ruane to stay at the trailer this time and not to go back and wait at the Dollar General.

While waiting at the trailer, a Nissan Maxima bearing SC Tag LHW534 pulled into the trailer and parked directly behind Investigator Ruane. A dark complexed white male wearing a plaid shirt, gray slacks, clean cut, dark hair, and wearing sun glasses exited the vehicle and walked into the trailer. A female stayed in the vehicle in the drivers seat with the vehicle running. A short time later Shannon Lancaster exited the trailer and handed Investigator Ruane a plastic bag containing a pink crystal like substance and walked back into the trailer.

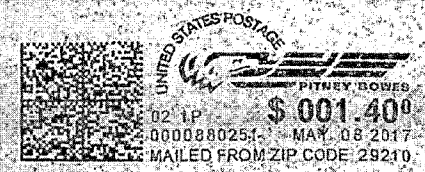
18:05—Investigator Ruane left the trailer alone. Shannon Lancaster stayed at the trailer.

Due to the length of time of this buy, the transaction was not recorded due to the equipment running out of battery. Investigator Ruane was able to get some of the details of the buy, but not the buy in its entirety. While Investigator Ruane was driving Shannon Lancaster to the buy, Shannon Lancaster pulled out two (2) chrome plated .25 pistols with wood grips. Shannon Lancaster informed Investigator Ruane that he (Lancaster) always carries a pistol with him during drug transactions. Shannon Lancaster also informed Investigator Ruane that he (Lancaster) was going to try to sell one of the pistols to the Hispanic male.

A handwritten signature in black ink, appearing to read "James Ruane". The signature is stylized with a large, looping initial "J" and a long, sweeping underline.

Shannon Lancaster #341546 CI-13

Mailroom
Kirkland Correctional Institution
4344 Broad River Road
Columbia, S.C. 29210



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South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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