

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Berkeley County

Honorable Perry H. Gravely, Circuit Court Judge

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S.C. SUPREME COURT

RODNEY LADSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-002093

APPENDIX

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
PCR HEARING DATED JANUARY 21, 2016 – APPLICANT’S EXHIBIT # 4 (SLED
PHOTOS - 4 PAGES); APPLICANT’S EXHIBIT # 8 (SLED PHOTOS-1 PAGE)**

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY) 99-GS-08-860

State of South Carolina,)
Plaintiff,) Transcript of Record
versus)
Rodney Ladson,) November 15, 1999
Defendant.)

B E F O R E :

Honorable R. Markley Dennis, Jr.
Berkeley County Courthouse
Moncks Corner, South Carolina

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

Sharon Capers, Esquire
Attorney for Plaintiff

Michael Brown, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM
Circuit Court Reporter

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I N D E X

2

(November 15, 1999)

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(There were no exhibits marked during the hearing.)

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1 (On the record, November 15, 1999.)

2 MS. CAPERS: Yes, sir, Your Honor. This is 99-GS-08-
3 860, The State versus Rodney Ladson. He is indicted for
4 murder and he's represented by Michael Brown. This is a
5 negotiated sentence.

6 THE COURT: All right, you are Rodney Ladson?

7 MR. LADSON: Yes, sir.

8 THE COURT: Mr. Ladson, good morning. You're
9 presently in court this morning with Mr. Brown. Is he
10 representing you in this matter?

11 MR. LADSON: Yes, sir.

12 THE COURT: The indictment that has been presented to
13 me, indictment 99-860 charges you, sir, with the offense of
14 murder. Do you understand that?

15 MR. LADSON: Yes, sir, I do.

16 THE COURT: The plea sheet that has just been handed
17 me, which you have also signed, also indicates that you wish
18 to plead to the indictment.

19 MR. LADSON: Yes, sir.

20 THE COURT: That is the charge of murder.

21 MR. LADSON: Yes, sir.

22 THE COURT: Has Mr. Brown explained to you the nature
23 of that offense?

24 MR. LADSON: He has.

25 THE COURT: Has he explained to you that the possible

1 punishment for the offense of murder is 30 years or life?

2 MR. LADSON: Yes, he has.

3 THE COURT: Has he explained to you that 30 years

4 means 30 years?

5 MR. LADSON: Yes, sir.

6 THE COURT: Not one second fewer.

7 MR. LADSON: Yes, he has.

8 THE COURT: Has he explained to you that life means

9 that you never leave a jail?

10 MR. LADSON: Yes, sir.

11 THE COURT: I'm advised and the plea sheet indicates

12 that this is a negotiated sentence; is that correct?

13 MR. LADSON: Yes, sir.

14 THE COURT: Meaning that you through Mr. Brown have

15 engaged in discussions with the State and the State is

16 prepared to recommend or there is an agreed sentence in this

17 matter.

18 MR. LADSON: Yes, we have.

19 THE COURT: Do you understand that the word negotiated

20 sentence I view as and I view it differently from a

21 recommendation by the State. You understand that?

22 MR. LADSON: Yes, sir.

23 THE COURT: In other words a negotiated sentence my

24 options are either to accept it or reject it.

25 MR. LADSON: Yes, sir.

1 THE COURT: Have you had sufficient opportunity, sir,
2 to discuss the terms of the negotiated sentence with your
3 lawyer?

4 MR. LADSON: Yes, sir.

5 THE COURT: Is there any aspect of the negotiated
6 sentence that you do not understand?

7 MR. LADSON: No, sir.

8 THE COURT: Are you today under the influence of
9 anything affecting your ability to make a decision of this
10 nature?

11 MR. LADSON: No, sir.

12 THE COURT: Have you, sir, consumed any alcohol or
13 ingested any drugs in the last 24 hours?

14 MR. LADSON: No, sir.

15 THE COURT: Have you, sir, ever been treated for any
16 emotional problems or any mental illness?

17 MR. LADSON: No, sir.

18 THE COURT: Ms. Capers, if you would, please, state
19 the terms of the negotiated sentence.

20 MS. CAPERS: Yes, Your Honor, this is a negotiated plea
21 for a 30-year sentence to the charge of murder.

22 THE COURT: All right, Mr. Ladson, is that the full
23 extent of the agreement?

24 MR. LADSON: Yes, sir.

25 THE COURT: All right, understanding the nature of the

1 offense, understanding fully the terms of the negotiated
2 sentence, having had an opportunity to discuss that fully with
3 your lawyer, what is your plea?

4 MR. LADSON: Guilty.

5 THE COURT: Are you satisfied with your lawyer?

6 MR. LADSON: Yes, sir.

7 THE COURT: Do you have any complaints at all about
8 the way he's represented you in this matter?

9 MR. LADSON: No, I don't.

10 THE COURT: Do you understand this is the time for you
11 to register those complaints?

12 MR. LADSON: Yes, sir.

13 THE COURT: Mr. Brown, have you investigated this case
14 on behalf of your client?

15 MR. BROWN: I have, Your Honor.

16 THE COURT: Have you shared the results of that
17 investigation with him?

18 MR. BROWN: I have, Your Honor.

19 THE COURT: He has indicated to you now a desire to
20 enter a plea and to accept the terms of the negotiated
21 sentence?

22 MR. BROWN: That is correct, Your Honor

23 THE COURT: Do you believe that to be his decision?

24 MR. BROWN: Absolutely.

25 THE COURT: Do you believe it to be a decision that he

1. makes knowingly, freely and voluntarily?

2 MR. BROWN: I do, Your Honor.

3 THE COURT: Based on your investigation in this matter
4 do you believe the terms of the negotiated sentence are in
5 your client's best interest?

6 MR. BROWN: They are, Your Honor.

7 THE COURT: Mr. Ladson, do you agree with your
8 attorney's responses?

9 MR. LADSON: Yes, sir.

10 THE COURT: Do you understand fully your rights in
11 this matter?

12 MR. LADSON: Yes, I do.

13 THE COURT: You understand that the State has the
14 burden of proving every element of this offense?

15 MR. LADSON: Yes, sir.

16 THE COURT: And that means they have to prove it
17 beyond a reasonable doubt.

18 MR. LADSON: Yes, sir.

19 THE COURT: They do that by presenting witnesses and
20 exhibits or any evidence at a trial; do you understand that?

21 MR. LADSON: Yes, sir.

22 THE COURT: By entering this plea you will not have a
23 jury trial.

24 MR. LADSON: Yes, sir.

25 THE COURT: And therefore, you will not have a right

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1 to see and hear or confront the witnesses against you in this
2 matter; do you understand that as well?

3 MR. LADSON: Yes, sir.

4 THE COURT: Is it your decision to give up these
5 rights?

6 MR. LADSON: Yes, sir.

7 THE COURT: You understand by admitting your guilt
8 here today now the State, of course, is not going to be
9 required to prove you guilty because you admit you're guilty
10 and by also talking with me today you're giving up your right
11 to remain silent. Do you understand that as well?

12 MR. LADSON: Yes, sir.

13 THE COURT: Is this your decision?

14 MR. LADSON: Yes, it is.

15 THE COURT: No one has promised you anything other
16 than the negotiated sentence.

17 MR. LADSON: No, sir.

18 THE COURT: No one has promised you anything to get
19 you to plead guilty to this.

20 MR. LADSON: No, sir.

21 THE COURT: No one has threatened you in any way; have
22 they?

23 MR. LADSON: No, sir.

24 THE COURT: Sir, is there any question about your
25 guilt of this offense?

1 MR. LADSON: No, sir.

2 THE COURT: Tell me about the facts, Solicitor.

3 MS. CAPERS: Yes, sir, Your Honor, on March 2nd of this
4 year the police received a call from Patricia Ladson who was
5 the victim in this case, Your Honor, they received a call from
6 her employer saying that she did not arrive at work. They
7 sent an officer to the residence that afternoon.

8 When they got there no one answered the door. He went to
9 a neighbor's house, Your Honor, and the neighbor said that the
10 children would be home shortly.

11 When he went into the -- the officer then went into the
12 house with one of the children or went into the house, Your
13 Honor, found out from one of the children how to open the
14 bedroom door. He went into the bedroom, Your Honor, and then
15 went into the bathroom and found Patricia Ladson in the
16 bathtub with a gunshot wound to the chest, Your Honor, she --
17 with a gunshot wound to the chest, Your Honor.

18 At that time, Your Honor, they notified Rodney Ladson
19 that he needed to call home. Mr. Ladson who did go to work
20 that day, Your Honor, went to a pay phone. When he came out
21 of the pay phone, Your Honor, booth he told his partners who
22 were riding with him or driving trucks with him, Your Honor,
23 that his wife had been shot. That information had not been
24 released. He has also said that, I believe, that he made two
25 phone calls. No calls were emitted from that phone booth.

1 He then went to the scene, I mean, went back to Patricia
2 Ladson's residence, Your Honor, and Mr. Ladson did live right
3 across the street from Ms. Ladson, made a statement, Your
4 Honor, regarding another man and her having had sex with, I
5 believe another man at that time, Your Honor.

6 The investigation, Your Honor, revealed that, well, Ms. --
7 the autopsy revealed, Your Honor, that Ms. Ladson was murdered
8 sometime around seven o'clock in the morning. Three
9 witnesses, Your Honor, one who made a call to 911 saying that
10 she saw Rodney Ladson run from the residence between seven and
11 7:15, two other witnesses, Your Honor, saw him. One placed
12 him directly in front of the trailer where Ms. Ladson lived.
13 She was just driving to work, Your Honor, heard about it on
14 the radio and called in to report that she saw not -- a tall
15 slender, a tall black man coming across the street from the
16 residence and she noticed it was particularly significant to
17 her because she had always seen that white house there and
18 there was never anybody in front of it and that's why she
19 noticed it.

20 Another witness, Your Honor, saw him outside of his car,
21 outside of his truck at about the same time that morning.
22 Several witnesses came forward to say that Mr. Ladson had
23 threatened to kill Patricia Ladson several times. He had also
24 said that if she ever divorced him that he would kill her.
25 The divorce papers were filed on March 2nd, the same day that

1 she was killed -- the day before.

2 The search, the telephone wires were ripped out of the
3 wall, Your Honor. The telephone was ripped. The telephone
4 was missing. We did find telephone wires hidden in Mr.
5 Ladson's drawer, along with the key to the residence. We also
6 found rubber gloves, Your Honor.

7 THE COURT: All right, is there anything else?

8 MS. CAPERS: Nothing, Your Honor.

9 This is Patricia Ladson's family, Your Honor, to my
10 right. I believe and there are also other members behind our
11 table. Some of them would like to address the Court.

12 THE COURT: I'll be happy to hear from them at this
13 time.

14 If you would, when you do speak if you would just give me
15 your full name so that we can have that on the record, please.

16 MS. LADSON: My name is Rashida T. Ladson. I just want
17 to let Mr. Rodney Jerome Ladson, Sr., know that you killed my
18 mother because you was a possessive and jealous man thinking
19 no other man would get her but I want you to know that a man
20 did get her, God, and I want you to know you will pay for what
21 you did.

22 MR. HENRY: That's right.

23 MS. LADSON: You think you got away, just them 30 years
24 don't mean nothing ---

25 MR. HENRY: He ain't gone, no, he ain't gone.

1 MS. LADSON: --- because you will burn in hell,
2 remember that. All that abuse and the hell you put us through
3 you will pay. How could you do this to your wife and your
4 kids? How? You got four other kids, three other kids and
5 you know what you putting them through? You got them kids on
6 the verge about to snap because they still love you and they
7 miss they mother. A couple of months away I'm about to
8 graduate and you going to go kill her. You know I had a life
9 planned. Me and my mother made plans for my career and
10 everything else and you're going to go do that. How and why?
11 If you so much of a man why you had to do it? Be a man about
12 it. Just go on with your life. Why you had to do that to
13 her? Why couldn't you just leave her alone and let her be
14 happy? Huh? Why, why you put us through all the abuse and
15 everything else you did all those years and then the thing
16 about it Mommy loved you so much and she still love you up
17 until the day you kill her. You will pay. Remember that.
18 Remember -- yeah, you can look at -- I can look at you now.
19 All them years you hit me and everything else you did to me.
20 I can't look at you in the eye, but guess what I'm going to
21 look at you now. I'm going to look at you now. Remember
22 that.

23 THE COURT: All right, anything else?

24 MR. HENRY: Yes, sir, I'd like to say one thing.

25 THE COURT: Your name, please?

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1 MR. HENRY: Isaac Henry.

2 THE COURT: Yes, sir, Mr. Henry.

3 MR. HENRY: This man here have come to my house and
4 asked me where is Trisha. I told him I don't know. So, the
5 last -- every time he call he'll ask me do I know a woman can
6 do anything. I tell him, no, I know one down in West Colleton
7 County have give people some medicine, but I don't know nobody
8 to help you get out of trouble. So, he every time he calls
9 he'll ask me that. That particular night him and some of his
10 friends come to my house and ask me where was Trisha. I told
11 them I don't know and he was going, he said, "If I don't live
12 with her no one else will live with her. I'll kill her." So,
13 I said to him, I don't know whether he hear that, I said, "If
14 you kill her I coming," and that's all I got to say. So far
15 as that little time you all giving him you ain't giving him
16 nothing. Thank you.

17 THE COURT: Thank you, sir. All right, Ms. Solicitor.

18 MS. ROBINSON: My name is Barbara Jean Robinson. I'm
19 just full up right now but I just -- I'm just glad justice
20 being done. We're going through a lot, you know, with my
21 sister's death because just before she got killed we lost our
22 mother and a brother and we was all we had, you know, was just
23 each other and I'm just, I'm just happy that justice being
24 done and I'm sorry that things went the way it went, but I'm
25 glad that justice is being done that he came forth and plead

1 guilty.

2 THE COURT: Thank you, ma'am. All right, anything
3 else?

4 MS. CAPERS: Nothing, Your Honor.

5 THE COURT: Mr. Ladson, you've heard the facts. Are
6 those facts correct?

7 MR. LADSON: Essentially yes.

8 THE COURT: Well, is there any question in your mind
9 that you on March the 2nd did willfully, unlawfully and
10 feloniously with malice aforethought shoot Patricia Ladson in
11 the chest and that she died as a result of that?

12 MR. LADSON: Yes, sir.

13 THE COURT: Any question about that?

14 MR. LADSON: No, sir.

15 THE COURT: That's true?

16 MR. LADSON: Yes, sir.

17 THE COURT: In every respect?

18 MR. LADSON: Yes.

19 THE COURT: All right, I find that Mr. Ladson has had
20 the benefit of competent counsel. He's indicated to the Court
21 that he's totally satisfied with his representation. I find
22 that he fully understands his rights, he is not under the
23 influence of anything affecting his ability to make a decision
24 of this nature. I find that the decision is freely,
25 voluntarily and knowingly and made by him. I find nothing

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1 about this demeanor that suggests to the Court that he is
2 functioning or under the undue pressure or anything effecting
3 him at all. He has responded to my questions correctly in
4 every sense, body language and words; and therefore, Mr.
5 Brown, I will, waiting to hear from you, I'll make a
6 determination of whether or not I can accept the plea, but I
7 find to this extent that the plea is knowingly made and by
8 him.

9 MR. BROWN: Your Honor, this is a tale told too often in
10 these courtrooms where human emotions have simply overcome a
11 person who otherwise in all appearances is a good person.

12 Mr. Ladson served as a highway patrolman in this state
13 for about six years. As far as I am aware he left of his own
14 volition. There was no misconduct or anything causing his --
15 ending his career with the highway patrol. I know he's been
16 involved in the ministry.

17 Your Honor, this is just a complete tragedy. You would
18 hope that looking back that someone realizing that he had
19 these issues that he couldn't deal with might have helped him
20 or he might have helped himself by seeking counseling and
21 dealing with those emotions before they completely overcame
22 him.

23 The Solicitor has essentially laid out the details of the
24 case. There are several other things that are just simply
25 tighten the knot. He has never really indicted to me that he

1 wanted to go to trial in this. In part going to trial would
2 have required possibly all of his children to take the stand
3 and go through this. There was no way he wanted to touch
4 that, and their testimony would have been damning of my
5 client.

6 You cannot sit and talk with Rodney without believing, as
7 I said, that he really is a good person, but he's got this
8 terrible emotional deficiency, character problem, whatever you
9 want to call it that had to do with simply his ability to be
10 positively involved with his wife and with his children.

11 I don't know that 30 years is right. I don't know that
12 life is right. I don't think there's any solution. This is a
13 tragedy that both these families will live with for the rest
14 of their lives and what we do today is not going to change
15 that. Perhaps his daughter's ability to vent her feelings
16 will help close things for her to some extent. I know Rodney
17 has plenty of people who love him back here. They're here.
18 These are all family. They have trusted Rodney to make his
19 own decision regarding this. We've had many conversations
20 together about the case, about what was involved and about the
21 consequences.

22 Rodney is 39 years old now. If he lives long enough he
23 will leave prison a very old man, if at all. I don't -- I'm
24 not aware of anything in his background other than this that
25 would say, "Well, this is a guy just goes out and kills people

1 regularly or harms them regularly." I know there are family
2 issues of abuse that were there and again, unfortunately,
3 these were never dealt with until it was too late and we're
4 here for this tragedy and that's all I can really offer the
5 Court.

6 THE COURT: Mr. Ladson, is there anything you wish to
7 tell me?

8 MR. LADSON: Yes, sir. I owe my family, Patricia's
9 family an apology. I'm very sorry that this did happen. If I
10 could change the situation a thousand times I would change it.
11 That's it, Your Honor.

12 THE COURT: Anything else?

13 MR. BROWN: That's all.

14 THE COURT: Anything?

15 MR. BROWN: The family simply asked me to make sure
16 the Court understood they support him and they love him.

17 THE COURT: Well, I appreciate that.

18 Is there anything further, Ms. Solicitor?

19 MS. CAPERS: Nothing, Your Honor.

20 THE COURT: Well, everyone present is seeing the end
21 product of something that I -- that concerns this Court
22 greatly. It seems to be a growing problem in our society and
23 I don't know the answer for it or why or explanation. I
24 certainly know some things that could help resolve it, but I
25 don't know the reason we seem to be a society who have lost

1 the ability to care for one another until we come to this
2 situation. Then we seem to care for each other. We all
3 gather and we come in great support and that's wonderful. I'm
4 glad everybody is here.

5 One thing I can say to the family I -- nothing that I do
6 here today in any way tries to take up, replace, to fill the
7 void that's been created by this heinous act. It can't be
8 done. That's impossible. I wish I had the power to undo it,
9 but I don't. I have the power to impose a 30-year sentence or
10 a life sentence. I don't know what, I agree, Mr. Brown, I
11 don't know what either one of those does to be honest with
12 you. One lets him out of jail at the age of about 70 and the
13 other he would never get out.

14 I believe what I believe and I do believe that strongly.
15 I believe mercy is probably something that brings me to my
16 knees more than anything else, but I don't deserve it but
17 that's what it's all about. That's what grace and mercy
18 means. Probably the greatest punishment in the world is to
19 make somebody understand what they've done and to have to live
20 with it and live in a society.

21 I'll say this to the family there's some -- you've had
22 the benefit and I know Ms. Rembert and I'm glad that she's
23 been here and I'm glad that this county is fortunate enough to
24 have her work with the victims as she's done for so many years
25 and I know she's encouraged you and will encourage you to.

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1 don't stop here. Seek help because anger will do nothing but
2 destroy the person who is angry. You can't -- you
3 can't invoke any more harm on this person or cause him to feel
4 any worse than he does or even if he doesn't you can't make
5 him feel that way. So, you end up destroying yourself and in
6 that sense you destroy everything that that person stood for
7 because there's one thing that she would say if she had a
8 chance to be here is that, "Somehow the part that I played in
9 bringing lives into this world please don't let me down. Take
10 what I've given you and go on from it and with it," and
11 you've got to do that and it would have been a whole lot
12 easier and not to have to confront this, but you didn't
13 have -- you didn't offer that. That's been presented to you.
14 So, I hope that somehow that can be accomplished and achieved.
15 I agree that maybe this helps with closure, but there's a long
16 battle from here. I've seen it personally in my life. I
17 watched my father deal with it till the time he died and I
18 don't know that he ever really came to grips with the murder
19 of his father. It's not easy, but you need to work on it.

20 Mr. Ladson, the one thing that has been said though and I
21 do believe this and I don't take issue. I understand the
22 statement that you -- because I know that's what she and
23 everybody else would like for you to burn in hell, and quite
24 frankly, you deserve that, but that beautiful grace and mercy
25 I don't control that. I answer to that judge, too, and we all

1 will. That's between you and that judge and I'll leave that
2 in his able hands, not mine.

3 So, the sentence of the Court 99-860 is that you be
4 committed to the Department of Corrections for a term of 30
5 years.

6 Thank you.

7 (Adjourned.)

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Certificate

C E R T I F I C A T E

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3
4 I, the undersigned, Grace L. Hurley, Official Court
5 Reporter for the State of South Carolina, do hereby certify
6 that the foregoing is a true, accurate and complete
7 Transcript of Record of the hearing in the case of State
8 v. Rodney Ladson, held in the Court of General Sessions for
9 Berkeley County, Berkeley County Courthouse, Moncks Corner,
10 South Carolina, on November 15, 1999.

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

13
14
15
16 Grace L. Hurley

17 Grace L. Hurley, CVR-CM

18 Official Reporter
19
20
21

22 November 1, 2005.
23
24
25

FORM 5

20 12 - CP - 08 - 637

STATE OF SOUTH CAROLINA)

COUNTY OF Berkeley)

IN THE COURT OF COMMON PLEAS

Full name and prison number (if any) of Applicant.

Rodney J. Ladson 262438)

v.)

State of South Carolina)

APPLICATION FOR
POST-CONVICTION RELIEF2012 FEB 29 PM 3:50
MAK P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention MAC DOUGALL CORR. INST.
2. Name and location of Court which imposed sentence Berkeley Co General Session S
MONCK'S CORNER, S.C.
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 99-65-08-860 Murder
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 11-15-99 30 YEARS
 - (b) _____

Revised 3/2003

RJL
X11

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Was not advised by Judge or Lawyer
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- STRICKLAND v. WASHINGTON*
- (a) *INEFFECTIVE ASSIST of COUNSEL*
- (b) *DUE PROCESS of LAW BOYKIN v. ALABAMA*
- (c) *INADVERTENTLY GUILTY PLED HILL v. LOCKHART*
LEAVE OPEN TO AMEND

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) *SEE ATTACHED STATEMENTS*
- (b) *" "*
- (c) *" "*

LEAVE OPEN TO AMEND

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? *NO*
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? *NO*
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? *NO*
- (d) any other petitions, motions or applications in this or any other Court? *NO*

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____

- iv. _____
- (d) the date of each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____
14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
NO
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. _____
- ii. _____
- iii. _____
- (b) the proceedings in which each ground was raised:
- i. _____
- ii. _____
- iii. _____
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) wasn't told by counsel I could appeal
- (b) "
- (c) "
17. Were you represented by an attorney at any time during the course of: YES

- (a) your arraignment and plea? NO
- (b) your trial, if any? NO
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Michael Brown 420 E Park Ave Greenville, SC.
- ii. _____
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. AT Sentencing
- ii. _____
- iii. _____
19. State clearly the relief you seek in filing this application:
UNCLATE SENTENCE AND PLED FO LESSER OFFENCE OF MAUSLAUGHTER
20. Are you now under sentence from any other court that you have not challenged?
NO

2012-CP-08-637

STATE OF SOUTH CAROLINA)

County of Berkeley)

VERIFICATION

Rodney Jackson

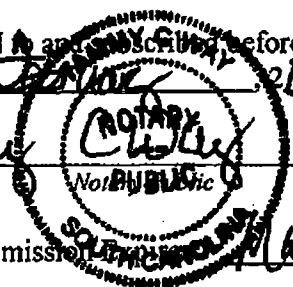
I, Rodney Jackson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Rodney Jackson

SWORN to and subscribed before me this 27th day of January, 2012

Jay C. [Signature] (L.S.)

My Commission Expires March 9, 2014



FILED
2012 FEB 29 PM 3:50
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2012-CP-08-637

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

Rodney J. Ledson

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Rodney Ledson
Applicant

SWORN on _____ day of _____, 2012.

[Signature]
NOTARY PUBLIC
SOUTH CAROLINA

My Commission Expires _____

March 9, 2014

FILED
2012 FEB 29 PM 3:50
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

Facts and Arguments

Applicant contends that his counsel failed to render reasonably effective assistance of Counsel under prevailing professional norms, and he was prejudiced by his counsel's ineffective performance.

Applicant contends that counsel was ineffective because he did not investigate his case. Applicant contends that counsel did not investigate his case or the outcome of the trial would have been different.

Applicant contends that the counsel did not challenge the indictment at trial because the indictment did not say anything about Malice. Murder is the killing of any person with Malice aforesaid either expressed or implied, therefore the indictment was invalid. Indictment never mention Malice, Malice must be shown to convict one of Murder. It does not have to be shown to convict one of Manslaughter.
State v King (1930) 158 S.C. 251, 155 SE 409.

Malice Aforethought is an element of Murder
 State v Owens (SC 2001) 346 SC 637, 552 SE 2d 745.

Malice must be shown to commit one of Murder
 it does not have to be shown to commit one of
 Manslaughter. State v King (1930) 158 SC 251, 155 SE 409.

A Killing in sudden heat and passion because of
 slight physical aggression against one's person, or
 member of his family or property in his presence is
 Manslaughter. State v Gallan (SC 1908) 79 SC 229, 60 SE 682.

The sudden heat of passion, upon sufficient legal
 provocation which mitigates a felonious killing to
 Manslaughter, while it need not dethrone reason
 entirely, or shut out knowledge and volition must
 be such as would naturally disturb the sway of
 reason and render the mind of an ordinary person
 incapable of cool reflection and produce what,
 according to human experience, may be called
 an uncontrollable impulse to do violence

State v Cole (SC 2000) 338 SC 97, 525 SE 2d 511.

Applicant contends that Counsel failed to tell
 Judge I was under the influence of drugs during
 my trial and pled. Applicant was on Paxil
 and Miltaril a drug for depression. Applicant
 contends he didn't know right from wrong at
 sentencing.

Counsel was ineffective for not explaining that he could appeal the judge's sentence and conviction.

Counsel should have gotten the applicant a mental evaluation to see if there was mental problems with applicant before going to his plea. Applicant contends that this sentence and conviction to be vacated and reverse.

Due Process of LAW
Boykin v Alabama

Facts and Arguments

Applicant guilty plea did not comply with the
Mandate of Boykin v Alabama. 395 U.S. 238, 89 S.Ct 1709 (1969)
Applicant consequently sentence should be vacated.

Due process of law requires that before a guilty plea
can be voluntarily and intelligently entered a
defendant must be advised of his privilege against
compulsory self incrimination, the right to trial by
a jury, and the right to confront one's accuser. A valid
waiver of those rights cannot be presumed from a
silent record, Boykin v Alabama.

In Boykin supra, the Court held that
trial courts were mandated to use the utmost
solicitude when accepting a guilty plea to insure
that the plea was given freely and voluntarily
with full knowledge of the circumstances
surrounding the plea and the attendant
waiver of rights that occur with the guilty plea.

The entire waiver of Constitutional rights Colloquy in this case covered less than one page. Such a waiver of Constitutional rights cannot be considered meaningful under

Boykin v Alabama, Applicant was clearly - was not advised from Judge or his Attorney that he could appeal his sentence therefore Applicant guilty plea should be vacated.

Facts And Arguments
 Hill v Lockhart
 Involuntarily Guilty Pled.

Applicant guilty plea were not given voluntarily because he had no understanding of the sentencing consequences of his plea.

As a rule, it is Error for Counsel to fail to properly ascertain whether a defendant understands all the issues in case including sentence and appeals.

Green v State WL 234,2816 (2003).

Here, applicant's plea were not given voluntarily because he had no understanding of the sentencing consequences of his plea in violation of Boykin v Alabama, 395 U.S. 238 (1969) and the right to effective assistance of counsel under Hill v Lockhart 484 U.S. 52 (1985) and guaranteed under the Sixth and Fourteenth Amendments to the United States Constitution and Article I § 14 of S.C. Constitution.

Applicant was on Medication from the jail at time of Plea. Applicant contends he did not know right from wrong. Based on the foregoing arguments Applicant's conviction and sentence should be reversed and remanded.

Cover Sheet

2-20-12

Dear Ms Brown,

I am sending you my application
for my PCR. Along with my attacks.

Would you please Clock Stamp the Application
along with attacks and send me a copy of each.
I thank you for your help in this matter

Sincerely

Rodney J. Jackson Sr.

FILED



2013 MAR 14 PM 12:45

MARY P. BROWN

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

CLERK OF COURT

Common Pleas Court

Post Office Box 219

MONCK'S CORNER, SOUTH CAROLINA 29461-0219

843-719-4400 843-567-3311 843-723-3800

TO: Office of the Attorney General

FROM: Clerk of Court, Berkeley County, South Carolina #262438

RE: 2012-CP-08-637 (Ladson)

The above referenced document(s) is being returned for the following reason(s):

- (1) ☐ Needs Proof of Service/Non-service
- (2) ☐ Insufficient amount of filing fee.
- Correct amount: _____
- (3) ☐ Requires original signature.
- (4) ☐ Not a Berkeley County Case.
- (5) ☐ Venue change to: _____
- (6) ☐ Check or Money Order must be made payable to Clerk of Court.
- (7) ☐ Check not signed.
- (8) ☐ Copy - must file original.
- (9) ☒ Other Letter from: Rodney Ladson
Enclosure #262438

Thanks

Please make the necessary correction (s) and return.
Thank you for your assistance.

Rodney Jerome Jackson Jr #262438
 Macdougall Corn Court - B2D14A
 1516 Old Hilliard Road
 Ridgeway, S.C. 29472
 March 12, 2013

FILED

KAR 14 2013
 CASE NO. J
 MARY P. BROWN CLERK OF COURT
 BERKELEY COUNTY, SC

Mary P. Brown
 Clerk of Court
 Common Pleas Court
 Post Office Box 219
 Moncks Corner, S.C. 29461-0219

Dear Mr. Brown,

I sent you my PCR application that was stamped and filed in February 2012. In ref to my case #99-65-05-860 I need to know what is the status, disposition and if any other paper work has been filed in ref to my case. I also would like to know when will I be given a lawyer and when will this case come up for hearing? Now I am thanking you in advance for your help and time.

Sincerely,
 Rodney Jackson

ju
FILED



2013 MAR 14 PM 2:51

MARY P. BROWN

CLERK OF COURT

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

Common Pleas Court

Post Office Box 219

MONCK'S CORNER, SOUTH CAROLINA 29461-0219
843-719-4400 843-567-3311 843-723-3800

TO: Rodney Ladsen, Sr #262438

FROM: Clerk of Court, Berkeley County, South Carolina

RE: 2012-CP-08-637

The above referenced document(s) is being returned for the following reason(s):

- (1) ☐ Needs Proof of Service/Non-service
- (2) ☐ Insufficient amount of filing fee.
Correct amount: _____
- (3) ☐ Requires original signature.
- (4) ☐ Not a Berkeley County Case.
- (5) ☐ Venue change to: _____
- (6) ☐ Check or Money Order must be made payable to Clerk of Court.
- (7) ☐ Check not signed.
- (8) ☐ Copy - must file original.

(9) ☒ Other

Your letter was forwarded
to the Atty. Gen. General's Office
Thanks

Please make the necessary correction (s) and return.
Thank you for your assistance.

ju

just
FILED



2013 MAR 22 AM 11:00

MARY P. BROWN

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

CLERK OF COURT

Common Pleas Court

Post Office Box 219

MONCK'S CORNER, SOUTH CAROLINA 29461-0219

843-719-4400 843-567-3311 843-723-3800

TO: Attorney General Office

FROM: Clerk of Court, Berkeley County, South Carolina

RE: Rodney Lactez # 262438 (2012-637)

The above referenced document(s) is being returned for the following reason(s):

- (1) ☐ Needs Proof of Service/Non-service
- (2) ☐ Insufficient amount of filing fee.
Correct amount: _____
- (3) ☐ Requires original signature.
- (4) ☐ Not a Berkeley County Case.
- (5) ☐ Venue change to: _____
- (6) ☐ Check or Money Order must be made payable to Clerk of Court.
- (7) ☐ Check not signed.
- (8) ☐ Copy - must file original.
- (9) ☒ Other Letter regarding Legal Representation

Thanks

Please make the necessary correction (s) and return.
Thank you for your assistance.

2012-CP-08-637

Mary P. Brown
 Clerk of Court
 County of Berkeley
 General Session Court

3-18-2013

P.O. Box 219

Monterey Corner, S.C. 29461-0219

MAILED
 CLERK OF COURT
 BERKELEY COUNTY SC.

2013 MAR 20 PM 2:56

FILED

Re: Legal representation for P.C.R.

To whom it may concern:

I am requesting legal representation for my
 P.C.R. I don't have the necessary legal
 back ground to properly defend myself or
 place my contentions before the court.

Please accept this as my formal request
 for legal representation.

Your time is greatly appreciated

I thank you

LADSON Rodney

Rodney Ladson

262438

JWC

FILE



2013 MAR 22 AM 10:40

MARY P. BROWN

CLERK OF COURT
Common Pleas Court
Post Office Box 219
BERKELEY CORNER, SOUTH CAROLINA 29461-0219
843-719-4400 843-567-3311 843-723-3800

TO: Bodney Radson # 262 438

FROM: Clerk of Court, Berkeley County, South Carolina

RE: PCR Application

The above referenced document(s) is being returned for the following reason(s):

- (1) ☐ Needs Proof of Service/Non-service
- (2) ☐ Insufficient amount of filing fee.
- Correct amount: _____
- (3) ☐ Requires original signature.
- (4) ☐ Not a Berkeley County Case.
- (5) ☐ Venue change to: _____
- (6) ☐ Check or Money Order must be made payable to Clerk of Court.
- (7) ☐ Check not signed.
- (8) ☐ Copy - must file original.
- (9) ☒ Other Another
Per your request - copy of PCR
Application. Your letter regarding
representation was forwarded to Attorney

Please make the necessary correction (s) and return.

Thank you for your assistance.

General

Thank

20 12 - CP - 08 - 637

3-18-2013

Dear Ms. Brown - Hon. Clerk of Court

I am requesting a copy of my Clock-Stamped PCR Application with the attached sheets. If there is a cost please advise me and I am thanking you in advance for your help in this serious matter. The number that was stamped on the PCR application is 20 12 - CP-08-637

Rodney J. Jackson

MAHE E. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

FILED
2013 MAR 20 PM 2:56

2012-CP-08-637

June 6, 2013

Mary P. Brown
 Clerk of Court
 County of Berkeley
 P.O. Box 219
 North Corner B.C. 29461

FILED
 JUN 10 2013
 CASE NO. 2012-CP-08-637
 MARY P. BROWN CLERK OF COURT
 COUNTY OF BERKELEY

Re: Legal representation for P.C.R.

Mrs. Brown,

I am requesting - again legal representation for my P.C.R. I don't have the necessary back ground to properly defend my self or place my contention before the court. The last time I wrote in reference to this you stated that my letter was forwarded to the proper destination but I have not heard anything, my P.C.R. application was clock stamped sixteen months ago. I need to know if my application is on the court docket if not why? I am also requesting for legal representation and to speak with him or her about my P.C.R. application - Case etc.

I thank in advance for your help and your time is greatly appreciated.

Rodney Jackson #262438

gk
FILED



2013 JUN 11 AM 11:27

MARY P. BROWN

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

CLERK OF COURT

Common Pleas Court

Post Office Box 219

MONCK'S CORNER, SOUTH CAROLINA 29461-0219

843-719-4400 843-567-3311 843-723-3800

TO: Attorney General Office

FROM: Clerk of Court, Berkeley County, South Carolina

RE: Rodney Ladson # 262438

The above referenced document(s) is being returned for the following reason(s): 2012-CP-08-637

- (1) ☐ Needs Proof of Service/Non-service
- (2) ☐ Insufficient amount of filing fee.
Correct amount: _____
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- (7) ☐ Check not signed.
- (8) ☐ Copy - must file original.
- (9) ☒ Other ^{2ND} Letter regarding Legal Representation

Thanks

Please make the necessary correction (s) and return.

Thank you for your assistance.

cc: Rodney Ladson



ALAN WILSON
ATTORNEY GENERAL

July 9, 2013

The Honorable Mary P. Brown
Berkeley County Clerk of Court
300 California Ave.
Moncks Corner, SC 29461

FILED
2013 JUL 10 PM 12:51
MARY P. BROWN
CLERK OF COURT, SC
BERKELEY COUNTY, SC

Re: Rodney Ladson, #262438 v. State of South Carolina
2012-CP-08-0637

Dear Ms. Brown:

Enclosed please find the original Return and Motion to Dismiss of the Respondent in the above-captioned case for filing in your office.

Sincerely,

Ashleigh R. Wilson
Assistant Attorney General

ARW/arh

Enclosures

Berkeley County Clerk's Records
PCR Application
SCDC Records
Respondents Exhibits A

cc: Rodney Ladson, #262438

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

Rodney Ladson, #262438,

2012-CP-08-0637

Applicant,

v.

RETURN AND MOTION TO
DISMISS

State of South Carolina,

Respondent.

In response to the post-conviction relief application filed February 29, 2012, the Respondent would show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the March 1999 term of the Berkeley County Grand Jury for murder (1999-GS-08-0860). Michael Brown, Esquire, represented the Applicant. On November 15, 1999, the Applicant pled guilty to murder. The Honorable R. Markley Dennis sentenced him to confinement for thirty (30) years. The Applicant did not appeal his conviction or sentences.

II.

In his application for post-conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Failure to investigate the case
 - b. Failure to challenge the indictment at trial

- c. Failure to tell the Judge he was under the influence of drugs during trial and plea
- d. Failure to explain he could appeal his sentence and conviction
- e. Failure to get mental evaluation
- 2. Due Process of Law
- 3. Involuntary Guilty Plea

For the purpose of this Return, the Respondent incorporates the Clerk of Court records for Berkeley County and the South Carolina Department of Corrections' records. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense he challenges in this Application on November 15, 1999. This Application was filed on February 29, 2012, which was almost twelve (12) years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to "grant a

motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Respondent requests that this Court summarily dismiss the application for post-conviction relief for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

IV.

The Respondent also submits the Applicant's claim that counsel failed to explain his right to appeal should be summarily dismissed and barred by the doctrine of laches. Ordinarily, the one-year limitations period in which to file a petition for post-conviction relief does not apply and an evidentiary hearing is held where the defendant alleges he was denied a direct appeal due to ineffective assistance of counsel. Wilson v. State, 348 S.C. 215, 559 S.E.2d 581 (2002). However, the Applicant's claim that counsel failed to explain his right to appeal should be summarily dismissed because the Applicant waited almost twelve (12) years after his guilty plea to challenge the involuntary waiver of his right to a direct appeal and this claim should be barred by laches.

Following a trial, counsel is required to make certain the defendant is made fully aware of the right to appeal. Turner v. State, 380 S.C. 223, 224-25, 670 S.E.2d 373, 374 (2008) (internal citations omitted). 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 (1967). *Id.* However, the standard for a guilty plea differs. Absent extraordinary circumstances, such as when there is reason to think a rational defendant would want to appeal (for example, because there are non-frivolous grounds for appeal) or when the defendant reasonably demonstrated an

interest in appealing, there is no constitutional requirement that a defendant be informed of the right to a direct appeal from a guilty plea. *Id.*

The Respondent submits the Applicant should not be allowed to pursue his belated appeal claim and his application should be barred by laches. Under South Carolina law, to establish laches, the circumstances must be such as to import that the complainant had abandoned or surrendered the claim or right which he now asserts. Willcox v. Stroup, 358 B.R. 824 (D.S.C. 2006), *aff'd*, 467 F.3d 409 (4th Cir. 2006), *cert. denied*, 2007 WL 579531 (U.S. 2007). In order to establish laches as a defense, a party must show that the complaining party unreasonably delayed its assertion of a right, resulting in prejudice to the party asserting the defense of laches. Historic Charleston Holdings, LLC v. Mallon, 381 S.C. 417, 673 S.E.2d 448 (2009).

The Respondent submits the Applicant's delay in asserting his right to have this Court review whether or not he voluntarily waived his right to a belated appeal is prejudicial to the State of South Carolina. The Applicant's delay in filing a post-conviction relief application to challenge the waiver of his right to direct appeal was not reasonable and his failure to do so until twelve years after his guilty plea should constitute abandonment of the claim.

Because of the delay in the filing of this application almost twelve years after he pled guilty, the guilty plea transcript of the Applicant's proceeding is no longer available. See Respondent's Exhibit A. Inability to obtain the Applicant's guilty plea transcript would substantially prohibit the Respondent from fully responding to this claim at an evidentiary hearing. Without a guilty plea transcript, it would also be very difficult for the State of South Carolina to defend against any claims presented on appeal if a belated direct appeal were granted to the Applicant.

The Respondent respectfully requests that this Court summarily dismiss this application for post-conviction relief including the Applicant's allegation that he was not advised of his right to appeal. The Respondent asks this Court to find the allegation barred by laches.

V.

The Respondent denies each allegation that is not expressly admitted, qualified or explained.

VI.

WHEREFORE, Respondent moves to summarily dismiss the application because it was filed after the statute of limitations had expired and barred by laches.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY ELLIOTT
Senior Assistant Deputy Attorney General

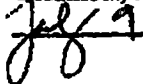
ASHLEIGH R. WILSON
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211

By:


Attorneys for the Respondents

Columbia, South Carolina

 2013

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

2012-CP-08-0637

RODNEY LADSON, #262438

Applicant,

vs

AFFIDAVIT OF SERVICE BY MAIL

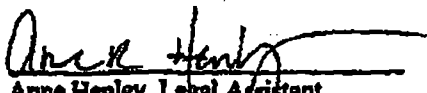
STATE OF SOUTH CAROLINA,

Respondent.

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return and Motion to Dismiss and the Proposed Conditional Order of Dismissal in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Rodney Ladson, #262438
Macdougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, SC 29472

DATED this 9th day of July 2013


Anne Henley, Legal Assistant
For Respondent



ALAN WILSON
ATTORNEY GENERAL

July 9, 2013

The Honorable Roger M. Young
Charleston County Judicial Center
100 Broad Street, Suite 368
Charleston, SC 29401

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2013 JUL 17 PM 2:08

FILED

RE: Rodney Ladson, # 262438 v. State of South Carolina
2012-CP-08-0637

Dear Judge Young:

Enclosed please find the proposed original Conditional Order of Dismissal in the above-captioned case. If this Order meets with your approval, please sign same and forward to the Berkeley County Clerk of Court to be filed and served.

Sincerely,

Ashleigh R. Wilson
Assistant Attorney General

ARW/ah

Enclosure(s)
cc: Rodney Ladson, # 262438

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

Rodney Ladson, #262438,

2012-CP-08-637

Applicant,

v.

**CONDITIONAL ORDER OF
DISMISSAL**

State of South Carolina,

Respondent.

In response to the post-conviction relief application filed February 29, 2012, this Court finds:

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the March 1999 term of the Berkeley County Grand Jury for murder (1999-GS-08-0860). Michael Brown, Esquire, represented the Applicant. On November 15, 1999, the Applicant pled guilty to murder. The Honorable R. Markley Dennis sentenced him to confinement for thirty (30) years. The Applicant did not appeal his conviction or sentences.

In his application for post-conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Failure to investigate the case
 - b. Failure to challenge the indictment at trial
 - c. Failure to tell the Judge he was under the influence of drugs during trial and plea
 - d. Failure to explain he could appeal his sentence and conviction
 - e. Failure to get mental evaluation
2. Due Process of Law

3. Involuntary Guilty Plea

This Court had before it the Clerk of Court records for Berkeley County and the South Carolina Department of Corrections' records.

II.

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense he challenges in this Application on November 15, 1999. This Application was filed on February 29, 2012, which was almost twelve years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. §17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, this Court finds that the application for post-conviction relief should be summarily dismissed for failure to file within the time mandated by statute.

This Court also finds the Applicant's claim that counsel failed to explain his right to appeal is summarily dismissed and barred by the doctrine of laches. Ordinarily, the one-year limitations period in which to file a petition for post-conviction relief does not apply and an evidentiary hearing is held where the defendant alleges he was denied a direct appeal due to ineffective assistance of counsel. Wilson v. State, 348 S.C. 215, 559 S.E.2d 581 (2002). However, the Applicant's claim that counsel failed to explain his right to appeal should be summarily dismissed because the Applicant waited almost twelve (12) years after his guilty plea to challenge the involuntary waiver of his right to a direct appeal and this claim should be barred by laches.

Under South Carolina law, to establish laches, the circumstances must be such as to import that the complainant had abandoned or surrendered the claim or right which he now asserts. Willcox v. Stroup, 358 B.R. 824 (D.S.C. 2006), aff'd, 467 F.3d 409 (4th Cir. 2006), cert. denied, 2007 WL 579531 (U.S. 2007). In order to establish laches as a defense, a party must show that the complaining party unreasonably delayed its assertion of a right, resulting in prejudice to the party asserting the defense of laches. Historic Charleston Holdings, LLC v. Mallon, 381 S.C. 417, 673 S.E.2d 448 (2009).

This Court finds the Applicant's delay in asserting his right to have this Court review whether or not he voluntarily waived his right to a belated direct appeal resulted in prejudice to the State of South Carolina. This prejudice is evidenced by the fact that the Applicant's guilty plea transcript is no longer available and cannot be obtained by the State to defend against this allegation or any claims the Applicant may present on direct appeal. This Court finds this allegation is summarily dismissed.

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Berkeley County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
 Attn: Ashleigh Wilson, Esquire
 P.O. Box 11549
 Columbia, South Carolina 29211

AND IT IS SO ORDERED this ____ day of _____, 20__.

 THE HONORABLE ROGER M. YOUNG
 Chief Administrative Judge
 9th Judicial Circuit Court

_____, South Carolina

RESPONDENT'S EXHIBIT A

HV
9

Grace L. Hurley
Circuit Reporter
15th Judicial Circuit
P.O. Box 30878
Myrtle Beach, SC 29588
June 28, 2013

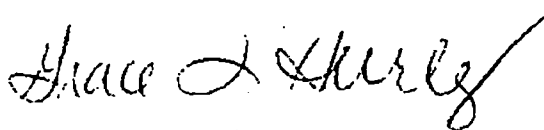
Ashleigh R. Wilson
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

RE: State v. Rodney Ladson
1999-GS-08-0860

Ms. Wilson:

This is in response to your letter of June 20, 2013, in regard to the above-noted case. Rule 607(i) governs retention of primary and backup tapes and pursuant to said rule, "Except as provided below, a court reporter shall retain the primary and backup tapes of a proceeding for a period of at least five (5) years after the date of the proceeding, and the court reporter may reuse or destroy the tapes after the expiration of that period. If the proceeding was a hearing or trial which lasted for more than one day, the time shall be computed from the last day of the hearing or trial. In any proceeding which has been transcribed, the court reporter shall retain the primary and backup tapes which have been transcribed for a period of at least thirty (30) days after the original transcript is sent to the requesting party, to allow any party to challenge the accuracy of the transcription. If no challenge is received by the court reporter within the thirty (30) day period, the tapes may be reused or destroyed." Since the requested transcript is well past the five year limit the transcript is unavailable.

Sincerely,



Grace L. Hurley

glh

Dear Hon Brown,

Would you please send me back a
clock stamped copy of this motion package.

I thank in advance for your help and
time in this important matter.

Sincerely
Rodney Jackson

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

Rodney Ladson, #262438,

2012-CP-08-637

Applicant,

v.

CONDITIONAL ORDER OF
DISMISSAL

State of South Carolina,

Respondent.

MAK P. BRUNN
CLERK OF COURT
BERKELEY COUNTY SC

2013 JUL 17 PM 2:08

FILED

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 - b. Failure to challenge the indictment at trial
 - c. Failure to tell the Judge he was under the influence of drugs during trial and plea
 - d. Failure to explain he could appeal his sentence and conviction
 - e. Failure to get mental evaluation
2. Due Process of Law

cc: AEW
RL

B

td

3. Involuntary Guilty Plea

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II.

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

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This Court also finds the Applicant's claim that counsel failed to explain his right to appeal is summarily dismissed and barred by the doctrine of laches. Ordinarily, the one-year limitations period in which to file a petition for post-conviction relief does not apply and an evidentiary hearing is held where the defendant alleges he was denied a direct appeal due to ineffective assistance of counsel. Wilson v. State, 348 S.C. 215, 559 S.E.2d 581 (2002). However, the Applicant's claim that counsel failed to explain his right to appeal should be summarily dismissed because the Applicant waited almost twelve (12) years after his guilty plea to challenge the involuntary waiver of his right to a direct appeal and this claim should be barred by laches.

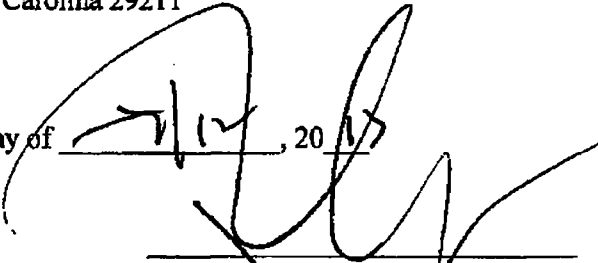
Under South Carolina law, to establish laches, the circumstances must be such as to import that the complainant had abandoned or surrendered the claim or right which he now asserts. Willcox v. Stroup, 358 B.R. 824 (D.S.C. 2006), *aff'd*, 467 F.3d 409 (4th Cir. 2006), *cert. denied*, 2007 WL 579531 (U.S. 2007). In order to establish laches as a defense, a party must show that the complaining party unreasonably delayed its assertion of a right, resulting in prejudice to the party asserting the defense of laches. Historic Charleston Holdings, LLC v. Mallon, 381 S.C. 417, 673 S.E.2d 448 (2009).

This Court finds the Applicant's delay in asserting his right to have this Court review whether or not he voluntarily waived his right to a belated direct appeal resulted in prejudice to the State of South Carolina. This prejudice is evidenced by the fact that the Applicant's guilty plea transcript is no longer available and cannot be obtained by the State to defend against this allegation or any claims the Applicant may present on direct appeal. This Court finds this allegation is summarily dismissed.

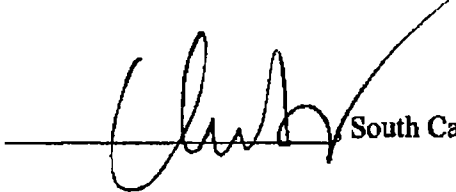
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Office of the Attorney General
Attn: Ashleigh Wilson, Esquire
P.O. Box 11549
Columbia, South Carolina 29211

AND IT IS SO ORDERED this _____ day of _____, 2013



THE HONORABLE ROGER M. YOUNG
Chief Administrative Judge
9th Judicial Circuit Court



South Carolina

JWC

FILE



2013 JUL 25 AM 10:04

MARY P. BROWN

CLERK OF COURT
Common Pleas Court
Post Office Box 219
BERKELEY COUNTY, SOUTH CAROLINA 29461-0219
843-719-4400 843-567-3311 843-723-3800

TO: Attorney General

FROM: Clerk of Court, Berkeley County, South Carolina

RE: 2012-CP08-637 Rodney Hudson

The above referenced document(s) is being returned for the following reason(s):

- (1) ☐ Needs Proof of Service/Non-service
- (2) ☐ Insufficient amount of filing fee.
- Correct amount: _____
- (3) ☐ Requires original signature.
- (4) ☐ Not a Berkeley County Case.
- (5) ☐ Venue change to: _____
- (6) ☐ Check or Money Order must be made payable to Clerk of Court.
- (7) ☐ Check not signed.
- (8) ☐ Copy - must file original.

(9) ☒ Other Copy of Applicant's Motion to Dismiss
State's Motion to Dismiss Defendant's PCR
Application. Thanks

Please make the necessary correction (s) and return.
Thank you for your assistance.

2

TSM FILED

2013 JUL 19 PM 12:05

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

CC: Mary P. Brown, Clerk of Court
Atty. General's Office, Att. Ashleigh Wilson

/s/ Rodney Ladson
Rodney Ladson

Sincerely,

I, Rodney Ladson, have enclosed the trial transcript, which the Court said they could not obtain to proceed with my case, and the 8 Point Brief, along with Attachments Facts about my case, and move that the Court move forward with my case as it should be, immediately.

Case #2012-CP-08-0637
Motion to Dismiss State's
Motion to Dismiss Defendant's
PCR Application, and Proceed

State of South Carolina
County of Berkeley
In the Court of Common Pleas
Rodney Ladson,
Applicant,
VS.
State of South Carolina,
Respondent.

8 Point Brief

- 1) Per your Motions to Dismiss my PCR application, on your letter head you ask me if I am in agreement of the Dismissal and to sign and date your Motions.
- 2) Per your Motions I am not in agreement to sign any Dismissal of my case.
- 3) Point in fact, you say there is no Transcript. There is; see attachment facts. I am sending the court documents that the court should have or be able to obtain, but I have no problem supplying this and all the other facts.
- 4) The court is trying to time bar my case when I have newly discovered evidence concerning the question Judge Dennis asked me that was not clearly asked--see Transcript page 5, lines 8-16. Judge Dennis and the prosecutor should have known I was on 2 major mind-altering drugs, which you see lawsuits about every day on TV; Paxil and Millorill, which are psychiatric drugs, and I was in no state of mind to plead guilty or even be in the courtroom for that matter, and like I said, the judge, prosecutor, jail, investigator, etc. should have known and I am sure knew this, and I should have been evaluated before any of the court proceedings ever took place.
- 5) Reason, and this is serious, Me being under Duress from not only my case not being handled properly; I thought he was asking me if I was on Illegal Drugs, and I said no to that, thinking that everyone involved knew I was already on mind-altering drugs. "See Transcript page 5, lines 8-16."
- 6) Point in fact, this is very unprofessional of the judicial professionals by bringing me to court, especially since the court is so directly connected to Berkeley County Jail and should know and from what I have been told do know if someone is on medication, especially mind-altering drugs.

7) Point in fact, my medical history has hindered me all through my imprisonment and now I am going to have to have another serious eye operation, because I am having serious problems with the implanted eye. Please contact the South Carolina Department of Corrections Medical Department to confirm and get any medical records you want to prove my medical duress during my imprisonment.

8) In closing,

I will not sign any type of Dismissal of my case and ask the court to please move forward with my case. I may be going into the hospital just any day now and if this happens soon, I will get the information to the court as to what is happening and where I am at as soon as possible. As I said I am ready to move forward with newly discovered evidence, and am forwarding a trial transcript to you as you said you do not have to proceed in my case.

I am looking forward with an answer to this motion within 30 days.

Sincerely,

/s/ Rodney Ladson
Rodney Ladson

CC: Attorney General, Ashleigh Wilson
Clerk of Court Berkeley County, Ms. Mary P. Brown

Notary
SWORN TO AND SUBSCRIBED BEFORE ME
THIS 10th DAY OF NOVEMBER
19 2014
J. C. WAY
NOTARY PUBLIC
STATE OF SOUTH CAROLINA
MY COMMISSION EXPIRES 12/31/2014

Attachment Facts

- 1) Trial Transcript
- 2) Newly discovered evidence, drugs, question(s) not clearly stated from Judge Dennis
- 3) Medical history, about my eye implant, contact South Carolina Department of Corrections
- 4) Health Information Resources

101 47 00

Transcript

69

INVOICE NUMBER: 2005-17
DATE OF APPEARANCE: November 15, 1999
DATE OF REQUEST: September 1, 2005
DATE OF BILLING: November 1, 2005

TO: Rodney Jerome Ladson, Sr.
#262438
McCormick Correctional Institute
F4B-147
386 Redemption Way
McCormick, SC 29899

Re: State v. Ladson
Case No.: 99-GS-08-860

Transcript -- (21 pages @ \$3.25 per page) ----- \$ 68.25
Postage ----- 3.85
TOTAL AMOUNT DUE ----- \$72.10
Total amount paid----- 85.10
Refund due - to Cooper Trust Fund----- 13.00

THANK YOU!!!

Grace L. Hurley
Grace L. Hurley
P.O. Box 30878
Myrtle Beach, SC 29588

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY) 99-GS-08-860

State of South Carolina,)
Plaintiff,) Transcript of Record
versus)
Rodney Ladson,) November 15, 1999
Defendant.)

B E F O R E :

Honorable R. Markley Dennis, Jr.
Berkeley County Courthouse
Moncks Corner, South Carolina

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

Sharon Capers, Esquire
Attorney for Plaintiff

Michael Brown, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM
Circuit Court Reporter

Index

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- 1 I N D E X
- 2 (November 15, 1999)
- 3 (There were no exhibits marked during the hearing.)
- 4
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State v. Ladson

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1 (On the record, November 15, 1999.)

2 MS. CAPERS: Yes, sir, Your Honor. This is 99-GS-08-
3 860, The State versus Rodney Ladson. He is indicted for
4 murder and he's represented by Michael Brown. This is a
5 negotiated sentence.

6 THE COURT: All right, you are Rodney Ladson?

7 MR. LADSON: Yes, sir.

8 THE COURT: Mr. Ladson, good morning. You're
9 presently in court this morning with Mr. Brown. Is he
10 representing you in this matter?

11 MR. LADSON: Yes, sir.

12 THE COURT: The indictment that has been presented to
13 me, indictment 99-860 charges you, sir, with the offense of
14 murder. Do you understand that?

15 MR. LADSON: Yes, sir, I do.

16 THE COURT: The plea sheet that has just been handed
17 me, which you have also signed, also indicates that you wish
18 to plead to the indictment.

19 MR. LADSON: Yes, sir.

20 THE COURT: That is the charge of murder.

21 MR. LADSON: Yes, sir.

22 THE COURT: Has Mr. Brown explained to you the nature
23 of that offense?

24 MR. LADSON: He has.

25 THE COURT: Has he explained to you that the possible

State v. Ladson

4

1 punishment for the offense of murder is 30 years or life?

2 MR. LADSON: Yes, he has.

3 THE COURT: Has he explained to you that 30 years
4 means 30 years?

5 MR. LADSON: Yes, sir.

6 THE COURT: Not one second fewer.

7 MR. LADSON: Yes, he has.

8 THE COURT: Has he explained to you that life means
9 that you never leave a jail?

10 MR. LADSON: Yes, sir.

11 THE COURT: I'm advised and the plea sheet indicates
12 that this is a negotiated sentence; is that correct?

13 MR. LADSON: Yes, sir.

14 THE COURT: Meaning that you through Mr. Brown have
15 engaged in discussions with the State and the State is
16 prepared to recommend or there is an agreed sentence in this
17 matter.

18 MR. LADSON: Yes, we have.

19 THE COURT: Do you understand that the word negotiated
20 sentence I view as and I view it differently from a
21 recommendation by the State. You understand that?

22 MR. LADSON: Yes, sir.

23 THE COURT: In other words a negotiated sentence my
24 options are either to accept it or reject it.

25 MR. LADSON: Yes, sir.

State v. Ladson

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1 THE COURT: Have you had sufficient opportunity, sir,
2 to discuss the terms of the negotiated sentence with your
3 lawyer?

4 MR. LADSON: Yes, sir.

5 THE COURT: Is there any aspect of the negotiated
6 sentence that you do not understand?

7 MR. LADSON: No, sir.

* 8 THE COURT: Are you today under the influence of
9 anything affecting your ability to make a decision of this
10 nature?

11 MR. LADSON: No, sir.

12 THE COURT: Have you, sir, consumed any alcohol or
13 ingested any drugs in the last 24 hours?

14 MR. LADSON: No, sir.

* 15 THE COURT: Have you, sir, ever been treated for any
16 emotional problems or any mental illness?

17 MR. LADSON: No, sir.

18 THE COURT: Ms. Capers, if you would, please, state
19 the terms of the negotiated sentence.

20 MS. CAPERS: Yes, Your Honor, this is a negotiated plea
21 for a 30-year sentence to the charge of murder.

22 THE COURT: All right, Mr. Ladson, is that the full
23 extent of the agreement?

24 MR. LADSON: Yes, sir.

25 THE COURT: All right, understanding the nature of the

1 offense, understanding fully the terms of the negotiated
2 sentence, having had an opportunity to discuss that fully with
3 your lawyer, what is your plea?

4 MR. LADSON: Guilty.

✓ 5 THE COURT: Are you satisfied with your lawyer?

6 MR. LADSON: Yes, sir.

✓ 7 THE COURT: Do you have any complaints at all about
8 the way he's represented you in this matter?

9 MR. LADSON: No, I don't.

10 THE COURT: Do you understand this is the time for you
11 to register those complaints?

12 MR. LADSON: Yes, sir.

13 THE COURT: Mr. Brown, have you investigated this case
14 on behalf of your client?

15 MR. BROWN: I have, Your Honor.

16 THE COURT: Have you shared the results of that
17 investigation with him?

18 MR. BROWN: I have, Your Honor.

19 THE COURT: He has indicated to you now a desire to
20 enter a plea and to accept the terms of the negotiated
21 sentence?

22 MR. BROWN: That is correct, Your Honor

23 THE COURT: Do you believe that to be his decision?

24 MR. BROWN: Absolutely.

25 THE COURT: Do you believe it to be a decision that he

Where is the
paper work
the witness when
they hear etc.
he lied.

WFO-2

State v. Ladson

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1 + makes knowingly, freely and voluntarily?

2 MR. BROWN: I do, Your Honor.

3 THE COURT: Based on your investigation in this matter
4 do you believe the terms of the negotiated sentence are in
5 your client's best interest?

6 MR. BROWN: They are, Your Honor.

7 THE COURT: Mr. Ladson, do you agree with your
8 attorney's responses?

9 MR. LADSON: Yes, sir.

10 THE COURT: Do you understand fully your rights in
11 this matter?

12 MR. LADSON: Yes, I do.

13 THE COURT: You understand that the State has the
14 burden of proving every element of this offense?

15 MR. LADSON: Yes, sir.

16 THE COURT: And that means they have to prove it
17 beyond a reasonable doubt.

18 MR. LADSON: Yes, sir.

19 THE COURT: They do that by presenting witnesses and
20 exhibits or any evidence at a trial; do you understand that?

21 MR. LADSON: Yes, sir.

22 THE COURT: By entering this plea you will not have a
23 jury trial.

24 MR. LADSON: Yes, sir.

25 THE COURT: And therefore, you will not have a right

wrong

I did not

State v. Ladson

C 8

1 to see and hear or confront the witnesses against you in this
2 matter; do you understand that as well?

3 MR. LADSON: Yes, sir.

4 THE COURT: Is it your decision to give up these
5 rights?

6 MR. LADSON: Yes, sir.

7 THE COURT: You understand by admitting your guilt
8 here today now the State, of course, is not going to be
9 required to prove you guilty because you admit you're guilty
10 and by also talking with me today you're giving up your right
11 to remain silent. Do you understand that as well?

12 MR. LADSON: Yes, sir.

13 THE COURT: Is this your decision?

14 MR. LADSON: Yes, it is.

15 THE COURT: No one has promised you anything other
16 than the negotiated sentence.

17 MR. LADSON: No, sir.

18 THE COURT: No one has promised you anything to get
19 you to plead guilty to this.

20 MR. LADSON: No, sir.

21 THE COURT: No one has threatened you in any way; have
22 they?

23 MR. LADSON: No, sir.

24 THE COURT: Sir, is there any question about your
25 guilt of this offense?

State v. Ladson

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1 MR. LADSON: No, sir.

2 THE COURT: Tell me about the facts, Solicitor.

3 MS. CAPERS: Yes, sir, Your Honor, on March 2nd of this
4 year the police received a call from Patricia Ladson who was
5 the victim in this case, Your Honor, they received a call from
6 her employer saying that she did not arrive at work. They
7 sent an officer to the residence that afternoon.

8 When they got there no one answered the door. He went to
9 a neighbor's house, Your Honor, and the neighbor said that the
10 children would be home shortly.

11 When he went into the -- the officer then went into the
12 house with one of the children or went into the house, Your
13 Honor, found out from one of the children how to open the
14 bedroom door. He went into the bedroom, Your Honor, and then
15 went into the bathroom and found Patricia Ladson in the
16 bathtub with a gunshot wound to the chest, Your Honor, she --
17 with a gunshot wound to the chest, Your Honor.

18 At that time, Your Honor, they notified Rodney Ladson
19 that he needed to call home. Mr. Ladson who did go to work
20 that day, Your Honor, went to a pay phone. When he came out
21 of the pay phone, Your Honor, booth he told his partners who
22 were riding with him or driving trucks with him, Your Honor,
23 that his wife had been shot. That information had not been
24 released. He has also said that, I believe, that he made two
25 phone calls. No calls were emitted from that phone booth.

State v. Ladson

10

1 He then went to the scene, I mean, went back to Patricia
2 Ladson's residence, Your Honor, and Mr. Ladson did live right
3 across the street from Ms. Ladson, made a statement, Your
4 Honor, regarding another man and her having had sex with, I
5 believe another man at that time, Your Honor.

6 The investigation, Your Honor, revealed that, well, Ms. --
7 the autopsy revealed, Your Honor, that Ms. Ladson was murdered
8 sometime around seven o'clock in the morning. Three
9 witnesses, Your Honor, one who made a call to 911 saying that
10 she saw Rodney Ladson run from the residence between seven and
11 7:15, two other witnesses, Your Honor, saw him. One placed
12 him directly in front of the trailer where Ms. Ladson lived.
13 She was just driving to work, Your Honor, heard about it on
14 the radio and called in to report that she saw not -- a tall
15 slender, a tall black man coming across the street from the
16 residence and she noticed it was particularly significant to
17 her because she had always seen that white house there and
18 there was never anybody in front of it and that's why she
19 noticed it.

20 Another witness, Your Honor, saw him outside of his car,
21 outside of his truck at about the same time that morning.
22 Several witnesses came forward to say that Mr. Ladson had
23 threatened to kill Patricia Ladson several times. He had also
24 said that if she ever divorced him that he would kill her.
25 The divorce papers were filed on March 2nd, the same day that

1 she was killed -- the day before.

2 The search, the telephone wires were ripped out of the
3 wall, Your Honor. The telephone was ripped. The telephone
4 was missing. We did find telephone wires hidden in Mr.
5 Ladson's drawer, along with the key to the residence. We also
6 found rubber gloves, Your Honor.

7 THE COURT: All right, is there anything else?

8 MS. CAPERS: Nothing, Your Honor.

9 This is Patricia Ladson's family, Your Honor, to my
10 right. I believe and there are also other members behind our
11 table. Some of them would like to address the Court.

12 THE COURT: I'll be happy to hear from them at this
13 time.

14 If you would, when you do speak if you would just give me
15 your full name so that we can have that on the record, please.

16 MS. LADSON: My name is Rashida T. Ladson. I just want
17 to let Mr. Rodney Jerome Ladson, Sr., know that you killed my
18 mother because you was a possessive and jealous man thinking
19 no other man would get her but I want you to know that a man
20 did get her, God, and I want you to know you will pay for what
21 you did.

22 MR. HENRY: That's right.

23 MS. LADSON: You think you got away, just them 30 years
24 don't mean nothing ---

25 MR. HENRY: He ain't gone, no, he ain't gone.

1 MS. LADSON: --- because you will burn in hell,
2 remember that. All that abuse and the hell you put us through
3 you will pay. How could you do this to your wife and your
4 kids? How? You got four other kids, three other kids and
5 you know what you putting them through? You got them kids on
6 the verge about to snap because they still love you and they
7 miss they mother. A couple of months away I'm about to
8 graduate and you going to go kill her. You know I had a life
9 planned. Me and my mother made plans for my career and
10 everything else and you're going to go do that. How and why?
11 If you so much of a man why you had to do it? Be a man about
12 it. Just go on with your life. Why you had to do that to
13 her? Why couldn't you just leave her alone and let her be
14 happy? Huh? Why, why you put us through all the abuse and
15 everything else you did all those years and then the thing
16 about it Mommy loved you so much and she still love you up
17 until the day you kill her. You will pay. Remember that.
18 Remember -- yeah, you can look at -- I can look at you now.
19 All them years you hit me and everything else you did to me.
20 I can't look at you in the eye, but guess what I'm going to
21 look at you now. I'm going to look at you now. Remember
22 that.

23 THE COURT: All right, anything else?

24 MR. HENRY: Yes, sir, I'd like to say one thing.

25 THE COURT: Your name, please?

1 MR. HENRY: Isaac Henry.

2 THE COURT: Yes, sir, Mr. Henry.

3 MR. HENRY: This man here have come to my house and
4 asked me where is Trisha. I told him I don't know. So, the
5 last -- every time he call he'll ask me do I know a woman can
6 do anything. I tell him, no, I know one down in West Colleton
7 County have give people some medicine, but I don't know nobody
8 to help you get out of trouble. So, he every time he calls
9 he'll ask me that. That particular night him and some of his
10 friends come to my house and ask me where was Trisha. I told
11 them I don't know and he was going, he said, "If I don't live
12 with her no one else will live with her. I'll kill her." So,
13 I said to him, I don't know whether he hear that, I said, "If
14 you kill her I coming," and that's all I got to say. So far
15 as that little time you all giving him you ain't giving him
16 nothing. Thank you.

17 THE COURT: Thank you, sir. All right, Ms. Solicitor.

18 MS. ROBINSON: My name is Barbara Jean Robinson. I'm
19 just full up right now but I just -- I'm just glad justice
20 being done. We're going through a lot, you know, with my
21 sister's death because just before she got killed we lost our
22 mother and a brother and we was all we had, you know, was just
23 each other and I'm just, I'm just happy that justice being
24 done and I'm sorry that things went the way it went, but I'm
25 glad that justice is being done that he came forth and plead

State v. Ladson

14

1 guilty.

2 THE COURT: Thank you, ma'am. All right, anything
3 else?

4 MS. CAPERS: Nothing, Your Honor.

5 THE COURT: Mr. Ladson, you've heard the facts. Are
6 those facts correct?

7 MR. LADSON: Essentially yes.

8 THE COURT: Well, is there any question in your mind
9 that you on March the 2nd did willfully, unlawfully and
10 feloniously with malice aforethought shoot Patricia Ladson in
11 the chest and that she died as a result of that?

12 MR. LADSON: Yes, sir.

13 THE COURT: Any question about that?

14 MR. LADSON: No, sir.

15 THE COURT: That's true?

16 MR. LADSON: Yes, sir.

17 THE COURT: In every respect?

18 MR. LADSON: Yes.

*
19 THE COURT: All right, I find that Mr. Ladson has had
20 the benefit of competent counsel. He's indicated to the Court
21 that he's totally satisfied with his representation. I find
22 that he fully understands his rights, he is not under the
23 influence of anything affecting his ability to make a decision
24 of this nature. I find that the decision is freely,
25 voluntarily and knowingly and made by him. I find nothing

Wrong

1 about this demeanor that suggests to the Court that he is
2 functioning or under the undue pressure or anything effecting
3 him at all. He has responded to my questions correctly in
4 every sense, body language and words; and therefore, Mr.
5 Brown, I will, waiting to hear from you, I'll make a
6 determination of whether or not I can accept the plea, but I
7 find to this extent that the plea is knowingly made and by
8 him.

9 MR. BROWN: Your Honor, this is a tale told too often in
10 these courtrooms where human emotions have simply overcome a
11 person who otherwise in all appearances is a good person.

12 Mr. Ladson served as a highway patrolman in this state
13 for about six years. As far as I am aware he left of his own
14 volition. There was no misconduct or anything causing his --
15 ending his career with the highway patrol. I know he's been
16 involved in the ministry.

17 Your Honor, this is just a complete tragedy. You would
18 hope that looking back that someone realizing that he had
19 these issues that he couldn't deal with might have helped him
20 or he might have helped himself by seeking counseling and
21 dealing with those emotions before they completely overcame
22 him.

23 The Solicitor has essentially laid out the details of the
24 case. There are several other things that are just simply
25 tighten the knot. He has never really indicted to me that he

1 wanted to go to trial in this. In part going to trial would
2 have required possibly all of his children to take the stand
3 and go through this. There was no way he wanted to touch
4 that, and their testimony would have been damning of my
5 client.

6 You cannot sit and talk with Rodney without believing, as
7 I said, that he really is a good person, but he's got this
8 terrible emotional deficiency, character problem, whatever you
9 want to call it that had to do with simply his ability to be
10 positively involved with his wife and with his children.

11 I don't know that 30 years is right. I don't know that
12 life is right. I don't think there's any solution. This is a
13 tragedy that both these families will live with for the rest
14 of their lives and what we do today is not going to change
15 that. Perhaps his daughter's ability to vent her feelings
16 will help close things for her to some extent. I know Rodney
17 has plenty of people who love him back here. They're here.
18 These are all family. They have trusted Rodney to make his
19 own decision regarding this. We've had many conversations
20 together about the case, about what was involved and about the
21 consequences.

22 Rodney is 39 years old now. If he lives long enough he
23 will leave prison a very old man, if at all. I don't -- I'm
24 not aware of anything in his background other than this that
25 would say, "Well, this is a guy just goes out and kills people

1 regularly or harms them regularly." I know there are family
2 issues of abuse that were there and again, unfortunately,
3 these were never dealt with until it was too late and we're
4 here for this tragedy and that's all I can really offer the
5 Court.

6 THE COURT: Mr. Ladson, is there anything you wish to
7 tell me?

8 MR. LADSON: Yes, sir. I owe my family, Patricia's
9 family an apology. I'm very sorry that this did happen. If I
10 could change the situation a thousand times I would change it.
11 That's it, Your Honor.

12 THE COURT: Anything else?

13 MR. BROWN: That's all.

14 THE COURT: Anything?

15 MR. BROWN: The family simply asked me to make sure
16 the Court understood they support him and they love him.

17 THE COURT: Well, I appreciate that.
18 Is there anything further, Ms. Solicitor?

19 MS. CAPERS: Nothing, Your Honor.

20 THE COURT: Well, everyone present is seeing the end
21 product of something that I -- that concerns this Court
22 greatly. It seems to be a growing problem in our society and
23 I don't know the answer for it or why or explanation. I
24 certainly know some things that could help resolve it, but I
25 don't know the reason we seem to be a society who have lost

1 the ability to care for one another until we come to this
2 situation. Then we seem to care for each other. We all
3 gather and we come in great support and that's wonderful. I'm
4 glad everybody is here.

5 One thing I can say to the family I -- nothing that I do
6 here today in any way tries to take up, replace, to fill the
7 void that's been created by this heinous act. It can't be
8 done. That's impossible. I wish I had the power to undo it,
9 but I don't. I have the power to impose a 30-year sentence or
10 a life sentence. I don't know what, I agree, Mr. Brown, I
11 don't know what either one of those does to be honest with
12 you. One lets him out of jail at the age of about 70 and the
13 other he would never get out.

14 I believe what I believe and I do believe that strongly.
15 I believe mercy is probably something that brings me to my
16 knees more than anything else, but I don't deserve it but
17 that's what it's all about. That's what grace and mercy
18 means. Probably the greatest punishment in the world is to
19 make somebody understand what they've done and to have to live
20 with it and live in a society.

21 I'll say this to the family there's some -- you've had
22 the benefit and I know Ms. Rembert and I'm glad that she's
23 been here and I'm glad that this county is fortunate enough to
24 have her work with the victims as she's done for so many years
25 and I know she's encouraged you and will encourage you to

1 don't stop here. Seek help because anger will do nothing but
2 destroy the person who is angry. You can't -- you
3 can't invoke any more harm on this person or cause him to feel
4 any worse than he does or even if he doesn't you can't make
5 him feel that way. So, you end up destroying yourself and in
6 that sense you destroy everything that that person stood for
7 because there's one thing that she would say if she had a
8 chance to be here is that, "Somehow the part that I played in
9 bringing lives into this world please don't let me down. Take
10 what I've given you and go on from it and with it," and
11 you've got to do that and it would have been a whole lot
12 easier and not to have to confront this, but you didn't
13 have -- you didn't offer that. That's been presented to you.
14 So, I hope that somehow that can be accomplished and achieved.
15 I agree that maybe this helps with closure, but there's a long
16 battle from here. I've seen it personally in my life. I
17 watched my father deal with it till the time he died and I
18 don't know that he ever really came to grips with the murder
19 of his father. It's not easy, but you need to work on it.

20 Mr. Ladson, the one thing that has been said though and I
21 do believe this and I don't take issue. I understand the
22 statement that you -- because I know that's what she and
23 everybody else would like for you to burn in hell, and quite
24 frankly, you deserve that, but that beautiful grace and mercy
25 I don't control that. I answer to that judge, too, and we all

1 will. That's between you and that judge and I'll leave that
2 in his able hands, not mine.

3 So, the sentence of the Court 99-860 is that you be
4 committed to the Department of Corrections for a term of 30
5 years.

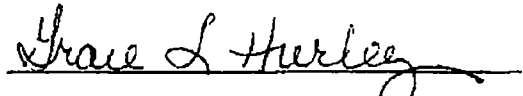
6 Thank you.

7 (Adjourned.)
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C E R T I F I C A T E

1
2
3
4 I, the undersigned, Grace L. Hurley, Official Court
5 Reporter for the State of South Carolina, do hereby certify
6 that the foregoing is a true, accurate and complete
7 Transcript of Record of the hearing in the case of State
8 v. Rodney Ladson, held in the Court of General Sessions for
9 Berkeley County, Berkeley County Courthouse, Moncks Corner,
10 South Carolina, on November 15, 1999.

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

13
14
15
16 

17 Grace L. Hurley, CVR-CM

18 Official Reporter

19
20
21
22 November 1, 2005.

23

24

25

State of South Carolina)
 County of Berkeley)
 In the Court of Common Pleas)
 Rodney Ladson,)
 Applicant,)
 VS.)
 State of South Carolina,)
 Respondent.)

Case #2012-CP-08-0637
 Certificate of Service

I, Rodney Ladson, do hereby swear that all statements and facts in this Motion to Dismiss State's Motion to Dismiss my PCR are true, and I am enclosing reasons why and the Trial Transcript by putting them in a prepaid stamped envelope and mailing both to the Berkeley County Clerk of Court, Ms. Mary P. Brown, and the Attorney General's Office to Ashleigh Wilson, Esquire.

Sincerely,

/s/ Rodney Ladson
 Rodney Ladson

CC: Mary P. Brown, Clerk of Court Berkeley County
 Attorney General's Office, Attn. Ashleigh Wilson, Esquire

SWORN TO AND SUBSCRIBED BEFORE ME
 THIS 11th DAY OF JULY
 2013
 NOTARY PUBLIC
 STATE OF SOUTH CAROLINA
 MY COMMISSION EXPIRES 12/9, 2014

MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, S.C.

2013 JUL 19 PM 12:05

FILED

FILED

August 6, 2013

2013 AUG -8 AM 9:57

MARIE BROWN
CLERK OF COURT
BERKELEY COUNTY, SCMary P. Brown
Clerk of CourtCounty of Berkeley
P.O. Box 219

Moncks Corner, S.C. 29461

2012-CP-08-637

Re: Medical file information

Mrs. Brown,

A copy of my South Carolina Department of Correction Mental and Health Records that were requested have been approved and ordered. Once received a copy of both will be sent as soon as possible for court records.

Rodney Laddson #262438

P.s. Please clock stamp and send a copy of this back to me.

A/R
H/C

JW

Rodney J. Ladson Sr., SCDC# 262438
 MacDougall CI
 1516 Old Gilliard Rd.
 Ridgeville, SC 29472

2012-CP-08-637

September 12, 2013

Hon. Mary P. Brown
 Clerk of Court, Berkeley County
 Post Office Box 219
 Moncks Corner, SC 29461

MAILED
 CLERK OF COURT
 BERKELEY COUNTY, SC

2013 SEP 20 AM 10:37

FILED

Ref: Medical File-Mental and Health Records

Dear Ms. Brown:

I was approved by the State of South Carolina Department of Corrections to receive a copy of all my mental and health records in reference to my PCR application, approximately 410 pages in reference to my arguments.

I am enclosing a few important pages and the information where all of these can be obtained by the court and the Attorney General's office.

I am also requesting that your office clock stamp and send a copy of this package back to me. Thanks in advance for your time and help in this matter.

Sincerely,

Ladson Sr., Rodney J.

Rodney J. Ladson Sr.

CC: Ashleigh R. Wilson-Asst. Attorney General
 Paulette K. Nembhard

22 pages

Rodney Ladson, SCDC# 262438
MacDougall Corr. Inst.
1516 Old Gilliard Rd.
Ridgeville, SC 29472

August 12, 2013

Sheriff Dewitt
County of Berkeley
223 N. Live Oak Drive
Moncks Corner, SC 29461

Ref: Medical file
Medical and health records

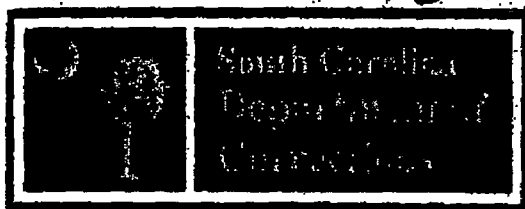
Dear Sheriff,

While in Berkeley County Jail March 12, 1999-November 16, 1999, I was under the county medical care including taking prescribed medication by the doctor(s) that governed the medical staff during the above date. I don't see anything about it in the paperwork that I received from the Sheriff's Dept. through the clerk of court's office. Would you please advise me and/or forward this to the proper office, because I need and am requesting any and all health-mental information that the county jail has on me. I need these as soon as possible. If there is any cost for copies or postage, please advise.

Please clock stamp and send a copy back to me. Thanks again in advance for your help and time in this matter.

Ladson Sr., Rodney J.

Rodney J. Ladson Sr.



E. H. Cooper Debit Receipt
Date: September 4, 2013

Health Information Resources / Central Office Annex
4542 Broad River Road, Columbia, SC 29210

To:

Inmate: Rodney Ladson
SCDC# 262438
MacDougall CI B2D0014A

399 Pages copied of your medical records

Administrative Fee			\$	15.00
30 pages @	\$ 0.65		\$	19.50
369 pages @	\$ 0.50		\$	184.50
399 Total Pages		Total Cost	\$	219.00

If you have any mental health history with SCDC, and wish to have your mental health information from the printout/automated medical record (AMR), you MUST submit a "Request to Staff Member form" (SCDC 19-11) to the Mental Health Director, Dr. B. Wood, who is located at KIRKLAND CORRECTIONAL INSTITUTION, and ask for approval to have the mental health information. When the Director of Mental Health notifies this office of such approval, then HIR will process this request and copying fee will apply and will be separate from the copying fees of your medical information. Keep in mind that HIR WILL NOT SUBMIT A REQUEST FOR YOU.

ALSO, The printout or automated portion of your medical record will have inconsistent encounter numbers which is the result of any mental health, substance abuse or dental information that you did not request or is currently not approved to have.

SI Kathy Hill
Kathy Hill, Administrative Assistant

"Note: The documents accompanying this mailing contain confidential information belonging to the sender that is legally privileged. This information is intended only for the use of the individual or entity named above. The authorized recipient of this information is prohibited from disclosing this information to any other party and is required to destroy the information after its stated need has been fulfilled.

If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or action taken in reliance on the contents of these documents is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately to arrange for return of these documents."

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
HEALTH INFORMATION RESOURCES

INMATE CORRESPONDENCE

TO: 262438 LADSON, RODNEY LOC: MACDOUGALL, B2D0014A
FROM: Health Information Resources / Central Office Annex
SUBJECT: Medical Records Request
DATE: July 10, 2013

This will acknowledge receipt of your correspondence to Health Information Resources concerning your medical information. Please read the following:

- > You have access to your records by making an appointment with the record specialist at your institution to review your record. At that time, you may make notes of pertinent information if you desire.
- > If these records are needed for continuity of care, you may have your personal physician request your medical information from us at no charge. You will need to sign his/her consent form giving him/her permission to obtain your medical record.
- > If these records are needed for Social Security Administration (SSA), Department of Disabilities Services (DDS), or Vocational Rehabilitation, etc., it is customary for those agencies to request medical information on all clients that they represent. At that time we will honor their request. Or you can ask them to send you their Release of Information form. Fill it out and send it back to them, which they will send to us. When received, copies of your record will be sent to that agency.
- > If you have any mental health history with SCDC, and wish to have your mental health information from the automated medical record (AMR) of your record, you MUST submit a "Request to Staff Member form" (SCDC 19-11) to the Mental Health Director, Dr. B. Wood, who is located at KIRKLAND CORRECTIONAL INSTITUTION, and ask for approval to have your mental health information. When the Director of Mental Health will notifies this office of such approval, then HIR will process this request and copying fee will apply in addition and will be separate from the copying fees for you medical information. Keep in mind that HIR WILL NOT SUBMIT A REQUEST FOR YOU.

Please sign your name and indicate which option below that applies (#1 or #2), and return to Health Information Resources. The cost for making copies is as follows: \$15.00 administrative fee, plus .65¢ for the 1st 30 pages and .50¢ for each additional page. If you choose to return this form, your Cooper Trust Account (even if you are indigent) will be debited in the amount which will be determined by the total numbers of pages plus the administrative fee in accordance to agency policy HS-18.07, section 4.4.

1. If these records are for legal purposes, please have your attorney submit a request to our office: HIR/Central Office Annex, 4542 Broad River Road, Columbia, SC 29210. If you are representing yourself, be advised that in order for you to receive copies of your record, you will need to provide us with a docket number and the cost for copies is outlined in the paragraph above.
2. The "Freedom of Information Act" (FOIA) guidelines does not include request for medical information. The guidelines are for public records. Medical records are private not public. If you wish copies of your medical information for your personal record, the cost is outlined in the paragraph above.

Rodney Ladson
Your Signature

Yes, I desire a copy of my Medical Records and understand the costs.

Option # 1

Docket No # 99-GS-08-860 (if applicable)

PCR-application RL

Nadine Pridgen
Nadine Pridgen, Director of HIR

2013 JUL 23 AM 11:42

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

all medical Requested Info
NO Mental Health
3/4/29 Max Out Date

TO: NAME: Health Information Resources (HIR)	TITLE:	DATE: 6/27/2013
INMATE'S NAME: Rodney Jerome Ladson Sr.	SCDC #: 262438	
INSTITUTION: MacDougall CI	LIVING QUARTERS: B-2/D14	

To: Health Information Resources:

I, Rodney Jerome Ladson Sr. #262438, am requesting a total and complete copy of my medical records in accordance to agency policy HS-18.07, section 4.4.

I am also thanking you in advance for your help and time in preparing and sending the above requested information to me as soon as possible for PCR, Post Conviction Relief court sessions.

Sincerely,

Ladson, Rodney Jerome

Rodney Jerome Ladson

RECEIVED
JUL 13 2013
9 AM 11:59

DISPOSITION BY STAFF MEMBER:

DATE:

SIGNATURE:

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

08/29/13
C045560

SCDC# 262438 LADSON, RODNEY J.

PAGE 83

SIGNED OFF ON 09/29/00 @ 11:35 BY LYNN C BENNETT, REGISTERED NURSE I

** ENCOUNTER: 21 DNA TEST 08/21/00 10:13 LIEBER COMP
DATA CARD COMPLETED, SPECIMEN COLLECTED BY NURSE AND SENT TO SLED FOR
PROCESSING FELICIANE GREEN RN
SIGNED OFF ON 09/19/00 @ 10:13 BY FELICIANE GREEN, PROGRAM MANAGER II

** ENCOUNTER: 20 NARRATIVE 07/27/00 15:08 LIEBER COMP
S. THIS IS A 40 YEAR OLD, WIDOWED, BLACK MALE. HE STATED THAT WHILE
INCARCERATED AT COUNTY JAIL, APPROXIMATELY 1-2 YEARS AGO, HE HAD
EXPERIENCED AUDITORY AND VISUAL HALLUCINATIONS TOGETHER WITH THE
NEUROVEGATIVE SYMPTOMS OF DEPRESSION. CURRENTLY, HE DENIES HALLUCINATIONS
AND DEPRESSIVE SYMPTOMS ARE LIFTING.
O. THE PATIENT IS A COOPERATIVE, RETICENT, MIDDLE-AGED, BLACK MALE.
NO S/H. NEUROVEGATIVE SYMPTOMS HAVE AMELIORATED. NO DELUSIONS,
HALLUCINATIONS, OR CLINICAL PARANOIA. NO DISORGANIZATIONS OF SPEECH,
LANGUAGE, OR BEHAVIOR. HE IS COMPETENT AND FULLY ACCOUNTABLE FOR HIS
ACTIONS. ORIENTED IN ALL SPHERES.
A. MAJOR DEPRESSIVE DISORDER WITH PSYCHOTIC FEATURES- RESOLVING
P. RECHECK IN 3MONTHS.
CONTINUE PAXIL 30MG. HS X6MONTHS.
DECREASE MELLARIL TO 75MG. HS. X6MONTHS.
J.R. CUSACK, D.O.

SIGNED OFF ON 07/27/00 @ 15:21 BY TERRENCE E WHITTAKER, HUMAN SERVICES COORD
NOTED ON MAR AND PINK SHEET RX TO PHARMACY

SIGNED OFF ON 08/01/00 @ 16:46 BY SHERRY E THOMASON, REGISTERED NURSE I

** ENCOUNTER: 18 SICK CALL 06/13/00 9:47 LIEBER COMP
S> I HAVE TWO PROBLEMS THIS A.M. I HAVE PINK EYE AND ATHLETES FEET.
MY EYE HAS BEEN ITCHING AND BURNING FOR SEVERAL DAYS AND BETWEEN MY TOES
ON BOTH FEET ALSO ITCH AND BURN.
O> TEMP=96.8 PULSE= 76 RESP=18 BP=110/ 68 WEIGHT=215
I/M PRESENTS TO S/C WITH HIS L EYE APPEARING RED AND WATERY. NO MATTER NOT-
ED ON EXAM. VISION CHECK WNL. SEVERAL WHITE SCALY PATCHES OF SKIN NOTED
BETWEEN SEVERAL TOES ON BOTH FEET.
A> INFECTION OF CONJUNCTIVIA
ATHLETES FOOT
P> 1. See S.O. #9
2. Do visual acuity and record for OS, OD and OU.
3. sodium Sulfacetamide 10% OPHTHALMIC Drops 2 gtts. to affected eye Q.I.D.
x 5 days (IF NOT ALLERGIC TO SULFA. IF ALLERGIC, CONSULT M.D.).
4. Warm compresses to affected eye for 15 minutes Q.I.D.
5. reassess in 24 hours - there should be some improvement. If there is no
improvement, consult with M.D.
1. See S.O. #21.
2. WASH FEET WITH SOAP AND WATER, RINSE WELL AND DRY VERY THOROUGHLY.
3. APPLY TINACTIN CREAM VERY SPARINGLY TO THE AFFECTED AREA BID FOR
A TWO WEEK PERIOD.
4. IF THERE IS NO IMPROVEMENT IN 2 WEEKS, APPLY LOTRIMIN CREAM SPARINGLY
TO THE AFFECTED AREA BID FOR 2 WEEKS.

MDCI880D
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5. RE-CHECK IN 2 WEEKS, IF NO IMPROVEMENT, REFER TO M.D.
SIGNED OFF ON 06/13/00 @ 10:03 BY JANICE A CRAVEN, LICENSED PRACTICAL NURSE
SIGNED OFF ON 06/13/00 @ 11:51 BY SHERRY E THOMASON, REGISTERED NURSE I

** ENCOUNTER: 16 NARRATIVE 05/26/00 1:30 LIEBER COMP
PLEASE RENEW RX FOR: MELLARIL 100MG PO QHS X90D
PAXIL 30MG PO QD X90D

MEDS. ORDERED AND MAR COMPLETED, PENDING M.D APPROVAL.
SIGNED OFF ON 05/26/00 @ 1:31 BY TEGAN EGGER, REGISTERED NURSE I
OK
SIGNED OFF ON 05/26/00 @ 8:35 BY BOBBIE F AYERS, PHYSICIAN II
NOTED B WARLEY-TETLEY, RN
SIGNED OFF ON 05/26/00 @ 17:29 BY BEVERLY R WARLEY, REGISTERED NURSE I

** ENCOUNTER: 13 NARRATIVE 03/14/00 13:07 LIEBER COMP
PER VERBAL ORDER DR. STAFFORD, RENEW MELLARIL 100 MG TAKE 1 AT HS
AND PAXIL 30 MG TAKE 1 PO AT 1300 X 90 DAYS FELICIANE GREEN RN
SIGNED OFF ON 03/14/00 @ 13:07 BY FELICIANE GREEN, PROGRAM MANAGER II
SIGNED OFF ON 03/21/00 @ 13:38 BY BOBBIE F AYERS, PHYSICIAN II

** ENCOUNTER: 11 SICK CALL 01/21/00 17:34 LIEBER COMP
S> "I'VE BEEN SICK ON MY STOMACH SINCE YESTERDAY MORNING WHEN I VOMITED. I
COULDN'T EVEN KEEP THE WATER DOWN THAT I DRANKED. THAT HAS GOTTEN BETTER
THOUGH BECAUSE THIS MORNING I WAS ABLE TO HOLD MY BREAKFAST. I JUST COULD-
N'T SLEEP FOR THE PAST TWO NIGHTS BECAUSE I COUGHED ALL NIGHT LONG".
O> TEMP=098.5 PULSE= 80 RESP=18 BP=110/ 80 WEIGHT=194
VITAL SIGNS WNL. I/M IN NAD. DRY HACKING COUGH IN SICK CALL TODAY. NO OTHER
SYMPTOMS OF COLD NOTED.
A> DRY HACKING NONPRODUCTIVE COUGH
P> I/M INSTRUCTED TO DRINK AT LEAST 8 LGE GLASSES OF H2O A DAY, DRESS APPRO-
PRIATELY FOR WEATHER, AND TO QUIT SMOKING IF HE DOES SMOKE. BENADRYL 50MG
TAB PO GIVEN WITH INSTRUCTION TO TAKE AT BEDTIME TO ALLOW HIM TO REST DUR-
ING THE COURSE OF THE NIGHT. I/M VERBALIZED UNDERSTANDING OF INSTRUCTION.
M. OREE, R. N.
SIGNED OFF ON 01/21/00 @ 17:44 BY MINNIE OREE, UNCLASSIFIED

** ENCOUNTER: 10 NARRATIVE 01/18/00 9:41 LIEBER COMP
D--" MS. ROCKSTAD SAY I SHOULD TALK TO YOU 'BOUT DEPRESSION--FEEL LIKE I'M
TAKING THE FLU--CAN YOU GIVE ME SOMETHING FOR IT?--INMATE LADSON HAS THE
PHYSICAL APPEARANCE OF ONE WHO IS PHYSICALLY ILL--MANIFESTING A COUGH--WE
TALKED A BIT ABOUT HIS FEELINGS OF DEPRESSION AND HE AGREED, HESITATINGLY,
THAT 'IT MAY HAVE SOMETHING TO DO WITH WHY I'M IN HERE'--THE DEATH OF HIS
WIFE BY HIS HAND--BECAUSE OF HIS PHYSICAL ILLNESS, I DID NOT PURSUE THIS
FURTHER-- I REMEMBERED HE HAD BEEN MOST RELUCTANT TO TALK OF HIS CRIME AT
THE TIME OF OUR FIRST MEETING ON 12/10/99--HE AGREES THAT THE MELLARIL IS
STILL 'KEEPING THE VOICES AWAY' AND HELPING HIM TO SLEEP AT NIGHT--I TOLD
HIM OF MY IMPENDING DEPARTURE AND WISHED HIM GODSPEED--
A--MAJOR DEPRESSION WITH PSYCHOSIS
P--CONTINUE MELLARIL 100 MGM TABS 1 PO HS X 90 DAYS
BEGIN PAXIL 30 MGM TABS 1 PO @ 1300 X 90 DAYS

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SHOULD BE SEEN IN 4-6 WEEKS

J.W. BLANTON, JR., M.D.

SIGNED OFF ON 01/18/00 @ 9:52 BY JOHN BLANTON, UNCLASSIFIED
NOTED. D. JENNINGS, RN.

SIGNED OFF ON 01/19/00 @ 14:15 BY DENISE JENNINGS, UNCLASSIFIED

** ENCOUNTER: 6 NARRATIVE 12/10/99 12:11 LIEBER COMP
D--"STARTED SEEING AND HEARING THINGS IN COUNTY JAIL--THE DOCTOR FROM THE
BERKLEY MENTAL HEALTH CENTER CAME TO SEE ME TWICE WHILE I WAS IN JAIL--HE
STARTED ME ON THE MELLARIL--BEEN TAKING IT EVER SINCE"--THIS INMATE SAT
VERY STILL AND PRESENTED SOLEMN FACIES THROUGHOUT OUR SESSION--HE WAS RE-
LUCTANT TO TALK OF EVENTS LEADING TO HIS INCARCERATION AND IT WITH A GREAT
DEAL OF DIFFICULTY THAT HE WAS ABLE TO TELL ME THAT HE WAS SERVING A 30 YR.
SENTENCE FOR THE MURDER OF HIS WIFE--I DID NOT PRESS FOR FURTHER DETAILS AT
THIS TIME--HE STATES THAT THE MELLARIL 'KEEPS THE VOICES AND VISIONS AWAY'
AND HIS MAR SHOWS A VERY GOOD LEVEL OF COMPLIANCE--
A--MAJOR DEPRESSION WITH PSYCHOSIS
P--CONTINUE MELLARIL 100 MGM TABS 1 PO HS X 60 DAYS
SEE IN 6-8 WEEKS

J.W. BLANTON, JR., M.D.

SIGNED OFF ON 12/10/99 @ 12:22 BY JOHN BLANTON, UNCLASSIFIED
ORDER NOTED R HACKWORTH LPN

SIGNED OFF ON 12/10/99 @ 18:39 BY RUBY HACKWORTH, UNCLASSIFIED

** ENCOUNTER: 4 NARRATIVE 12/06/99 15:37 LIEBER COMP
PSYCH MED RECORD REVIEWED REFERRAL TO MENTAL HEALTH AND DR BLANTON
ADVISED....CBC/MC ORDERED PER PSYCH PROTOCOL WITHIN 15 DAYS....WILL SCHEDULE
E PSYCHOTROPIC CLINIC.....TJ JOHNSON RN PSYCH.....
SIGNED OFF ON 12/06/99 @ 15:39 BY THOMAS JOHNSON, UNCLASSIFIED

** ENCOUNTER: 3 NARRATIVE 12/02/99 22:36 LIEBER COMP
INMATE TRANSFERRED ON CURRENT MEDICATION.
1. MELLARIL 100MG PO Q HS
2. MENTAL HEALTH NOTIFIED
MD TO REVIEW A.GALANG, RN.
SIGNED OFF ON 12/02/99 @ 22:47 BY ANNIE B GALANG, UNCLASSIFIED
RENEW MED X 30D
D. HIBNER, MD.
SIGNED OFF ON 12/06/99 @ 8:46 BY DAN HIBNER, UNCLASSIFIED

** ENCOUNTER: 1 PHYSICAL EXAM 11/17/99 8:06 KIRKLAND COMP
SCDC#: 00262438 LADSON, RODNEY J.
POB: OUT-OF-STATE, NY UNITED STATES DOB: '60
AGE: 39 RACE: BLACK SEX: M MARITAL STATUS: W
COMMITTING COUNTY: BERKELEY MAXOUT: 03/04/29 DORM: B2D0014A
SS#:

IN EMERGENCY NOTIFY: FREDDY LADSON
RELATIONSHIP: FATHER
ADDRESS:

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HOLLYWOOD, SC 29449 CHARLESTON
(843) 889-6141

FAMILY PHYSICIAN: DR GRADY
MT PLEASANT SC

FAMILY HISTORY OF THE FOLLOWING ALIMENTS:-----

CANCER
CARDIAC
DIABETES
HYPERTENSION
STROKE

PATIENT ALLERGY HISTORY:-----

DENIES ADDED ON 11/17/99

PATIENT MEDICAL HISTORY:-----

CHILDHOOD DISEASES:.....
UCHD

SURGERY:.....
DENIES

FRACTURES:.....
R LOWER LEG

GUNSHOT WOUNDS:.....
DENIES

STAB WOUNDS:.....
DENIES

PATIENT HAS A HISTORY OF:-----

CURR MED/DENTAL/MENTAL HX:-----

ANXIETY AND NERVE TX - BERKELEY CTY MHC

CURRENT MEDICATIONS:-----

LORAZEPAM AND MELLARIL FROM BERKELEY CTY JAIL-LAST DOSE 11/15/99

GENERAL APPEARANCE:-----

BEHAVIOR:-----

ALERT-PERS/PLACE/TIME
COOPERATIVE

COMMENTS:-----

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CALL TO BERKELEY CTY JAIL 0810 TO VERIFY MEDS - MSG LEFT TO RETURN CALL
NO ANSWER AT TIME. J ROUNDTREE, RN

VITALS:-----

HEIGHT: 5 FT 9 IN WEIGHT: 196 TEMP: 097.1 PULSE: 72
BP: 102/ 82 RESP: 16
VISION SCREEN WITHOUT GLASSES: R:20/ 20 L:20/ 70
WITH GLASSES: R:20/ 0 L:20/ 0

VACCINES:-----

DT GIVEN
PPD GIVEN
VACCINE INFO GIVEN

SIGNED OFF ON 11/17/99 AT 08:12 BY JONELLA K ROUNDTREE, UNCLASSIFIED

PHYSICAL ABNORMALITIES:-----

PSYCHIATRIC

CURRENT MEDICAL CONDITIONS:-----

PSYCHIATRIC PROB-IDENTIFY

PHYSICANS COMMENTS:-----

PSYCHIATRIC
HX OF VISUAL HALLUCINATION.WAS ON MELLARIL AND LORAZEPAM.

PHYSICANS ORDERS:-----

MELLARIL 50 MGX4 WKS. 2REF.
SIGNED OFF ON 11/17/99 AT 08:29 BY JAIRAJ PRASHAD, PHYSICIAN II

NURSES RESPONSE:-----

CALL RETURNED FROM BERKELEY CTY JAIL - NURSE PAULA STS MEDS WERE
ATIVAN 0.5MG PO QHS, MELLARIL 50MG PO QAM AND 100MG PO QHS. DR PRASHAD
NOTIFIED AND GAVE VERBAL ORDER AND RX CHANGE TO MELLARIL 100MG PO QHS
X 30 D WITH REF X 2. MAR COMPLETED. J ROUNDTREE, RN
SIGNED OFF ON 11/17/99 AT 11:18 BY JONELLA K ROUNDTREE, UNCLASSIFIED

***** END OF SICK CALL NOTES *****

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: Dr. B. Wood	TITLE: Mental Health Director	DATE: 7/24/2013
INMATE'S NAME: Rodney Jerome Ladson		SCDC #: 262438
INSTITUTION: MacDougall CI		LIVING QUARTERS: Birch 2/D14-A
To: Dr. Wood, Health Director, I, Rodney Jerome Ladson Sr., SCDC# 262438, am asking for your approval and I am requesting a total and complete copy of my mental health information records, in accordance to agency policy HS-18-07, Section 4.4. I am also thanking you in advance for your help and time in preparing and sending the above requested information to me as soon as possible for my Post-Conviction-Relief court sessions. Docket #99-GS-08-860. Sincerely, Ladson, Rodney Jerome <i>/s/ Rodney Jerome Ladson</i>		
DISPOSITION BY STAFF MEMBER:		
DATE:	SIGNATURE:	

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

OK. J. 3/4/29 "2

TO: NAME: Dr. B. Wood Mental Health Director	TITLE:	DATE: 7/24/2013
INMATE'S NAME: Rodney Jerome Ladson	SCDC #: 262438	
INSTITUTION: MacDougall CI	LIVING QUARTERS: Birch 2/D14-A	
To: Dr. Wood, Health Director, I, Rodney Jerome Ladson Sr., SCDC# 262438, am asking for your approval and I am requesting a total and complete copy of my mental health information records, in accordance to agency policy HS-18-07, Section 4.4. I am also thanking you in advance for your help and time in preparing and sending the above requested information to me as soon as possible for my Post-Conviction-Relief court sessions. Docket #99-GS-08-860. Sincerely, Ladson, Rodney Jerome <i>181 Rodney Jerome Ladson</i>		
DISPOSITION BY STAFF MEMBER: <i>Since there are only four pages of your mental health record there will be no charge.</i>		
DATE: 8/14/13	SIGNATURE: <i>Kathy Hill, Admin Asst.</i>	

2013 AUG -1 PM 1:10
RECEIVED

PLEASE MAIL REQUEST FOR MEDICAL RECORDS TO:

HEALTH INFORMATION RESOURCES (HIR)
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
CENTRAL OFFICE ANNEX/ 4542 BROAD RIVER RD,
COLUMBIA, SC 29210

The cost for making copies is as follows: \$15.00 administrative fee, plus .65¢ for the 1st 30 pages and .50¢ for each additional page. Your Cooper Trust Account (even if you are indigent) will be debited in the amount which will be determined by the total numbers of pages plus the administrative fee in accordance to agency policy HS-18.07, section 4.4. In addition, there will not be a time limit imposed on the issuance of records

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
HEALTH INFORMATION RESOURCES

INMATE CORRESPONDENCE

TO: #262438 RODNEY LADSON LOC: MACDOUGALL CI BIRCH 2/D14 A
FROM: Health Information Resources / Central Office Annex
SUBJECT: Medical Records Request
DATE: August 1, 2013

This will acknowledge receipt of your correspondence dated 06-4-13, to the Division of Mental Health requesting copies of your mental health information. Be advised, this office has received approval from the Division of Mental Health granting the Office of Health Information Resources (HIR) the release of your mental health information to you.

Therefore, the copying fee is as follows: \$15.00 administrative fee, plus .65¢ for the 1st 30 pages and .50¢ for each additional page. If you choose to return this form, your Cooper Trust Account (even if you are indigent) will be debited in the amount which will be determined by the total numbers of pages plus the administrative fee in accordance to agency policy HS-18.07, section 4.4.

Please sign your name and return this form to Health Information Resources/Central Office Annex (inter-departmental mail).

Rodney Ladson
Your Signature

Yes, I desire a copy of my Medical Records and understand the costs.

S/ Kathy Hill
Kathy Hill, Administrative Asst.

2013 AUG 12 AM 11:57

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- ** ENCOUNTER: 405 MENTAL HEALTH CLINIC 07/31/13 13:53 MACDOUGALL CORR COMP
HSC II NOTE: PER DR. WOOD, THIS INDIVIDUAL IS APPROVED TO RECEIVE A COPY
OF HIS MENTAL HEALTH RECORDS. JIM PAGE, HSC II
SIGNED OFF ON 07/31/13 @ 13:54 BY JAMES EDWIN PAGE, HUMAN SERVICES COORD II
- ** ENCOUNTER: 147 MENTAL HEALTH CLINIC 10/04/05 10:08 MCCORMICK COMP
LATE ENTRY: GROUP NOTE: I/M PARTICIPATED IN ANGER/STRESS MANAGEMENT GROUP ON
THE 14TH, 16TH, 21ST AND 28TH OF SEPTEMBER. GOOD PARTICIPATION. S. TABB, CCCI
II
SIGNED OFF ON 10/04/05 @ 10:10 BY SHOLANDA K TABB, HUMAN SERVICES COORD I
- ** ENCOUNTER: 142 MENTAL HEALTH CLINIC 08/02/05 15:32 MCCORMICK COMP
GROUP NOTE: L/E I/M PARTICIPATED IN ANGER/STRESS MANAGEMENT GROUP ON JULY 27
, 2005. S. TABB, CCCIII
SIGNED OFF ON 08/02/05 @ 15:33 BY SHOLANDA K TABB, HUMAN SERVICES COORD I
- ** ENCOUNTER: 25 MENTAL HEALTH CLINIC 03/08/01 16:29 LIEBER COMP
MENTAL HEALTH NOTE: I/M REQUESTED THAT THIS CCC REMOVE HIM FROM M/H LIST.
NO PROBLEMS NOTED AT THI TIME. I/M DENIES PROBLEMS. THIS CCC COMPLETED HEAL
TH SUMMARY AND SUBMITTED TO MEDICAL- I/M DISCUSSED IN TREAMTNET PLAN MEETING
SIGNED OFF ON 03/08/01 @ 16:31 BY BEVERLY BYRD, HUMAN SERVICES COORD I
- ** ENCOUNTER: 24 MENTAL HEALTH CLINIC 02/26/01 12:04 LIEBER COMP
S. THIS IS A REVALUATION FOR THIS 40 YEAR OLD, WIDOWED, BLACK MALE.
HE HAS CEASED TAKING PRESCRIBED MEDICATIONS. HE DENIES ANXIOUS, DEPRESSIVE
OR PSYCHOTIC SYMPTOMS.
O. THIS IS A MANNERLY, BLACK MALE. NO S/H. NO NEUROVEGATIVE FINDINGS.
AFFECT WAS QUITE APPROPRIATE. NO PSYCHOTIC DISORGANIZATIONS OF LANGUAGE,
THOUGHT, OR BEHAVIOR. HE IS COMPETENT.
A. MAJOR DEPRESSIVE EPISODE- RESOLVED
P. RECHECK AS NEEDED. REMOVE FROM MENTAL HEALTH LIST.
J.R. CUSACK, D.O.
SIGNED OFF ON 02/26/01 @ 12:08 BY JOHN R CUSACK, UNCLASSIFIED
SIGNED OFF ON 03/07/01 @ 22:37 BY TEGAN EGGER, REGISTERED NURSE I
- ** ENCOUNTER: 23 MENTAL HEALTH CLINIC 10/19/00 15:19 LIEBER COMP
S. THIS IS A REEVALUATION FOR THIS 40 YEAR OLD, WIDOWED, BLACK MALE.
HE WORKS AT PRISON INDUSTRIES AND IS PLEASED WITH EMPLOYMENT. HE
MAINTAINS THAT THE INTRUSIVE AUDITORY AND VISUAL HALLUCIATIONS HAVE
SUBSTANTIVELY DIMINISHED. HE CLAIMS HE FEELS LESS DEPRESSED.
O. THIS IS A MANNERLY, MIDDLE-AGED, BLACK MALE. SPEECH IS CLEAR AND
LUCID. NEUROVEGATIVE FINDINGS ARE STILL PRESENT YET LESS. NO PSYCHOTIC
DISTORTIONS OF LANGUAGE, SPEECH OR BEHAVIOR ARE EVIDENT. NO S/H.
COGNITION INTACT. HE IS COMPETENT.
A. MAJOR DEPRESSIVE EPISODE WITH PSYCHOTIC FEATURES- RESOLVING.
P. RECHECK IN 3MONTHS.
DECREASE: PAXIL TO 20MG. PO HS X4MONTHS.
MELLARIL TO 50MG. PO HS X 4MONTHS.
J.R. CUSACK, D.O.

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SIGNED OFF ON 10/19/00 @ 15:31 BY JOHN R CUSACK, UNCLASSIFIED
MED. ORDERED, NOTED ON MAR.

SIGNED OFF ON 10/21/00 @ 6:08 BY TEGAN EGGER, REGISTERED NURSE I

** ENCOUNTER: 19 MENTAL HEALTH CLINIC 07/24/00 11:35 LIEBER COMP
(LATE ENTRY FOR 7/19/00)

D: I/M ATTENDED 5 SESSIONS OUT A POSSIBLE 5 BEFORE HE STARTED WORKING AT
P.I. AND COULD NO LONGER ATTEND A&D/DEPRESSION MGT. GROUP. I/M CONTINUED
TO LOOK SAD BUT WOULD PARTICIPATE IN THE DISCUSSION WHEN CALLED ON.

A: MAJ. DEPRESSION WITH PSYCHOSIS

P: I/M ASKED TO BE TAKEN OFF OF THE ROSTER DUE TO HIS NEW JOB.

L. ROCKSTAD, CCC.

SIGNED OFF ON 07/24/00 @ 11:38 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 17 MENTAL HEALTH CLINIC 06/05/00 13:44 LIEBER COMP
(LATE ENTRY FOR 5-31-2000)

D: THIS IS TO SUMMARIZE I/M'S ATTENDANCE AT A&D/DEPRESSION MGT. GROUP
SINCE 5/3. I/M HAS ATTENDED 4 OUT OF A POSSIBLE 4 SESSIONS. I/M CONTINUES
TO LOOK DROWSY AND HAS A BLUNTED AFFECT. HE DOES RESPOND TO QUESTIONS AND
WILL PARTICIPATE IN THE DISCUSSION. HE LOOKS DEPRESSED AND HIS AFFECT HASN'T
CHANGED SINCE BEING IN THE GROUP.

A: MAJ. DEPRESSION WITH PSYCHOSIS

P: CONTINUE TO FOLLOW WEEKLY TO ASSIST I/M WITH LEARNING COPING SKILLS TO
REDUCE DEPRESSION.

L. ROCKSTAD, CCC.

SIGNED OFF ON 06/05/00 @ 13:48 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 15 MENTAL HEALTH CLINIC 05/02/00 9:56 LIEBER COMP
(LATE ENTRY FOR 4-26-2000)

D: THIS IS TO SUMMARIZE I/M'S ATTENDANCE AT A&D/DEPRESSION MGT. GROUP.
I/M HAS ATTENDED 4 SESSIONS OUT OF 4 IN APRIL. I/M CONTINUES TO LOOK
DEPRESSED AND DROWSY BUT DOES HAVE SOME INSIGHT INTO HIS PAST PROBLEMS

A: MAJ. DEPRESSION WITH PSYCHOSIS

P: CONTINUE TO WORK WITH INMATE WEEKLY IN GROUP TO LEARN WAYS TO DECREASE
DEPRESSION.

L. ROCKSTAD, CCC.

SIGNED OFF ON 05/02/00 @ 9:58 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 14 MENTAL HEALTH CLINIC 04/04/00 13:52 LIEBER COMP
(LATE ENTRY FOR 3/29/2000)

D: THIS IS TO SUMMARIZE I/M'S ATTENDANCE IN A&D/DEPRESSION GROUP SINCE 3/8
I/M HAS ATTENDED 3 OUT OF 3 SESSIONS AND HAS STARTED TO VERBALLY PARTICI-
PATE A LITTLE MORE. HE STILL LOOKS DEPRESSED AND DROWSY MOST OF THE TIME.

A: MAJ. DEPRESSION WITH PSYCHOSIS

P: CONTINUE TO FOLLOW WEEKLY TO WORK ON COPING WITH STRESS AND REDUCING
DEPRESSION.

L. ROCKSTAD, CCC.

SIGNED OFF ON 04/04/00 @ 13:54 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 12 MENTAL HEALTH CLINIC 03/06/00 13:05 LIEBER COMP

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(LATE ENTRY FOR 3-1-2000)

D: THIS IS TO SUMMARIZE I/M'S ATTENDANCE IN A&D/DEPRESSION MGT. GROUP. I/M HAS ATTENDED 3 OUT OF A POSSIBLE 5 SESSIONS SINCE 2/2/2000. I/M APPEARS DROWSY AND INATTENTIVE BUT USUALLY JOINS IN THE DISCUSSION IF CALLED ON. HE CONTINUES TO HAVE A DEPRESSED AFFECT.

A: MAJ. DEPRESSION WITH PSYCHOSIS

P: CONTINUE TO FOLLOW WEEKLY TO WORK ON LEARNING COPING SKILLS TO REDUCE DEPRESSION.

L. ROCKSTAD, CCC.

SIGNED OFF ON 03/06/00 @ 13:13 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 9 MENTAL HEALTH CLINIC 01/06/00 12:54 LIEBER COMP
(LATE ENTRY FOR 1-4-2000)

D: I/M WAS SEEN FOR INDIV. COUNSELING. I/M IS NOW WORKING ON THE YARD CREW. HE STATES THAT HE IS STILL HAVING PROBLEMS WITH DEPRESSION BUT IS NOT SUICIDAL. HE STATES THAT HE WOULD LIKE TO ATTEND DEP. MGT. GROUP BUT HAD NOT BEEN GETTING ORDERS TO REPORT. HE THINKS MOST OF HIS DEPRESSION IS FROM ADJUSTING TO A NEW ENVIRONMENT. HE AGREED THAT HE MAY NEED TO ASK TO HAVE AN ANTIDEPRESSANT ADDED TO HIS MEDS. HE STATES THAT HE HAS BEEN DEPRESSED A LONG TIME. HIS AFFECT IS BLUNTED AND HE APPEARED SAD AND DROWSY. HE TALKED A LITTLE ABOUT HIS CRIME WHEN ASKED BUT DID NOT ELABORATE. HIS WIFE WAS KILLED WHEN THEY STRUGGLED OVER A GUN. THEY HAD BEEN MARRIED 16 YEARS AND HAVE 4 CHILDREN (AGES 11-18). HE STATES THAT HE NEVER REALLY EXPLAINED WHAT HAPPENED TO HIS CHILDREN AND NOW THEY ARE LIVING WITH A RELATIVE. HE STATES THAT HE SLEEPS ALOT WHEN HE IS DEPRESSED AND READS HIS BIBLE SOME.

A: MAJ. DEPRESSION WITH PSYCHOSIS

P: CONTINUE TO FOLLOW MONTHLY. DISCUSS WITH DR. BLANTON HIS APPARENT NEED FOR AN ANTIDEPRESSANT.

L. ROCKSTAD, CCC.

SIGNED OFF ON 01/06/00 @ 13:01 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 8 MENTAL HEALTH CLINIC 12/23/99 14:41 LIEBER COMP
(LATE ENTRY FOR 12-22-99)

D: THIS IS TO SUMMARIZE I/M'S PARTICIPATION IN A&D/DEPRESSION MGT. GROUP TO DATE. I/M HAS ATTENDED 1 OUT A POSSIBLE 2 SESSIONS SO FAR. HE WAS ATTENTIVE BUT DID NOT VERBALLY PARTICIPATE UNLESS CALLED ON THIS SESSION.

A: MAJ. DEPRESSION WITH PSYCHOSIS

P: CONTINUE TO FOLLOW WEEKLY IN GROUP TO WORK ON REDUCING DEPRESSION AND LEARNING TO COPE WITH STRESS.

L. ROCKSTAD, CCC.

SIGNED OFF ON 12/23/99 @ 14:43 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 7 MENTAL HEALTH CLINIC 12/10/99 13:05 LIEBER COMP
(LATE ENTRY FOR 12-13-99)

D: I/M WAS SEEN FOR MENTAL HEALTH ASSESSMENT SINCE COMING TO LIEBER. I/M STATES THAT HE IS DOING OK ON MELLARIL AND HAS BEEN ON MEDS 9-10 MONTHS. HE STARTED MEDS IN THE COUNTY JAIL BUT HAD BEEN HAVING MENTAL HEALTH PROBLEMS BEFORE THAT. I/M DOES NOT KNOW OF ANY OTHER FAMILY MEMBERS WITH MENTAL ILLNESS. HIS AFFECT IS BLUNTED BUT HE DOES NOT HAVE ANY SUICIDAL

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IDEATIONS AND SAYS THAT HE IS DOING GOOD AT THIS TIME. HE WILL WORK IN
YARD MAINTENANCE. HE DENIES ANY A & D ABUSE.

A: MAJ. DEPRESSIVE DISORDER WITH PSYCHOSIS

P: CONTINUE TO FOLLOW MONTHLY AND REFER TO DEPRESSION MGT. GROUP.

L. ROCKSTAD, CCC.

SIGNED OFF ON 12/21/99 @ 13:10 BY LOUISE O ROCKSTAD, HUMAN SERVICES COORD I

** ENCOUNTER: 5 MENTAL HEALTH CLINIC 12/06/99 10:12 LIEBER COMP
ASSIGNED TO LOUISE ROCKSTAD.

STEVE COMPTON, CCC

SIGNED OFF ON 12/10/99 @ 10:12 BY STEPHEN F COMPTON, HUMAN SERVICES COORD I

** ENCOUNTER: 2 MENTAL HEALTH CLINIC 11/23/99 15:47 KIRKLAND COMP

D=I/M SEEN AT REQUEST OF SECURITY, HE APPEARED TO BE WITHDRAWN AND GUARDED.

A=I/M IS ELERT, COOPERATIVE, ORIENTED X 3, COHERENT AND IN CONTACT WITH REALITY. HE DENIES A/V HALLUCINATION, DENIES S/H THOUGHTS, STS HE FEELS HE IS DOING FINE AND IS ADJUSTING WELL. HE IS TAKING HIS MEDS, SLEEPING AND EATING APPROPRIATELY. HE IS WORKING IN LAUNDRY AND LIKES HIS JOB. NO PROBLEMS AT PRESENT.

P=I/M WILL SEEK ASSISTANCE IF NEEDED, NO FURTHER SERVICES NEEDED AT PRESENT.

RICHARD S. JOHNSON ADMIN. MGR.

SIGNED OFF ON 11/23/99 @ 15:59 BY RICHARD S JOHNSON, JR, ADMINISTRATIVE MGR I

***** END OF SICK CALL NOTES *****

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
HEALTH INFORMATION RESOURCES**

INMATE CORRESPONDENCE

TO: Inmate Resident
FROM: Health Information Resources (HIR)
Central Office Annex
SUBJECT: Medical Records Request
DATE: 2013

HIR will no longer accept written requests on plain paper or any unofficial RTSM. Per SCDC Policy 18-07, "Inmate Health Information", section 4.4, "An inmate may request copies of his/her health record or portions thereof on SCDC Form 19-11, "Request to Staff Member". Please be advised that you will need to re-submit your request using an official SCDC Form 19-11.

Health Information Resources

Rec 6-27-TH 2013

Rodney Jerome Ladson Sr. #262438
MacDougall Corr. Inst.
1516 Old Gilliard Rd.
Ridgeville, SC 29472

June 10, 2013

Health Information Resources (HIR)
South Carolina Department of Corrections
Central Office Annex
4542 Broad River Road
Columbia, SC 29210

RECEIVED
SC DEPT OF CORRECTIONS
2013 JUN 19 AM 11:55

To: Health Information Resources,

I, Rodney Jerome Ladson Sr. #262438, am requesting a total and complete copy of my medical records in accordance to agency policy HS-18.07, section 4.4.

I am also thanking you in advance for your help and time in preparing and sending the above requested information to me as soon as possible for PCR, Post Conviction Relief court sessions.

Sincerely,

Ladson, Rodney Jerome

Rodney Jerome Ladson



FILED

MARY P. BROWN

2013 OCT 16 PM 4:30 CLERK OF COURT

Common Pleas Court
Post Office Box 219

MARY MONROE'S CORNER, SOUTH CAROLINA 29461-0219
CLERK OF COURT 843-719-4400 843-567-3311 843-723-3800

TO: Attorney General

FROM: Clerk of Court, Berkeley County, South Carolina

RE: Rodney Ladsen # 262438

The above referenced document(s) is being returned for the following reason(s):

- (1) ☐ Needs Proof of Service/Non-service
- (2) ☐ Insufficient amount of filing fee.
Correct amount: 15.00
- (3) ☐ Requires original signature.
- (4) ☐ Not a Berkeley County Case.
- (5) ☐ Venue change to: 1st District
- (6) ☐ Check or Money Order must be made payable to Clerk of Court.
- (7) ☐ Check not signed.
- (8) ☐ Copy - must file original.
- (9) ☒ Other Copy of letters from PCR
Applicant Thanks

Please make the necessary correction (s) and return.
Thank you for your assistance.



LAW OFFICE OF TRICIA A. BLANCHETTE

February 5, 2014

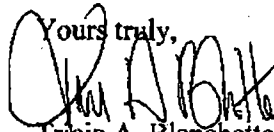
Berkeley County Clerk of Court
ATT: Common Pleas
300 California Ave.
Moncks Corner, SC 29461

RE: Rodney Ladson v. State; Docket No. 2012-CP-08-0637

Dear Sir or Madam:

I have been retained to represent Rodney Ladson on the above referenced PCR Application pending in Berkeley County. Please allow this letter to serve as the entry of my appearance on his behalf.

Thank you for your assistance with this matter. Please contact me with any questions.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: Ashleigh R. Wilson, Assistant Attorney General
Rodney Ladson

FILED
2014 FEB 10 PM 1:28
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

PO Box 12725 | Columbia SC 29211

p: 803.988.0008 | f: 803.988.8070 | e: blanchettelaw@gmail.com

TBM

NK

ton

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
	)	
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	RESPONSE TO CONDITIONAL
	)	ORDER OF DISMISSAL
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. The State submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. The Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013. Applicant, through counsel, would respond to the signed Conditional Order of Dismissal by incorporating Applicant's response filed on July 19, 2013 and supplementing such with the following response:

By way of the Order of Dismissal, the Court held that the Application should be summarily dismissed due to the statute of limitations and that such was proper since it appeared from the pleadings "that there is no issue of material fact." Applicant submits that his Application is not ripe for summary dismissal as he has alleged a number of allegations that raise issues of material fact as to the effectiveness of counsel that are not appropriate for a summary dismissal as a matter of law. Specifically, Applicant has retained a private investigator to conduct the investigation that he alleges counsel failed

to do on his behalf. Applicant has also obtained a copy of his mental health records that provide the evidentiary support for several of his allegations regarding his mental health and counsel's failure to properly address such before and during his plea proceeding. Furthermore, Applicant has retained counsel who is working to further amend his Application if the case is allowed to proceed to an evidentiary hearing. Applicant submits that his Application involves factual issues that are proper to be heard in an evidentiary hearing and should not be dismissed as a matter of law.

Additionally, Applicant submits that he did not exercise unnecessary delay in the filing of his Application since he was suffering from mental and medical issues and was unable to obtain requested documents from his plea counsel prior to the filing of his current Application. As was stated in his prior response, Applicant obtained his plea transcript and it is available for the State; therefore, the finding in the Order that the State is prejudiced due to the absence of the plea transcript is in error.

Applicant concedes that his Application is filed well outside the one year statute of limitations, but Applicant would ask that the Court consider the following and find that Applicant exercised due diligence in the filing of his Application. At this time, Applicant is still working to obtain his mental health records from the county detention center, but Applicant has obtained his mental and medical health records from the South Carolina Department of Corrections (SCDC). As is established by his SCDC records, Applicant underwent mental health treatment and received medication through 2001. Applicant's Exhibit 1. Thereafter, Applicant remained under mental health counseling. In 2004, Applicant underwent treatment for an eye infection that became a lesion by 2005. In 2006, he underwent a corneal transplant and the sutures remained through 2007.

Applicant's Exhibit 2. In 2008, Applicant underwent a cervical fusion and was treated for a shoulder fracture. Applicant's Exhibit 3. From 2009 to 2011, Applicant was treated for corneal transplant rejection and continued concerns with the vision in his left eye.

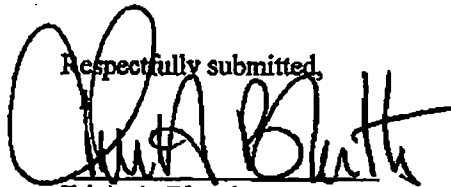
Applicant's Exhibit 4. Due to his mental and medical health, Applicant submits that he did not delay in filing his Application, but that he was under mental and medical health treatment that hindered his ability to obtain his case records and file his Application in a timely manner.

Regarding his case records, Applicant attempted to locate his counsel and his case records after he concluded his mental health treatment and prior to his corneal transplant. In February of 2004, he wrote the Solicitor's Office since he had been unable to locate Michael A. Brown, plea counsel. On February 10, 2004, he received a response from the Solicitor's Office providing information for the Clerk's Office. Applicant's Exhibit 5. In March of 2004, Applicant wrote and received a response from the South Carolina Bar with Attorney Brown's address. Applicant's Exhibit 6. On April 26, 2004, Applicant received a response from Attorney Brown redirecting him to the Clerk of Court for his document request. Applicant's Exhibit 7. Due to his medical issues, Applicant received a copy of his case documents (Rule Five) just prior to filing his current Application.

Applicant would submit that he has been diligent in his attempt to obtain his case and health records and in submitting his Application and as a matter of equity his Application should be allowed to proceed to a hearing. See Pelzer v. State, 378 S.C. 516, 662 S.E.2d 618 (2008) (Finding equitable tolling is available if such tolling is necessary to prevent unfairness to a diligent plaintiff.).

Therefore, based upon the foregoing, the Applicant respectfully submits that specific reasons exist to support the Applicant's position that his Application should not be dismissed with prejudice. The Applicant would respectfully request that this Court allow his Application to proceed to a hearing to address the issues raised in his Application and subsequent pleadings. Applicant would also request the opportunity, through counsel, to submit an Amendment, stating the specific allegation on which he intends to raise at an evidentiary hearing.

Respectfully submitted,



Tricia A. Blanchette
Attorney for the Applicant
Post Office Box 12725
Columbia, South Carolina 29211
(803) 988-0008

May 12, 2014
Columbia, South Carolina

APPLICANT'S EXHIBIT

#1

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

08/14/13
C045560

SCDC# 262438 LADSON, RODNEY J.

PAGE 1

- ** ENCOUNTER: 405 MENTAL HEALTH CLINIC 07/31/13 13:53 MACDOUGALL CORR COMP
HSC II NOTE: PER DR. WOOD, THIS INDIVIDUAL IS APPROVED TO RECEIVE A COPY
OF HIS MENTAL HEALTH RECORDS. JIM PAGE, HSC II
SIGNED OFF ON 07/31/13 @ 13:54 BY JAMES EDWIN PAGE, HUMAN SERVICES COORD II
- ** ENCOUNTER: 147 MENTAL HEALTH CLINIC 10/04/05 10:08 MCCORMICK COMP
LATE ENTRY: GROUP NOTE: I/M PARTICIPATED IN ANGER/STRESS MANAGEMENT GROUP ON
THE 14TH, 16TH, 21ST AND 28TH OF SEPTEMBER. GOOD PARTICIPATION. S. TABB, CCCI
II
SIGNED OFF ON 10/04/05 @ 10:10 BY SHOLANDA K TABB, HUMAN SERVICES COORD I
- ** ENCOUNTER: 142 MENTAL HEALTH CLINIC 08/02/05 15:32 MCCORMICK COMP
GROUP NOTE: L/E I/M PARTICIPATED IN ANGER/STRESS MANAGEMENT GROUP ON JULY 27
, 2005. S. TABB, CCCIII
SIGNED OFF ON 08/02/05 @ 15:33 BY SHOLANDA K TABB, HUMAN SERVICES COORD I
- ** ENCOUNTER: 25 MENTAL HEALTH CLINIC 03/08/01 16:29 LIEBER COMP
MENTAL HEALTH NOTE: I/M REQUESTED THAT THIS CCC REMOVE HIM FROM M/H LIST.
NO PROBLEMS NOTED AT THI TIME. I/M DENIES PROBLEMS. THIS CCC COMPLETED HEAL
TH SUMMARY AND SUBMITTED TO MEDICAL- I/M DISCUSSED IN TREMTNET PLAN MEETING
SIGNED OFF ON 03/08/01 @ 16:31 BY BEVERLY BYRD, HUMAN SERVICES COORD I
- ** ENCOUNTER: 24 MENTAL HEALTH CLINIC 02/26/01 12:04 LIEBER COMP
S. THIS IS A REEVALUATION FOR THIS 40 YEAR OLD, WIDOWED, BLACK MALE.
HE HAS CEASED TAKING PRESCRIBED MEDICATIONS. HE DENIES ANXIOUS, DEPRESSIVE
OR PSYCHOTIC SYMPTOMS.
O. THIS IS A MANNERLY, BLACK MALE. NO S/H. NO NEUROVEGATIVE FINDINGS.
AFFECT WAS QUITE APPROPRIATE. NO PSYCHOTIC DISORGANIZATIONS OF LANGUAGE,
THOUGHT, OR BEHAVIOR. HE IS COMPETENT.
A. MAJOR DEPRESSIVE EPISODE- RESOLVED
P. RECHECK AS NEEDED. REMOVE FROM MENTAL HEALTH LIST.
J.R. CUSACK, D.O.
SIGNED OFF ON 02/26/01 @ 12:08 BY JOHN R CUSACK, UNCLASSIFIED
SIGNED OFF ON 03/07/01 @ 22:37 BY TEGAN EGGER, REGISTERED NURSE I
- ** ENCOUNTER: 23 MENTAL HEALTH CLINIC 10/19/00 15:19 LIEBER COMP
S. THIS IS A REEVALUATION FOR THIS 40 YEAR OLD, WIDOWED, BLACK MALE.
HE WORKS AT PRISON INDUSTRIES AND IS PLEASED WITH EMPLOYMENT. HE
MAINTAINS THAT THE INTRUSIVE AUDITORY AND VISUAL HALLUCIATIONS HAVE
SUBSTANTIVELY DIMINISHED. HE CLAIMS HE FEELS LESS DEPRESSED.
O. THIS IS A MANNERLY, MIDDLE-AGED, BLACK MALE. SPEECH IS CLEAR AND
LUCID. NEUROVEGATIVE FINDINGS ARE STILL PRESENT YET LESS. NO PSYCHOTIC
DISTORTIONS OF LANGUAGE, SPEECH OR BEHAVIOR ARE EVIDENT. NO S/H.
COGNITION INTACT. HE IS COMPETENT.
A. MAJOR DEPRESSIVE EPISODE WITH PSYCHOTIC FEATURES- RESOLVING.
P. RECHECK IN 3MONTHS.
DECREASE: PAXIL TO 20MG. PO HS X4MONTHS.
MELLARIL TO 50MG. PO HS X 4MONTHS.
J.R. CUSACK, D.O.

APPLICANT'S EXHIBIT

#2

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

08/29/13
C045560

SCDC# 262438 LADSON, RODNEY J.

PAGE 68

SIGNED OFF ON 07/29/04 @ 15:42 BY VALERIE MOORE, LICENSED PRACTICAL NURSE

** ENCOUNTER: 87 SICK CALL 06/29/04 12:58 EVANS COMP
S> "MY CHEST HURTS OFF AND ON FOR OVER A YR. AND I HAVE LOST WEIGHT TOO
AND I WANT TO SEE THE DR. AND I NEED A PHYSICAL AND THE ONLY BONE I'VE
BROKEN IS MY LEG AND I HAVE DONE NO EXERCISING".
O> TEMP=098.6 PULSE= 68 RESP=18 BP=110/ 70 WEIGHT=170
VS WNL, SKIN IS W/D TO TOUCH, PULSE IS REGULAR RATE AND RYTHUM. THERE IS
TENDERNESS ON PALPATION OF THE CHEST, CAN DO SIDE TO SIDE TWIST WITHOUT
DIFFICULTY. THERE IS NO REDDNESS OR SWELLING NOTED IN THE CHEST AREA.
A> MUSCULOSKELETAL DISCOMFORT
P> 1. SEE S.O. #27.
2. ACETAMINOPHEN 325 MG. TABS 2 PO QID X 3 DAYS OR IBUPROFEN 400 MG. 2 PO
TYLENOL GIVEN WITH INSTRUCTIONS
TID X 3 DAYS. DOCUMENT MEDS GIVEN IN AMR.
3. IF PALPABLE MUSCLE SPASMS PRESENT, CHLORZOXAZONE 500MG. TABS PO QID X
OMIT
5 DAYS.
4. FOR LOWER BACK DISCOMFORT, USE A ROLLED TOWEL UNDER LOW BACK X 5 DAYS.
5. WILLIAM FLEXION EXERCISE (SCDC FORM 24-146) FOR CHRONIC LOW BACK PAIN.
6. RESTRICT STRENUOUS ACTIVITES OR REST THE INVOLVED AREA.
7. HEAT (BY SHOWER, MOIST COMPRESSES OR HOT WATER SOAKS) TO THE INVOLVED
AREA QID X 3 DAYS.
RTC PRN, REFER TO DR., PATIENT TEACHING DONE PER. S0 #27 AND INMATE
VERBALIZED UNDERSTANDING. INMATE IS ON DRS BOOK FOR 7/26/04.
C. MCNAIR, L.P.N.
SIGNED OFF ON 06/29/04 @ 13:15 BY EVELYN C MCNAIR, LICENSED PRACTICAL NURSE
SIGNED OFF ON 06/30/04 @ 11:07 BY SARA L MURDOCK, REGISTERED NURSE II

** ENCOUNTER: 86 DOCTOR'S CLINIC 05/03/04 8:38 EVANS COMP
S> LT EYE IRRITATION/ RDNESS /LACRIMATION
O> TEMP=097.8 PULSE= 72 RESP=20 BP=122/ 66 WEIGHT=187
LT EYE CONJUNCTIVA INFLAMMED, PERLA WITH EOMI
A> AC, CONJUNCTIVITIS
P> BLEPHAMIDE OPTH SOLN
SIG: 2GTTS QID
SIG:
START DATE: 05/03/04 TOTAL DAYS: 10
MD: PATEL, PRAVIN -
ERYTHROMCYIN 500MG
SIG: T PO TID
SIG:
START DATE: 05/03/04 TOTAL DAYS: 7
MD: PATEL, PRAVIN -
SIGNED OFF ON 05/03/04 @ 8:43 BY PRAVIN R PATEL, PHYSICIAN II
MAR DONE AND PLACED IN PHARMACY. T LEONARD LPN
SIGNED OFF ON 05/03/04 @ 8:58 BY TERRIE LEONARD, LICENSED PRACTICAL NURSE

** ENCOUNTER: 85 FOLLOW-UP SICK CALL 05/02/04 13:13 - EVANS COMP
I/M TO MEDICAL FOR FOLLOW-UP RELATED TO LEFT EYE. EYE REMAINS RED WITH

MDCI880D
OMINMDCA

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SCDC HEALTH SERVICES: MEDICAL SUMMARY

08/29/13
C045560

SCDC# 262438 LADSON, RODNEY J.

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START DATE: 01/01/07 TOTAL DAYS: 30

MD:MCREE, JOHN B

PER NURSE ANDREWS, WILL CALL PHARM TO REQUEST THIS RX BE FILLED INSTEAD OF ORIGINAL RX WRITTEN 12-29-06. T.SUMNER, LPN

SIGNED OFF ON 01/01/07 @ 2:15 BY TRACY T SUMNER, LICENSED PRACTICAL NURSE OK

SIGNED OFF ON 01/02/07 @ 7:27 BY JOHN B MCREE, PHYSICIAN II

** ENCOUNTER: 181 OUTSIDE RECOMMENDATI 12/28/06 18:26 MCCORMICK COMP
RETURNED FROM OPHTHAL APPT WITH DR DAVIS 1-DAY POST-OP WITH FOLLOWING:

- POST-OP PENETRATING KETATOPLASTY LEFT EYE
- FOLLOW POST-OP ORDERS FAXED ON 9-28-06
- PRED FORTE QID, VIGAMOX QID, ACYCLOVIR 400 (UNABLE TO READ)
- RTC 2-3 (UNABLE TO READ)

WEARING DARK SUNGLASSES, SHOWED EYE GTTS WHICH WERE GIVEN TODAY BEFORE RETU RNING: PRED FORTE GTTS, VIGAMOX GTTS, & ACULAR LS (KETORALAC TROMETHAMINE OPTH SOLN 0.4%). CONSULT INITATED & PLACED WITH RETURN PAPERWORK BUT ALREAD Y HAS APPT FOR 1-WK POST-OP F/U SCHEDULED FOR 1-3-07. T.SUMNER, LPN

SIGNED OFF ON 12/28/06 @ 18:32 BY TRACY T SUMNER, LICENSED PRACTICAL NURSE I HAVE REQUESTED TO HAVE HIM TRANSFERRED BECAUSE OF THE WEEKLY FOLLOW UP AFTER CORNEAL TRANSPLANT

SIGNED OFF ON 12/29/06 @ 7:24 BY JOHN B MCREE, PHYSICIAN II

CHECKED WITH DR. DAVIS OFFICE FOR CLARIFICATION OF ORDERS, I/M NEEDS ACYCLO VIR 400 MG PO BID FOR UP TO A YEAR. WE HAVE NONE AT MCCORMICK, OBTAINED PE RMISSION TO GET FROM STROMS DRUG STORE, 10 TABS FROM L. DUNLAP RN VO DR. MC REE ACYCLOVIR 400 MG PO BID X 10 DAYS FROM STROMS DRUG STORE. VO DR. MCREEE ACYCLOVIR 400 MG PO BID X 30 DAYS, (RECEIVE FROM KIRKLAND PHARMACY) SEE PF 5 SCREEN. I/M ALSO IN POSSESSION OF ACULAR LS DROPS ACCORDING TO DR.

DAVIS OFFICE I/M DOES NOT NEED THESE DROPS PRED FORTE TAKES THE PLACE OF. T GE ACULAR LS. T. ANDREWS, RN

SIGNED OFF ON 12/29/06 @ 12:14 BY TERRY L ANDREWS, REGISTERED NURSE II NOTED

SIGNED OFF ON 12/29/06 @ 12:42 BY JOHN B MCREE, PHYSICIAN II

** ENCOUNTER: 180 INSIDE APPOINTMENT 12/26/06 10:01 MCCORMICK COMP
I/M TO MEDICAL AND INSTRUCTED TO BE NPO PAST MN TONIGHT. VERBALIZED UNDERSTANDING. R. POWELL RN

SIGNED OFF ON 12/26/06 @ 10:01 BY RUTH H POWELL, REGISTERED NURSE I

** ENCOUNTER: 179 NARRATIVE 12/21/06 13:48 MCCORMICK COMP
SPOKE WITH CATINA SCHEDULING NURSE FOR DR DAVIS, INMATE WILL NEED TO ARRIVE AT THE HOSPITAL AT 6AM ON 12/27/06 INSTEAD OF 8:30 OPERATIONS NOTIFIED. SIGNED OFF ON 12/21/06 @ 13:49 BY DEBORAH A CUNNINGHAM, MEDICAL ASSISTANT TEC

** ENCOUNTER: 178 NARRATIVE 12/21/06 13:26 MCCORMICK COMP
INMATE SCHEDULED FOR SURGERY AT PRMH ON 12/27/06, CATINA THE SCHEDULING NUR SE FOR DR. DAVIS WAS CALLED SEVERAL TIMES ON 12/20 AND 12/21/06 ALSO LEFT MESSAGES ON ANSWERING MACHINE INREGARDS TO INMATES ARRIVAL TIME. PHONE CALL WAS MADE TO THE HOSPITAL WITH A ARRIVAL TIME OF 8:30 AND SURGERY SCH FOR 10 :00. I/M WILL BE ADMITTED TO THE INFIRMARY AFTER SURGERY WITH A F/U APPT TH

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Medical and Professional Health Services

Physician's Transfer Note or Consultation

5-17-0

Consultation To: <u>Ophthalmology (Dr. Koc Her)</u>		Appointment Date: <u>5-25-05</u>	
Transfer From: <u>MCCI</u>			
Reason For Consultation With Pertinent History: <u>F/U w/d. AT Kirkland</u>			
Diagnoses: <u>① hepatic lesion ② eye</u> <u>③ canal closing</u>			
MEDICATIONS, Pertinent Diagnostic Findings: <u>aspirin 81mg</u>			
ALLERGIES/REACTIONS: <u>NKA</u>			
Date of Request: <u>5/11/05</u>	Referring Physician: <u>[Signature]</u>	Approved: Disapproved:	Signature:
SS#: <u>[Redacted]</u>	Date of Birth: <u>[Redacted]</u>	Parole Date: Max Out Date: <u>3/4/29</u>	

SCDC # 262438 NAME Cadson, Rodney INST. MCCI

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Medical and Professional Health Services

DC
3-23-0

Physician's Transfer Note or Consultation

434-1836

Consultation To: USC DEPT. OF OPHTHAL.		Appointment Date:	
Transfer From: MCCJ			
Reason For Consultation With Pertinent History:			
F/U 4-6 WEEKS for suture removal			
Diagnoses: sp corneal transplant (C)			
MEDICATIONS, Pertinent Diagnostic Findings:			
DIED FORTE Uigamox			
ALLERGIES/REACTIONS:			
NONE			
Date of Request: 3-21-07	Referring Physician: [Signature]	Approved: Disapproved:	Signature:
SS#: [REDACTED] Date of Birth: [REDACTED]		Parole Date: 00/00/00 Max Out Date: 3/4/29	

257

SCDC # 262438 NAME Ladson, Rodney INST. McCormick

APPLICANT'S EXHIBIT

#3

SCDC

M0 1916

Phone:

Name:	Rodney Ladson	Exam Date:	2/4/2008
Patient ID:	1000006505	Exam:	Shoulder (complete)
DOB:	[REDACTED]	Reason:	-
Phone:		Referrer:	Donald Sampson BRCL-STOP
Acc#:	187001	Referrer 2:	

Results

SCDC ID: 262438

DATE EXAM PERFORMED: 2-4-08**LEFT SHOULDER****FINDINGS:**

Views of the shoulder were obtained. There is irregularity noted involving the lateral margin of the humeral head and a fracture in this area cannot definitely be excluded, although the age cannot be determined.

CONCLUSIONS:

I AM SUSPICIOUS OF A FRACTURE OF THE LATERAL MARGIN OF THE HUMERAL HEAD, THE AGE OF WHICH CANNOT BE DETERMINED. THIS COULD BE ACUTE IF THIS CORRESPONDS WITH THE CLINICAL FINDINGS. I WOULD SUGGEST CLINICAL CORRELATION.

ALAN KANTSIPER, MD

Transcribed By:	Annette Rennison	Pt. Name:	Rodney Ladson
Transcribed Date:	2/5/2008 1:48:04 PM	Patient ID:	1000006505
Interpreting Rad:	ALAN KANTSIPER, MD	Exam:	Shoulder (complete)
Finalized Date:	2/5/2008 1:53:15 PM	Acc:	187001

2/11/08 - Pl send by me on 2/24/08 Enc. 2/12
 Above prob. old injury (Enc 2/12)
 Auth. - cannot determine
 Enc. 2/16
 1

ImageCare, LLC
710 Rabon Road Suite 100
Columbia, SC 29203
Phone: (803) 462-3680
Fax: (803) 462-3690

Name:	Rodney Ladson	Exam Date:	10/24/2008
Patient ID:	1000006505	Exam:	MRI C-spine w/o contrast
DOB:	[REDACTED]	Reason:	
Phone:		Referrer:	Dr McRee SCDC-McCormick
Acc#:	226413	2nd Referrer:	
		3rd Referrer:	

Results

SCDC ID: 262438

MRI SCAN OF THE CERVICAL SPINE WITHOUT CONTRAST

CLINICAL HISTORY: Left shoulder and neck pain.

TECHNIQUE: Sagittal and axial T1 and T2-weighted images and axial T2-weighted images of the cervical and proximal thoracic spine were obtained.

FINDINGS:

There is a broad-based left lateral disc herniation at the C6-7 level compressing the left C7 nerve root, best seen on axial image 8 and on sagittal images 6 and 7. A small non-extruded central disc herniation at the C3-4 level is noted without cord compression or root sleeve effacement, best seen on axial T2-weighted image 23 and on sagittal images 9. The other cervical and proximal five thoracic discs, spine segments and spinal cord are normal in appearance.

IMPRESSION:

A BROAD-BASED LEFT LATERAL DISC HERNIATION AT THE C6-7 LEVEL IS NOTED COMPRESSING THE BASE OF THE LEFT C7 NERVE ROOT. A SMALL CENTRAL DISC HERNIATION AT THE C3-4 LEVEL WITHOUT CORD COMPRESSION OR ROOT SLEEVE EFFACEMENT IS NOTED. THE REMAINING CERVICAL AND PROXIMAL FIVE THORACIC DISCS, SPINE SEGMENTS AND SPINAL CORD ARE NORMAL IN APPEARANCE.

Report Electronically Signed by: Martin P Dommers Jr, MD
Report Signed on: 10/25/2008 7:49 PM

Transcribed By:	Annetta Rennison	Pt. Name:	Rodney Ladson
Transcribed Date:	10/25/2008 2:53:48 PM	Patient ID:	1000006505
Dictated Date:	10/25/2008	Exam:	MRI C-spine w/o contrast
Interpreting Rad:	Martin P Dommers Jr, MD	Acc:	226413
Finalized Date:	10/25/2008 7:49 PM		

*Faxed
Infirmiry
12/29*

SCDC

McCombs

Phone:

Name:	Rodney Ladson	Exam Date:	12/23/2008
Patient ID:	1000006505	Exam:	C-spine 2 views
DOB:	~~XXXXXXXXXX~~	Reason:	-
Phone:		Referrer:	Dr Neville SCDC-Kirkland Infirmiry MSU
Acc#:	234298	Referrer 2:	

Results

SCDC ID: 262438

DATE EXAM PERFORMED: 12-23-08

FINDINGS:

Lateral view of the cervical spine is obtained and compared with the previous examination of 2-4-08. There has been anterior discectomy and fusion at the C6-7 level with a bone graft positioned within the C6-7 disc space stabilized by anterior plate and screws. The lowermost vertebral body-C7 is not well-demonstrated. As much as can be determined, the alignment and position is anatomical. Some prevertebral edema is noted.

CONCLUSION:

ALIGNMENT AND POSITION AS MUCH AS CAN BE DETERMINED APPEARS ANATOMICAL STATUS POST ANTERIOR DISCECTOMY AND FUSION AT THE C6-7 DISC SPACE WITH SOME PREVERTEBRAL SOFT TISSUE SWELLING PERSISTING.

ALAN KANTSIPER, MD

Transcribed By:	Dee Dee Martin	Pt. Name:	Rodney Ladson
Transcribed Date:	12/29/2008 8:44:41 AM	Patient ID:	1000006505
Interpreting Rad:	ALAN KANTSIPER, MD	Exam:	C-spine 2 views
Finalized Date:	12/29/2008 8:51:46 AM	Acc:	234298

*Am2
1-9-09
21*

APPLICANT'S EXHIBIT

#4

07/10/2009 18:45

8898
07/08/2009 14:12 8838303755MEDICAL REVIEW
LIEBER MEDICALPAGE 12
PAGE 81/81SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Medical and Professional Health Services

Physician's Transfer Note or Consultation

Consultation To:	STORM EYE Institute			Appointment Date:
Transfer From:	Lieber			
Reason For Consultation With Pertinent History:	I'm a CORNEAL TRANSPLANT OS Rejection. Needs fix on 7/17/09 10:30am Dr. Heather Skeens.			
Diagnoses:	1) OS CORNEAL TRANSPLANT REJECTION			
MEDICATIONS, Pertinent Diagnostic Findings:	Acyclovir Prednisone ~~Prednisone Acetate~~ Neurontin Red Fortelle eye drops			
ALLERGIES/REACTIONS:	NKDA			
Date of Request:	7/18/09	Referring Physician:	Signature:	7-10-09
SSN:	[REDACTED]	Approved/Disapproved:		
Date of Birth:	[REDACTED]	Parole Date:	3/4/29	

SCDC #

262438

NAME

LASON, Rodney

INST.

Lieber

202

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Division of Medical and Professional Health Services

Physician's Transfer Note or Consultation

8/12/09

K. Linnenkamp

FAXED

Consultation To: <u>Musc Storm Eye Institute</u>		Appointment Date:	
Transfer From: <u>Lieber</u> (<u>Dr. Skene</u>)			
Reason For Consultation With Pertinent History:			
<u>F/u of corneal graft rejection after 3 wks.</u>			
Diagnoses: <u>corneal graft rejection</u>			
MEDICATIONS, Pertinent Diagnostic Findings:			
<u>Prednisone 5mg 1 tab QD</u>			
<u>Neurontin 300mg 1 cap in AM 2 cap in PM</u>			
<u>Acyclovir 200mg 4 tablets BID</u>			
<u>Prednisolone Acetate one gtt into Left eye every 1 hour while awake</u>			
ALLERGIES/REACTIONS: <u>NKA</u>			
Date of Request: <u>8/12/09</u>	Referring Physician: <u>R. S. Bohlen</u>	Approved: Disapproved:	Signature: <u>[Signature]</u>
SS#: <u>[Redacted]</u>	Date of Birth: <u>[Redacted]</u>	Parole Date: Max Out Date: <u>3/4/29</u>	

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SCDC # 262438 NAME Lieber, Rodney INST. Lieber

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Medical and Professional Health Services

Physician's Transfer Note or Consultation

2-8-09
EX-09
EX-09
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Consultation To: <u>MUSC Ophthalmology - DR. SKEENS</u>		Appointment Date:	
Transfer From: <u>Lieber</u>			
Reason For Consultation With Pertinent History: <u>F/M E CORNEAL GRAFT REJECTION</u> <u>① eye needs f/m E DR SKEENS ON 10/14/09</u> <u>@ 830 AM</u>			
Diagnoses: <u>1) ① eye corneal graft rejection</u>			
MEDICATIONS, Pertinent Diagnostic Findings: <u>Prednisolone Acetate 170</u> <u>+ Gtt into left eye</u> <u>Acyclovir 200mg</u> <u>Neurontin 300mg</u>			
ALLERGIES/REACTIONS: <u>UKDA</u>			
Date of Request: <u>9/3/09</u>	Referring Physician: <u>J. Jones MD-C</u>	Approved: Disapproved:	Signature:
SS#: <u>[REDACTED]</u>	Date of Birth: <u>[REDACTED]</u>	Parole Date: Max Out Date: <u>31 Q4/2029</u>	

SCDC # 262438 NAME LADSON, Rodney INST. Lieber

SOUTH CAROLINA DEPARTMENT OF PROFESSIONAL REGULATION
Division of Medical and Professional Health Services

10/14/09
K. Linnen LN

Physician's Transfer Note or Consultation

Consultation To: <u>Ophthalmology msc (Dr. Heather Skeem)</u>		Appointment Date: <u>1/06/10 8³⁰ AM</u>
Transfer From: <u>Lieber</u> <u>Strom Eye Institute</u> <u>1st floor</u>		
Reason For Consultation With Pertinent History: <u>F/U corneal graft rejection @ eye</u> <u>Receiving pred forte & acyclovir.</u>		
Diagnoses: <u>@ eye corneal graft rejection.</u>		
MEDICATIONS, Pertinent Diagnostic Findings: <u>Prednisolone Acetate</u> <u>Acyclovir</u> <u>Neurontin</u>		
ALLERGIES/REACTIONS: <u>NKA</u>		
Date of Request: <u>10/14/09</u>	Referring Physician: <u>R.S. Ballmo</u>	Approved: _____ Disapproved: _____
SS#: _____ Date of Birth: _____	Parole Date: _____ Max Out Date: <u>3/11/29</u>	Signature: 

SCDC # 262438 NAME Ladson, Rodney INST. Lieber

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

March

Division of Medical and Professional Health Services

FAXED

Physician's Transfer Note or Consultation

Consultation To: <u>Ophthalmology</u>		Appointment Date:	
Transfer From: <u>Lieber</u>			
Reason For Consultation With Pertinent History:			
<u>3 mo. F/u. ~~status~~ Graft rejection</u> <u>On pred forte for @ eye.</u>			
Diagnoses: <u>Corneal Graft rejection</u>			
MEDICATIONS, Pertinent Diagnostic Findings:			
<u>Prednisolone</u> <u>Acyclovir</u> <u>Neurontin</u>			
ALLERGIES/REACTIONS: <u>Denies</u>			
Date of Request: <u>11/23/09</u>	Referring Physician: <u>RSB</u>	Approved: Disapproved:	Signature:
SSI: <u>[REDACTED]</u>	Date of Birth: <u>[REDACTED]</u>	Parole Date: <u>3/4/29</u>	Max Out Date:

SCDC # 262438 NAME Ladson, Rodney INST. Lieber



MUSC Health

STORM EYE INSTITUTE

Storm Eye Institute (1st Floor)
167 Ashley Ave
Charleston, SC 29425
843-792-8100 fax

THIS DOCUMENT WAS CREATED ON: 02/02/2011 10:16:21 BY: Skeans, Heather M. M.D. (ATTENDING)
Mayrand, Linda Lee performed START-Work-up

Exam Date: Wednesday, February 02, 2011

PATIENT NAME: RODNEY LADSON

PATIENT ID: 1718670

BIRTH DATE: [REDACTED]

AGE: [REDACTED]

GENDER: Male

RACE: BLACK

PRIMARY CARE PHYSICIAN: none

History

Chief Complaint/Reason For Visit: F/U corneal transplant OS: "I was doing pretty good, then a few weeks back I had the flu and OS flared up again. Pain behind OS, burning, watering, itching and vision is blurry. No problems with OD. New glasses Rx helped me see better".

HISTORY OF PRESENT ILLNESS:

PROBLEM: pain behind eye, burning, watering, blurred vision
ONSET: 2 weeks ago
LOCATION: OS
QUALITY: burning pain
SEVERITY: moderate
DURATION: constantly

PAST MEDICAL HISTORY:

OCULAR: h/o Herpetic infection OS several years ago, graft rejection OS
PROCEDURES: S/P Corneal Transplant OS, 2006 (Columbia, SC)
INFECTIOUS: Mumps, Herpes Simplex virus
OCULAR SIGNIFICANT: none
ILLNESSES: Neck Injury due MVA (head on collision) 1990
SURGERIES: s/p disk removed from neck 12/08 with steel pin/plate inserted into neck, s/p laceration repair to left arm yrs ago, h/o rt femur fracture years ago

HEAD/OCULAR TRAUMA: no known history of trauma

SOCIAL HISTORY:

ALCOHOL: Denies drinking alcohol
SMOKING: Denies tobacco use
OCCUPATION: Inmate - Lieber Correctional Facility

FAMILY HISTORY:

GRANDPARENT: CVA, diabetes, high blood pressure
FAMILY: cancer (Breast- Mother), (Colon-Father), glaucoma

CURRENT MEDICATIONS:

see ophthalmic medication As Directed

as of: 2/2/2011 9:14

Ophthalmic:

Acyclovir 400 mg. Both Eyes 1 drop bid as of
Compliance Issue With Acyclovir 400 mg. Ft. Reported Use: 2 tabs 200 mg po BID

1718670 02/02/11 10:18 Page 2

Fred forte 1t

Left Eye 1 drop BID

as of

ALLERGIES:

NKA

REVIEW OF SYSTEMS:

GENERAL:Denies recent weight loss, weight gain, fever or chills or change in exercise tolerance

SKIN:Denies any change in hair or nails, rashes, or skin lesions

ENT:Denies ear pain, discharge, or difficulty hearing

RESPIRATORY:Denies dyspnea, cough, wheezing or hemoptysis

CARDIOVASCULAR:Denies chest pains or palpitations

GI:Denies nausea, vomiting, diarrhea, constipation, Denies abdominal pain

GENITOURINARY:Denies dysuria, frequency of urination, or slow stream

MUSCULOSKELETAL:Neck pain (1-2)

NEURO/HEMATO:Denies slurred speech, seizures, or localized weakness

ENDOCRINE:Denies weight change, no polydipsia, no polyuria

IMMUNOLOGIC:Denies lymph node swelling, no bleeding

PSYCHIATRIC:Mood and affect appropriate, oriented to time, place, and person

Exam**ORIENTATION, MOOD AND AFFECT: WNL**

	RIGHT EYE	LEFT EYE
UNCORRECTED VA	N/A	N/A
WEARING	-0.25 SPHER add +1.50	-3.50 +3.00 x 175 add +1.50
CORRECTED VA	20/20	20/40 +2

PRESSURE METHOD:	Tonopen	Tonopen
PRESSURES:	13	21
DATE-TIME:	09:19 AM	09:19 AM
TECHNICIAN:	mayrand	mayrand
CONFRONTATION VF	Normal	Normal

EXTERNAL EYE EXAM:

LID:	Normal for age	Normal for age
PUPIL:	PERRL	PERRL
ADNEXA:	Normal	Normal

MUSCLE BALANCE:	Ortho near/distance
OCULAR MOTILITY:	Intact, no nystagmus

ANTERIOR SEGMENT EXAM:

TEARFILM:	Good	Good
CONJUNCTIVA:	Normal	1+hyperemia
CORNEA:	Clear	Graft with paracentral dendritic lesion, sutures intact, some neovascularization superior at 12 and 2 o'clock. folds in descemet at 2 o'clock
ANTERIOR CHAMBER:	Deep and quiet	Deep and quiet, no cells/flare
IRIS:	Normal pupil size and shape	Normal pupil size and shape
LENS:	Clear	Clear
ANTERIOR VITREOUS:	Normal	Normal

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1718670 02/02/11 10:18 Page 3

FUNDUS EXAM:**Impression**

01 V42.5 Keratoplasty, Cornea Transplant OS-New
02 998.89 Astigmatism, Postoperative OU-New

Discussion

50 yo s/p corneal transplant in 2006 2/2 herpetic infection presents with decreased vision OS with evidence of new dendritic lesion on the graft.

Plan**PRESCRIPTION**

Zirgan .15% gel
Medrol dosepack 4mg
Acyclovir 400 mg.

INSTRUCTION

Left Eye 1 drop 5 x day Prescription Given
Use as directed for Use as directed Prescription Given
5 times a day Prescription Given

PLAN:

1. Stop pred forte
2. Increase PO Acyclovir to 5 x day
3. Add Medrol dose pack use as directed
4. Start Zirgan 1 drop to left eye 5x/day for 1 week followed by 1 TID for 7 more days
5. f/u 1 week

SKZENS MO

- CREATE DATE: 02/02/2011 10:16:24 AM



MUSC Health

STORM EYE INSTITUTE

Storm Eye Institute (4th Floor)
167 Ashley Ave
Charleston, SC 29425
843-792-8100

THIS DOCUMENT WAS CREATED ON: 07/18/2011 10:15:49 BY: Grice, Charlene M.D. (ATTENDING)
Young, Robert performed Refraction
Young, Robert performed START-Work-up

Exam Date: Monday, July 18, 2011

PATIENT NAME: RODNEY LADSON

PATIENT ID: 1718670
GENDER: Male

BIRTH DATE: [REDACTED]
RACE: BLACK

AGE: [REDACTED]

PRIMARY CARE PHYSICIAN: PATIENT, NONE MUSC PROV

History

Chief Complaint/Reason For Visit: pt c/o major pain behind left eye 2 days ago. Alittle hazed today.

HISTORY OF PRESENT ILLNESS:

PROBLEM: Blurry vision, Eye pain
ONSET: gradual
LOCATION: OS
QUALITY: headache behind eyes
SEVERITY: mild to moderate
DURATION: intermittent
TIMING: intermittent

PAST MEDICAL HISTORY:

OCULAR: h/o Herpetic infection OS several years ago, graft rejection OS
PROCEDURES: S/P Corneal Transplant OS 2006 (Columbia, SC)
INFECTIOUS: Mumps, Herpes Simplex virus
OCULAR SIGNIFICANT: none
ILLNESSES: Neck Injury due MVA (head on collision) 1990
SURGERIES: s/p disk removed from neck 12/08 with steel pin/plate inserted into neck, s/p laceration repair to left arm yrs ago, h/o rt femur fracture years ago
HEAD/OCULAR TRAUMA: no known history of trauma

SOCIAL HISTORY:

ALCOHOL: Denies drinking alcohol
SMOKING: Denies tobacco use
OCCUPATION: Inmate - Lieber Correctional Facility
FAMILY HISTORY:
GRANDPARENT: CVA, diabetes, high blood pressure
FAMILY: cancer (Breast- Mother), (Colon-Father), glaucoma

CURRENT MEDICATIONS:

see ophthalmic medication As Directed

as of: 07/18/2011 9:47:28 AM

Ophthalmic:

Acyclovir 400 mg. 5 times a day
Pred Forte 1% Left Eye 1 drop BID

07/18/2011
07/18/2011

ALLERGIES:

1718670 LADSON 07/18/11 10:16 Page 2

NKA

REVIEW OF SYSTEMS:**GENERAL:** Denies recent weight loss, weight gain, fever or chills or change in exercise tolerance**SKIN:** Denies any change in hair or nails, rashes, or skin lesions**EYES:** Refer to Problem History**ENT:** Denies ear pain, discharge, or difficulty hearing**RESPIRATORY:** Denies dyspnea, cough, wheezing or hemoptysis**CARDIOVASCULAR:** Denies chest pains or palpitations**GI:** Denies nausea, vomiting, diarrhea, constipation, Denies abdominal pain**GENITOURINARY:** Denies dysuria, frequency of urination, or slow stream**MUSCULOSKELETAL:** Neck pain**NEUROLOGICAL:** Denies slurred speech, seizures, or localized weakness**ENDOCRINE:** Denies weight change, no polydipsia, no polyuria**HEMATO/LYMPHATIC:** Denies lymph node swelling, no bleeding**PSYCHIATRIC:** Mood and affect appropriate, oriented to time, place, and person**Exam****ORIENTATION, MOOD AND AFFECT:** Alert & oriented x3

	RIGHT EYE	LEFT EYE
UNCORRECTED VA	N/A	N/A
WEARING	-0.25 SPHER add +1.50	-3.50 +3.00 x 175 add +1.50
MANIFEST REFRACTION	-0.25 SPHER add +1.50	-3.50 +2.50 x 155 add +1.50
DOCTORS FINAL REFRACTION	-0.25 SPHER add +1.50	-3.50 +2.50 x 155 add +1.50
PINKHOLE		20/50 +2
CORRECTED VA	20/25	20/100 -1
DOCTORS FINAL VA	20/25	20/40

PRESSURE METHOD:	Tonopen	Tonopen
PRESSURES:	12	19
DATE-TIME:	09:58 AM	09:58 AM
TECHNICIAN:	YOUNRA	YOUNRA
CONFRONTATION VF	Normal	Normal

EXTERNAL EYE EXAM:

LID:	Normal for age	Normal for age
PUPIL:	PERRL	PERRL
ADNEXA:	Normal	

ANTERIOR SEGMENT EXAM:

CORNEA:	Clear	6 remaining sutures
PKP		clear
ANTERIOR CHAMBER:	Deep and quiet	Deep and quiet
IRIS:	Normal pupil size and shape	Normal pupil size and shape
LENS:	Clear	NSC 1+hint PSC
ANTERIOR VITREOUS:	Normal	

FUNDUS EXAM:

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1718670 LADSON 07/18/11 10:16 Page 3

Impression

- 01 053.43 Herpes Zoster OS-New
- 02 054.43 Herpes Simplex Keratitis OS-New
- 03 V42.5 Keratoplasty, Cornea Transplant OS-New
- 04 998.89 Astigmatism, Postoperative OU-New
- 05 366.16 Cataract, Nuclear Sclerosis OS-New

Plan

PLAN:

PKP left eye--no signs of infection or rejection
sutures intact
continue acyclovir 400mg BID
and PF BID left eye
RTC 3-4months
new glasses

FOLLOWUP SCHEDULED:
SCHEDULE 4-6 months

SPECTACLE PRESCRIPTIONS: Right Left
DR REFRACTION : -0.25 SPHER add +1.50 -3.50 +2.50 x 155 add +1.50

Grice

CREATE DATE: 07/18/2011 10:15:50 AM

Filed
9/3/11

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Division of Medical and Professional Health Services

Physician's Transfer Note or Consultation

Consultation To: <u>Hoem Eye Clinic</u>		Appointment Date: <u>10³⁰ AM</u>	
Transfer From: <u>Rudger MacDougal</u>		<u>7/6/11</u>	
Reason For Consultation With Pertinent History:		<u>7/18/11</u>	
- SEEN 03-02-2011 - Recommended - stop Zircin, stop medrol. Continue Acyclovir 400mg BID. Restart Pred Forte qts i left eye BID. * Follow-up <u>4</u> mos.			
Diagnoses: <u>Herpetic infection corneal transplant</u>			
MEDICATIONS, Pertinent Diagnostic Findings: Acyclovir 400mg po BID Pred Forte qts i BID left eye			
ALLERGIES/REACTIONS: <u>NKA</u>			
Date of Request: <u>3-5-11</u>	Referring Physician: <u>Tramuel</u>	Approved: Disapproved:	Signature:
SS#: <u>[REDACTED]</u>	Date of Birth: <u>[REDACTED]</u>	Parole Date: Max Out Date: <u>3-4-2023</u>	

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SCDC # 263434 NAME Ladgin, Randy INST. Rudger MacDougal

APPLICANT'S EXHIBIT**#5**



A30

Solicitor, Ninth Judicial Circuit

CHARLESTON AND BERKELEY COUNTIES

300-B CALIFORNIA AVENUE
MONCK'S CORNER, SC 29461

TELEPHONE: (843) 719-4488

(843) 723-3806 EXT. 4529

(843) 567-3136 EXT. 4529

FAX: (843) 719-4588

www.scsolicitor9.org

SOLICITOR

RALPH E. HOISINGTON

February 10, 2004

Rodney Ladson, SCDC# 262438
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472-0205

Re: Letter to Clerk of Court

Dear Mr. Ladson:

Please be advised that I have received your letter dated February 9, 2004, wherein you requested copies of your file from the Clerk of Court's Office. First, I want to advise you that I am not the Clerk of Court here in Berkeley County. In the future, you need to address all correspondence to Mary Brown, Berkeley County Clerk of Court.

I am a paralegal with the Solicitor's Office. Our office is assigned to prosecute criminal cases here in Berkeley County. If you have any questions regarding our office, I would be glad to assist you. The items you requested are in possession of the Clerk of Court's office and I have forwarded your letter to their attention. I wish you the best of luck!

Sincerely,

Tara A. Wilson
Paralegal

Received 2-13-04
Friday 1:25pm ck

APPLICANT'S EXHIBIT**#6**

5-11-9

A 32



950 Taylor Street
PO Box 608
Columbia, SC 29202-0608
803-799-6553 Phone
803-799-4116 Fax
www.scbat.org

March 26, 2004

ADVANCING JUSTICE,
PROFESSIONALISM
AND UNDERSTANDING
OF THE LAW.

Mr. Rodney Jerome Ladson, Sr. #262438
Lieber Correctional Inst / CB-55
Post Office Box 205
Ridgeville, South Carolina 29472-0205

RE: Our File No. 1802

Dear Mr. Ladson:

In response to your letter of March 11, 2004, the address of attorney Michael A. Brown is 420 E. Park Avenue, Suite 300, Greenville, South Carolina 29601.

Please contact us if this office can be of further assistance to you.

Sincerely,

Joan S. Brown
Assistant Counsel

APPLICANT'S EXHIBIT**#7**

Michael A. Brown*Attorney at Law*420 East Park Avenue, Suite 300
Greenville, South Carolina 29601

Telephone: (864) 233-5680 Facsimile: (864) 242-0162

April 26, 2004

Rodney J. Ladson Sr. #262438
Evans Correctional Institution-FIA185
610 Highway #9 West
Post Office Box 29512-02
Bennettsville, South Carolina 29512

Dear Mr. Ladson,

As you are aware, I am no longer located in Moncks Corner, having relocated to Greenville last June. Consequently, I will have to redirect you to the Berkeley County Clerk of Court for the records you have requested.

In a criminal case, unlike other types of law, there is very little paperwork generated other than the transcript of the court proceedings. I am presupposing that this is the information you are seeking. The transcript must be requested from the Court Reporter. Papers such as written motions, etc., will be in the records of the Clerk of Court.

I recommend you request any documents on file with the Clerk and that you also obtain the Court Reporter's name and address from the Clerk. You can contact the Clerk at this address:

Honorable Mary Brown
Berkeley County Clerk of Court
300 California Avenue
Moncks Corner, South Carolina 29461

I hope this response is helpful to you.

Sincerely,



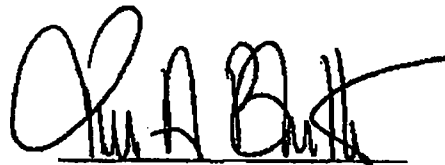
Michael A. Brown

MAB/ega

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
	)	
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	CERTIFICATE OF SERVICE
	)	
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

I, Tricia A. Blanchette, Attorney for Applicant, hereby certify that I hand delivered on this 12th day of May 2014, a copy of a Response to Conditional Order of Dismissal with postage prepaid and the return address clearly shown on said envelope to with the Office of the Attorney General at:

Office of the Attorney General
ATT: Ashleigh R. Wilson, Ast. AG
1000 Assembly Street, 5th Floor
Columbia, SC 29201



Tricia A. Blanchette
Attorney for Applicant
PO Box 12725
Columbia, SC 29211

May 12 2014

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

Rodney Ladson, #262438,

2012-CP-08-637

Applicant,

v.

CONDITIONAL ORDER OF
DISMISSAL

State of South Carolina,

Respondent.

MAURY P. BROWN
CLERK OF COURT
BERKELEY COUNTY SC

2013 JUL 17 PM 4:08

FILED

In response to the post-conviction relief application filed February 29, 2012, this Court finds:

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the March 1999 term of the Berkeley County Grand Jury for murder (1999-GS-08-0860). Michael Brown, Esquire, represented the Applicant. On November 15, 1999, the Applicant pled guilty to murder. The Honorable R. Markley Dennis sentenced him to confinement for thirty (30) years. The Applicant did not appeal his conviction or sentences.

In his application for post-conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Failure to investigate the case
 - b. Failure to challenge the indictment at trial
 - c. Failure to tell the Judge he was under the influence of drugs during trial and plea
 - d. Failure to explain he could appeal his sentence and conviction
 - e. Failure to get mental evaluation
2. Due Process of Law

cc: APW
RL

B

DL

3. Involuntary Guilty Plea

This Court had before it the Clerk of Court records for Berkeley County and the South Carolina Department of Corrections' records.

II.

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense he challenges in this Application on November 15, 1999. This Application was filed on February 29, 2012, which was almost twelve years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. §17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, this Court finds that the application for post-conviction relief should be summarily dismissed for failure to file within the time mandated by statute.

This Court also finds the Applicant's claim that counsel failed to explain his right to appeal is summarily dismissed and barred by the doctrine of laches. Ordinarily, the one-year limitations period in which to file a petition for post-conviction relief does not apply and an evidentiary hearing is held where the defendant alleges he was denied a direct appeal due to ineffective assistance of counsel. Wilson v. State, 348 S.C. 215, 559 S.E.2d 581 (2002). However, the Applicant's claim that counsel failed to explain his right to appeal should be summarily dismissed because the Applicant waited almost twelve (12) years after his guilty plea to challenge the involuntary waiver of his right to a direct appeal and this claim should be barred by laches.

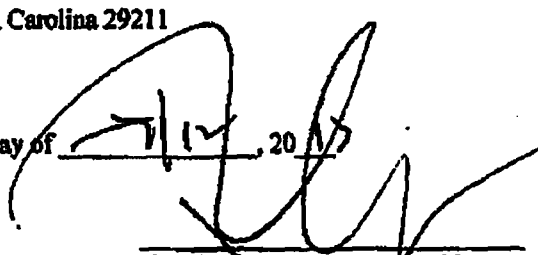
Under South Carolina law, to establish laches, the circumstances must be such as to import that the complainant had abandoned or surrendered the claim or right which he now asserts. Willcox v. Stroup, 358 B.R. 824 (D.S.C. 2006), *aff'd*, 467 F.3d 409 (4th Cir. 2006), *cert. denied*, 2007 WL 579531 (U.S. 2007). In order to establish laches as a defense, a party must show that the complaining party unreasonably delayed its assertion of a right, resulting in prejudice to the party asserting the defense of laches. Historic Charleston Holdings, LLC v. Mallon, 381 S.C. 417, 673 S.E.2d 448 (2009).

This Court finds the Applicant's delay in asserting his right to have this Court review whether or not he voluntarily waived his right to a belated direct appeal resulted in prejudice to the State of South Carolina. This prejudice is evidenced by the fact that the Applicant's guilty plea transcript is no longer available and cannot be obtained by the State to defend against this allegation or any claims the Applicant may present on direct appeal. This Court finds this allegation is summarily dismissed.

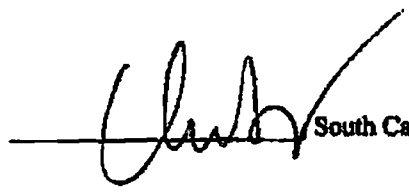
Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Berkeley County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Ashleigh Wilson, Esquire
P.O. Box 11549
Columbia, South Carolina 29211

AND IT IS SO ORDERED this _____ day of July, 2013



THE HONORABLE ROGER M. YOUNG
Chief Administrative Judge
9th Judicial Circuit Court



South Carolina

RESPONDENT'S EXHIBIT A

AL
9

Grace L. Hurley
Circuit Reporter
15th Judicial Circuit
P.O. Box 30878
Myrtle Beach, SC 29588
June 28, 2013

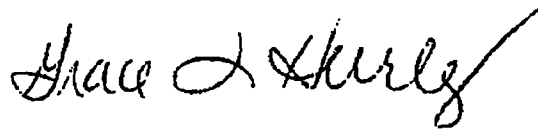
Ashleigh R. Wilson
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

RE: State v. Rodney Ladson
1999-GS-08-0860

Ms. Wilson:

This is in response to your letter of June 20, 2013, in regard to the above-noted case. Rule 607(i) governs retention of primary and backup tapes and pursuant to said rule, "Except as provided below, a court reporter shall retain the primary and backup tapes of a proceeding for a period of at least five (5) years after the date of the proceeding, and the court reporter may reuse or destroy the tapes after the expiration of that period. If the proceeding was a hearing or trial which lasted for more than one day, the time shall be computed from the last day of the hearing or trial. In any proceeding which has been transcribed, the court reporter shall retain the primary and backup tapes which have been transcribed for a period of at least thirty (30) days after the original transcript is sent to the requesting party, to allow any party to challenge the accuracy of the transcription. If no challenge is received by the court reporter within the thirty (30) day period, the tapes may be reused or destroyed." Since the requested transcript is well past the five year limit the transcript is unavailable.

Sincerely,



Grace L. Hurley

glh

FORM 5

2012-CP-08-637

STATE OF SOUTH CAROLINA

COUNTY OF *Berkeley*

IN THE COURT OF COMMON PLEAS

Full name and prison number (if any) of Applicant.

Rodney J. Ladso v 262438

v.

State of South Carolina

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention *MAC DOUGALL CORR. INST.*
2. Name and location of Court which imposed sentence *Berkeley Co General Session*
MONROE CORRECTIONAL SC
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) *99-65-08-860 MURDER*
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) *11-15-99 30 YEARS*
 - (b) _____

11

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) WAS NOT ADVISED BY JUDGE OR LAWYER
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- STRICKLAND v. WASHINGTON*
- (a) *INEFFECTIVE ASSIST of COUNSEL*
- (b) *DUE PROCESS of LAW BOYKIN v ALABAMA*
- (c) *INADVERTENTLY GUILTY PLED HILL v LOCKHART*
LEAVE OPEN to AMEND

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) *SEE ATTACHED STATEMENTS*
- (b) *" "*
- (c) *" "* *LEAVE OPEN to AMEND*

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? *NO*
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? *NO*
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? *NO*
- (d) any other petitions, motions or applications in this or any other Court? *NO*

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (c) the disposition thereof:
- i. _____
- ii. _____
- iii. _____

- iv. _____
- (d) the date of each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. _____
- ii. _____
- iii. _____
- iv. _____
14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
- NO
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. _____
- ii. _____
- iii. _____
- (b) the proceedings in which each ground was raised:
- i. _____
- ii. _____
- iii. _____
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) wasn't told by counsel I could appeal
- (b) "
- (c) "
17. Were you represented by an attorney at any time during the course of: YES

- (a) your arraignment and plea? NO
- (b) your trial, if any? NO
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? NO
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Michael Brown 420 E PAIK AVE GREENVILLE, SC
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. AT SENTENCING
 - ii. _____
 - iii. _____

19. State clearly the relief you seek in filing this application:

VACATE SENTENCE AND PLED TO LESSER OFFENCE OF MAUSLAUGH

20. Are you now under sentence from any other court that you have not challenged?

NO

2012-CP-08-637

STATE OF SOUTH CAROLINA)

County of Berkeley)

VERIFICATION

Rodney I. Jackson

I, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Rodney Jackson

SWORN to and subscribed before me this 27th day of January, 2012

[Signature] (L.S.)



My Commission Expires March 9, 2014

FILED
2012 FEB 29 PM 3:50
KATY L. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

20 12 - CP - 08 - 637

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

Rodney J. Lindsay

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Rodney Lindsay
Applicant

SWORN and subscribed before me this
day of March, 2012

My Commission Expires March 9, 2014

FILED
2012 FEB 29 PM 3:50
MARLYN BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

Indiana - Wash. -
Ineffective assistance of Counsel

Facts and arguments

Applicant contends that his counsel failed to render reasonably effective assistance of Counsel under prevailing professional norms, and he was prejudiced by his Counsel's ineffective performance.

Applicant contends that counsel was ineffective because he did not investigate his case. Applicant contends that Counsel did not investigate his case or the outcome of the trial would have been different.

Applicant contends that the Counsel did not challenge the indictment at trial because the indictment did not say anything about Malice. Murder is the killing of any person with Malice aforethought either expressed or implied, therefore the indictment was invalid. Indictment never mention Malice, Malice must be shown to convict one of Murder. It does not have to be shown to convict one of Manslaughter
State v King (1930) 158 S.C. 251, 155 SE 409.

Malice Aforethought is an element of Murder
 State v Owens (SC 2001) 346 SC 637, 552, SE 2d 745.

Malice must be shown to commit one of Murder.
 It does not have to be shown to commit one of
 Manslaughter. State v King (1930) 158 SC 251, 155 SE 409.

A killing in sudden heat and passion because of
 slight physical aggression against one's person, or
 member of his family or property in his presence is
 Manslaughter. State v Gallan (SC 1908) 79 SC 229, 60 SE 632

The sudden heat of passion, upon sufficient legal
 provocation which mitigates a felonious killing to
 Manslaughter, while it need not de throne reason
 entirely or shut out knowledge and volition must
 be such as would naturally disturb the sway of
 reason and render the mind of an ordinary person
 incapable of cool reflection and produce what,
 according to human experience, may be called
 an uncontrollable impulse to do violence
 State v Cole (SC 2000) 338 SC 97, 525 SE 2d 511.

Applicant contends that Counsel failed to tell
 Judge I was under the influence of drugs during
 my trial and plea. Applicant was on Paxil
 and Miltard a drug for depression. Applicant
 contends he didn't know right from wrong at
 sentencing.

Counsel was ineffective for not explaining that he could appeal the judge's sentence and conviction.

Counsel should have gotten the applicant a mental evaluation to see if there was mental problems with applicant before going to his plea. Applicant contends that this sentence and conviction to be vacated and reverse.

● Due Process of Law ● ● Boykin v Alabama ●

Facts and Arguments

Applicant guilty pled did not comply with the mandate of Boykin v Alabama. 395 U.S. 238, 89 S.Ct. 1709 (1969). Applicant consequently sentence should be vacated.

Due process of law requires that before a guilty plea can be voluntarily and intelligently entered a defendant must be advised of his privilege against compulsory self incrimination, the right to trial by a jury, and the right to confront one's accuser, a waiver of those rights cannot be presumed from a silent record Boykin v Alabama.

In Boykin supra, the Court held that trial courts were mandated to use the utmost solicitude when canvassing a guilty plea to insure that the plea was given freely and voluntarily with full knowledge of the circumstances surrounding the plea and the attendant waiver of rights that occur with the guilty plea.

The entire waiver of Constitutional rights, Colloquy in this case covered less than one page. Such a waiver of Constitutional rights cannot be considered meaningful under

Boykin v. Alabama. Applicant was clearly, was not advised from judge or his attorney that he could appeal his sentence thereafter. Applicant guilty plea should be vacated.

Acts And Arguments
Hill v Lockhart

Involuntarily Guilty Pled.

Applicant guilty plea were not given voluntarily because he had no understanding of the sentencing consequences of his plea.

As a rule, it is Error for Counsel to fail to properly ascertain whether a defendant understands all the issues in case including sentence and appeals.

Green v State WL 234, 2316 (2003).

Here, applicant's plea were not given voluntarily because he had no understanding of the sentencing consequences of his plea in violation of Boykin v Alabama 395 U.S. 238 (1969) and the right to effective assistance of counsel under Hill v Lockhart 484 U.S. 52 (1985) and guaranteed under the Sixth and Fourteenth Amendments to the United States Constitution and Article I § 14 of S.C. Constitution.

Applicant was on Medication from the jail at time of plea. Applicant contends he did not know right from wrong. Based on the foregoing arguments Applicant's conviction and sentence should be reversed and remanded.

Cover Sheet

2-20-12

Dear Ms Brown,

I am sending you my application
for my PCR. Along with my attach.

Would you please Clock Stamp the Application
along with attach and send me a copy of each.
I thank you for your help in this matter.

Sincerely

Rodney J. Jackson Sr.

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY
IN THE COURT OF COMMON PLEAS
RODNEY LADSON #262438

JUDGMENT IN A CIVIL CASE

CASE NO. 2012-CP-08-0637

STATE OF SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

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

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

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: The Conditional Order of Dismissal is hereby rescinded; case shall be set for an evidentiary hearing.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

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

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, reference in the order:		

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

Stephanie L. McDonald
Circuit Court Judge

2163

Judge Code

06/02/14

Date

6/9/14
email

2. Wilson, T. Blanchette
SCRPC Form 4C (09/2013)

B

This judgment was entered on the 9 day of June 2014 and a copy mailed first class or placed in the appropriate attorney's box on this 9 day of June 2014 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

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

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



LAW OFFICE OF TRICIA A. BLANCHETTE

July 30, 2014

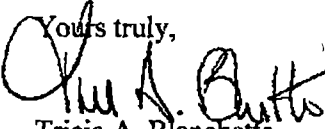
Berkeley County Clerk of Court
ATT: Common Pleas
300 California Ave.
Moncks Corner, SC 29461

RE: Rodney Ladson v. State; Docket No. 2012-CP-08-0637

Dear Sir or Madam:

For filing, I have enclosed an original and one copy of a Motion for Discovery in the above referenced PCR case. Upon filing, please return the copy to my office in the enclosed envelope.

Thank you for your assistance with this matter. Please contact me with any questions.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: Ashleigh R. Wilson, Assistant Attorney General
Rodney Ladson

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
	)	
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	MOTION FOR DISCOVERY
	)	
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

FILED
2014 AUG -1 PM 3:12
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

COMES NOW Applicant, by and through his undersigned attorney, and requests that this Court enter an Order for Production of Discovery pursuant to S.C. Code Ann. §17-27-150(a) (2008).

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. The State submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. The Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and the Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald finding that the Conditional Order of Dismissal is rescinded and the case shall be set for an evidentiary hearing.

Upon a thorough review of the transcript and based upon information obtained from Applicant, undersigned counsel submits that Applicant has diligently attempted to

TOM

obtain a copy of his case file (as detailed in the Response to Conditional Order of Dismissal) but has been unsuccessful in obtaining a complete copy of his file. Therefore, the requested case materials are necessary to properly prepare and present Applicant's allegations of ineffective assistance of counsel, which will be amended upon proper review of the requested materials.

Applicant would move before this Court for the opportunity to issue subpoenas to the appropriate offices or agencies for the production of the following case documents pursuant to S.C. Code Ann. §17-27-150(a) (2008):

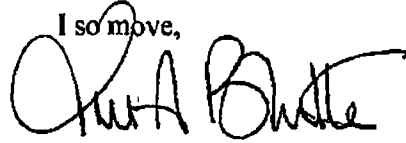
1. A complete copy of the State Law Enforcement Agency (SLED) file.
2. A complete copy of Applicant's file from Michael A. Brown, Esquire.
3. If Michael A. Brown, Esquire, does not have a file containing the Rule 5, SCRCrimP, materials and complete case documents, a complete copy of Applicant's criminal file created by the Berkeley County Solicitor's Office.
4. If not contained in the above files, a complete copy of the coroner's file, including but not limited to investigative notes, interviews, statements, medical records, and autopsy report(s).

The Applicant, through undersigned counsel, submits that the above listed documents and case materials are necessary for counsel and his retained private investigator to properly prepare his case and to present his claims. Furthermore, the Applicant, through counsel, submits that this request is not being made as a fishing expedition, but it is only being submitted to the Court due to the importance of the requested materials in Applicant obtaining "one full bite of the apple."

THEREFORE, based upon the foregoing the Applicant respectfully requests that this Court hold a hearing and/or enter an Order for Discovery, which allows counsel to

issue subpoenas to the appropriate parties, for the above requested case materials that are necessary for the presentation of Applicant's case.

I so move,



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
Attorney for Applicant

July 30, 2014
Columbia, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
	)	
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	CERTIFICATE OF SERVICE
	)	
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

I, Tricia A. Blanchette, Attorney at Law, hereby certify that I placed in the United States Mail this 30th day of July 2014, a copy of a Motion for Discovery, to Ashleigh R. Wilson of the Attorney General's Office, at:

Office of the Attorney General
 Att: Ashleigh R. Wilson, Ast. AG
 P.O. Box 11549
 Columbia, SC 29211-1549



Tricia A. Blanchette
 PO Box 12725
 Columbia, SC 29211
 (803) 988-0008

July 30, 2014

FILED

2014 AUG -1 PM 3:12

MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC

TSM

DM



ALAN WILSON
ATTORNEY GENERAL

August 8, 2014

The Honorable Mary P. Brown
Berkeley County Clerk of Court
300 California Ave.
Moncks Corner, SC 29461

Re: Rodney Ladson, #326438 v. State of South Carolina
2012-CP-08-0637

Dear Ms. Brown:

Enclosed please find the original Return to Motion for Discovery of the Respondent in the above-captioned case for filing in your office.

Sincerely,

Ashleigh R. Wilson
Assistant Attorney General

ARW/arh

cc: Tricia A. Blanchette, Esquire

STATE OF SOUTH CAROLINA)
COUNTY OF BERKLEY)
Rodney Ladson, 3262438,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
9TH JUDICIAL CIRCUIT

2012-CP-08-0637

RETURN TO MOTION FOR
DISCOVERY

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2014 AUG 11 PM 12:53

FILED

This matter comes before the Court by way of the Applicant's Motion for Discovery. The Applicant requests this Court grant the Applicant leave to request the following documents regarding his 1999 Murder conviction: the SLED file, his defense attorney's file, the solicitor's file, and the Coroner's file. The Respondent submits that the Applicant's Motion for Discovery is without merit and should be denied.

I.

The Uniform Post Conviction Procedure Act comprehends and takes the place of the statutory writ of habeas corpus found in S.C. Code Ann. Sec. 17-17-10 (1985), *et seq.*, under which this action has been filed. *See* S.C. Code Ann. Sec. 17-27-20(b). The Uniform Post-Conviction Procedure Act does not allow for discovery in a non-capital post-conviction relief case without good cause and order of the circuit court permitting discovery requests. S.C. Code Ann. § 17-27-150(A) states:

A party in a non-capital post-conviction relief proceeding shall be entitled to invoke the processes of discovery available under the South Carolina Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise. If necessary for the effective utilization of discovery procedures, counsel may be appointed by

1837

the judge for an applicant who qualifies for appointment pursuant to Section 17-27-60 or similar applicable provisions of law.

The conviction being challenged by the Applicant in this action arises from a non-capital offense.

II.

First, this Court should deny the Applicant's request for discovery because the Applicant's post-conviction relief is untimely and should be summarily dismissed by this Court. The Applicant failed to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense he challenges in this Application on November 15, 1999. This Application was filed on February 29, 2012, which was almost twelve (12) years after the statutory filing period had expired. The Respondent submits this Court should first entertain the Respondent's outstanding motion to dismiss this post-conviction relief application before granting the Applicant's request for discovery in this matter.

III.

Second, this Court should deny the Applicant's request for discovery because in his motion the Applicant has failed to state any specific allegations regarding his 1999 guilty plea

which would require invoking the discovery process. This Court should not allow the Applicant to obtain the requested documents to engage in a fishing expedition for claims challenging a twelve year old guilty plea.

The Respondent also notes that it has given opposing counsel every document within its custody and control, including the clerk's records, SCDC records, the PCR application, and the State's Return and Motion to Dismiss. The Respondent does not have custody or control over any records requested by the Applicant.

IV.

Finally, Respondent submits that discovery should not be permitted because the Applicant has not made the requisite showing of good cause. At a minimum, the Applicant's grounds for discovery involve nothing more than speculation about what claims the Applicant might find and where he might find it. Such speculation cannot support a finding of good cause. See, e.g., *Strickler v. Greene*, 527 U.S. 263, 286, 119 S.Ct. 1936, 1950-1950 (1999) ("Mere speculation that some exculpatory material may have been withheld is unlikely to establish good cause for a discovery request on collateral review.") The Respondent submits the Applicant has not shown good cause to warrant discovery in this non-capital post-conviction relief matter.

V.

The Respondent therefore objects to the Motion for Discovery and requests that the Court deny the Applicant's Motion.

WHEREFORE, the State requests that this Court deny the Motion for Discovery and set the motion for a hearing after the resolution of the Respondent's pending Motion to Dismiss.

[Signature on the following page.]

Respectfully submitted,

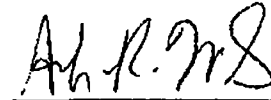
ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

ASHLEIGH R. WILSON
Assistant Attorney General

BY:



ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

August 8, 2014.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

RODNEY LADSON

Applicant

vs.

STATE OF SOUTH CAROLINA

Respondent

THE COURT OF COMMON PLEAS

DOCKET NO. 2012-CP-08-0637

TRANSCRIPT OF RECORD

September 8, 2014
Charleston, South Carolina

B E F O R E:

THE HONORABLE G. THOMAS COOPER, JR., JUDGE

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

TRICIA A. BLANCHETTE, ESQ.
Attorney for the ApplicantRUTLEDGE JOHNSON, ESQ.
Attorney for the RespondentJOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
1	Letter dated 6/19/13	16

Rodney Ladson v State
Motion to Dismiss
September 8, 2014

1 PROCEEDINGS

2 THE COURT: Is there a motion? I don't have
3 anything except ---

4 MR. JOHNSON: --- except the Return to motion to
5 dismiss that I just handed up Your Honor.

6 MS. BLANCHETTE: Your Honor, I actually have a
7 motion for discovery.

8 THE COURT: What is the return to?

9 MR. JOHNSON: To his application ---

10 MS. BLANCHETTE: --- to his application. Did the
11 State provide you the response to the conditional order
12 of dismissal and the order issued?

13 THE COURT: I have -- Mr. Johnson just handed up
14 something called return and motion to dismiss. I don't
15 have the application; I don't have anything, any file.

16 MS. BLANCHETTE: I can provide you with what I
17 have, Your Honor, if you'd like that. I can let them
18 know what I am providing to you.

19 THE COURT: Sure.

20 [Whereupon, Ms. Blanchette provides documents to the
21 court]

22 MS. BLANCHETTE: I have a copy of my motion for
23 discovery, which was my understanding was on the roster
24 for today. I have a copy of Judge McDonald's order
25 rescinding the conditional order of dismissal and saying

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1 it should be set for an evidentiary hearing, and then I
2 have my response to the conditional order of dismissal.

3 MR. JOHNSON: And Your Honor, here is a copy of his
4 application.

5 MS. BLANCHETTE: I did not copy the conditional
6 order of dismissal, Your Honor. I assumed the State
7 would have a packet; I apologize.

8 MR. JOHNSON: I'll give you the procedural history,
9 Your Honor and that may clarify some things. But we're
10 here on her motion for discovery and my motion, the
11 State's motion to dismiss the case.

12 THE COURT: Okay. On my docket it just says
13 motion. Somebody proceed.

14 MR. JOHNSON: May it please the court? This is
15 the case of Rodney Ladson versus the State of South
16 Carolina. It's case number 2012-CP-08-0637. Mr. Ladson
17 was indicted by the March 1999 term of the Berkeley
18 County grand jury for murder. Michael Brown, Esquire
19 represented him. On November 15, 1999 he pled guilty to
20 murder. The Honorable R. Markley Dennis sentenced him to
21 confinement for 30 years. He filed no appeal. He filed
22 this PCR application on February 29, 2012. The State
23 filed its return to motion to dismiss on July 9, 2013
24 just asking the court to dismiss this for failing to file
25 within the statute of limitations and laches. There was

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1 an additional order of dismissal which was signed July
2 17, 2013 by Judge Young. There was a response to the
3 conditional order of dismissal by Ms. Blanchette. Judge
4 McDonald rescinded the conditional order of dismissal and
5 set it for a hearing on June the 2nd, 2014. Ms.
6 Blanchette also filed a ---

7 THE COURT: --- wait, slow down.

8 MR. JOHNSON: Yes, sir.

9 THE COURT: I'm trying to write and I can't write
10 as fast as you can talk.

11 MR. JOHNSON: Yes, sir.

12 THE COURT: What happened in June?

13 MR. JOHNSON: Judge McDonald rescinded the
14 conditional order of dismissal.

15 THE COURT: June the what?

16 MR. JOHNSON: The 2nd of this year. July the 30th
17 of this year Ms. Blanchette filed a motion for discovery
18 and the State filed its return to the motion for
19 discovery on August 8th of 2014 and we are here on the
20 State's motion to dismiss this case for failure to file
21 within the statute of limitations and then also counsel's
22 motion for discovery.

23 THE COURT: So your motion to dismiss for failure
24 to comply with the statute of limitations?

25 MR. JOHNSON: Yes, Your Honor.

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1 THE COURT: And what is the -- tell me about that.

2 MR. JOHNSON: Okay. The statute of limitations on
3 a PCR case the applicant must file within one year ---

4 THE COURT: --- I know ---

5 MR. JOHNSON: --- of his conviction date and his
6 conviction date was November 15, 1999. The only two
7 exceptions are ---

8 THE COURT: --- November 15, 1999.

9 MR. JOHNSON: Yes, sir. And he filed his PCR on
10 February 29th, 2012.

11 THE COURT: Was there a direct appeal?

12 MR. JOHNSON: No, sir. He did not appeal his
13 guilty plea.

14 THE COURT: And is that your only ground?

15 MR. JOHNSON: That and laches, Your Honor, because
16 by his delay the State would be prejudiced if we were to
17 have to go find witnesses. He actually gave us a
18 transcript of that guilty plea but ---

19 THE COURT: --- he did?

20 MR. JOHNSON: Yes, sir. He actually responded to
21 the conditional order. We originally stated that no
22 transcript was available. He had a copy of it and gave
23 the State a copy of it. But if the State would have to
24 retry this case there may be witnesses that we can't
25 find. So the State would be prejudiced by his

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1 unreasonable delay.

2 THE COURT: All right. Where is the order of
3 Judge McDonald rescinding ---

4 MS. BLANCHETTE: --- Your Honor, I handed that up
5 to you. And I'm somewhat confused because the State did
6 leave out of the procedural history that they gave that
7 she says the conditional order of dismissal is hereby
8 rescinded because I did a very detailed response to
9 conditional order of dismissal, which I provided to Your
10 Honor. And then the second part of the sentence says the
11 case shall be set for an evidentiary hearing.

12 It's my understanding under Enoree Baptist Church v
13 Fletcher which is a 1986 case that one Circuit Court
14 judge cannot overrule the finding of the order of another
15 Circuit Court judge. And that appears what the State is
16 doing at this point is asking you to overrule the order
17 of Judge McDonald.

18 THE COURT: How about a retired judge?

19 MS. BLANCHETTE: I think they can do a little bit
20 more than regular judges but I would still -- I was
21 somewhat surprised by the State renewing this motion
22 because it would be my understanding that it should be
23 set for an evidentiary hearing based upon the ruling of
24 Judge McDonald. And I do have another copy of it if you
25 would like to have it.

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1 THE COURT: I'm looking for it.

2 MS. BLANCHETTE: Your Honor, I can approach with
3 another copy.

4 THE COURT: You said you gave it to me?

5 MS. BLANCHETTE: Yes. It's just one page but it's
6 two sided.

7 THE COURT: You got that?

8 MR. JOHNSON: Yes, Your Honor.

9 [Whereupon, Ms. Blanchette provides document to the
10 court]

11 MS. BLANCHETTE: And then her ruling is on the Form
12 4 where they check it; it's in the middle of page there.

13 THE COURT: All right. What about that Mr.
14 Johnson?

15 MR. JOHNSON: Your Honor, although Judge McDonald's
16 conditional order her order rescinds the conditional
17 order in no way shape or form does it deny the State's
18 motion to dismiss for failure to file within the statute
19 of limitations.

20 THE COURT: I'm new to the procedural history here
21 with it.

22 MR. JOHNSON: It means the State is renewing its
23 motion to dismiss this case.

24 THE COURT: Well, who issued the conditional order
25 of discharge?

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1 MR. JOHNSON: Judge Young. And to counsel's logic
2 on that Enoree Baptist v Fletcher if one judge cannot
3 overrule another Circuit Court judge then Judge McDonald
4 didn't have the power to rescind the C-O-D; Judge Young
5 must have done it.

6 MS. BLANCHETTE: Your Honor, just to respond to
7 that. The State, Ms. Wilson was very nice to actually
8 serve the conditional order of dismissal on myself
9 because we couldn't find a record where it had been
10 served on Mr. Ladson. And during that timeframe the
11 administrative judge had changed, which is why Judge
12 McDonald was the one that issued this order was my
13 understanding instead of Judge Young. The State can
14 correct me if I'm wrong on that but that was my
15 understanding.

16 And according to the procedure for -- the applicant
17 has the opportunity to respond before a final order is
18 issued. Judge McDonald would have been the one to issue
19 the final order but instead she chose to rescind the
20 standing conditional order of dismissal. And I don't
21 think it can get much clearer that it says it shall be
22 set for an evidentiary hearing, which is why I filed a
23 discovery motion to properly prepare for that evidentiary
24 hearing. And I can go into the grounds that we've argued
25 in our response to conditional order of dismissal. I've

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1 provided a copy to Your Honor. It has seven attachments
2 but I'd be happy to go through all that if that is a
3 matter that we're going to relitigate today.

4 THE COURT: So you want to convert this into an
5 evidentiary hearing?

6 MS. BLANCHETTE: No, Your Honor. I'm saying the
7 State's motion to dismiss is improper because the order
8 from Judge McDonald says it should be set for an
9 evidentiary hearing. That was my understanding and I
10 filed a motion for discovery and was told my motion would
11 be set for this term of court. I'm not prepared to go
12 forward on an evidentiary hearing today. I was here for
13 my motion.

14 THE COURT: Well, I just wondered about these
15 exhibits.

16 MS. BLANCHETTE: The exhibits were all in response
17 to his delay in filing. These all went to the timeliness
18 ---

19 THE COURT: --- oh, his delay?

20 MS. BLANCHETTE: Yes. The exhibits are attached to
21 my response to conditional order of dismissal so they all
22 go to the reason for his delay in filing ---

23 THE COURT: --- I see ---

24 MS. BLANCHETTE: --- not to the merits of his PCR
25 application ---

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1 THE COURT: --- okay, I didn't understand that.

2 MS. BLANCHETTE: And I didn't make that clear, Your
3 Honor.

4 THE COURT: Well, this is a legal issue is it not?
5 Is it not?

6 MS. BLANCHETTE: I'm sorry? What is a legal issue
7 is whether or not they can renew their motion or whether
8 it should be dismissed?

9 THE COURT: Yes.

10 MS. BLANCHETTE: It is a legal issue, Your Honor.

11 THE COURT: I don't need any factual testimony do
12 I?

13 MS. BLANCHETTE: No, I wasn't prepared to provide
14 anything on the motion to dismiss because I thought that
15 matter was already settled by Judge McDonald.

16 MR. JOHNSON: Your Honor, in our return to motion
17 to discovery and I don't know if you have a copy of this
18 but last paragraph says wherefore the State requests that
19 this court deny the motion for discovery and set the
20 motion for a hearing after the resolution of respondent's
21 pending motion to dismiss. I believe that counsel has
22 had proper notice of this motion to dismiss.

23 THE COURT: What are you reading from?

24 MR. JOHNSON: If I may approach, Your Honor. I'm
25 sure we have a copy of that in ---

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1 THE COURT: --- would you tell me what it is?

2 MR. JOHNSON: This is our return to her motion for
3 discovery.

4 THE COURT: Okay, motion for discovery.

5 [Whereupon, the court reviews documents]

6 THE COURT: I don't have the return to the motion
7 for ---

8 MR. JOHNSON: --- and I have a copy for Your Honor.

9 THE COURT: Well, why don't y'all just give me what
10 you want me to review and not just hand it up piecemeal.

11 MR. JOHNSON: My apologies, Your Honor.

12 [Whereupon, Mr. Johnson provides documents to the
13 court]

14 THE COURT: What else is there?

15 MS. BLANCHETTE: What else is there?

16 THE COURT: Yes. What else do I not have?

17 MS. BLANCHETTE: If the State has provided you the
18 application, their return I provided the response to ---

19 THE COURT: --- I've got the application, the
20 return to the motion to dismiss, which is dated July 9,
21 2013 and that's never been ruled on?

22 MR. JOHNSON: Correct.

23 MS. BLANCHETTE: Your Honor, it would be my
24 position it was in the signing of the conditional order
25 of dismissal and the rescinding of such ---

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1 THE COURT: --- well, I don't have a conditional
2 order of dismissal.

3 MS. BLANCHETTE: And I apologize, Your Honor. I
4 thought a packet would be prepared by the State. I just
5 brought the documents that I have submitted.

6 THE COURT: There is a response to the conditional
7 order of dismissal but there is no conditional order of
8 dismissal.

9 MR. JOHNSON: I do apologize.

10 [Whereupon, Mr. Johnson provides documents to the
11 court]

12 THE COURT: Why don't you go over there and get
13 everything you want me to review and bring it up here.

14 MR. JOHNSON: I believe that's it, Your Honor.

15 THE COURT: That's it?

16 MR. JOHNSON: I think so.

17 THE COURT: Anything else?

18 MS. BLANCHETTE: I don't have anything else to
19 submit. I believe I gave you a copy of my motion for
20 discovery. That would be the other document I brought
21 myself today.

22 [Whereupon, the court reviews documents]

23 THE COURT: I have it.

24 MS. BLANCHETTE: Your Honor, when we get into the
25 motion for discovery I do have a document that I would

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1 like for you to review but I can hold on to that one ---

2 THE COURT: --- I'm going to take this whole thing
3 under advisement.

4 MS. BLANCHETTE: Would you like this document at
5 this time, Your Honor.

6 THE COURT: The rule is if you want me to read
7 something you've got to give it to me.

8 MS. BLANCHETTE: This goes to the motion for
9 discovery, Your Honor.

10 [Whereupon, Ms. Blanchette provides documents to the
11 court]

12 THE COURT: Okay. Thank you.

13 MS. BLANCHETTE: This wouldn't be in your record
14 for the court, Your Honor.

15 THE COURT: Anything further?

16 MR. JOHNSON: Nothing further from the State, Your
17 Honor.

18 THE COURT: Okay. Now I'm going to ask you to
19 give me proposed orders within 10 days or 30 or whatever
20 time -- how much time do you need?

21 MS. BLANCHETTE: Your Honor, may I argue my motion
22 for discovery which is what I thought we were here for
23 today?

24 THE COURT: Well, he says I've got to decide other
25 things before I can even allow you to do that. He wants

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1 me to dismiss the case. I'm not going to deny -- I can't
2 assimilate it, your argument and not even having read the
3 history of the case so it may be a bit premature.

4 MS. BLANCHETTE: Your Honor, then could we put on
5 the record that I can argue my motion for discovery at
6 some point in that document that I just handed up.

7 THE COURT: If I don't throw your case out, yes.

8 MS. BLANCHETTE: Okay. I just wanted to make sure
9 that there wouldn't be a ruling on the motion for
10 discovery if I hadn't argued it yet.

11 THE COURT: No, you'll have every opportunity if I
12 do not dismiss the case that the Attorney General wants
13 me to do.

14 MS. BLANCHETTE: Would you like me to respond with
15 my argument as to why it should not be dismissed besides
16 the legal argument that I gave you on Enoree Church? I
17 can go through my response to the conditional order of
18 dismissal.

19 THE COURT: You can put anything in that brief or
20 order that you think is appropriate.

21 MS. BLANCHETTE: I'll be happy to do that, Your
22 Honor.

23 THE COURT: Is that satisfactory Mr. Johnson?

24 MR. JOHNSON: Yes, sir.

25 THE COURT: All right. Thank you.

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1 MR. JOHNSON: Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 [Whereupon, applicant's exhibit number 1 is marked
4 by the court reporter]

5 *****END OF TRANSCRIPT OF RECORD*****
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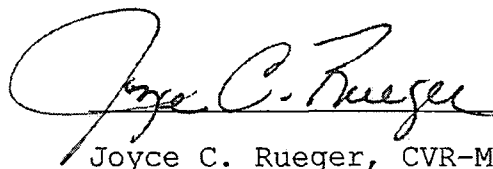
Rodney Ladson v State
Motion to Dismiss
September 8, 2014

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth 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 Common Pleas for Charleston County, South
Carolina on the 8th day of September, 2014.

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

October 25, 2016

A handwritten signature in cursive script, reading "Joyce C. Rueger", written over a horizontal line.

Joyce C. Rueger, CVR-M

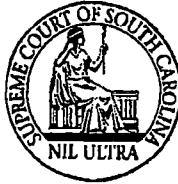
Court Reporter

Judge: Cooper

Date Trial Ended: 7-6-11

Plaintiff/State	Defendant	Court Exhibits
1. 11-1, order 6/11/13		
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By: _____
Deputy Clerk of Court Charleston County



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

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Disciplinary Counsel

Tiffany N. Richardson
Staff Attorney

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Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

June 19, 2013

PERSONAL AND CONFIDENTIAL

Rodney Jerome Ladson, Sr. #262438
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, SC 29472

RE: Lawyer: Michael A. Brown, Esquire
Matter Number: 13-DE-L-0843

Dear Mr. Ladson:

We have received your complaint against Michael A. Brown, Esquire. We will conduct an investigation into the matters you have reported. You will not necessarily be contacted prior to a decision regarding your complaint; therefore, you should submit any additional information or documentation to support your allegations at this time.

The authority of this office and the jurisdiction of the Commission on Lawyer Conduct are limited to issues of whether a lawyer is subject to discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR. Where misconduct is found, sanctions may be imposed ranging from a confidential letter of caution or admonition, public reprimand, suspension, or disbarment. If our investigation does not reveal evidence of lawyer misconduct, your complaint will be dismissed.

We take this opportunity to advise you of the limited role of this office and the Commission so that you will be aware that we cannot provide you with assistance or advice. You will be notified of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made. Feel free to contact me if you have any questions or concerns.

Sincerely,

Tiffany Richardson
Tiffany N. Richardson

TNR/clg

PLAINTIFF'S
EXHIBIT

T.D. / 12-09-06 0637

Rec 6-24-2013
monday



The Supreme Court of South Carolina

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Telephone: (803) 734-2038
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July 8, 2013

PERSONAL & CONFIDENTIAL

Rodney Jerome Ladson, Sr. #262438
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, SC 29472

Re: Lawyer: Michael A. Brown, Esquire
Case Number: 13-DE-L-0843

Dear Mr. Ladson:

This office has conducted an investigation concerning the allegations of lawyer misconduct raised in the complaint you filed in connection with the above-referenced matter. This investigation focused on those grounds for misconduct set out in the Rules for Lawyer Disciplinary Enforcement (RLDE), Rule 413, SCACR, adopted by the Supreme Court of South Carolina.

This office is not authorized to give advice concerning a legal dispute or dealings with a lawyer; nor is it empowered to intervene in a case. We cannot seek to cause things to be done by a lawyer on behalf of a complainant; nor can we seek to change the outcome of a case. Instead, this office deals solely with issues of misconduct or incapacity related to lawyers under these rules. We do so to preserve institutional values of the legal system in South Carolina for the benefit of the public as a whole, not to obtain individual benefit for a complainant.

The provisions of RLDE do not apply to legal matters related to whether or not the outcome of a dispute was fair or to errors of law or judgment that might have been made by a lawyer or judge. These are legal matters, which can only be addressed at trial or on appeal using appropriate procedures.

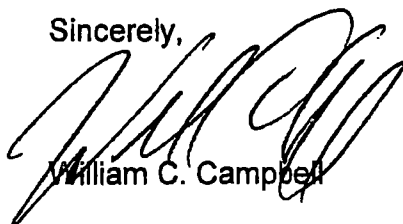
Rodney Jerome Ladson, Sr.
July 8, 2013
Page Two

In your letter of complaint, you allege that Michael A. Brown, Esquire failed to provide you with the documents you have requested from your case file. As a result of your letter, this office conducted an investigation to ascertain if Mr. Brown's conduct violated the Rules of Professional Conduct and the RLDE.

From our investigation, this office has determined that there is no evidence of any such lawyer misconduct on the part of Mr. Brown arising out of the events mentioned in your complaint and that further investigation would not likely reveal any such evidence.

Accordingly, you are hereby notified of the intent of this office to dismiss your complaint pursuant to the provisions of Rule 19(d)(1) of RLDE. You may seek a review of this decision by an investigative panel of the Commission on Lawyer Conduct by filing a written request, which must be received in this office no later than August 7, 2013. If you request a panel review, the lawyer will be given an opportunity to respond. Your request and the lawyer's response, if any, will be considered at the next investigative panel meeting. You will then be notified of the panel's decision. Feel free to contact me if you have any questions regarding this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'William C. Campbell', is written over a printed name.

William C. Campbell

WCC/

cc: Michael A. Brown, Esquire

STATE OF SOUTH CAROLINA

County of ☐ Charleston ☒ BerkeleyRODNEY LADSON

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS

Case No. 2012-CP-08-0637

ORDER

CLERK OF COURT
BERKELEY COUNTY, SC

2014 SEP 17 AM 9:40

FILED

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: _____ denied _____ granted _____ under advisement; a formal order will be filed (see below - No.6)
- ✓ 2. Motion(s) was/were heard in this case and the court orders:
The motion to dismiss and/or for summary judgment is hereby _____ granted _____ denied
✓ under advisement, based upon the _____ statute of limitations and/or _____ the successive nature of the application or _____ other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or _____ no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.
4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed _____ with prejudice _____ without prejudice.
5. Other: _____

- ✓ 6. The court further orders:

The _____ Attorney General _____ Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within _____ days.
✓ _____ Both sides are directed to submit proposed orders to the court and to serve the orders on each other within 30 days.

The court does not request proposed orders.

IT IS SO ORDERED.

Date: 9 / 8 / 14
Charleston, S.C.

G. J. [Signature], 2126
Presiding Judge

Court Reporter: Joyce Rueger

Attorney for Plaintiff: Tricia A. Blanchette

Attorney for Defendant: Ashleigh R. Wilson

Revised 12/10/04

email TB, AW

SC



LAW OFFICE OF TRICIA A. BLANCHETTE

September 26, 2014

Berkeley County Clerk of Court
ATT: Common Pleas
300 California Ave.
Moncks Corner, SC 29461

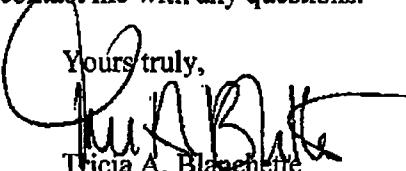
RE: Rodney Ladson v. State; Docket No. 2012-CP-08-0637

Dear Sir or Madam:

For filing in the above referenced case, I have enclosed an original and one copy of a Brief of Applicant. Upon filing, please return the copy to my office in the enclosed envelope.

Thank you for your assistance with this matter. Please contact me with any questions.

Yours truly,


Tricia A. Blanchette
Attorney at Law

cc: Honorable G. Thomas Cooper, Jr.
Ashleigh R. Wilson, Assistant Attorney General
Rodney Ladson

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY)	DOCKET NO.: 2012-CP-08-0637
RODNEY LADSON, 262438,)	
Applicant,)	
v.)	BRIEF OF APPLICANT REGARDING
STATE OF SOUTH CAROLINA,)	MOTION HEARING HELD ON
Respondent,)	SEPTEMBER 8, 2014

FILED
14 SEP 29 PM 2:27
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

Procedural History

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. Respondent submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald finding that the Conditional Order of Dismissal is rescinded and the case shall be set for an evidentiary hearing.

On August 1, 2014, Applicant, through counsel, filed a Motion for Discovery. On August 8, 2014, Respondent filed a Return to Motion for Discovery. Thereafter, Applicant's counsel received a Roster for September 8, 2014 for a Motion hearing listing Ashleigh R. Wilson, Assistant Attorney General, as counsel for Respondent. Prior to the

motion hearing, all communication regarding Applicant's case was between Tricia A. Blanchette, Esquire, and Ashleigh R. Wilson, Assistant Attorney General.

On September 8, 2014, Applicant appeared in front of the Honorable G. Thomas Cooper, Jr. at the Charleston County Courthouse for a Motion Hearing. Applicant was represented by Tricia A. Blanchette, Esquire. As a surprise to both Applicant and Applicant's counsel, Ashleigh R. Wilson, Assistant Attorney General, was present, but Rutledge Johnson, Assistant Attorney General, entered his appearance on behalf of the Respondent. As a further surprise to Applicant and his counsel, Mr. Johnson informed the Court that the case was being called on the State's Motion to Dismiss, to which Applicant's counsel responded that it was her understanding that the State's Motion to Dismiss had been addressed in the Order issued by Judge McDonald and that the case was being called on Applicant's Motion for Discovery. Respondent did not have a packet for the Court to review, so Applicant's counsel provided a copy of the Motion for Discovery, Applicant's Response to Conditional Order of Dismissal, and the Order issued by Judge McDonald. Respondent also provided the Court some of the case documents.

The Honorable G. Thomas Cooper, Jr. determined that he could not hear Applicant's Motion for Discovery until the matter of the State's Motion to Dismiss was properly resolved finding that it "presented a legal issue." Applicant's counsel clarified with the Court that Applicant's Motion for Discovery was not being heard and requested that she have the opportunity to be heard on the Motion at a later date. The Court instructed both parties to submit a Brief and/or proposed Order, from which this Brief follows.

Argument

First of all, Applicant submits that there is not a pending Motion to Dismiss properly before this Court, which must be resolved prior the hearing of Applicant's Motion for Discovery. On July 9, 2013, Respondent submitted a Return and Motion to Dismiss, along with a Conditional Order of Dismissal. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald, which held: "The Conditional Order of Dismissal is hereby rescinded; case shall be set for an evidentiary hearing."

Respondent did not file a Rule 59, SCRCP, or Rule 60, SCRCP, Motion or an appeal following the issuance of Judge McDonald's Order. On August 1, 2014, Applicant, through counsel, filed a Motion for Discovery. On August 8, 2014, Respondent filed a Return to Motion for Discovery. On the last page of Respondent's Return, it states: "Wherefore, the State requests that this Court deny the Motion for Discovery and set the motion for a hearing after the resolution of the Respondent's pending Motion to Dismiss."

Applicant submits that the issuance of the Conditional Order of Dismissal and the issuance of Judge McDonald's Order rescinding the Conditional Order of Dismissal was

the resolution of the Return and Motion to Dismiss submitted on July 9, 2013. Thereafter, the State did not file a subsequent Motion to Dismiss, file a Motion to alter or set aside Judge McDonald's Order, but Respondent only filed a "Return to Motion for Discovery requesting dismissal in lieu of discovery and referencing a pending Motion to Dismiss in closing. Simply put, referencing a motion in another pleading and claiming the motion was properly renewed at the hearing on September 8th, did not properly put Applicant or his counsel on notice that a Motion to Dismiss was pending nor did it make such a motion properly before this Court.

Nevertheless, if this Court is inclined to find that the State does have a pending Motion to Dismiss before this Court, Applicant submits that Judge McDonald's Order stating that an evidentiary hearing shall be set is controlling. Enoree Baptist Church v. Fletcher, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986) ("One Circuit Court Judge does not have the authority to set aside the order of another."). Here, Applicant has moved for discovery to properly prepare for the evidentiary hearing that Judge McDonald has ordered be held, and Applicant submits that the Respondent did not file a motion and/or appeal on her Order.¹ Therefore, it would be improper for this Court (a circuit court judge) to set aside the Order of Judge McDonald (another circuit court judge, at the time she issued the Order) for an evidentiary hearing.²

¹ At the motion hearing, Applicant's counsel provided this Court documents from the disciplinary action Applicant filed against trial counsel for failure to provide Applicant with his case file. Plea counsel's failure to provide Applicant with his file is a basis for his untimely filing and for the requested discovery.

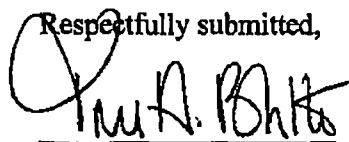
² In response to the State's argument at the motion hearing that Judge McDonald did not have the authority acting in her capacity as Administrative Judge for Common Pleas to rescind the Conditional Order of Dismissal of Judge Young under Enoree Baptist Church v. Fletcher, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986), Applicant submits that such argument does not make sense due to the language contained in the Conditional Order of Dismissal and due to the fact that a Final Order of Dismissal was not issued. Applicant submits that Judge McDonald acted properly in her capacity as Administrative Judge and the State failed to file a timely motion or appeal arguing otherwise.

Finally, if this Court finds that the State does have a pending Motion to Dismiss properly before this Court and that Judge McDonald's Order is not controlling, then Applicant would ask this Court to review the response to Conditional Order of Dismissal that is attached and incorporated hereby reference. Based upon the arguments set forth in the Response, Applicant submits that Judge McDonald was correct in her finding and this Court also should find (if proper) that Applicant should be allowed to proceed to an evidentiary hearing.

Conclusion

For the above stated reasons, Applicant would request that this Court find that Respondent does not have a pending Motion to Dismiss properly before this Court since it was addressed by Judge McDonald's Order finding that an evidentiary hearing should be held. Additionally, Applicant would request that a hearing being set on Applicant's pending Motion for Discovery, so Applicant, through counsel, can properly prepare for the evidentiary hearing ordered by Judge McDonald.

Respectfully submitted,



Tricia A. Blanchette
Post Office Box 12725
Columbia, SC 29211
803-988-0008
Attorney for Applicant

September 26, 2014

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY)

DOCKET NO.: 2012-CP-08-0637

RODNEY LADSON, 262438,)

Applicant,)

v.)

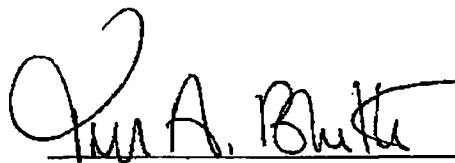
CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,)

Respondent,)

I, Tricia A. Blanchette, Attorney for Applicant, hereby certify that I hand delivered this 26th day of September 2014, a copy of a Brief of Applicant, to Ashleigh R. Wilson of the Attorney General's Office, at:

Office of the Attorney General
Att: Ashleigh R. Wilson, Ast. AG
1000 Assembly Street, 5th Floor
Columbia, SC 29201



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

September 26, 2014

14 SEP 29 PM 2:27
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
DOCKET NO.: 2012-CP-08-0637

RODNEY LADSON, 262438,)
Applicant,)

v.)

STATE OF SOUTH CAROLINA,)
Respondent,)

ORDER

2014 OCT 17 PM 1:45
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

Procedural History

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. Respondent submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald finding that the Conditional Order of Dismissal is rescinded and the case shall be set for an evidentiary hearing.

On August 1, 2014, Applicant, through counsel, filed a Motion for Discovery. On August 8, 2014, Respondent filed a Return to Motion for Discovery. On September 8, 2014, Applicant appeared in front of the Honorable G. Thomas Cooper, Jr. at the Charleston County Courthouse for a Motion Hearing. Applicant was represented by Tricia A. Blanchette, Esquire. Ashleigh R. Wilson, Assistant Attorney General, was

present, but Rutledge Johnson, Assistant Attorney General, entered his appearance on behalf of the Respondent. At the start of the hearing, Mr. Johnson informed the Court that the case was being called on the State's Motion to Dismiss, to which Applicant's counsel responded that it was her understanding that the State's Motion to Dismiss had been addressed in the Order issued by Judge McDonald and that the case was being called on Applicant's Motion for Discovery. Respondent did not have a packet for the Court to review, so Applicant's counsel provided a copy of the Motion for Discovery, Applicant's Response to Conditional Order of Dismissal, and the Order issued by Judge McDonald. Respondent also provided the Court some of the case documents.

The Honorable G. Thomas Cooper, Jr. determined that he could not hear Applicant's Motion for Discovery until the matter of the State's Motion to Dismiss was properly resolved finding that it "presented a legal issue." Applicant's counsel clarified with the Court that Applicant's Motion for Discovery was not being heard and requested that she have the opportunity to be heard on the Motion at a later date. The Court instructed both parties to submit a Brief and/or proposed Order, from which Applicant's counsel submitted a Brief and from which this Order follows.

Findings

Based upon the argument set forth in the Applicant's Brief, this Court finds that there is not a pending Motion to Dismiss properly before this Court, which must be resolved prior the hearing of Applicant's Motion for Discovery. On July 9, 2013, Respondent submitted a Return and Motion to Dismiss, along with a Conditional Order of Dismissal. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. Applicant, through counsel, received

GTC-2

service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald, which held: "The Conditional Order of Dismissal is hereby rescinded; case shall be set for an evidentiary hearing." Respondent did not file a Rule 59, SCRCP, or Rule 60, SCRCP, Motion or an appeal following the issuance of Judge McDonald's Order.

This Court finds that Judge McDonald's Order holding that an evidentiary hearing shall be set is controlling. Enoree Baptist Church v. Fletcher, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986) ("One Circuit Court Judge does not have the authority to set aside the order of another."). Here, Applicant has moved for discovery to properly prepare for the evidentiary hearing that Judge McDonald has ordered be held, and Respondent did not file a motion and/or appeal on her Order.¹ Therefore, it would be improper for this Court to set aside the Order of Judge McDonald for an evidentiary hearing.²

Nevertheless, this Court has reviewed the Response to Conditional Order of Dismissal,

¹ At the motion hearing, Applicant's counsel provided this Court documents from the disciplinary action Applicant filed against trial counsel for failure to provide Applicant with his case file. Plea counsel's failure to provide Applicant with his file is a basis for his untimely filing and for the requested discovery.

² In response to the State's argument at the motion hearing that Judge McDonald did not have the authority acting in her capacity as Administrative Judge for Common Pleas to rescind the Conditional Order of Dismissal of Judge Young under Enoree Baptist Church v. Fletcher, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986), this Court does not agree with this argument since the language contained in the Conditional Order of Dismissal and due to the fact that a Final Order of Dismissal was not issued. Applicant submits that Judge McDonald acted properly in her capacity as Administrative Judge and the State failed to file a timely motion or appeal arguing otherwise.

52 3

and this Court is in agreement with Judge McDonald's finding that an evidentiary hearing shall be held.

IT IS THEREFORE ORDERED:

1. That this Court finds that there is not a pending Motion to Dismiss properly before this Court, which must be resolved prior the hearing of Applicant's Motion for Discovery.
2. That this Court's findings are controlled by the Order issued on June 9, 2014 by the Honorable Stephanie P. McDonald.
3. That a motion hearing shall be set on Applicant's pending Motion for Discovery prior to the scheduling of an evidentiary hearing.

AND, IT IS SO ORDERED this 10TH day of October, 2014.

Chavez, South Carolina



Honorable G. Thomas Cooper, Jr.
Circuit Court Judge

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

RODNEY LADSON

Applicant

VS.

STATE OF SOUTH CAROLINA

Respondent

THE COURT OF COMMON PLEAS

DOCKET NO. 2012-CP-08-0637

TRANSCRIPT OF RECORD

December 9, 2014
Charleston, South Carolina

B E F O R E:

THE HONORABLE J.C. NICHOLSON, JR., JUDGE

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

TRICIA A. BLANCHETTE, ESQ.
Attorney for the Applicant

RUTLEDGE JOHNSON, ESQ.
Attorney for the Respondent

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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No exhibits were introduced

Rodney Ladson v State
Motion for Discovery
December 9, 2014

PROCEEDINGS

THE COURT: What is the motion?

MR. JOHNSON: May it please the court? This is case number 2012-CP-08-0637. We're here today on applicant's motion for discovery. We had a hearing a few months back where my motion to dismiss was taken off the table and we are here today simply on a motion for discovery and I will turn it over to Ms. Blanchette. But I would like to after she argues her side I'd like to state the State's objection to the motion for discovery.

THE COURT: Okay Ms. Blanchette, what do you want?

MS. BLANCHETTE: Thank you, Your Honor. My name is Tricia Blanchette and I'm here on behalf of Rodney Ladson. I just was informed by the State that you didn't have a packet. Would you like a copy of the motion and return?

THE COURT: No, just tell me. Just tell me what you want.

MS. BLANCHETTE: I'll be happy to do that, Your Honor. This is a unique case procedurally. Mr. Ladson actually pled guilty back in 1999 so we went through the process where there was a conditional order of dismissal. Then I was retained and did a response to the conditional order of dismissal and Judge McDonald ruled that we should have an evidentiary hearing. In order to prepare

Rodney Ladson v State
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December 9, 2014

1 for that evidentiary hearing what I'm requesting from the
2 court is just four items and I want to just give a little
3 background as to why we need those items.

4 THE COURT: Just tell me what items first.

5 MS. BLANCHETTE: Okay. I'd be happy to, Your
6 Honor. We're asking for a complete copy of the SLED
7 file.

8 THE COURT: The SLED file?

9 MS. BLANCHETTE: Yes. I just need permission from
10 the court since we do not have discovery in PCR non-
11 capital cases to issue a subpoena and then SLED is always
12 happy to comply with that request. The second request is
13 a complete copy of applicant's file from Michael Brown,
14 Esquire who was his plea counsel. And I do have to delve
15 a little bit into the background information.

16 THE COURT: All right. You want Mr. Brown's file?

17 MS. BLANCHETTE: Yes. It's my understanding he
18 does not have a file because that was subject of a prior
19 disciplinary complaint and he did not produce a file. So
20 my third request is if Mr. Michael Brown does not have a
21 file the ability to request the Rule 5 or discovery
22 documents from the Berkeley County Solicitor's office and
23 we would just do a subpoena just simply asking for those
24 Rule 5 or discovery documents.

25 THE COURT: Okay.

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 MS. BLANCHETTE: And then finally if not contained
2 in the Rule 5 discovery documents a complete copy of the
3 coroner's file as this was a murder case. The primary
4 reasons we're asking for this is because Mr. Ladson has
5 hired a private investigator and I do not have the
6 documents that I need to give him to start his
7 investigation.

8 Also in a guilty plea case it can be -- our burden
9 is a little bit more tricky than in a trial PCR case
10 because if we're going to allege that Mr. Brown was
11 ineffective for not preparing and investigating this case
12 we have to go out and do that investigation and show that
13 there is something from that investigation that would
14 have caused Mr. Ladson to go to trial and essentially be
15 successful at that trial. And without case documents I
16 just can't start to even meet that burden.

17 THE COURT: You said Judge McDonald ordered what?
18 I didn't hear what you said she ordered.

19 MS. BLANCHETTE: In filing my response to the
20 conditional order of dismissal she ordered that an
21 evidentiary hearing be set.

22 THE COURT: Okay.

23 MS. BLANCHETTE: So she essentially rescinded the
24 conditional order of dismissal and did not sign the final
25 order of dismissal.

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 THE COURT: So you're trying to get prepared for an
2 evidentiary hearing?

3 MS. BLANCHETTE: Exactly, Your Honor. And like I
4 said he's hired a private investigator and I just don't
5 have the materials that I need to turn over to him such
6 as police reports, witness statements; anything that
7 would be contained in that Rule 5 discovery. Also, SLED
8 did an investigation in this case so those SLED materials
9 would be very pertinent to what we need the investigator
10 to look into.

11 And then recently I just began asking for the
12 coroner's file because I've had a couple of cases where
13 there is actually documents in the coroner's file that
14 aren't in anyone else's file because they do their own
15 investigation.

16 THE COURT: Okay. Anything else?

17 MS. BLANCHETTE: No, Your Honor. I tried to limit
18 our request just to those materials that would be
19 pertinent to our allegations that we are attempting to
20 work out.

21 THE COURT: So you feel that Michael Brown doesn't
22 have a file?

23 MS. BLANCHETTE: No, Your Honor. And I didn't
24 bring a copy of the disciplinary complaint and the
25 resolution. And he had also written Mr. Ladson. Mr.

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 Ladson attempted before filing his application very late
2 to get a copy of his file from the Clerk's office, the
3 Solicitor's office and Mr. Brown and he was just not
4 successful.

5 THE COURT: Was this a straight up plea to murder?

6 MS. BLANCHETTE: It was ---

7 THE COURT: --- or a recommended sentence or what?

8 MS. BLANCHETTE: Your Honor, if I could just have
9 one moment. That's a very good question. And just as a
10 side note the State had originally objected because we
11 didn't have the plea transcript but we were able to
12 produce that so we do have the plea transcript even due
13 to the age of the case; that typically wouldn't be
14 available.

15 THE COURT: But you do have the transcript now?

16 MS. BLANCHETTE: We do, Your Honor, yes.

17 THE COURT: Well, was there a straight up plea to
18 murder or was there a recommended sentence or what
19 happened?

20 MR. JOHNSON: A negotiated 30 years, Your Honor.

21 THE COURT: Pardon?

22 MR. JOHNSON: A negotiated plea for 30 years.

23 THE COURT: It was a negotiated plea or
24 recommendation?

25 MR. JOHNSON: Negotiated.

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 THE COURT: Okay. And who sentenced him?

2 MS. BLANCHETTE: He was sentenced by Judge Dennis,
3 Your Honor.

4 THE COURT: Okay. So it was a plea with a
5 recommendation -- or a negotiated plea for 30 years
6 right?

7 MS. BLANCHETTE: That's correct, Your Honor.

8 THE COURT: What are you alleging in your PCR as
9 far as ineffective assistance of counsel? He got 30
10 years, he could get life. That's the minimum you can
11 give for murder is 30 years. What are you alleging that
12 was ineffective assistance of counsel?

13 MS. BLANCHETTE: Your Honor, to be completely
14 honest I have not done an amendment as this point because
15 we were granted the ability to move forward to an
16 evidentiary hearing by Judge McDonald and then I filed
17 this discovery motion and we've been at this stage.

18 So until I see some case documents I don't feel
19 confident in making his allegations. But I've already
20 alluded to the fact that we've hired a private
21 investigator because our primary claim essentially is
22 that Mr. Brown did no investigation and ---

23 THE COURT: --- well does Mr. Johnson [sic] realize
24 that if his PCR is granted that he is going back to trial
25 and looking at possible life?

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 MS. BLANCHETTE: Yes, Your Honor. Mr. Ladson and I
2 are ---

3 THE COURT: --- does he understand that?

4 MS. BLANCHETTE: Yes ---

5 THE COURT: --- and he got the minimum you can get
6 for murder.

7 MS. BLANCHETTE: Right, Your Honor. We had
8 extensive negotiations and actually didn't offer Mr.
9 Ladson representation for quite a while. I met with him
10 at least five or six times before I offered
11 representation with that being the main discussion. But
12 after he met with the private investigator and spoke with
13 us about the number of things that he had asked his
14 attorney to look into that he failed to look into and
15 investigate he decided to retain my services.

16 But again my first question to him at the
17 evidentiary hearing will be do you understand this risk
18 and do you want to go forward because risk has definitely
19 been a focus in my discussions with him.

20 THE COURT: Mr. Johnson [sic] do you understand
21 that?

22 MR. LADSON: It's Ladson.

23 THE COURT: Pardon?

24 MR. LADSON: It's Ladson.

25 THE COURT: Do you understand that if your PCR is

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 ultimately granted and you're granted a new trial and you
2 go back to trial and then at that trial you're subject to
3 life in prison do you understand that?

4 MR. LADSON: Yes, sir.

5 THE COURT: The minimum you can receive for murder
6 is 30 years.

7 MR. LADSON: Yes, sir.

8 THE COURT: You got the minimum.

9 MR. LADSON: Yes, sir.

10 THE COURT: Do you understand?

11 MR. LADSON: Yes, I do.

12 THE COURT: Do you understand the risk you're
13 taking?

14 MR. LADSON: Yes, I do.

15 THE COURT: I'm not trying to pass judgment whether
16 you're guilty or not guilty; I just want to make sure you
17 understand that risk.

18 MR. LADSON: Yes, I do.

19 THE COURT: All right. Anything else?

20 MS. BLANCHETTE: No, Your Honor. If need be if I
21 could respond to anything the State may raise but I think
22 that covers our bases.

23 THE COURT: I'll be glad to hear you.

24 MR. JOHNSON: Your Honor, may it please the court.

25 The State would object to a motion for discovery. This

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 case pled out as you said and negotiated in 1999. He had
2 until the end of 2000 to file this action. He waited 12
3 years to do so. There has been no evidence of mental
4 health issues and why he couldn't have filed so the
5 statute of limitations should throw this case out. So
6 we'd ask that this discovery ---

7 THE COURT: --- I understand but you raised that
8 before Judge McDonald and she has ordered an evidentiary
9 hearing so why isn't she entitled to what she has
10 requested as an evidentiary hearing?

11 MR. JOHNSON: Why is she not entitled to it?

12 THE COURT: Yes, sir?

13 MR. JOHNSON: Just based on the statute of 17-27-
14 150 there is no discovery in non-capital PCR's unless the
15 court finds that she has good reason for discovery. So,
16 on the statute the State objects.

17 THE COURT: Okay. Anything else?

18 MS. BLANCHETTE: Just Your Honor, briefly. In my
19 response to a conditional order of dismissal as you
20 pointed out we did raise extensive claims of mental
21 health history issues and provided records that Judge
22 McDonald reviewed when she granted the evidentiary
23 hearing -- or when she ordered an evidentiary hearing,
24 Your Honor.

25 THE COURT: Okay. I'm going to order it produced.

Rodney Ladson v State
Motion for Discovery
December 9, 2014

1 I'm going to order the SLED file produced. If in fact
2 Mr. Brown doesn't have a file and then she can file a
3 Rule 5 request on the Berkeley Solicitor's office. I'm
4 going to order the coroner's file produced. Okay.

5 MR. JOHNSON: Thank you, Your Honor.

6 MS. BLANCHETTE: Thank you, Your Honor. Would you
7 like for me to draft the order?

8 THE COURT: Please.

9 MS. BLANCHETTE: Thank you, Your Honor.

10 THE COURT: Thank you very much.

11 *****END OF TRANSCRIPT OF RECORD*****
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Rodney Ladson v State
Motion for Discovery
December 9, 2014

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth 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 Common Pleas for Charleston County, South
Carolina on the 9th day of December, 2014.

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

October 25, 2016



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0537
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	ORDER FOR DISCOVERY
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

FILED
CLERK OF COURT
BERKELEY COUNTY, SC

2015 JAN 12 PM 3:14

FILED

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On August 1, 2014, Applicant, through counsel, filed a Motion for Discovery. On August 8, 2014, Respondent filed a Return to Motion for Discovery. On September 8, 2014, Applicant appeared in front of the Honorable G. Thomas Cooper, Jr. at the Charleston County Courthouse for a Motion Hearing. Applicant was represented by Tricia A. Blanchette, Esquire. Ashleigh R. Wilson, Assistant Attorney General, was

present, but Rutledge Johnson, Assistant Attorney General, entered his appearance on behalf of Respondent. At the start of the hearing, Mr. Johnson informed the Court that the case was being called on the State's Motion to Dismiss, to which Applicant's counsel responded that it was her understanding that the State's Motion to Dismiss had been addressed in the Order issued by Judge McDonald and that the case was being called on Applicant's Motion for Discovery. The Honorable G. Thomas Cooper, Jr. determined that he could not hear Applicant's Motion for Discovery until the matter of the State's Motion to Dismiss was properly resolved finding that it "presented a legal issue." Applicant's counsel clarified with the Court that Applicant's Motion for Discovery was not being heard and requested that she have the opportunity to be heard on the Motion at a later date. The Court instructed both parties to submit a Brief and/or proposed Order. On October 10, 2014, the Honorable G. Thomas Cooper, Jr. issued an Order denying the State's Motion to Dismiss and ordering that a hearing be held on Applicant's pending Discovery Motion.

On December 9, 2014, a motion hearing was held in front of the Honorable J.C. Nicholson, Jr., at the Charleston County Courthouse. Applicant was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Rutledge Johnson, Assistant Attorney General. Applicant's counsel provided this Court with the basis for the discovery request.

Based upon a showing of good cause through the filed discovery motion and explanation provided at the hearing, this Court finds pursuant to S.C. Code Ann. §17-27-150(a) (2008) that Applicant's request shall be granted to ensure that Applicant, through

counsel, can properly prepare his Application for Post Conviction Relief for an evidentiary hearing..

Therefore, Applicant shall be allowed to issue subpoenas to the following offices or agencies for production of Applicant's file, as follows:

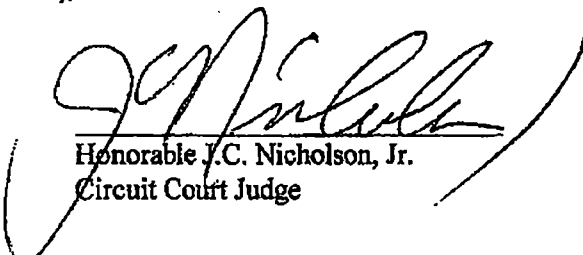
1. A complete copy of the State Law Enforcement Agency (SLED) file.
2. A complete copy of Applicant's file from Michael A. Brown, Esquire.
3. If Michael A. Brown, Esquire, does not have a file containing the Rule 5, SCRCrimP, materials and complete case documents, a complete copy of Applicant's criminal file created by the Berkeley County Solicitor's Office.
4. If not contained in the above files, a complete copy of the coroner's file, including but not limited to investigative notes, interviews, statements, medical records, and autopsy report(s).

IT IS THEREFORE ORDERED:

1. That Counsel for Applicant is permitted to serve a subpoena and/or submit a written request, along with a copy of this Order, upon the above listed agencies or entities for the production of the above listed files
2. That any parties in receipt of a subpoena pursuant to this Order may file a timely objection, which will be addressed by this Court.

AND, IT IS SO ORDERED this 29 day of DEC., 2014

CHARLESTON, South Carolina


Honorable J.C. Nicholson, Jr.
Circuit Court Judge

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY)

DOCKET NO.: 2012-CP-08-0637

RODNEY LADSON, 262438,)
Applicant,)

v.)

CERTIFICATE OF SERVICE

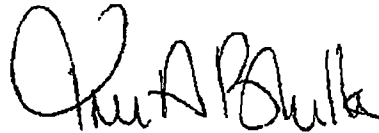
STATE OF SOUTH CAROLINA,)
Respondent,)MARY E. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2015 JAN 12 PM 3:14

LED

I, Tricia A. Blanchette, Attorney at Law, hereby certify that I placed in the United States Mail this 9th day of January 2015, a copy of an Order for Discovery, to Rutledge Johnson of the Attorney General's Office, at:

Office of the Attorney General
Att: Rutledge Johnson, Ast. AG
P.O. Box 11549
Columbia, SC 29211-1549



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

January 9, 2015

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
RODNEY LADSON, 262438,	)	
Applicant,	)	SUPPLEMENTAL
v.	)	MOTION FOR DISCOVERY
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

2015 JUN 17 AM 11:56
FILED
MARY H. BROOKIN
CLERK OF COURT
BERKELEY COUNTY, SC

COMES NOW Applicant, by and through his undersigned attorney, and requests that this Court enter an Order Authorizing Discovery pursuant to S.C. Code Ann. §17-27-150(a) (2008).

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. The State submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. The Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and the Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald finding that the Conditional Order of Dismissal is rescinded and the case shall be set for an evidentiary hearing.

On August 1, 2014, Applicant, through counsel, filed a Motion for Discovery. On August 8, 2014, Respondent filed a Return to Motion for Discovery. On September 8,

2014, Applicant appeared in front of the Honorable G. Thomas Cooper, Jr. at the Charleston County Courthouse for a Motion Hearing. Applicant was represented by Tricia A. Blanchette, Esquire. Ashleigh R. Wilson, Assistant Attorney General, was present, but Rutledge Johnson, Assistant Attorney General, entered his appearance on behalf of Respondent. At the start of the hearing, Mr. Johnson informed the Court that the case was being called on the State's Motion to Dismiss, to which Applicant's counsel responded that it was her understanding that the State's Motion to Dismiss had been addressed in the Order issued by Judge McDonald and that the case was being called on Applicant's Motion for Discovery. The Honorable G. Thomas Cooper, Jr. determined that he could not hear Applicant's Motion for Discovery until the matter of the State's Motion to Dismiss was properly resolved finding that it "presented a legal issue." Applicant's counsel clarified with the Court that Applicant's Motion for Discovery was not being heard and requested that she have the opportunity to be heard on the Motion at a later date. The Court instructed both parties to submit a Brief and/or proposed Order. On October 10, 2014, the Honorable G. Thomas Cooper, Jr. issued an Order denying the State's Motion to Dismiss and ordering that a hearing be held on Applicant's pending Discovery Motion.

On December 9, 2014, a motion hearing was held in front of the Honorable J.C. Nicholson, Jr., at the Charleston County Courthouse. Applicant was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Rutledge Johnson, Assistant Attorney General. Applicant's counsel provided the Court with the basis for the discovery request.

Based upon a showing of good cause through the filed discovery motion and explanation provided at the hearing, the Honorable J.C. Nicholson, Jr., ordered that Applicant shall be allowed to issue subpoenas to the following offices or agencies for production of Applicant's file, as follows:

1. A complete copy of the State Law Enforcement Agency (SLED) file.
2. A complete copy of Applicant's file from Michael A. Brown, Esquire.
3. If Michael A. Brown, Esquire, does not have a file containing the Rule 5, SCRCrimP, materials and complete case documents, a complete copy of Applicant's criminal file created by the Berkeley County Solicitor's Office.
4. If not contained in the above files, a complete copy of the coroner's file, including but not limited to investigative notes, interviews, statements, medical records, and autopsy report(s).

In response, Applicant, through counsel, received a letter from Michael A. Brown, Esquire, stating that he did not have a file to provide, with a copy of his letter to Applicant in 2004 stating the same. Applicant, through counsel, received two discs containing a copy of the SLED file. Applicant, through counsel, received a letter from the Berkeley County Coroner with a copy of the Coroner's Report and Autopsy Report.

Upon receipt and review of the Coroner's response, Applicant's counsel contacted William B. Salisbury to inquire about receiving the remaining items listed in the court order and subpoena. Applicant's counsel was very sternly advised the Coroner Salisbury would not provide any additional items and would not do a letter stating such.

Upon receipt and review of the Solicitor's file and the SLED file, Applicant's counsel followed up with both agencies to ensure that she had received the complete file. In this matter, it appears SLED was called in to conduct the crime scene, forensic and ballistic investigation, yet no documents were provided that would typically be generated

in a crime scene investigation and in a ballistics trajectory investigation.¹ Additionally, Applicant, through counsel, has been provided several documents, which are attached, that reflect that Corporal Dean Kokinda (Berkeley County Sheriff's Department) informed SLED that the case could be returned without exam, that evidence was "disposed," and that evidence was "in-transit." Prior to the receipt of these files, Applicant was unaware that a majority of the evidence collected was not tested by SLED. Applicant was also unaware that there was possible DNA developed that was not tested. See attached DNA Analysis Report dated July 19, 1999. Therefore, before proceeding to an evidentiary hearing, it must be determined if there are additional investigative files and if the evidence that was not tested has been destroyed, is in the custody of SLED or has been returned to the Berkeley County Sheriff's Department.

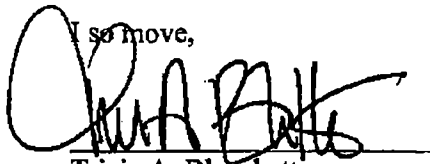
Therefore, Applicant is requesting opportunity to issue a subpoena to the Berkeley County Sheriff's Department for complete copy of the file generated in Applicant's case pursuant to S.C. Code Ann. §17-27-150(a) (2008). Additionally, Applicant is requesting the opportunity to serve Interrogatories, pursuant to Rule 33, SCRPC, and/or Request for Admission, pursuant to Rule 36, SCRPC, on SLED and the Berkeley County Sheriff's Department² to determine the following: 1) what agency handled the crime scene investigation, and if there is any additional documentation of such; 2) what agency handled the ballistic trajectory investigation and if there is any documentation or evidence resulting from such; 3) verification of what evidentiary items were not tested by SLED, the reason such items were not tested and if the items have been maintained at

¹ Applicant, through counsel, has been provided photos from the crime scene, which suggest there should be additional documentation.

² Applicant submits that it may be proper to serve the Interrogatories and/or Request for Admission on the Office of the Attorney General as a named party to the civil action.

SLED, destroyed or returned to Berkeley County Sheriff's Department; and 4) if there is additional DNA evidence that is available to be tested. Applicant submits that the use of discovery is necessary to resolve these questions that have resulted from the receipt of the above listed files prior to an evidentiary hearing. If these matters are not resolved prior to an evidentiary hearing, witnesses may need to be unnecessarily subpoenaed to court to explain the documents and answer these questions, which may result in the hearing having to be continued based upon the answers provided. Therefore, Applicant, through counsel, submits the discovery process should be invoked to efficiently address these matters and expedite the final resolution of the pending Application.

June 5, 2015
Columbia, SC

I so move,

Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
Attorney for Applicant

SLED LABORATORY

Case Note Cover Sheet

(Entry not always required in shaded areas)

Lab Number: L 99 2502Examiner Collins / CROMUS

Original Submission

Page 1 of 7 Total Pages of Notes

Satisfactory Peer/Technical

Review Completed On: _____ By _____
Date Initials

Analysis Started On: _____

Analysis Completed On: 12-30-02
Date

Satisfactory Administrative Review

Completed On: _____ By _____
Date Initials

Original Submission

Page 1 of _____ Total Pages of Notes

Satisfactory Peer/Technical

Review Completed On: _____ By _____
Date Initials

Analysis Started On: _____

Analysis Completed On: _____
Date

Satisfactory Administrative Review

Completed On: _____ By _____
Date Initials

Original Submission

Page 1 of _____ Total Pages of Notes

Satisfactory Peer/Technical

Review Completed On: _____ By _____
Date Initials

Analysis Started On: _____

Analysis Completed On: _____
Date

Satisfactory Administrative Review

Completed On: _____ By _____
Date Initials

USE ADDITIONAL COVER SHEET(S) IF MORE SUBMISSIONS ARE RECEIVED

DOCUMENTATION OF CONVERSATIONS RELATED TO THIS CASE

Date/Time	Person's Name Agency, Call Back No.	Summation of Conversation	Initials
12-19-02 4:15pm	T spoke w/ Dean Kokinda - case can be returned w/o exam		SPC
12-30-02	T checked to see if gun was unloaded and then placed in firelock		SPC

Agency Case Disposition FormAgency: Berkeley SOContact Person: Dean Kokinda / LT. MASON 843-719-4425

<u>SLED Lab Number</u>	<u>Submitting Agency Case Information</u>				<u>Case Status</u>	
	<u>Case Number</u>	<u>Incident Date</u>	<u>Victim</u>	<u>Subject</u>	<u>Exam Needed</u>	<u>Return w/o Exam</u>
198-5376	98-04013612	4-28-98	Gibbs, Ezekial	—		✓
199-2502	—	3-3-99	Hudson, Patricia	Hudson, Rodney		✓
199-8900	99-06017368	6-2-99	Lee's Grocery	Benekin, Mark		✓
199-8901	98-05015569	5-13-98	—	Gadoden, Luther		✓
198-14171			O'Connor, Jamie			
100-6377	2000-06020510	6-12-00	Bowman, Darnell			✓
102-4375	2002-04010645	4-1-02	Maurice, Justin	Egerton, Cliff	✓	
100-4375						

Signed: _____

Date: _____

12-19-02

4:15 pm - spoke w/ Dean Kokinda

2052-667

7

Evidence Items Report

LSN	Item	Container ID	Bin	Custodian
L9902502.1	Film	E131232	IN-TRANSIT	photos
L9902502.2	Film	E131232	IN-TRANSIT	photos
L9902502.3	Film	E131232	IN-TRANSIT	photos
L9902502.4	Film	E131232	IN-TRANSIT	photos
L9902502.5	Film	E131232	IN-TRANSIT	photos
L9902502.6	Film	E131232	IN-TRANSIT	photos
L9902502.7	Film	E131232	IN-TRANSIT	photos
L9902502.8	One projectile	E131231	IN-TRANSIT	firel
L9902502.9	Piece of a door	E131231	IN-TRANSIT	firel
L9902502.10	Hammer	E131231	IN-TRANSIT	firel
L9902502.11	Telephone cord	E131231	IN-TRANSIT	firel
L9902502.12	Door knob	E131231	IN-TRANSIT	firel
L9902502.13	Latent lift	E123380	DISPOSED	
L9902502.14	GSR from Patricia Ladson	E131230	DISPOSED	
L9902502.15	GSR from Rodney Ladson	E131230	DISPOSED	
L9902502.16.0	Adult Sexual Assault Kit	A007995	IN-TRANSIT	ACS1
L9902502.16.1	Pulled Head Hair	E131198	DISPOSED	
L9902502.16.2	Pulled pubic hair	E131198	DISPOSED	
L9902502.16.3	Pubic combings	E131198	DISPOSED	
L9902502.16.4	Blood standard	E131197	DISPOSED	
L9902502.16.5	Saliva	E131197	DISPOSED	
L9902502.16.6	Smears	E131197	DISPOSED	
L9902502.16.7	Vaginal swab	E131197	DISPOSED	
L9902502.16.8	Oral swab	E131197	DISPOSED	
L9902502.16.9	Rectal swab	E131197	DISPOSED	
L9902502.16.10	Suspected semen	E131197	DISPOSED	
L9902502.16.11	Fingernail scrapings	E131197	DISPOSED	
L9902502.16.12	Bite or suck mark	E131197	DISPOSED	
L9902502.16.13	Miscellaneous materials	E131198	DISPOSED	
L9902502.16.14	Panties	A007995	DISPOSED	
L9902502.16.15	One grey top tube of blood labeled "Ladson, Patricia" \n	E131199	IN-TRANSIT	toxd
L9902502.17	One (1) .38 caliber bullet	E123357	DISPOSED	
L9902502.18	One (1) .357 casing	E123357	DISPOSED	
L9902502.19	Known prints of Rodney Ladson	E123360	DISPOSED	
L9902502.20	Charter Arms .38 revolver, #557681	E130723	IN-TRANSIT	DJC1

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

JAMES H. HODGES
GOVERNOR



ROBERT M. STEWART
CHIEF

CPL DEAN KOKINDA
BERKELEY CO SHERIFF'S OFFICE
300 CALIFORNIA AVE
MONCKS CORNER, SC 29461

Department of Forensic
Serology and DNA Analysis
July 19, 1999
SLED Lab No.: L9902502
Your Case No.: (NOT LISTED)
Incident Date: 3/2/99
(V) Patricia Ladson
(S) Rodney J. Ladson, Sr.

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:

RESULTS OF EXAMINATIONS:

16.	CSC Kit - Patricia Ladson		
16.4	Blood standard from victim	16.4	No serological analysis performed.
16.5	Saliva standard from victim	16.5	No analysis performed.
16.6	Vaginal smear	16.6	No spermatozoa identified.
16.7	Vaginal swab	16.7	No semen identified.
16.8	Oral swab	16.8	No semen identified.
16.9	Rectal swab	16.9	No semen identified.
16.11	Fingernail scrapings	16.11	Human blood identified.



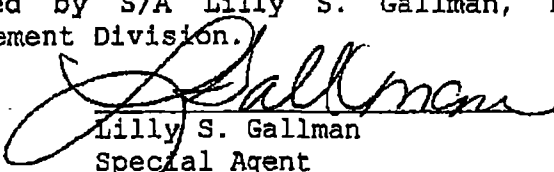
Page 2 of 2
SLED LAB NO.: L9902502
July 19, 1999

DNA RESULTS

Deoxyribonucleic acid (DNA) profiles were developed from HAE III digested high molecular weight DNA extracted from items 16.4, 16.7, 16.8 and 16.9.

No DNA profile unlike the victim was developed from items 16.7, 16.8 or 16.9.

These examinations were conducted by S/A Lilly S. Gallman, Forensic Analyst, South Carolina Law Enforcement Division.


Lilly S. Gallman
Special Agent

2/9/00
Date

ntr

cc: Berkeley County Solicitor's Office

Note: Samples of known liquid blood standards are preserved as dried specimens. The vial label is stored with the dried specimen.

Any remaining evidence and/or packaging will be returned to the requesting agency.



STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY)

DOCKET NO.: 2012-CP-08-0637

RODNEY LADSON, 262438,)
Applicant,)

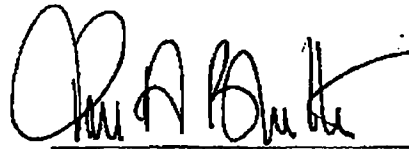
v.)

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,)
Respondent,)

I, Tricia A. Blanchette, Attorney at Law, hereby certify that a copy of a Supplemental Motion for Discovery was delivered the 16th day of June 2015 to Rutledge Johnson of the Attorney General's Office, at:

Office of the Attorney General
Att: Rutledge Johnson, Ast. AG
1000 Assembly Street
Columbia, SC 29211



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

June 16 2015

FILED
JUN 17 AM 11:55
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC





LAW OFFICE OF TRICIA A. BLANCHETTE

June 16, 2015

Berkeley County Clerk of Court
ATT: Common Pleas
300 California Ave.
Moncks Corner, SC 29461

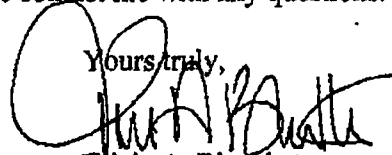
RE: Rodney Ladson v. State; Docket No. 2012-CP-08-0637

Dear Sir or Madam:

For filing in the above referenced case, I have enclosed an original and one copy of a Supplemental Motion for Discovery. Upon filing, please return the copy to my office in the enclosed envelope.

Thank you for your assistance with this matter. Please contact me with any questions.

Yours truly,



Tricia A. Blanchette
Attorney at Law

cc: Rutledge Johnson, Assistant Attorney General
Rodney Ladson

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Rodney Ladson, #262438,

2012-CP-08-0637

Applicant,

v.

MOTION FOR SUMMARY JUDGMENT

State of South Carolina,

Respondent.

FILED
JUL -6 PM 4:22
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

This matter comes before the Court by way of the Applicant's Post-Conviction Relief application filed February 29, 2012. The Respondent (the State) would submit the following:

I.

This PCR matter came before the Court by way of a PCR application filed on February 29, 2012. Respondent filed its Return and Motion to Dismiss on July 10, 2013. The Honorable Roger M. Young, Sr. issued a Conditional Order of Dismissal on July 17, 2013. Current PCR counsel filed a Notice of Appearance on February 10, 2014. On June 2, 2014, the Honorable Stephanie P. McDonald issued a Form 4 order rescinding the Conditional Order of Dismissal and setting this case for an evidentiary hearing. On August 1, 2014, Applicant, through Counsel, filed a Motion for Discovery. On September 8, 2014, a hearing was held before the Honorable G. Thomas Cooper, Jr. on Respondent's motion to dismiss for Applicant's failure to file his application within the statute of limitations pursuant to S.C. Code Ann. § 17-27-45(a). On October 10, 2014, Judge Cooper ruled that there was not a pending motion to dismiss which needed to be

KDC



SCANNED

9/16/14
JUL

N/C
N/E

resolved before Applicant's motion for discovery was heard. On December 9, 2014, a motion hearing was held before the Honorable J.C. Nicholson, Jr. On December 29, 2014, Judge Nicholson granted discovery in this case limited to a copy of the SLED file, a copy of plea counsel's file, a copy of the Berkeley County Solicitor's Office file if plea counsel did not have a file containing Rule 5 SCRCrimP materials and complete case documents, and a copy of the coroner's file. On June 15, 2015, Counsel filed a Supplementary Motion for Discovery.

II.

Respondent submits it is entitled to judgment as a matter of law under SCRCP Rule 56(b) and (c).

Rule 56 (b) states: "A party against whom a claim... is sought may, **at any time**, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof." (emphasis added)

Rule 56 (c) states: "The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."

In the case, the Applicant pled guilty, pursuant to a negotiated sentence, on November 15, 1999. He was therefore required to file his application on or before November 16, 2000. He failed to file his application until February 29, 2012, more than 11 years after the statute of limitations had run. Further, Applicant has provided no documents, affidavits, or pleadings which excuse his failure to file within the statute of limitations. See Ferguson v. State, 382 S.C. 615, 619-20, 677 S.E.2d 600, 602 (2009) ("If

Ferguson was prevented from filing for PCR by reason of his mental incompetency, then he has not, and will not, receive his one full bite at the apple.”)

The Applicant had more than 11 years to file his application for post-conviction relief. He simply failed to do so and has failed to provide a sufficient reason why he should be allowed to proceed with his post-conviction relief action. Thus, Respondent, as the moving party, is entitled to judgment as a matter of law under Rule 56(b) and (c).

III.

The State therefore requests that summary judgment be granted in its favor.

Respectfully submitted,

ALAN WILSON
Attorney General

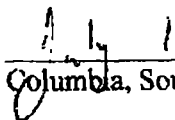
JOHN W. MCINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

J. RUTLEDGE JOHNSON
Assistant Deputy Attorney General

BY:


~~ATTORNEYS FOR RESPONDENT~~
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3737


Columbia, South Carolina, 2015

STATE OF SOUTH CAROLINA)

COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS

2012-CP-08-0637

RODNEY LADSON, #262438)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA,)

Respondent.)

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Motion for Summary Judgment** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Tricia A. Blanchette, Esquire
 Law Office of Tricia A. Blanchette, LLC
 PO Box 12725
 Columbia, SC 29211

DATED this 1st day of July, 2015.

Elizabeth McLellan
 Elizabeth McLellan, Legal Assistant
 For Respondent

MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC

2015 JUL -6 PM 4:22

FILED

DM

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
Rodney Ladson,	)	CASE NO. 2012-CP-08-0637
	)	
Applicant,	)	TRANSCRIPT OF RECORD
	)	
vs.	)	
	)	
The State of South Carolina,	)	
	)	
Respondent.	)	

July 22, 2015

Charleston, South Carolina

B E F O R E:

The Honorable Roger E. Henderson

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

Tricia A. Blanchette, Esquire
For the Applicant

J. Rutledge Johnson, Esquire
For the Respondent

Phyllis Norton, CVR-Master, Nationally Certified Verbatim Court Reporter
636 Long Point Road, Unit G, #74, Mt. Pleasant, South Carolina 29464
PNorton@sccourts.org

1 THE COURT: All right, Mr. Johnson.

2 MR. JOHNSON: May it please the court, Your Honor.

3 This is the case of Rodney Ladson versus the State of
4 South Carolina, Case Number 2012-CP-08-0637. It is quite
5 a lengthy procedural history, so if you will just bear
6 with me.

7 Mr. Ladson was indicted at the March 1999 term
8 of the Berkeley County Grand Jury for murder. On
9 November 15, 1999, he pled guilty to murder pursuant to a
10 negotiated sentence. He was sentenced by Judge R.
11 Markley Dennis, Jr., for 30 years. He did not file an
12 appeal of his convictions or sentences.

13 It wasn't -- let's see, it wasn't until February
14 29th of 2012 that he files a PCR application. The State
15 filed a return and motion to dismiss dated July 9th,
16 2013.

17 The Honorable I believe Roger Young signed an
18 order -- a conditional order of dismissal. Ms.
19 Blanchette then files a response to the conditional order
20 of dismissal. Judge McDonald signs an order granting an
21 evidentiary hearing and dismissing the conditional order
22 of dismissal.

23 Let's see. And then on August 1st, 2014, Ms.
24 Blanchette files a motion for discovery. On September
25 8th, 2014, a hearing was held before the Honorable G.

1 Thomas Cooper, Jr., on respondent's motion to dismiss for
2 failure to file an application within the statute of
3 limitations.

4 On October 10th, 2014, Judge Cooper ruled that there
5 was not a pending motion to dismiss which needed to be
6 resolved before the applicant's motion for discovery was
7 heard.

8 On December 9th, 2014, a motion and hearing was held
9 before the Honorable JC Nicholson, Jr. And Judge
10 Nicholson granted discovery in this case and limited it
11 to a copy of the SLED file, a copy of plea counsel's
12 file, a copy of the Berkeley County Solicitor's Office
13 file if plea counsel did not have a file containing Rule
14 5 materials, and complete case documents and a copy of
15 the coroner's file.

16 On June the 15th, 2015, Ms. Blanchette filed a
17 supplemental motion -- supplementary motion for
18 discovery. And then, Your Honor, this is the crux of the
19 motion's hearing -- or the first crux. The second one
20 would be the supplemental motions hearing. Filed a
21 motion for discovery judgment, summary judgment on July
22 1st, 2015. And if I may be heard at the proper time on
23 that motion, Your Honor.

24 THE COURT: Ms. Blanchette.

25 MS. BLANCHETTE: May it please the court, Your

1 Honor. My name is Trisha Blanchette. I am here on
2 behalf of Rodney Ladson.

3 The State did go through the procedural history.
4 There are just a couple of things that I would like to
5 reference. It is my understanding that Rutledge does
6 have a copy of all of the motions and orders and filings
7 for Your Honor that we will be referencing during this
8 motion hearing.

9 Going back to the motion for discovery, I filed that
10 on August 1st, 2014, after Judge McDonald had rescinded
11 the conditional order of dismissal and found that an
12 evidentiary hearing should be held.

13 I appeared in this court with the understanding that
14 Ashleigh Wilson was representing the State on this
15 matter. At that time I was informed that Rutledge would
16 be taking over the case. And he moved for a dismissal at
17 that point.

18 I, in turn, informed Judge Cooper that it was my
19 understanding that we were present for my motion for
20 discovery which had been filed and I had been not been
21 made aware of nor had a motion for dismissal been filed.

22 At that point Judge Cooper was essentially confused
23 by what we were there for and he asked that we brief the
24 issue and/or submit proposed orders.

25 I provided a brief to Judge Cooper at that point

1 addressing why it was my position that the State did not
2 have a standing motion for dismissal and why even if
3 there was a motion for dismissal that should be denied.

4 Thereafter, as Rutledge mentioned, Judge Cooper
5 issued an order denying the State's motion to dismiss on
6 October 10th, 2014, finding that there was not a motion
7 properly in front of him.

8 But he also went as far as to say in that order that
9 based upon Enoree Church, a case that I can give Your
10 Honor the site for if you need it -- it is Enoree Baptist
11 Church versus Fletcher, that one circuit court judge
12 can't overrule another circuit court judge. So he was
13 not in a position to overrule Judge McDonald's finding
14 that an evidentiary hearing should be held.

15 He also went further in that order to say
16 nevertheless he found that there was no merit to the
17 State's motion to dismiss and it should be denied.

18 And, Your Honor, I should have said this at the
19 beginning. In going through these things, I am
20 addressing my motion for -- or for a supplemental
21 discovery as well as addressing the State's motion that I
22 know will be made so that I don't have to present twice
23 to Your Honor if that's okay.

24 After he issued that order then we came back and we
25 had a motion for discovery in front of Judge Nicholson.

1 At that time I had no files to go off of because his
2 prior trial counsel had informed him and informed myself
3 that he no longer had a file, that that had been
4 destroyed back in early 2000 before the rules would even
5 have allowed for it to be destroyed.

6 After Judge Nicholson issued the order allowing for
7 discovery - and this is all detailed in my supplemental
8 motion for discovery - I got another letter from Michael
9 Brown indicating that he did not have a file. I received
10 two disks from SLED which contained their entire file,
11 and I received a letter and some documents from the
12 Berkeley County Coroner's Office and an e-mail containing
13 the Berkeley County Solicitor's Office file.

14 After reviewing all of those I actually got in touch
15 with Rutledge and let him know that it appeared that most
16 of those files were incomplete and I was going to follow
17 up on that.

18 I contacted Coroner Salisbury - if I am saying that
19 correctly - and he informed me very sternly that he would
20 not be providing anything else and that he would not put
21 that in writing or comply any further with anything that
22 I was requesting.

23 Fortunately I got a better response from the
24 Solicitor's Office. They said they would go back and
25 check and they told me that I had everything that they

1 had.

2 And then with SLED I spoke with their chief
3 information officer and he verify that he had provided
4 everything that was available.

5 What is the problem - and I outlined this in the
6 supplemental motion for discovery; and I have attached
7 several of the documents that I received from SLED and
8 from the Solicitor's Office that kind of raised the
9 concern for me - is upon review of those files it appears
10 that SLED was called in to conduct the crime scene,
11 forensic and ballistic investigation in this case, yet
12 there is no documents provided that would typically be
13 generated in a crime scene investigation or in a
14 ballistics trajectory investigation.

15 And they did provide extensive pictures that showed
16 the rods that they typically used in those trajectory
17 investigations.

18 So it appears the investigation was done, but there
19 is just no paperwork to correspond with those pictures we
20 were provided.

21 We have also been provided several documents that I
22 attached to our motion that reflects that a Corporeal
23 Co-ken-da (ph) from the Berkeley County Sheriff's
24 Department informed SLED that the case could be returned
25 without exam pursuant to their notes and that the

1 evidence was disposed or that the evidence was in
2 transit.

3 Prior to the receipt of the files my client was not
4 aware that there was evidence that was sent to SLED that
5 was not tested and specifically that there was possible
6 DNA evidence developed underneath the victim's
7 fingernails that was never tested.

8 Why I have filed the supplemental discovery motion -
9 which is something I have never done in my ten-year
10 career - is because in reviewing the discovery that I
11 have now I have a number of questions.

12 And I hate to have an evidentiary hearing scheduled,
13 I call these witnesses, they begin answering my questions
14 and then I have to move to have it continued so I can
15 look into the information they give.

16 For example, if I start asking the SLED officer if
17 the evidence still exists and he says yes, then I may
18 have to ask for a continuance for time to get an expert.

19 So what I am asking is pursuant to Rule 33 of the
20 South Carolina Rules of Civil Procedure and Rule 36 of
21 the South Carolina Rules of Civil Procedure I am asking
22 to serve interrogatories or request for admission to
23 address what I have listed as four questions: What
24 agency handled the crime scene investigation and if
25 there's any additional documentation of such. What

1 agency handled the ballistic trajectory investigation and
2 if there is any documentation or evidence resulting from
3 such. Verification of what evidentiary items were not
4 tested by SLED and the reason such items were not tested
5 and if the items have been maintained at SLED, destroyed
6 or returned to the Berkeley County Sheriff Department.
7 And four, if there is additional DNA evidence that is
8 available to be tested.

9 Like I said, I think the response to these questions
10 could help us determine if there is additional
11 information we need to review to prepare for the
12 evidentiary hearing, can assist the private investigator
13 we have already retained. And I have talked to a number
14 of experts.

15 The other additional request that we are making is
16 for a complete copy of the Berkeley County Sheriff's
17 Department's file hoping that some of these things that
18 are missing in the other files may be contained in those.

19 Your Honor, I do have some additional responses to
20 the State's motion to dismiss that will be very brief.
21 Would you like me to make those at this time or after the
22 State makes their motion?

23 THE COURT: Let's let him make his motion first. Do
24 you have a copy of your supplemental motion for
25 discovery? I don't have it.

1 MS. BLANCHETTE: Yes, Your Honor. I'm sorry. It
2 was my understanding you had that in front of you. I
3 apologize.

4 THE COURT: I can't find it, anyway, if it is up
5 here.

6 MS. BLANCHETTE: Yes, Your Honor.

7 THE COURT: I mean you have told me what you want.
8 But I would like to see it.

9 MS. BLANCHETTE: Oh, I would be happy to. And I am
10 sorry; I should have asked if you have that in front of
11 you.

12 And I did make copies of everything I referenced,
13 but it was my understanding the State had a copy of those
14 for you. But there is the motion that I was just going
15 through.

16 (WHEREUPON, document provided to the Court.)

17 THE COURT: Mr. Johnson, your motion is the motion
18 for summary judgment ---

19 MR. JOHNSON: Summary judgment ---

20 THE COURT: --- dated July 1st?

21 MR. JOHNSON: Sir?

22 THE COURT: Is that right?

23 MR. JOHNSON: Yes, sir.

24 THE COURT: Okay. I will go ahead and hear your
25 argument. I will let Ms. Blanchette respond ---

1 MR. JOHNSON: All right, Your Honor.

2 THE COURT: --- briefly.

3 MR. JOHNSON: May we approach real fast, Your Honor?

4 THE COURT: Yes, sir.

5 MR. JOHNSON: Thank you.

6 (WHEREUPON, bench conference was had to verify
7 documents.)

8 MR. JOHNSON: First, I would like to address Ms.
9 Blanchette's order for -- or motion for supplemental
10 discovery in that there is a footnote on Page 4,
11 Footnote 2, where it says applicant submits that this may
12 be proper to serve the interrogatories and/or request for
13 admissions on the Office of the Attorney General as named
14 party of the civil action.

15 I would like to have that stricken, Your Honor,
16 because I don't have that information. That is a third
17 party discovery order. I don't have the authority and/or
18 the knowledge to, "A", answer the questions or, "B",
19 admit to anything.

20 So I would ask that -- you know, I move to kind of
21 quash that part of this. But as far as my motion for
22 summary judgment, Your Honor, as you heard the procedural
23 history, Mr. Ladson pled guilty to a negotiated sentence
24 back in 1999. All right. He waited until 2012 to file
25 his PCR application.

1 And so under Rule 56(b) a party against whom a claim
2 is asserted may at any time move with or without
3 supporting affidavits for summary judgment in his favor
4 as to all or any part thereof.

5 Fifty-six (c) states that the motion shall be served
6 at least ten days before the time fixed for the hearing.
7 I believe I did that. I did that twenty-some days ago,
8 Your Honor.

9 And this says that the judgment sought shall be
10 rendered forthwith if the pleadings, depositions, answers
11 to interrogatories, admissions on file, together with the
12 affidavits, shows that there is no genuine issue as to
13 any material fact that -- in that the moving party, the
14 State, is entitled to judgment as a matter of law.

15 Your Honor, he has failed to produce or provide any
16 evidence that shows why he could not file this timely.
17 The -- one of the issues I believe they are trying to
18 claim is some type of mental health issues.

19 There is a case, Ferguson versus State, that said
20 the statute of limitations may be tolled if there is a
21 mental infirmity prevented him from filing. If you will
22 look through the response, the conditional order of
23 dismissal, there is absolutely no evidence that Mr.
24 Ladson was not able to file based on a mental infirmity.

25 The medical records report an eye surgery, a

1 shoulder surgery. And if you look at his SCDC records it
2 shows that the inmate wanted to come off the Mental
3 Health list.

4 He has never been to Gilliam site, which is the
5 psychological ward there in Columbia. And I want to
6 liken this to a typical civil case.

7 Because this is a civil case. You know, there is a
8 statute of limitations. If I were to as an attorney
9 bring a slip-and-fall action against Wal-Mart - say
10 that - even one day late, Your Honor, not only am I
11 laughed out of this courtroom I am calling my insurance
12 carrier for malpractice.

13 This man waited from 1999 until 2012 to file this
14 action. Not only is he barred by the statute of
15 limitations but certainly the laches as well.

16 Your Honor, we move for summary judgment because he
17 has provided absolutely no evidence of why he has not
18 filed this for 13 years, Your Honor. And we would ask
19 that you grant that we are entitled to judgment as a
20 matter of law.

21 MS. BLANCHETTE: Thank you, Your Honor. By making
22 this request essentially what the State is asking you to
23 do is overrule two circuit court judges who have held
24 that an evidentiary hearing should be heard in this case.

25 And we have the order of Judge McDonald. It is my

1 understanding that you have been provided a copy of that.
2 She held that an evidentiary hearing should be held. The
3 standard that she review that based upon the PCR --
4 uniform PCR Act is the exact same standard essentially
5 that the State is arguing here. She reviewed it to see
6 if there was an issue of material fact that warranted an
7 evidentiary hearing.

8 Based upon the very lengthy response to conditional
9 order of dismissal that I submitted she found that the
10 conditional order should be rescinded and an evidence
11 evidentiary hearing be held.

12 Essentially what the State is asking you to do is
13 overrule her. And as I already said, Enoree Baptist
14 Church versus Fletcher clearly says and one circuit court
15 judge does not have the authority to set aside the order
16 of another. By ruling and granting summary judgment here
17 you would be setting aside her order.

18 Then subsequently the State made a motion, a
19 surprise motion, in front of Judge Cooper. You have a
20 copy of his written order.

21 He found that the motion wasn't in front of him but
22 nevertheless he found the motion should be denied and
23 that the case should go to an evidentiary hearing.

24 Then the State is also asking you to overrule Judge
25 Nicholson. We appeared in this courtroom in front of

1 Judge Nicholson. I had to make a showing of good cause,
2 a reasonable basis for discovery.

3 At no time during that hearing did the State argue
4 that there was no issue of material fact. To be honest,
5 at this point they are wasting our time. If there was a
6 basis for summary judgment it should have already been
7 granted.

8 He testified about the applicant waiting so long to
9 file this. I keep coming from Columbia to Charleston,
10 and the State just keeps making the same argument when I
11 have essentially had three judges order that this should
12 go forward.

13 Your Honor, I would just ask that you find that not
14 only does this argument not have merit but essentially at
15 this point it is a waste of time.

16 We have been granted a discovery order by Judge
17 Nicholson, and it is still pending. So for Your Honor to
18 say that there as an issue of law or as a ruling of law
19 there is no material issues in this case, that would be
20 way premature. We have pending discovery going on.

21 The State was aware of the lack of responses I was
22 getting in the response and the limited responses I was
23 getting in the questions that I had.

24 So just at this juncture in the case to say that
25 there are no material issues; one, I would say the issue

1 has been ruled upon. Two, I would say that it is not the
2 proper time to be raising that.

3 Obviously I can't amend the PCR application and
4 raise our issues until the discovery order issued by
5 Judge Nicholson is resolved. And I still have not
6 received full discovery from one of the parties, and what
7 I did receive has led to my supplemental discovery
8 motion.

9 So simply put, Your Honor, based upon the rulings of
10 the prior judges who have heard this matter and the
11 reasons set forth in the response to conditional order of
12 dismissal which has been reviewed by two other judges, I
13 would ask that you deny the State's motion at this point.

14 THE COURT: Mr. Johnson, what about Judge McDonald's
15 ruling that an evidentiary hearing be held?

16 MR. JOHNSON: I understand that, Your Honor. But I
17 am going by the Rules of South Carolina Civil Procedure
18 where it states I may raise this motion at any time.

19 And that is what I am going -- and she still has not
20 addressed why he has filed outside of the time -- outside
21 of the statute of limitations.

22 That is the one answer I have yet to get in all of
23 this -- you know, I understand that we have had hearings
24 and she says it is a waste of time. Well, it is a waste
25 of time that he waited 12 years to file this thing.

1 You know, bringing up -- when he pled guilty he got
2 the benefit of the bargain. You know, I am sure this --
3 if there is an evidentiary hearing it will come out then.
4 But I will continue to raise the motion for dis- -- for
5 summary judgment because it never says I can't
6 continuously raise this.

7 Your Honor, I think I am well within the rules. And
8 I believe that summary judgment should be granted for the
9 State.

10 THE COURT: Ms. Blanchette, what is the reason for
11 his long delay?

12 MS. BLANCHETTE: Well, Your Honor, when Mr. Johnson
13 says I never answered, back then he was not the assistant
14 attorney general handling the case when I did the
15 response to conditional or dismissal, when I discussed
16 this case at length with Ashleigh Wilson and we got a
17 ruling from Judge McDonald in my favor.

18 I addressed it in the lengthy response to
19 conditional order of dismissal that Your Honor has a copy
20 of. Judge McDonald reviewed it, as the statute provides
21 for, and ruled against him - if we want to say him now
22 instead of the State - ruled against him on the exact
23 grounds he is raising today.

24 So it may be that I have not addressed that with Mr.
25 Johnson at any point, but he was not the assistant

1 attorney general handling the Charleston circuit at that
2 time.

3 The prior assistant attorney general I provided her
4 my response and the judge ruled in my favor. So Judge
5 McDonald clearly found that I had provided a basis on
6 which this action should go forward. Otherwise, she was
7 in error for rescinding the conditional order of
8 dismissal and granting an evidentiary hearing be held.

9 And as I pointed out in my brief to Judge Cooper,
10 which Your Honor has a copy of, if the State had an issue
11 with that no matter who the assistant attorney general
12 was they could have filed a motion with Judge McDonald at
13 that point and said that her ruling was in error.

14 Instead of doing that in a timely manner, as is
15 pointed out in Judge Cooper's order, they just continue
16 to keep making this motion.

17 As long as he is following the rules I understand
18 pursuant to Rule 71.1(a), the South Carolina Rules of
19 Civil Procedure apply in a PCR action; so he can continue
20 to make his motion.

21 But does -- that does not mean that a court should
22 grant it and essentially overrule Judge McDonald who
23 reviewed my response and found that an evidentiary
24 hearing should be held; Judge Cooper who reviewed my
25 brief along with the response, as his order indicates,

1 and found that an evidentiary hearing should be held; and
2 then Judge Nicholson who heard my motion for discovery
3 and granted an order that is pending at this time.

4 Your Honor, I think I went beyond your question, so
5 I will -- I will stop with that. If you have any further
6 questions, please let me know.

7 THE COURT: Okay. Anything else from you, Mr.
8 Johnson?

9 MR. JOHNSON: No, Your Honor. Thank you.

10 THE COURT: All right, counsel. I need time to go
11 through all of these various orders. And I want to go
12 back and look at your motion, Mr. Johnson, as well as
13 your motion for supplemental -- your motion for
14 supplemental discovery.

15 It looks like I may have some time to do that this
16 afternoon hopefully, so I can get back with you hopefully
17 tomorrow with a decision.

18 MR. JOHNSON: All right.

19 THE COURT: Okay.

20 MS. BLANCHETTE: Thank you, Your Honor.

21 THE COURT: Thank you.

22 (WHEREUPON, PCR hearing adjourned.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on July 22, 2015.

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


PHYLLIS NORTON, CVR

Date: November 21, 2016

Certified Transcript Provided For: SCCID
Certification Reference #112116 Original

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
DOCKET NO.: 2012-CP-08-0637

RODNEY LADSON, 262438,)
Applicant,)

v.)

STATE OF SOUTH CAROLINA,)
Respondent,)

ORDER DENYING MOTION
FOR SUMMARY JUDGMENT
AND GRANTING SUPPLEMENTARY
DISCOVERY

15 AUG - 7 PM 2:32
FILED
CLERK OF COURT
BERKELEY COUNTY, S.C.

Procedural History

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. Respondent submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald finding that the Conditional Order of Dismissal is rescinded and the case shall be set for an evidentiary hearing.

On August 1, 2014, Applicant, through counsel, filed a Motion for Discovery. On August 8, 2014, Respondent filed a Return to Motion for Discovery. On September 8, 2014, Applicant appeared in front of the Honorable G. Thomas Cooper, Jr. at the Charleston County Courthouse for a Motion Hearing. Applicant was represented by Tricia A. Blanchette, Esquire. Ashleigh R. Wilson, Assistant Attorney General, was

DW

present, but Rutledge Johnson, Assistant Attorney General, entered his appearance on behalf of the Respondent.

At the start of the hearing, Mr. Johnson informed the Court that the case was being called on the State's Motion to Dismiss, to which Applicant's counsel responded that it was her understanding that the State's Motion to Dismiss had been addressed in the Order issued by Judge McDonald and that the case was being called on Applicant's Motion for Discovery. The Honorable G. Thomas Cooper, Jr. determined that he could not hear Applicant's Motion for Discovery until the matter of the State's Motion to Dismiss was properly resolved finding that it "presented a legal issue." Applicant's counsel clarified with the Court that Applicant's Motion for Discovery was not being heard and requested that she have the opportunity to be heard on the Motion at a later date. The Court instructed both parties to submit a Brief and/or proposed Order. On October 10, 2014, the Honorable G. Thomas Cooper, Jr. issued an Order denying the State's Motion to Dismiss and ordering that a hearing be held on Applicant's pending Discovery Motion.

On December 9, 2014, a motion hearing was held in front of the Honorable J.C. Nicholson, Jr., at the Charleston County Courthouse. Applicant was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Rutledge Johnson, Assistant Attorney General. Applicant's counsel provided the Court with the basis for the discovery request.

On December 29, 2014, the Honorable J.C. Nicholson, Jr., issued an Order for Discovery finding that Applicant shall be allowed to issue subpoenas to the following offices or agencies for production of Applicant's file, as follows:

1. A complete copy of the State Law Enforcement Agency (SLED) file.
2. A complete copy of Applicant's file from Michael A. Brown, Esquire.
3. If Michael A. Brown, Esquire, does not have a file containing the Rule 5, SCRCrimP, materials and complete case documents, a complete copy of Applicant's criminal file created by the Berkeley County Solicitor's Office.
4. If not contained in the above files, a complete copy of the coroner's file, including but not limited to investigative notes, interviews, statements, medical records, and autopsy report(s).

On June 16, 2015, Applicant, through counsel, submitted a Supplemental Motion for Discovery. On July 1, 2015, Respondent filed a Motion for Summary Judgment. On July 22, 2015, a motion hearing was held in front of the Honorable Roger E. Henderson at the Charleston County Courthouse. Applicant was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Rutledge Johnson, Assistant Attorney General.

After hearing argument from both parties, this Court took the matter under advisement. Thereafter, Applicant's counsel was instructed to submit an Order, from which this Order follows.

Findings

Based upon the argument set forth in Respondent's Motion for Summary Judgment and the arguments made by both parties at the hearing, this Court denies Respondent's Motion for Summary Judgment. On June 2, 2014, the Honorable Stephanie P. McDonald issued a Form Four Order, which held: "The Conditional Order of Dismissal is hereby rescinded; case shall be set for an evidentiary hearing." Respondent did not file a Rule 59, SCRCP, or Rule 60, SCRCP, Motion or an interlocutory appeal following the issuance of Judge McDonald's Order.

This Court finds that Judge McDonald's Order holding that an evidentiary hearing shall be set is controlling.¹ Enoree Baptist Church v. Fletcher, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986) ("One Circuit Court Judge does not have the authority to set aside the order of another."). Additionally, on December 29, 2014, the Honorable J. Nicholson Jr. issued an Order for Discovery to ensure that Applicant could properly prepare for the evidentiary hearing that Judge McDonald ordered be held and as is addressed below, Applicant is presently in the middle of the discovery process. Therefore, it would be improper for this Court to set aside the Order of Judge McDonald for an evidentiary hearing.

Furthermore, based upon the filed motion and explanation provided at the motion hearing, this Court finds that Applicant's request for supplemental discovery shall be granted. Pursuant to S.C. Code Ann. §17-27-150(a) (2008), Applicant shall be allowed to issue a subpoena to the Berkeley County Sheriff's Department for a complete copy of the file generated in Applicant's case. Additionally, Applicant shall be allowed to serve Interrogatories, pursuant to Rule 33, SCRCP, and/or Request for Admission, pursuant to Rule 36, SCRCP, on SLED and the Berkeley County Sheriff's Department to determine the following: 1) what agency handled the crime scene investigation, and if there is any additional documentation of such; 2) what agency handled the ballistic trajectory investigation and if there is any documentation or evidence resulting from such; 3) verification of what evidentiary items were not tested by SLED, the reason such items were not tested and if the items have been maintained at SLED, destroyed or returned to Berkeley County Sheriff's Department; and 4) if there is additional DNA evidence that is

¹ By written Order dated October 10, 2014, the Honorable G. Thomas Cooper, Jr. issued an Order with this same finding.

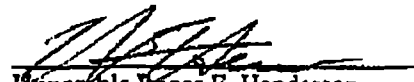
available to be tested.² This Court finds that the use of Interrogatories and/or Request for Admission will ensure that unnecessary witnesses are not called at the evidentiary, allow for the resolution of matters at issue prior to the evidentiary hearing, and expedite the completion of an evidentiary hearing.

IT IS THEREFORE ORDERED:

1. That this Court finds that the State's Motion for Summary Judgment is denied.
2. That Applicant's Motion for Supplemental Discovery is granted.
3. That each agency in receipt of Applicant's discovery requests shall comply within the time specified and in accordance with Rule 33, SCRCF, and Rule 36, SCRCF, without further Order from this Court.

AND, IT IS SO ORDERED this 30th day of July, 2015.

Chesterfield, South Carolina


Honorable Roger E. Henderson
Presiding Circuit Court Judge

² This Court finds that the Interrogatories and/or Request for Admission should be served upon each agency listed and shall be copied to the Office of the Attorney General, but the Office of the Attorney General is not responsible for responding as such is the responsibility of each agency.



LAW OFFICE OF TRICIA A. BLANCHETTE

August 24, 2015

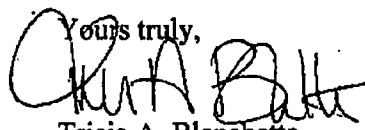
Berkeley County Clerk of Court
ATT: Common Pleas
300 California Ave.
Moncks Corner, SC 29461

RE: Rodney Ladson v. State; Docket No. 2012-CP-08-0637

Dear Sir or Madam:

For filing in the above referenced case, I have enclosed an original and one copy of Interrogatories. Upon filing, please return the copy to my office in the enclosed envelope.

Thank you for your assistance with this matter. Please contact me with any questions.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: Rutledge Johnson, Assistant Attorney General
Berkeley County Sheriff's Department
Rodney Ladson

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
RODNEY LADSON, 262438,)
Applicant,)
v.)
STATE OF SOUTH CAROLINA,)
Respondent,)

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2012-CP-08-0637

INTERROGATORIES

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2015 AUG 26 PM 4:07

FILED

TO: BERKELEY COUNTY SHERIFF'S DEPARTMENT

TAKE NOTICE that Applicant herein requests the Berkeley County Sheriff's Department to answer in writing and under oath the following interrogatories within thirty (30) days after the service hereof, pursuant to the attached Order Granting Supplemental Discovery and under Rule 33, South Carolina Rules of Civil Procedure, and deliver such answers to Tricia A. Blanchette, Esquire, Post Office Box 12525, Columbia, South Carolina 29211.

1. On Berkeley County Sheriff's Department Case No. 99-0300652 (Defendant: Rodney Ladson) identify who handled the crime scene investigation and provide any documentation generated from and inventory of evidence taken during the crime scene investigation.
2. On Berkeley Sheriff's Department Case No. 99-0300652 (Defendant: Rodney Ladson) identify who handled the ballistic trajectory investigation and the documentation or evidence relating from the investigation.
3. Identify what evidentiary items were sent to SLED, whether such items were tested and the current location / status of the items. Identify all evidentiary items

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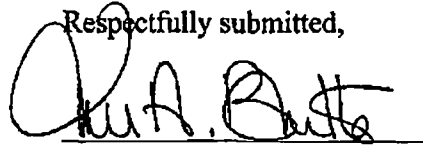


SCANNED

that were not sent to SLED and/or not tested and the reason no testing was conducted.

4. Identify if there is any DNA evidence that remains untested and has not been destroyed.

Respectfully submitted,



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
Attorney for Applicant

August 24, 2015
Columbia, SC

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
DOCKET NO.: 2012-CP-08-0637

RODNEY LADSON, 262438,)
Applicant,)

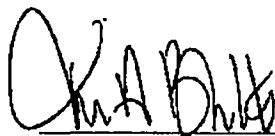
v.)

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,)
Respondent,)

I, Tricia A. Blanchette, Attorney for Applicant, hereby certify that a copy of Interrogatories was placed in the United States mail on the 24th of August 2015 to the Berkeley County Sheriff's Department, at:

Berkeley County Sheriff's Department
Att: Legal Department
PO Box 6122
Moncks Corner, SC 29461



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

August 24 2015

154
MAURY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC
2015 AUG 26 PM 4:07

FILED

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	MOTION FOR CONTINUANCE
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

MARY P. BRUNN
 CLERK OF COURT
 BERKELEY COUNTY

2015 NOV 23 PM 2:35

COMES NOW Applicant, by and through his undersigned attorney, and requests that this Court enter a Motion for Continuance of the evidentiary hearing set for December 18, 2015.

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. The State submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. The Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and the Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald finding that the Conditional Order of Dismissal is rescinded and the case shall be set for an evidentiary hearing.¹

¹ From February 9, 2012 to June 9, 2014, Applicant's case was pending summary dismissal and was not subject to being set for an evidentiary hearing.

On August 1, 2014, Applicant, through counsel, filed a Motion for Discovery. On August 8, 2014, Respondent filed a Return to Motion for Discovery. On September 8, 2014, Applicant appeared in front of the Honorable G. Thomas Cooper, Jr. at the Charleston County Courthouse for a Motion Hearing. Applicant was represented by Tricia A. Blanchette, Esquire. Ashleigh R. Wilson, Assistant Attorney General, was present, but Rutledge Johnson, Assistant Attorney General, entered his appearance on behalf of Respondent. At the start of the hearing, Mr. Johnson informed the Court that the case was being called on the State's Motion to Dismiss, to which Applicant's counsel responded that it was her understanding that the State's Motion to Dismiss had been addressed in the Order issued by Judge McDonald and that the case was being called on Applicant's Motion for Discovery. The Honorable G. Thomas Cooper, Jr. determined that he could not hear Applicant's Motion for Discovery until the matter of the State's Motion to Dismiss was properly resolved finding that it "presented a legal issue." Applicant's counsel clarified with the Court that Applicant's Motion for Discovery was not being heard and requested that she have the opportunity to be heard on the Motion at a later date. The Court instructed both parties to submit a Brief and/or proposed Order. On October 10, 2014, the Honorable G. Thomas Cooper, Jr. issued an Order denying the State's Motion to Dismiss and ordering that a hearing be held on Applicant's pending Discovery Motion, a copy of which is attached.

On December 9, 2014, a discovery motion hearing was finally held in front of the Honorable J.C. Nicholson, Jr., at the Charleston County Courthouse. Applicant was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by

Rutledge Johnson, Assistant Attorney General. Applicant's counsel provided the Court with the basis for the discovery request.

Based upon a showing of good cause through the filed discovery motion and explanation provided at the hearing, the Honorable J.C. Nicholson, Jr., ordered that Applicant shall be allowed to issue subpoenas to the following offices or agencies for production of Applicant's file, as follows:

1. A complete copy of the State Law Enforcement Agency (SLED) file.
2. A complete copy of Applicant's file from Michael A. Brown, Esquire.
3. If Michael A. Brown, Esquire, does not have a file containing the Rule 5, SCRCrimP, materials and complete case documents, a complete copy of Applicant's criminal file created by the Berkeley County Solicitor's Office.
4. If not contained in the above files, a complete copy of the coroner's file, including but not limited to investigative notes, interviews, statements, medical records, and autopsy report(s).

Due to the responses received, Applicant, through counsel, submitted a Supplemental Motion for Discovery on June 16, 2015. On July 1, 2015, Respondent filed a Motion for Summary Judgment. On July 22, 2015, a motion hearing was held in front of the Honorable Roger E. Henderson at the Charleston County Courthouse. Applicant was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Rutledge Johnson, Assistant Attorney General. The Court took the matter under advisement. Thereafter, an Order Denying Motion for Summary Judgment and Granting Supplemental Discovery was issued on July 30, 2015 and filed on August 7, 2015, a copy of which is attached.

Within one week of receipt of the Order, Applicant's counsel served and filed a subpoena and Interrogatories on the Berkeley County Sheriff's Department. Thereafter,

Berkeley County Sheriff's Department kept in email communication with counsel, which was forwarded to Rutledge Johnson, Assistant Attorney General, requesting additional time due to complications with gathering the file and responding to the questions asked. On November 4, 2015, the Berkeley County Sheriff's Department emailed the response to Interrogatories and case file, which was received via mail the following week.

Immediately thereafter, Applicant's counsel submitted Interrogatories to SLED, which could not be properly drafted until the responses were received from the Berkeley County Sheriff's Department. The time period for response has not yet expired, and no response has been received in the week since such were sent. Additionally, counsel cannot identify and subpoena the appropriate parties to the evidentiary hearing until the responses are received, which was part of the grounds for the supplemental discovery request.

On November 6, 2015, Applicant's counsel received an email indicating that a roster meeting would be held in Charleston County and Applicant's case was subject to being placed on the roster. Counsel was in Myrtle Beach working on an evidentiary hearing set for November 19, 2015, so counsel sent an email to Mr. Johnson on November 9, 2015. Counsel reminded him of the status of the discovery and a prior conversation that the case would be called in January, along with another case counsel is handling. Counsel further explained that she had a number of other obligations on November 16th and would appreciate not needing to be present. Mr. Johnson originally responded that counsel would need to contact the Honorable Deadra L. Jefferson and inform her prior to the roster meeting and ask to be absent, but later responded that he would be "nice" and not set the case until January.

By way of his response, it was not counsel's understanding that the case would be up for the Court's consideration for the December term or that she needed to contact Judge Jefferson to inform her that Mr. Johnson has said the case would be set in January. If counsel would have known that the case was subject to the December roster, counsel would have contacted Judge Jefferson prior to the meeting, provided information and been present if needed. It was an absolute surprise to counsel when she received an email from Mr. Johnson on November 16, 2015, while in route to a doctor's appointment, that the case had been set for December 18, 2015. When counsel called and questioned him about it, she was informed that the Court had been provided a list of cases that included Applicant's case, which was not the understanding counsel has received when informed by Mr. Johnson that the case would not be called until January. As a result, counsel was not present to explain to the Court why the case is not ready to proceed during the December term.²

Based upon the foregoing, Applicant submits that he is the one that has been prejudiced by the procedural delay in his case and such delay has been due in part to the Office of Attorney General failing to timely serve the Conditional Order of Dismissal and making repeated, and at times improper (as was addressed by the Honorable G. Thomas Cooper, Jr.), motions for dismissal. Applicant requests that his counsel be given adequate time to complete discovery and properly prepare for an evidentiary hearing, so he is given his one "full bite of the apple." Therefore, Applicant's counsel is respectfully requesting a continuance of the evidentiary hearing scheduled for December 18, 2015 to ensure that discovery is properly completed in compliance with the Order authorizing

² Counsel is concerned in the level of decency and professionalism that has been exhibited by the Office of the Attorney General throughout her representation on Applicant's case.

such and that counsel has adequate time to receive and review the discovery prior to an evidentiary hearing be held.³ Applicant, through counsel, submits that it would be greatly prejudicial for an evidentiary hearing to be set prior to completion of the discovery ordered by the Honorable Roger E. Henderson.

so move.


November 18, 2015
Columbia, SC

Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
Attorney for Applicant

³ Counsel can only approximate at this point since all witnesses have not been identified, but the evidentiary hearing is likely to take the better part of a full day.



LAW OFFICE OF TRICIA A. BLANCHETTE

December 2, 2015

Berkeley County Clerk of Court
ATT: Common Pleas
300 California Ave.
Moncks Corner, SC 29461

RE: Rodney Ladson v. State; Docket No. 2012-CP-08-0637

Dear Sir or Madam:

For filing in the above referenced case, I have enclosed an original and one copy of an Amendment to Application for Post Conviction Relief. Upon filing, please return the copy to my office in the enclosed envelope.

Thank you for your assistance with this matter. Please contact me with any questions.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: The Honorable Judge Deadra L. Jefferson
Rutledge Johnson, Assistant Attorney General
Rodney Ladson

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
	)	
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	AMENDMENT TO APPLICATION
	)	FOR POST CONVICTION RELIEF
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

15 DEC -4 PM 2:11
 FILED
 CLERK OF COURT
 BERKELEY COUNTY, SC

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. The State submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. The Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and the Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald finding that the Conditional Order of Dismissal is rescinded and the case shall be set for an evidentiary hearing. An evidentiary hearing has been set for December 18, 2015, and Applicant, through counsel, has filed a written Motion for Continuance.

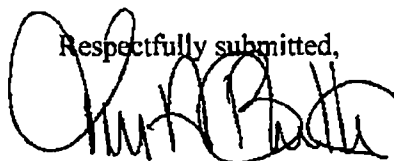
Applicant would amend his original Application by adding the following specific allegations to his original claim of ineffective assistance of plea counsel and involuntary guilty plea:

1. Ineffective assistance of counsel that resulted in an involuntary guilty plea due to counsel's failure to provide and review the Berkeley County

Agencies' and SLED's files with Applicant prior to the entry of the guilty plea. Additionally, failure to inform Applicant and/or the court that testing had not been completed on evidentiary items sent to SLED.

2. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to conduct a reasonable investigation prior to the entry of Applicant's guilty plea.
3. Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to address Applicant's mental health and prescription medication with Applicant and the court prior to the entry of Applicant's guilty plea.
4. Alternatively, Applicant submits that the responses to Interrogatories from the Berkeley County Sheriff's Department and SLED, along with the files received from Berkeley County Solicitor's Office, Berkeley County Coroner's Office, Berkeley County Sheriff's Office and SLED amount to newly discovered evidence that was not provided by his counsel prior to the entry of his plea, was not provided in response to his repeated requests for his file and has been discovered within the last year (as a result of the discovery orders issued on the PCR action) that would have caused him to not proceed with a guilty plea and proceed to a trial.
5. Pursuant to United States v. Cronin, 466 U.S. 648, 104 S.Ct. 2039 (1984) and Nance v. Ozmint, 367 S.C. 547, 626 S.E.2d 878 (2006), Applicant alleges that counsel rendered ineffective assistance in violation of the Sixth Amendment's requirement that Applicant have counsel acting in the role of an advocate and in violation of the adversarial process the Sixth Amendment protects when counsel failed to subject the State's case to a meaningful adversarial testing.
6. Pursuant to Rule 15(b), SCRPC, Applicant would move to amend to conform to the evidence and testimony presented at the evidentiary hearing.

Respectfully submitted,



Tricia A. Blanchette
Attorney for Applicant
Post Office Box 12725
Columbia, South Carolina 29211

December 2, 2014
Columbia, SC

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY)

DOCKET NO.: 2012-CP-08-0637

RODNEY LADSON, 262438,)
Applicant,)

v.)

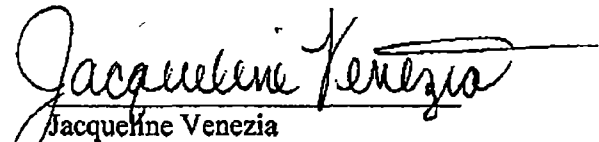
CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,)
Respondent,)CLERK OF COURT
BERKELEY COUNTY

15 DEC -4 PM 2:14

I, Jacqueline Venezia, Law Clerk to Tricia A. Blanchette, hereby certify that I placed in the U.S. Mail this 2nd day of December, 2015, a copy of an Amendment to Application for Post Conviction Relief, to Rutledge Johnson of the Attorney General's Office, at:

Office of the Attorney General
Att: Rutledge Johnson, Ast. AG
P.O. Box 11549
Columbia, SC 29211-1549


Jacqueline Venezia
PO Box 12725
Columbia, SC 29211
(803) 988-0008

December 2, 2015

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Rodney L. Ladson, SCDC# 262438

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS

Case # 2012-CP-08-00637

ORDER

CLERK OF COURT
BERKELEY COUNTY, S.C.

15 DEC 18 PM 2:07

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted
under advisement; a formal order will be filed (see below - No.6)
2. Motion(s) was/were heard in this case and the court orders:
The motion to dismiss and/or for summary judgment is hereby granted
denied under advisement based upon the statute of limitations
and/or the successive nature of the application or other reason as follows:
3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:
Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.
The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.
4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.
30. Other: Continued at the request of Applicant's Attorney. Case is not to be continued any further.
6. The court further orders:
The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within days.
Both sides are directed to submit proposed orders to the court and to serve the orders on each other within days.
The court does not request proposed orders.

IT IS SO ORDERED.

Date: December 18, 2015

Moncks Corner, S.C.

Court Reporter: Denise Lauder

[Signature]

Deadra L. Jefferson
Presiding Judge

Rev 08/08/01

COINUED

STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
 COUNTY OF BERKELEY)

Rodney Ladson,)
)
 Plaintiff,)
 v.) Case No. 12-CP-08-0637
)
 State of South Carolina ,)
)
 Defendant.)

TRANSCRIPT OF PCR HEARING

The within Post-Conviction Relief Hearing in the above-captioned matter was held January 21, 2016, before The Honorable Perry H. Gravely in the Court of Common Pleas for Berkeley County, South Carolina;; attended by counsel as follows:

APPEARANCES:

Tricia A. Blanchette, Esq.
 Post Office Box 12725
 Columbia, South Carolina 29211
 ...Appearing for Applicant

Rutledge Johnson, Assistant AG
 OFFICE OF ATTORNEY GENERAL
 Post Office Box 11549
 Columbia, South Carolina 29211
 Appearing for State of South Carolina

Deborah Garrison
Circuit Court Reporter – 13th Judicial Circuit
 P O Box 27145
 Greenville, South Carolina 29616
dgarrison@sccourts.org

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Held before The Honorable Perry H. Gravely

2

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3

1

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(APPLICANT PRESENT)

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MS. BLANCHETTE: It's my understanding that in Your Honor's packet you have a copy of materials that I didn't know that would be in your packet until today so I had copied most of those.

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13

But as a result of the discovery orders, we received a complete copy of the Berkeley County Solicitor's Office's file; the Berkeley County Coroner's office file; the Berkeley County Sheriff Department's file; and, SLED's file.

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I have reviewed the packet that the State gave me today that was going to be included in your packet. In the Berkeley County Sheriff's Office file, they made it clear on their letter in response to the order for discovery that they were providing us documents that had been stamped one (1) through three twenty-six (326). It appears on the packet that Your Honor was provided, if it's the same as the State showed me today, the numbers were cut off beginning at page 239. So I have an additional copy that

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1 has the proper numbers on the bottom
2 beginning at 239 and going through 326.

3 THE COURT: All right. Yeah. I
4 see what you're saying. It is cut off there.

5 MS. BLANCHETTE: And since they
6 responded that those pages were there, I just
7 wanted to make sure we had the proper copy in
8 the record, Your Honor. And we will be
9 referring to those page numbers at times
10 during the hearing today.

11 THE COURT: All right. Any
12 objection to this being a supplement of the
13 record?

14 MR. JOHNSON: No, Your Honor.

15 THE COURT: All right. I'll
16 accept that as a supplementation of the
17 record.

18 MS. BLANCHETTE: And then, Your
19 Honor, in that same vein regarding the
20 discovery, I have three exhibits that I've
21 already shown to the State.

22 The first is SLED's response to the
23 interrogatories.

24 THE COURT: Okay.

25 MS. BLANCHETTE: I have premarked

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Held before The Honorable Perry H. Gravely

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1 that as Applicant's Number 1. And I would
2 move to admit it at this time.

3 MR. JOHNSON: No objection from the
4 State.

5 THE COURT: All right.

6 (SO ENTERED AS APPLICANT'S EXHIBIT 1)

7 MS. BLANCHETTE: Your Honor, may I
8 approach?

9 THE COURT: Yes.

10 MS. BLANCHETTE: And I have a copy
11 for Your Honor, (tendering).

12 THE COURT: All right. Thank you.

13 MS. BLANCHETTE: Your Honor, I've
14 also premarked Applicant's Number 2. It is
15 the Berkeley County Sheriff's Office/
16 Department's response to applicant's
17 interrogatories. I move to admit that at
18 this time.

19 MR. JOHNSON: No objection, Your
20 Honor.

21 THE COURT: All right. In without
22 objection.

23 (SO ENTERED AS APPLICANT'S EXHIBIT 2)

24 MS. BLANCHETTE: And finally, Your
25 Honor, in the packet, I believe there's a tab

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
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Held before The Honorable Perry H. Gravely

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1 that says Michael Brown. And it has one
2 letter dated February 17th, 2015.

3 In reviewing the packet today, Mr. Brown
4 actually responded with an additional letter
5 stapled to that dated April 26th, 2004. So I
6 have the complete packet of what Mr. Brown
7 responded with. And that has been pre-marked
8 as Applicant's Number 3 and I'd move to admit
9 that at this time.

10 THE COURT: All right. Any
11 objection?

12 MR. JOHNSON: None from the State,
13 Your Honor.

14 THE COURT: All right. Exhibit 3
15 in without objection.

16 (SO ENTERED AS APPLICANT'S EXHIBIT 3)

17 MS. BLANCHETTE: Your Honor, if
18 you'd like for me to go over anything as an
19 introduction, I'd be happy to. Otherwise,
20 I'm prepared to call my first witness.

21 THE COURT: Right. And I'd just
22 like for my purposes just to -- I mean, I've
23 reviewed the application but just if you
24 could tell me just a brief summary of the
25 issues that you plan to present.

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
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1 MS. BLANCHETTE: Yes, Your Honor.

2 And just to verify, you do have a copy of the
3 amendment that was filed back in December of
4 2015?

5 THE COURT: Yes. When I say
6 application, I call them all applications so
7 I have a February one and (searching file)--
8 I know I reviewed it just a minute ago.
9 Amendment to application for post-conviction
10 relief. It's not dated. I mean, it's not
11 file dated, but it's December the 2nd, ---

12 MS. BLANCHETTE: Yes. I just have
13 the file copy, Your Honor, in front of me.
14 It was dated by myself on December 2nd.

15 THE COURT: Well, one of them --
16 the actual memo says December 2nd, 2014.
17 The certificate of service says December 2nd,
18 2015. Is that the right one?

19 MS. BLANCHETTE: Yes. And it was
20 filed December 4th, 2015. I have a filed copy
21 I could also ---

22 THE COURT: No, that's fine.
23 That's what I reviewed.

24 MS. BLANCHETTE: Okay. And, Your
25 Honor, I'll just briefly summarize those

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Held before The Honorable Perry H. Gravelly

8

1 instead of reading them to you ---

2 THE COURT: Yeah.

3 MS. BLANCHETTE: --- since you've
4 already reviewed them.

5 Essentially, this case boils down to
6 allegations that counsel failed to obtain the
7 five hundred-plus pages that have been
8 provided to Your Honor as part of the record
9 in this case today. He failed to obtain and
10 review those with Mr. Ladson before advising
11 him to enter a guilty plea. As a result,
12 we're alleging ineffective assistance,
13 involuntary guilty plea.

14 Then we also have a claim of newly-
15 discovered evidence that we would like to
16 submit based upon the fact that he has just
17 recently received a number of these
18 documents. I plan to go into that in more
19 detail with him.

20 We also have an expert that we plan
21 to call today in crime scene investigation to
22 help explain what should have been done or
23 looked into prior to the guilty plea, as well
24 as a private investigator that has been
25 retained in conjunction with this PCR action.

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Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Testimony of Robert Tressel - Direct Examination

9

1 And then we have two witnesses that
2 the private investigator has located that I
3 intend to call today.

4 We also have included a claim under
5 *United States v. Chronic* and *Nance v. Osmond*
6 regarding his Sixth Amendment right to
7 counsel. And those cases trigger a pretty
8 much automatic prejudice finding. So we're
9 asking this Court to analyze this case not
10 only under *Strickland* but also under *United*
11 *States v. Chronic* and *Nance v. Osmond*.

12 THE COURT: All right.

13 MS. BLANCHETTE: I believe that
14 summarizes the memo, Your Honor, without
15 reading it verbatim.

16 THE COURT: All right. Let's call
17 your first witness.

18 MS. BLANCHETTE: Your Honor, I'd
19 call Bob Tressel to the stand. And, I
20 apologize. Your Honor, his full name is R.
21 Robert Tressel.

22 (WITNESS TAKES STAND)

23 R. ROBERT TRESSEL, having been duly sworn
24 to tell the truth, and nothing but the truth,
25 testified as follows:

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Testimony of Robert Tressel - Direct Examination

10

1 DIRECT EXAMINATION

2 BY MS. BIANCHETTE:

3 Q. Mr. Tressel, how are you currently
4 employed?

5 A. I'm currently employed as the chief
6 investigator in the Cobb County District
7 Attorney's Office, Marietta, Georgia.

8 Q. Okay. And do you have a private
9 consulting service?

10 A. I do. The service name is Forensic
11 Investigative Services.

12 Q. Okay. And briefly, can you just
13 give me some of your work history, how you
14 came to be in this position in Cobb County
15 Georgia?

16 A. Yeah. I started my police career
17 in ---

18 MR. JOHNSON: Your Honor, I'm
19 going to stipulate that he's an expert in
20 crime scene -- whatever you called it.

21 THE COURT: All right.

22 MS. BLANCHETTE: Okay. We can skip
23 that.

24 MR. JOHNSON: Thank you.

25 THE COURT: Okay.

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Testimony of Robert Tressel - Direct Examination

11

1 DIRECT EXAMINATION CONTINUED

2 BY MS. BLANCHETTE:

3 Q. Mr. Tressel, have you been qualified
4 in the State of South Carolina before as an
5 expert?

6 A. I have. Yes, ma'am.

7 Q. And what was the expert qualifica-
8 tions?

9 A. Crime scene reconstruction and crime
10 scene analysis, investigative analysis. And
11 it was in Richland County.

12 MS. BLANCHETTE: Your Honor, I
13 would move at this time to have him so
14 qualified.

15 THE COURT: All right. And that's
16 crime scene analysis and reconstruction. And
17 that's without objection?

18 MR. JOHNSON: (Affirmative nod).

19 THE COURT: All right. Is that --
20 is that without objection?

21 MR. JOHNSON: Yes, Your Honor.

22 THE COURT: All right. I just
23 wanted to make sure we had it on record.

24 All right. You may proceed.

25 DIRECT EXAMINATION CONTINUED

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Testimony of Robert Tressel - Direct Examination

12

1 BY MS. BLANCHETTE:

2 Q. Now, Mr. Tressel, the Judge has
3 already been given the documents that I
4 reference. But I'm just going to ask you
5 quickly, did you review the Berkeley County
6 Coroner's report in this case?

7 A. I did. Yes, ma'am.

8 Q. Did you review the Berkeley County
9 Sheriff's Department's file?

10 A. Yes, ma'am. I did.

11 Q. Did you review the SLED file
12 including photographs?

13 A. Yes, ma'am.

14 Q. Did you review the interrogatories
15 that have been admitted from both SLED and
16 the Berkeley County Sheriff's Department?

17 A. Yes.

18 Q. Okay.

19 MS. BLANCHETTE: Your Honor, if I
20 may approach the witness at this time. I did
21 not know until this morning that those were
22 going to be in Your Honor's packet. So I had
23 printed off just portions of those that he
24 wanted to rely upon during his testimony
25 today.

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1 THE COURT: That'll be fine. Go
2 ahead.

3 MS. BLANCHETTE: All right. And
4 I'm handing him up the Berkeley County
5 Coroner's file; the reports from SLED; a
6 memorandum from the Berkeley County Sheriff's
7 Department -- and those are numbered pages
8 twenty-eight, twenty-nine and seventy-nine.

9 Then I also will be providing him
10 four pages of pictures that came from the
11 file provided by SLED. It's my understanding
12 those were not included in Your Honor's
13 packet. So I have marked those as
14 Applicant's Number 4 and would move to admit
15 those at this time.

16 THE COURT: Any objection?

17 MR. JOHNSON: No, Your Honor.

18 THE COURT: And that's Exhibit 4?

19 COURT REPORTER: Yes, sir.

20 (SO ENTERED AS APPLICANT'S EXHIBIT 4)

21 MS. BLANCHETTE: Your Honor, we do
22 have one extra copy of the photos if you'd
23 like those to be able to look at to save
24 time.

25 THE COURT: All right.

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1 DIRECT EXAMINATION CONTINUED

2 BY MS. BLANCHETTE:

3 Q. Now, Mr. Tressel, upon reviewing
4 those documents did you render certain
5 opinions in this case?

6 A. I did. Yes, ma'am.

7 Q. And you prepared a written report;
8 is that correct?

9 A. Yes, ma'am.

10 Q. Okay. I want to first talk with you
11 about your findings regarding the trajectory
12 analysis. Can you take me through that,
13 please?

14 A. Yes. The trajectory analysis is
15 trying to determine the path a bullet takes.
16 In order to do trajectory you have to have
17 entry, exit, and technically a reentry,
18 either in the body or in surrounding areas in
19 which a shooting takes place so that we can
20 get an idea of the angle.

21 Once the bullet either contacts an
22 object, and in this case let's say a wall
23 inside the residence, we need to know what
24 the bullet does inside that wall.

25 In looking at this case with an entry

1 gunshot wound to the left chest, going at a
2 downward angle of forty-five degrees, exiting
3 some five inches lower in the back, because
4 our body has movement -- we can bend over,
5 we can twist, we can turn -- it's important
6 to know what the bullet did once it struck
7 the wall that was behind the deceased and
8 where it ended up and where it was found.

9 And that gives us an idea of somewhere along
10 that path the victim has to be in the proper
11 position to create a direct line from point A
12 to the final point, which I always call B.

13 Q. And in this case what were the
14 determinations you were able to make
15 regarding the trajectory?

16 A. I was not able to make a trajectory
17 analysis because I'm missing a vital
18 measurement. We know the height of the
19 bullet where it went into the victim. We
20 know the height that it exited; again,
21 approximately five inches lower. We know
22 that it hit a wall in the bathroom area just
23 above the tub. I don't have any measurements
24 of how high that is. I have some measuring
25 devices in some of the photographs, but it

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1 doesn't give me exactly how high that is.

2 Then the bullet passed through the wall
3 and investigators recovered the bullet by
4 removing an exterior wall of the mobile home
5 with no measurements of any kind as to
6 position of that bullet. Was it straight in?
7 Was it going in an upward angle? Was it
8 going in a downward angle? Was it traveling
9 left to right, right to left? There was no
10 documentation as to exactly where the bullet
11 was found in regards to the entry that
12 occurred in the back wall.

13 Q. If you had been retained by a
14 defense attorney before this case went to
15 trial, is that an issue you would have raised
16 to him or her?

17 A. Definitely. Because it's something
18 we would need to know in order to determine
19 the exact trajectory of this bullet.

20 Q. Is there anything else regarding the
21 work you did on this trajectory that you
22 would like to add?

23 A. We can just look at the blood
24 spatter that occurred on the back wall. We
25 know that the victim was fairly close to

1 that. She had a nightshirt on that prevented
2 some of what we call blood spatter from
3 occurring, that blocks it. We did have some
4 blood spatter on the wall that indicates that
5 she had to be near it at the time that she
6 received the gunshot wound.

7 Q. And specifically, I want to ask you
8 about the pictures you reviewed. Do you
9 recall a picture that shows dried blood on
10 the bottom of the foot?

11 A. Yes. I don't see it in this group
12 here. But there's a photograph with dried
13 blood on the -- I believe it's her right
14 foot, on the bottom side of the right foot.

15 Q. And is there any explanation based
16 upon you know, what you've reviewed how there
17 would be dried blood on the bottom of her
18 foot?

19 MR. JOHNSON: Objection. Specula-
20 tion, Your Honor.

21 THE COURT: All right. Overruled.
22 I'm going to let it be considered for what
23 it's ---

24 DIRECT EXAMINATION CONTINUED

25 BY MS. BLANCHETTE:

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1 Q. Any explanation?

2 A. Well, there are two things. There's
3 some blood on the floor in the bathroom area
4 in front of the tub.

5 And this wound is not a wound that caused
6 immediate disability of the victim. There's
7 still some movement capable. She could have
8 come in contact either from dropping blood
9 coming out the entry wound if she had bent
10 over in such a fashion. Or it could be that
11 she essentially stepped in it in her movement
12 around in the bathroom.

13 MS. BLANCHETTE: Your Honor, if I
14 could beg the Court's indulgence for a
15 moment.

16 COURT REPORTER: Applicant's Number
17 8 for identification.

18 MS. BLANCHETTE: Your Honor, at
19 this time I would move to admit one page of
20 SLED photographs on the CD that I received
21 that are numbered 125 through 128, as
22 Applicant's Number 8.

23 THE COURT: All right. Any
24 objection?

25 MR. JOHNSON: No, Your Honor.

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1 THE COURT: All right. Introduced
2 without objection.

3 (SO ENTERED AS APPLICANT'S EXHIBIT 8)

4 DIRECT EXAMINATION CONTINUED

5 BY MS. BLANCHETTE:

6 Q. And, Mr. Tressel, is the photo that
7 you were just referencing on that sheet of
8 paper I just handed to you?

9 A. Yes. In the lower right-hand
10 corner, marked on the back is 128.

11 And, of course, I made a mistake. It's
12 her left foot and not her right foot.

13 Q. Now, regarding the firearms analysis
14 and what you reviewed in this case, what were
15 you able to determine regarding that?

16 A. There was no firearms analysis.

17 Q. And could you please explain where
18 you were able to ascertain from your review
19 of the file?

20 A. In looking at the file the recovered
21 weapon, that occurred after the incident, was
22 sent to SLED for firearms analysis sometime
23 in March of '99.

24 The weapon was returned to Berkeley
25 County. I believe it was in 2002, December

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1 2002, with a notation that it can be returned
2 with no analysis performed. There is no
3 firearms report in the SLED file.

4 Q. What were you able to ascertain
5 regarding the ballistics evidence that was
6 recovered from the scene or subsequent to
7 the scene?

8 A. Well, they did recover a projectile,
9 a bullet, from the wall. Don't know the
10 condition of it, other than the one
11 photograph we have of it. There was no
12 analysis of that bullet to tell me is it
13 consistent with the .38 caliber that was
14 recovered later. They did recover a .357
15 magnum shell casing out of the -- I believe
16 it was the defendant's vehicle.

17 The analysis I made of that is a .357
18 cannot be fired in a .38 caliber revolver.
19 A .38 can be fired in a .357, but not in the
20 other direction. So the .357 could not have
21 been fired by the Charter Arms that was
22 recovered.

23 Q. And if you would have been contacted
24 by the defense prior to this case going to a
25 trial, what would you have advised the

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1 attorney regarding the ballistics evidence?

2 A. Well, I would advise them we need to
3 have some analysis done of the projectile
4 that could tell us does it match in size and
5 weight and characteristics of being a .38.

6 It may be so mutilated because it's
7 passed through a wall, passed through a human
8 body, you may not be able to do a ballistics
9 analysis to match it to the particular gun.
10 I don't know the condition of the bullet
11 because it was never analyzed and never
12 documented.

13 Q. Okay. And from your review of the
14 file, was this .38 weapon that was recovered,
15 was that recovered from the defendant or from
16 some other location?

17 A. It was recovered by a recreational
18 diver who was diving in one of the local
19 rivers, somewhere not far from the area where
20 the incident happened. He turned it over to
21 the Berkeley County Sheriff's Department.

22 Q. And do you know who that gun was
23 traced to or did you find information
24 regarding that?

25 A. Yeah. An ATF trace showed that the

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1 weapon was purchased by a South Carolina
2 State Trooper. I don't recall his name off
3 the top of my head. But it was purchased by
4 a South Carolina State Trooper several years
5 prior to the weapon being recovered.

6 Q. And the records in the file did not
7 trace that weapon back to Mr. Ladson; is that
8 correct?

9 A. No. There's no information that
10 they traced it back to Mr. Ladson. I did not
11 even see an interview that was done with the
12 ATF purchaser of the Charter Arms.

13 Q. Now, let me ask you a little bit
14 about trace analysis because that's another
15 factor in this case.

16 A. Uh-huh.

17 Q. And we did have a trace report from
18 SLED. What was your opinion or findings
19 regarding the trace analysis of this case?

20 A. Well, the GSR trace analysis of
21 Patricia indicates that she had gunpowder
22 primarily on the back and palm of the right
23 hand. There is some gunshot residue possibly
24 on the left hand, but it's not as strong or
25 as obvious as it is on the right hand, which

1 tells me that the right hand was closer to
2 the weapon at the time of firing than the
3 left hand was.

4 A revolver has essentially two ports the
5 gunpowder can come from. It could come out
6 of the barrel following after the bullet. It
7 can also come out what we call a cylinder
8 gap, which is where the rotation of the
9 bullets takes place. In the firing mechanism
10 there's a gap there and gunpowder can extrude
11 (sic) from that.

12 Q. And what were the findings regarding
13 the GSR and Rodney Ladson; do you recall?

14 A. They did not test his GSR kit.

15 Q. And if I could direct your attention
16 to the trace department report dated March
17 22nd, 1999. It's in the packet of SLED
18 reports I've handed to you.

19 A. Yes.

20 Q. And on that it indicates that Item
21 16 is hair samples from the CSC kit of
22 Patricia Ladson?

23 A. Yes.

24 Q. And it indicates below that the
25 evidence has been preserved but not tested.

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1 What's your opinion regarding that informa-
2 tion there?

3 A. Well, the hair samples -- and part
4 of the problem is that I don't know which
5 hair samples these were.

6 In a sexual assault kit, you take known
7 hair samples, pubic and head hair. And you
8 take combings also.

9 It just says hair samples from the CSC
10 kit. I don't know whether they're referring
11 to known hair or question hairs. But it
12 doesn't look like they did any testing of any
13 of the hairs that they recovered.

14 Q. And, again, this report is dated
15 March 22nd, 1999; is that correct? That this
16 was put in a report? This information?

17 A. Yes. March 22nd.

18 Q. Okay. Is there anything else
19 regarding the trace analysis that you
20 reviewed in this file in which you made
21 conclusions about? I apologize if I'm not
22 using the proper terminology.

23 Q. Well, the other trace came from the
24 medical examiner's office. They apparently
25 took scrapings under the fingernails and they

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1 found human blood under her fingernails.
2 There's no indication in the SLED reports
3 that that was ever tested.

4 Q. And from your review of this case,
5 why would it matter, based upon your opinion,
6 that there would be blood under her
7 fingernails? Is that something that should
8 or shouldn't have been tested?

9 A. Well, if it was significant enough
10 to go ahead and scrape it out from underneath
11 the fingernails and send it, it should have
12 been tested to try to determine not only is
13 it human blood but can we get a blood type
14 from it or do we have enough sample -- in the
15 timeframe when this case took place, do we
16 have enough sample to do DNA analysis?

17 There's evidence from the autopsy that
18 there was some minor manual strangulation.
19 It didn't fracture the hyoid bone. There was
20 just some bruising around the neck. So it
21 indicates there was a struggle at some point
22 in time during this crime. It's very
23 possible and very common to see that victims
24 of manual strangulations and physical
25 assaults will sometimes scratch or injure the

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1 perpetrator. And that's the reason we look
2 for blood or even now we look for tissue
3 under the fingernails.

4 Q. And as you went through the reports
5 you were able to follow the trail where that
6 evidence was never tested; is that correct?

7 A. Correct. It was never tested by
8 SLED.

9 Q. And you've reviewed the interroga-
10 tories that confirm from both agencies that
11 that evidence is no longer available?

12 A. That's correct, the evidence -- most
13 all of the evidence has been destroyed.

14 Q. If counsel had contacted you on
15 behalf of the defense prior to a trial, would
16 you have pointed these things out to him
17 regarding that evidence that was found under
18 the fingernails of the victim?

19 A. Most definitely, yes.

20 Q. And what would you have advised
21 counsel to do?

22 A. It needs to be addressed at a
23 hearing at some point, possibly make a
24 request to have SLED perform the testing.
25 I'm not familiar with South Carolina law, but

1 I know in Georgia the defense can ask for
2 testing from the crime lab with approval of
3 the court. So we would -- I would have
4 advised them to make sure that that was
5 tested and get some more definitive answers
6 from that sample that they took.

7 Q. And then finally turning just to the
8 overall forensic evidence in this case, based
9 upon your review of the complete file, were
10 you able to link the forensic evidence to
11 Rodney Ladson?

12 A. I found no forensic evidence linking
13 him. There's no fingerprints, no hair, and
14 no DNA at the crime scene that links him to
15 this incident.

16 Q. Mr. Tressel, you spent a good amount
17 of time reviewing this case and consulting
18 with myself on this case.

19 A. Yes.

20 Q. Are there any other additional
21 findings or kind of like an overall finding
22 that you'd like to share with the Court?

23 A. Well, there's one other piece of
24 evidence that was found, apparently across
25 the street from the crime scene. I believe

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1 it's listed on the evidence log as a -- a
2 used condom was found in the yard. That was
3 collected and maintained as evidence but it
4 was never sent for analysis.

5 Q. I now direct your attention to the
6 Berkeley County Sheriff's Office memorandums
7 number twenty-eight, twenty-nine and seventy-
8 nine. Is that what you were just referring
9 to?

10 A. Yes.

11 Q. Okay. And does it also list on
12 there as Item 8 on page twenty-eight,
13 information regarding a .38 special?

14 A. Yes. A .38 special shell casing
15 from the shed behind the residence.

16 Q. All right. And then if you turn to
17 page seventy-nine in the memorandum, is that
18 information actually changed?

19 A. Yes. For some reason Item 8 is now
20 changed to a .357 spent shell casing.

21 Q. And what was the likely caliber of
22 the bullet that caused the death of the
23 victim in this case?

24 A. I have no idea. They never analyzed
25 the bullet, so I don't know what caliber it

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1 is.

2 Q. Okay. Is there anything else
3 regarding this case that would you like to
4 share to the Court regarding your findings
5 based upon your review of the files?

6 A. I think that pretty much covers it.

7 MS. BLANCHETTE: Your Honor, if I
8 may beg the Court's indulgence one moment.

9 THE COURT: Yes, ma'am.

10 MS. BLANCHETTE: Thank you. Your
11 Honor, I have no further questions of this
12 witness.

13 THE COURT: All right. Any
14 questions, Mr. Johnson?

15 MR. JOHNSON: Just briefly, Your
16 Honor.

17 CROSS-EXAMINATION

18 BY MR. JOHNSON:

19 Q. Mr. Tressel, your entire
20 investigation is based off of all of these
21 reports, that being the SLED reports, the
22 Solicitor's Office, the coroner's report, the
23 sheriff's office; all those reports, correct?

24 A. Yes, sir.

25 Q. Okay. So you were not at this scene

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1 in 1999; were you?

2 A. No. I don't think they would have
3 called me from Atlanta.

4 Q. So your entire investigation is
5 based off of hearsay and what other people
6 observed; correct?

7 A. You say hearsay. I wouldn't use
8 the word "hearsay." It's documentation of
9 what they did at the crime scene.

10 Q. But it's based on other peoples'
11 work?

12 A. Yes.

13 Q. And the trajectory analysis, have
14 you performed this test yourself on the
15 victim and the crime scene?

16 A. At this crime scene?

17 Q. Yes, sir?

18 A. No.

19 Q. Okay. And you're not able to
20 analyze any firearms and/or shell casings;
21 correct?

22 A. No, sir, I'm not.

23 Q. And you don't have any evidence of a
24 gunshot residue performed on Mr. Ladson; do
25 you?

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1 A. No. SLED didn't test it due to
2 their laboratory protocol.

3 Q. So you wouldn't have that test here
4 today; would you?

5 A. No. According to this, it's been
6 destroyed.

7 MR. JOHNSON: No further questions,
8 Your Honor.

9 THE COURT: Any redirect?

10 MS. BLANCHETTE: Very briefly, Your
11 Honor.

12 REDIRECT EXAMINATION

13 BY MS. BLANCHETTE:

14 Q. Mr. Tressel, in your capacity as the
15 Chief Criminal Investigator for Cobb County
16 Georgia, do you regularly rely upon the type
17 of reports and information that you were
18 provided in this case?

19 A. In this case and any case that we
20 work in the district attorney's office,
21 (affirmative nod). And we look for items
22 that weren't done by law enforcement agencies
23 that need to be followed up on.

24 MS. BLANCHETTE: Your Honor, I have
25 no further questions.

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1 THE COURT: All right. Thank you.

2 WITNESS: Thank you, Your Honor.

3 MS. BLANCHETTE: Your Honor, I'd
4 also ask that this witness be released with
5 the weather and his need to travel.

6 THE COURT: Any objection?

7 MR. JOHNSON: No, none from the
8 State, Your Honor.

9 THE COURT: Have a safe trip back.

10 WITNESS: Thank you, Your Honor.

11 (WITNESS STEPS DOWN)

12 MS. BLANCHETTE: Your Honor, I
13 would call Ruby Mae Beaufort to the stand.

14 THE COURT: All right.

15 (WITNESS TAKES STAND)

16 RUBY MAE BEAUFORT, having been duly sworn
17 to tell the truth, and nothing but the truth,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. BLANCHETTE:

21 Q. Ms. Beaufort, where do you currently
22 reside?

23 A. .

24 MR. JOHNSON: Can we make sure
25 that microphone's on. I can barely hear the

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1 witnesses. Sorry.

2 THE COURT: Yeah. Make sure you
3 speak into the microphone, please, ma'am.

4 MS. BLANCHETTE: She has a lung
5 disease and she can only talk at that volume
6 so ---

7 THE COURT: Well, I think probably
8 if you get close to that microphone.

9 MR. JOHNSON: Judge, I don't even
10 think the thing is on. I can't hear.

11 THE COURT: Speak into the
12 microphone as well as you can, let's see if
13 it is working.

14 WITNESS: All right. Ruby
15 Beaufort.

16 MR. JOHNSON: There you go.

17 THE COURT: There you go.

18 MR. JOHNSON: Thank you, ma'am.

19 DIRECT EXAMINATION CONTINUED

20 BY MS. BLANCHETTE:

21 Q. I'll keep my questions short for
22 you. Where do you currently reside?

23 A. .

24 MS. BLANCHETTE: Your Honor, may I
25 approach the witness?

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1 THE COURT: Yes.

2 DIRECT EXAMINATION CONTINUED

3 BY MS. BLANCHETTE:

4 Q. Ms. Beaufort, do you recall giving a
5 statement shortly after Rodney Ladson was
6 arrested in this case?

7 A. Yes, I do.

8 Q. Can you look at that document and
9 identify it for the record, please? Tell us
10 what it is?

11 A. A voluntary statement.

12 Q. And whose name is on that?

13 A. Mine, Ruby Beaufort.

14 Q. Okay. And you recognize that as a
15 voluntary statement you gave in this case; is
16 that correct?

17 A. I do.

18 MS. BLANCHETTE: Your Honor, at
19 this time I'd move this in as Applicant's
20 Number 5. It's also my understanding it's in
21 the Solicitor's file and has been provided to
22 Your Honor.

23 THE COURT: All right.

24 MR. JOHNSON: That was already in
25 the record, Your Honor. So there's no

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1 objection from the State.

2 THE COURT: Okay.

3 (SO ENTERED AS APPLICANT'S EXHIBIT 5)

4 DIRECT EXAMINATION CONTINUED

5 BY MS. BLANCHETTE:

6 Q. Here it is if you'd like to just
7 look at that.

8 A. Thank you.

9 Q. Ms. Beaufort, and in 1999 you gave
10 that statement about seeing Rodney Ladson the
11 morning that his wife was killed.

12 A. (Affirmative nod).

13 Q. After giving the statement did
14 anybody representing themselves as his defense
15 team or any investigators for Rodney Ladson
16 ever speak with you?

17 A. No.

18 Q. Okay. And you've reviewed the
19 statement. Is that what you recall having
20 happened that morning?

21 A. Yes.

22 Q. Okay. And what time was it
23 approximately that you reported seeing Mr.
24 Ladson that morning?

25 A. A little after 7:00.

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1 Q. Okay. And did anything seem out of
2 the ordinary with him that morning?

3 A. No.

4 Q. And how close in proximity did you
5 live to where this crime occurred?

6 A. I don't imagine it's that -- well,
7 across the street.

8 Q. Okay. Did you see or hear anything
9 unusual that morning?

10 A. No, I didn't.

11 MS. BLANCHETTE: Your Honor, if I
12 could beg the Court's indulgence one moment.

13 DIRECT EXAMINATION CONTINUED

14 BY MS. BLANCHETTE:

15 Q. And after you saw Mr. Ladson that
16 morning you went on to work and went on with
17 your day; is that correct?

18 A. Correct.

19 Q. If someone from his defense team had
20 approached you, would you have been willing
21 to talk with them?

22 A. Yes.

23 Q. And would you have been willing to
24 testify in trial about seeing Rodney and
25 talking with him that morning?

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1 A. Yes.

2 Q. Did you see anything unusual on his
3 clothes such as blood spatter or anything
4 that indicated that he had been in a vicious
5 fight that morning?

6 A. No, I didn't.

7 MS. BLANCHETTE: Your Honor, if I
8 could beg the Court's indulgence one more
9 moment.

10 Your Honor, I have no further
11 questions of this witness.

12 THE COURT: All right. Any
13 questions, Mr. Johnson?

14 MR. JOHNSON: Yes, Your Honor.
15 Briefly.

16 CROSS-EXAMINATION

17 BY MR. JOHNSON:

18 Q. Ms. Beaufort, you were not inside
19 the trailer when Ms. Ladson was shot and
20 killed, were you?

21 A. No, I was not.

22 Q. Okay. And you don't know whether
23 Mr. Ladson could have changed shirts after
24 he committed the crime do you?

25 A. No, I don't.

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1 Q. Okay. And your testimony is that
2 you remember seeing nothing unusual about him
3 that morning; correct?

4 A. Correct.

5 Q. Okay. Do me a favor. What did you
6 have for lunch on March the 21st, 2004?

7 A. I don't know.

8 Q. But you remember on March of 1999
9 exactly what Mr. Ladson was doing. Is that
10 your testimony now?

11 A. From reading that statement that I
12 gave, yes.

13 Q. But from your independent
14 recollection, do you remember seeing him that
15 morning?

16 A. Yes, I do.

17 Q. But yet you don't remember something
18 that happened more closely in time today,
19 such as eating lunch on March 21st, 2004?

20 A. What I had for lunch in March of
21 2000? No, I don't.

22 Q. Okay.

23 MR. JOHNSON: Thank you, Your Honor.
24 No further questions.

25 THE COURT: Thank you. Any

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1 further questions?

2 MS. BLANCHETTE: Nothing further,
3 Your Honor.

4 THE COURT: Thank you, you may
5 step down.

6 (WITNESS STEPS DOWN)

7 MS. BLANCHETTE: And she's here
8 under subpoena today. I just ask that she be
9 excused.

10 THE COURT: Any objection?

11 MR. JOHNSON: No, Your Honor.

12 THE COURT: Ms. Beaufort, thank
13 you. You are released from your subpoena.
14 Thank you. You're free to leave.

15 MS. BLANCHETTE: Your Honor, I
16 would next call Bertha Beaufort to the stand.

17 (WITNESS TAKES STAND)

18 BERTHA BEAUFORT, having been duly sworn
19 to tell the truth, and nothing but the truth,
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MS. BLANCHETTE:

23 Q. Please state your name, for the
24 record?

25 A. My name is Bertha Mae Beaufort.

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1 Q. And Ms. Beaufort, where do you
2 currently reside?

3 A. Huger.

4 Q. And how is it that you know Rodney
5 Ladson who is sitting over there with me
6 today?

7 A. Well, Rodney is my husband's nephew
8 and my cousin.

9 Q. Okay. Let me take you back to the
10 day that his wife was killed on March 2nd,
11 1999. Do you recall receiving a phone call
12 from Rodney that day?

13 A. Yes, I did.

14 Q. Okay. And you can't say what he
15 said. He'll testify later to what he said in
16 that phone call. But what was the
17 information he was asking you for when he
18 called?

19 A. He asked me ---

20 MR. JOHNSON: Objection, Your Honor.
21 That calls for hearsay.

22 THE COURT: Yeah.

23 DIRECT EXAMINATION CONTNUED

24 BY MS. BLANCHETTE:

25 Q. What information did you provide to

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1 him in response to his questions?

2 A. He called me and I told him -- he
3 asked me what happened, somebody was trying
4 to ---

5 MS. BLANCHETTE: Objection to that
6 hearsay, Your Honor.

7 THE COURT: Yeah. Just tell her
8 -- have her just say what she said. I know
9 that you're trying to ---

10 DIRECT EXAMINATION CONTINUED

11 BY MS. BLANCHETTE:

12 Q. What did you say to Rodney after he
13 asked you? Just tell us what you said.

14 A. I told Rodney, I said they found his
15 wife Patricia died.

16 Q. Okay. And did you inform him that
17 she had been shot?

18 A. No. I didn't know how.

19 Q. Okay. But you gave him the informa-
20 tion that his wife had been killed; is that
21 correct?

22 A. Yes.

23 Q. And was it your understanding that
24 he was trying to ascertain that information
25 from you or get that information from you as

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1 to what was going on?

2 A. Yes. He asked me what happened.

3 MS. BLANCHETTE: Your Honor -- oh,
4 I'm sorry, I do have further questions.

5 DIRECT EXAMINATION CONTINUED

6 BY MS. BLANCHETTE:

7 Q. Did anybody from his defense team or
8 his defense counsel ever come and talk to you
9 before he entered his guilty plea?

10 A. No, ma'am.

11 Q. If his defense attorney or
12 investigator would have come and talked to
13 you, would you have been willing to talk with
14 them about that conversation you had with
15 him?

16 A. Yes.

17 Q. Okay. And if they would have
18 subpoenaed you to court, would you have been
19 willing to testify?

20 A. Yes.

21 Q. Okay.

22 MS. BLANCHETTE: Your Honor, I have
23 no further questions of this witness.

24 THE COURT: All right. Mr.
25 Johnson?

1 MR. JOHNSON: Just briefly, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. JOHNSON:

4 Q. Ms. Beaufort, you were not inside
5 the trailer when Ms. Ladson was shot and
6 killed; correct?

7 A. No. I wasn't at home.

8 Q. And you know that Mr. Ladson then
9 subsequently pled guilty to this crime;
10 correct?

11 A. No.

12 Q. You don't know that he pled guilty?

13 A. No.

14 Q. Okay. You realize he is in a
15 Department of Corrections uniform today?

16 A. (No verbal response).

17 Q. That he's in prison for this murder?

18 A. Yes.

19 Q. Okay.

20 MR. JOHNSON: No further questions,
21 Your Honor.

22 MS. BLANCHETTE: Your Honor, she's
23 also under subpoena and I'd ask that she be
24 released.

25 THE COURT: All right. Ms.

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1 Beaufort, you're released from your
2 subpoena and you're free to go.

3 WITNESS: Thank you.

4 THE COURT: Thank you.

5 (WITNESS STEPS DOWN)

6 MS. BLANCHETTE: Your Honor, I
7 would call Pete Skidmore to the stand.

8 THE COURT: All right.

9 (WITNESS TAKES STAND)

10 PETE SKIDMORE, having been duly sworn to
11 tell the truth, and nothing but the truth,
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BLANCHETTE:

15 Q. And Mr. Skidmore, how are you
16 presently employed?

17 A. I'm a licensed private investigator
18 in North and South Carolina.

19 Q. And how long have you been doing
20 private investigating?

21 A. Twenty-three years.

22 Q. And over those twenty-three years
23 have you been involved in a number of murder
24 cases?

25 A. I have.

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1 Q. Can you give me an approximate
2 number?

3 A. Over a hundred.

4 Q. And if you could just briefly
5 explain what it is that you have done in this
6 case. What was it that you did when you got
7 started working in this case?

8 A. You and I met and we went through
9 what little bit of discovery that you had.
10 Then we reached out to people with subpoenas
11 to get files from various agencies, and we've
12 reviewed those files.

13 Q. And did you locate certain witnesses
14 in this case?

15 A. I did.

16 Q. And who were those witnesses?

17 A. The witnesses that just testified.

18 Q. And was that a difficult task?

19 A. No.

20 Q. But for the mileage, what did it
21 take to locate those witnesses?

22 A. Total, probably a day.

23 Q. Okay. And did they voluntarily
24 accept service in this case?

25 A. They did.

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1 Q. Okay. And as a result of your
2 review of the discovery that we ultimately
3 received from all the agencies, did you
4 confer with me and to help reach the
5 conclusion that an expert was needed in this
6 case?

7 A. Absolutely.

8 Q. And why did you reach -- why did you
9 advise me in that regard?

10 A. Well, as the expert went over, the
11 fingernail scrapings, that would have been a
12 huge item to know whether it came back to
13 Mr. Ladson or not or if it came back to a ---

14 MR. JOHNSON: Objection, Your
15 Honor. This witness has not been qualified
16 as an expert and he's not an attorney.

17 THE COURT: All right.

18 MR. JOHNSON: I ask you to strike
19 his testimony.

20 THE COURT: Well, we don't have a
21 jury here so I'll be able to weigh the worth
22 of it.

23 MS. BLANCHETTE: And, Your Honor,
24 as one of our allegations is failure to
25 investigate, I was trying to put into the

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1 record what the investigator did.

2 THE COURT: All right. I'll give
3 you some leeway.

4 MS. BLANCHETTE: Okay. I
5 appreciate that, Your Honor.

6 DIRECT EXAMINATION CONTINUED

7 BY MS. BLANCHETTE:

8 Q. Mr. Skidmore, please continue?

9 A. The fingernail scrapings would have
10 been huge to known what it came back to.

11 The GSR kit that was not done would have
12 been huge.

13 All of these things may or may not have
14 come back to Mr. Ladson. But I think that
15 based on my experience it would be reckless
16 not to find out what were the conclusions by
17 SLED or any other agency were.

18 Q. And after receiving the first wave
19 of discovery in this case, did you actually
20 assist me in furthering a request for more
21 discovery, supplemental discovery and
22 interrogatories to try to determine exactly
23 what happened to the evidence in this case?

24 MR. JOHNSON: Objection to
25 leading, Your Honor. Counsel's testifying.

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1 THE COURT: Okay. Can you
2 rephrase your question?

3 DIRECT EXAMINATION CONTINUED

4 BY MS. BLANCHETTE:

5 Q. After receiving the first wave of
6 discovery and reviewing that, what advice did
7 you give to me in your regard, in your
8 capacity as stated earlier in this case?

9 A. That we needed to reach out to
10 other agencies and make sure that we got all
11 the information and got all the documentation
12 from the agencies that were involved in the
13 investigation.

14 Q. Did you have any concern with
15 following the evidence trail in this case?

16 A. Yes.

17 Q. And what were the findings that we
18 were given? Is there any evidence available
19 to be tested at this time?

20 A. Not at this time, no. It was
21 destroyed.

22 Q. And you're familiar with the file.
23 Was that destroyed last week or was that
24 destroyed shortly after the guilty plea in
25 this case?

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1 A. Shortly after. It wasn't last week
2 or last year.

3 MS. BLANCHETTE: Your Honor, if I
4 could beg the court's indulgence for one
5 moment.

6 THE COURT: Yes, ma'am.

7 DIRECT EXAMINATION CONTINUED

8 BY MS. BLANCHETTE:

9 Q. And Mr. Skidmore, I just want to
10 confirm with you what you have reviewed. You
11 have reviewed the Berkeley County Solicitor's
12 office file; is that correct?

13 A. That's correct.

14 Q. Reviewed the Berkeley County
15 Sheriff's Department's file?

16 A. That's correct.

17 Q. That's including the photographs?

18 A. That's correct.

19 Q. The coroner's file?

20 A. That's correct.

21 Q. Have you also interviewed Mr.
22 Ladson?

23 A. I have. And during that interview I
24 brought some of the documentation that we've
25 mentioned today to go over with Mr. Ladson.

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1 Him being former law enforcement I was
2 quite surprised that he would have pled
3 guilty and not have seen some of the
4 information that I received.

5 Q. And you just referenced about his
6 former law enforcement. Could you expand
7 upon what information you were able to obtain
8 regarding that and why it mattered to you in
9 this case?

10 A. Well, he had a number of years with
11 the Highway Patrol. And just reconstruction
12 of crime scene, whether that be an accident
13 scene or anything else, he would have gone
14 through certain aspects of training. I was
15 quite surprised that he had not seen some of
16 the photographs and the other documentation.
17 Quite surprised. I would have thought with
18 his background he would have requested and
19 wanted to go through that type of information
20 before he pled.

21 Q. Mr. Skidmore, you've worked on Mr.
22 Ladson's case, I think, for going on two
23 years?

24 A. Yes.

25 Q. Is there anything else you'd like to

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1 inform the Court about regarding your
2 investigation in this case?

3 A. Well, with my investigation almost
4 sixteen years later, if something had been
5 done, you know, even six months, a year into
6 the case, you would have found possibly,
7 potentially more witnesses that maybe saw
8 something that morning.

9 And you could have photographed different
10 things. The house, even though it's grown
11 up, is still there. So I'm sure it was still
12 intact six months, a year after the crime.
13 And you may have been able to recover
14 something.

15 The other thing that comes to mind is,
16 you know, the house was a mess, a wreck. But
17 yet there was a wine glass sitting up on the
18 bed. It looked like there had been some kind
19 of relations at some point in time.

20 MR. JOHNSON: Objection ---

21 WITNESS: And then to find out that there
22 was a condom ---

23 MR. JOHNSON: Objection, Your Honor.

24 THE COURT: Hold on. On any
25 objection you stop.

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1 WITNESS: I'm sorry.

2 MR. JOHNSON: Pure speculation.

3 THE COURT: Yeah. I mean, that
4 does -- that's getting a little far into the
5 speculation range there.

6 DIRECT EXAMINATION CONTINUED

7 BY MS. BLANCHETTE:

8 Q. Mr. Skidmore, ---

9 THE COURT: Sustained.

10 MS. BLANCHETTE: Oh, I'm sorry,
11 Your Honor.

12 THE COURT: Sustained.

13 DIRECT EXAMINATION CONTINUED

14 BY MS. BLANCHETTE:

15 Q. Mr. Skidmore, did you go out to the
16 scene?

17 A. I have been.

18 Q. Okay. Did you review the photo-
19 graphs?

20 A. I did.

21 Q. And based upon those photographs,
22 did you point out a number of different
23 things to myself that if you would have been
24 able to investigate at that time, you would
25 have looked further into?

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1 A. Yes, and that's some of the things
2 that the expert testified.

3 Q. Okay. Do you have anything further
4 you'd like to add, Mr. Skidmore?

5 A. I don't believe so.

6 Q. And, Mr. Skidmore, if you would have
7 been contacted, would you have been willing
8 to take this case in 1999?

9 A. Yes.

10 MS. BLANCHETTE: Your Honor, I have
11 no further questions for this witness.

12 THE COURT: Any questions?

13 MR. JOHNSON: None, Your Honor.

14 THE COURT: All right. Thank you.

15 (WITNESS STEPS DOWN)

16 MS. BLANCHETTE: Your Honor, my
17 final witness will be Rodney Ladson.

18 THE COURT: All right.

19 (WITNESS TAKES STAND)

20 RODNEY LADSON, having been duly sworn to
21 tell the truth, and nothing but the truth,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MS. BLANCHETTE:

25 Q. Mr. Ladson, you have filed the PCR

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1 Application docket number 2012-CP-08-0637; is
2 that correct?

3 A. Yes.

4 Q. And that is stemming from your
5 conviction on indictment number 1999-GS-08-
6 0860. And that was for murder; is that
7 correct?

8 A. That's correct.

9 Q. Do you recall entering a plea of
10 guilty on November 15th of 1999 to that
11 indictment?

12 A. Yes.

13 Q. And what was the sentence that you
14 received?

15 A. Thirty years mandatory.

16 Q. And Mr. Ladson, as a result of your
17 Application and being here in Court today,
18 what is the relief that you're asking the
19 Court to give to you?

20 A. A new trial.

21 Q. Mr. Ladson, I can't even tell you
22 how many times we've met and gone over your
23 case at this point. I have explained to you
24 that there is inherent risk in that?

25 A. Yes.

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1 Q. By asking the Court for a new trial,
2 your current conviction and sentence are set
3 aside. You're put back in the position you
4 were prior to your conviction. And you'd be
5 facing up to the maximum for a murder charge
6 in South Carolina. Knowing that, that there
7 is inherent risks, do you still want to go
8 forward today?

9 A. Yes, I will.

10 Q. Now, Mr. Skidmore went into it
11 briefly. But I'd like for you just to
12 explain a couple of things to get us some
13 background information. First, who was the
14 victim in this case?

15 A. Patricia Doreen Ladson, my wife.

16 Q. Okay. And how long had you all been
17 married?

18 A. About sixteen years.

19 Q. And did you all have any children?

20 A. Yes. Four.

21 Q. And what was your employment during
22 the course of your marriage?

23 A. I was prior law enforcement and
24 self-employed with the railroad, CSX.

25 Q. Okay. Can you tell me about your

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1 law enforcement experience? How many years
2 and what agency?

3 A. Yes. And I was five years Highway
4 Patrol; three years Mt. Pleasant Police
5 Department as a traffic officer; and one year
6 as a traffic officer for Charleston black-
7 and-white police department.

8 Q. And Mr. Ladson, why did you get out
9 of the area of law enforcement? What was
10 your reasoning?

11 A. When my oldest daughter was in
12 school, they said she had extremely high
13 intelligence and I could not send her to
14 college on a police salary because she wanted
15 to go to medical. And so I wasn't making
16 enough money so I got out and after that, I
17 became self-employed.

18 Q. And is your daughter now a doctor?

19 A. No, she's not.

20 Q. Okay. Did she go to medical school?

21 A. No, she didn't.

22 Q. Okay. But that was your reasoning
23 for switching jobs; is that correct?

24 A. Yes.

25 Q. Okay. Now I want to speak with you

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1 about this case that we're here about today.
2 The offense date was March 2nd, 1999. And you
3 were arrested essentially on the scene; is
4 that correct?

5 A. No, I was arrested about two weeks
6 later.

7 Q. I apologize. After you were
8 arrested, did you retain counsel or did you
9 use an appointed attorney?

10 A. My father, he obtained counsel with
11 Mr. Brown.

12 Q. Okay. And is that Michael Brown?

13 A. Yes.

14 Q. And was there a reason or a factor
15 about Mr. Brown's history that made you
16 decide to go forward with him as your
17 attorney?

18 A. Yes. I was prior military. And I
19 found out that Mr. Brown was a JAG Officer.
20 So by him being ex-military and I'm ex-
21 military, I had a lot of confidence in just
22 that.

23 Q. Now, you said you were arrested two
24 weeks later?

25 A. Yes.

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1 Q. Take us through what your mental
2 state and capacity was at the time that you
3 were arrested. What was going on mentally
4 for you?

5 MR. JOHNSON: Objection, Your
6 Honor. We're not here to retry this case.
7 We're here to determine whether or not
8 counsel was ineffective not what his mental
9 state is. This is completely retrying the
10 case.

11 THE COURT: Well, I think there
12 are a lot of allegations that are in the
13 amended Complaint that they do go to that.
14 So I'm going to allow her to go into that.

15 DIRECT EXAMINATION CONTINUED

16 BY MS. BLANCHETTE:

17 Q. Mr. Ladson, you can answer the
18 question.

19 A. I was in a state, until the minute I
20 was arrested, that Berkeley County itself put
21 me on some psychotic medication. And I
22 didn't ask for it. So I guess I was at a
23 pretty bad state.

24 Q. And just your recall. You can
25 explain to us. Were you able to communicate

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1 normally and were you able to invest in your
2 case at that time?

3 A. No, I couldn't.

4 Q. Okay.

5 MS. BLANCHETTE: And, Your Honor,
6 I'm going to hand him up what previously had
7 been marked as Applicant's Number 6.

8 DIRECT EXAMINATION CONTINUED

9 BY MS. BLANCHETTE:

10 Q. Can you identify this for the
11 record, Mr. Ladson?

12 A. This is a letter that I wrote to
13 Berkeley County requesting all of the
14 information that they have on me.

15 Their response was that they had moved
16 into a new facility and they were unable to
17 find it.

18 Q. So you had written them asking for
19 mental health records. And your letter is
20 actually the second page there, if you look,
21 Mr. Ladson?

22 A. Yes.

23 Q. And they were unable to provide you
24 those records; is that correct?

25 A. That's correct.

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1 MS. BLANCHETTE: Your Honor, at
2 this time, I would move this in as
3 Applicant's Number 6.

4 MR. JOHNSON: No objection, Your
5 Honor.

6 THE COURT: All right. In without
7 objection.

8 (SO ENTERED AS APPLICANT'S EXHIBIT 6)

9 DIRECT EXAMINATION CONTINUED

10 BY MS. BLANCHETTE:

11 Q. And we'll get more into the timeline
12 of your attempts to get this information
13 later. But when you were unable to get
14 information from Berkeley County, then did
15 you request your entire medical file from the
16 South Carolina Department of Corrections?

17 A. Yes, I did.

18 Q. And did you receive hundreds of
19 pages as a part of that response?

20 A. Yes..

21 Q. And are some of those pages included
22 in the response to a conditional Order of
23 dismissal that we submitted to Judge
24 McDonald?

25 A. Yes.

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1 Q. Okay. And I'm going to hand you up
2 what's been pre-marked as Applicant's Number
3 7. Can you identify this for the record,
4 please? And take your time, Mr. Ladson.

5 A. Yes. This is a copy of the State
6 report that -- when I was transferred from
7 Berkeley County to the State, stating that --
8 the State was stating that Berkeley County
9 had me on psychotic medication.

10 Q. Okay. And what are the medications
11 listed there?

12 A. Mellaril, Paxil, Ativan.

13 Q. Do you recall being on medications
14 for your mental health while you were at
15 Berkeley County?

16 A. Yes.

17 Q. Okay. And were you --

18 MS. BLANCHETTE: Your Honor, I have
19 a copy for you -- (tendering).

20 THE COURT: Okay.

21 DIRECT EXAMINATION CONTINUED

22 BY MS. BLANCHETTE:

23 Q. Were you on those medications at the
24 time leading up to your guilty plea?

25 A. Yeah.

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1 THE COURT: Now, this is Exhibit
2 what?

3 MS. BLANCHETTE: This has been
4 marked. I haven't admitted it yet, Your
5 Honor. I apologize.

6 THE COURT: Okay.

7 MS. BLANCHETTE: I would move to
8 admit it as Applicant's Number 7.

9 MR. JOHNSON: No objection, Your
10 Honor.

11 THE COURT: All right. In without
12 objection.

13 (SO ENTERED AS APPLICANT'S EXHIBIT 7)

14 MS. BLANCHETTE: And I'll re-ask
15 that question. I was jumping ahead of
16 myself.

17 THE COURT: Fine.

18 DIRECT EXAMINATION CONTINUED

19 BY MS. BLANCHETTE:

20 Q. Were you on this medication at the
21 time that you were consulting with your
22 attorney prior to your guilty plea?

23 A. Yes.

24 Q. And were you on this medication at
25 the time of your guilty plea?

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1 A. Yes.

2 Q. Now, on the record the judge asked
3 you if you were on any mental health
4 medication and you say "No." Could you
5 please explain that answer to us?

6 A. He didn't ask me if I was on
7 medication. He asked me if I was on drugs
8 so I told him no. I was not on drugs.

9 Q. And was it your understanding that
10 your attorney should have known the
11 medications that you were receiving?

12 A. Yes.

13 Q. Okay. And were you relying on him
14 that day in Court to advise you as to the
15 information that needed to be given to the
16 Court?

17 A. Yes.

18 Q. Do you remember approximately how
19 many times you met with Mr. Brown prior to
20 the entry of your guilty plea?

21 A. From March '99 to November '99,
22 probably three; three, maybe four, three or
23 four times.

24 Q. And do you recall going over the
25 five hundred plus pages we've received as

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1 discovery in this PCR case with Mr. Brown?

2 A. Never.

3 Q. Is that something you would have
4 wanted to do before you decided to enter a
5 guilty plea?

6 A. Yes.

7 Q. Now, I'm going to show you what has
8 already been admitted.

9 MS. BLANCHETTE: Your Honor, may I
10 approach. And I forgot that before, to
11 request permission to approach.

12 THE COURT: That's fine. You
13 don't need to ask that. You're given free
14 range to approach. How about that?

15 MS. BLANCHETTE: Thank you, Your
16 Honor.

17 DIRECT EXAMINATION CONTINUED

18 BY MS. BLANCHETTE:

19 Q. I'm going to show you what has
20 already been admitted as Applicant's Number
21 3. And on the second page there, if you
22 could just look over that. Do you recall
23 receiving that response from Michael Brown
24 back in 2004?

25 A. Yes, I do.

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1 Q. Okay. Had you been attempting to
2 locate him and locate your file?

3 A. Yes.

4 Q. Okay. And I'll go through that a
5 little bit with you when we talk about the
6 timeliness of this PCR. But what essentially
7 his response to you in 2004?

8 A. He told me that he is no longer
9 located in Moncks Corner, that he had moved
10 away. And that if I have any question, I
11 need to redirect it to the Court.

12 Q. And so at that time he didn't
13 provide you with a complete copy of your file
14 to review; is that correct?

15 A. No, he haven't.

16 Q. And as explained in the conditional
17 Order of dismissal, you were able to obtain
18 some portions of your file.

19 A. (Affirmative nod).

20 Q. But up until we did the two
21 discovery hearings and orders in this case,
22 had you seen all the documents that we now
23 have?

24 A. No, I hadn't.

25 Q. Mr. Ladson, I think everyone will

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1 breathe a sigh of relief when I say I'm not
2 going to take you through the five hundred-
3 plus pages. But you have reviewed them very
4 thoroughly and I know there's specific pages
5 that you want to reference in the record
6 today and explain the importance of those
7 documents.

8 A. Okay.

9 MS. BLANCHETTE: Your Honor, what
10 I have done -- I didn't know that Your Honor
11 was going to have a copy of everything. I
12 made just a copy of the documents that he's
13 going to reference. I'm going to ask him to
14 use the Berkeley County Sheriff's Office page
15 numbers at the bottom.

16 THE COURT: All right. Any
17 objection to these records?

18 MR. JOHNSON: No, Your Honor.

19 THE COURT: Okay. That's the
20 packet you just handed me?

21 MS. BLANCHETTE: It's the Berkeley
22 County Sheriff's Office packet. It's marked
23 one through three twenty-six (1 through 326).

24 THE COURT: Oh, okay.

25 MS. BLANCHETTE: And we'll just be

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1 referring to the page numbers at the bottom.

2 THE COURT: All right.

3 DIRECT EXAMINATION CONTINUED

4 BY MS. BLANCHETTE:

5 Q. Mr. Ladson, let me first direct your
6 attention to the page marked five. And that
7 is a crime scene log. Had you seen that
8 document before your PCR action?

9 A. No, I haven't.

10 Q. And why does that document matter?
11 What would you have wanted to discuss with
12 your attorney?

13 A. Well, this is a crime scene log.
14 I would have wanted to know who was at the
15 crime scene. From the point when the --
16 okay. The report stated that the incident
17 occurred around 7:00, 7:00 in the morning.
18 So I would have wanted to know who was there
19 then and in between the time the officer
20 arrived at the scene and during the time when
21 I see all the officer leaving. You have a
22 whole lot of different people coming onto the
23 scene, and the scene could have been
24 contaminated.

25 Q. Let me turn your attention to what

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1 has been marked as page number seven, which
2 would be the next page in front of you, Mr.
3 Ladson. And that is a booking report.

4 What information on this booking report
5 would you have wanted to discuss with your
6 attorney?

7 A. What happened to all of my property,
8 all the property that were seized.

9 Q. And then the next page that I will
10 reference is page eight. That is also an
11 evidence report sheet and it references a
12 camera or two cameras that were taken into
13 evidence. What information regarding that
14 would you have wanted to discuss with your
15 attorney regarding the two disposable
16 cameras?

17 A. Well, they made a report to say that
18 they found a camera and the camera had some
19 undeveloped ---

20 MR. JOHNSON: Objection to hearsay,
21 Your Honor. That's actually hearsay within
22 hearsay.

23 THE COURT: Well, he's just
24 identifying what's on the report.

25 MR. JOHNSON: Okay.

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1 THE COURT: I mean, if he doesn't
2 go beyond that.

3 DIRECT EXAMINATION CONTINUED

4 BY MS. BLANCHETTE:

5 Q. You were saying?

6 A. What's on this Berkeley County
7 evidence report sheet, it's stated that
8 there's a camera and some undeveloped film.
9 I would have wanted those film developed and
10 to show exactly what was on it, since it's in
11 evidence.

12 Q. Please let me know if I'm going too
13 quickly because I can flip through this a lot
14 faster than I know you can with those
15 shackles on your arms.

16 I'm next going to direct your attention
17 to Pages 15 through 19, which is the arrest
18 warrant affidavit. There is a lot of
19 information contained therein. Do you recall
20 going over all of that information with your
21 attorney?

22 A. Never.

23 Q. What specifically would you have
24 pointed out or asked him about in that
25 affidavit?

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1 A. The report stated that there is
2 different witnesses. I would have wanted him
3 to interview these witnesses.

4 Q. And are those witnesses named?

5 A. No, they're not.

6 Q. Is there any additional information
7 that's in the report regarding evidence that
8 was located or seized?

9 A. Yes. In reference to they have some
10 .38 and .357 shells, some fired and some non-
11 fired. I would have want them to tested for
12 fingerprints and see if these so-called found
13 bullets or so forth had any dealing with the
14 incident.

15 Q. And in this affidavit it records
16 what you allegedly told the victim's father.
17 Do you dispute that?

18 A. Yes, I do.

19 Q. And how so, Mr. Ladson?

20 A. He lied.

21 Q. Please explain.

22 A. The things that he had in the
23 report, I did not say anything. I did not
24 say that to him.

25 Q. Okay. Now, if you could turn to

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1 page twenty-two. It's also an evidence
2 report sheet.

3 A. Okay.

4 Q. I think you've already mentioned
5 this. Is there information you would have
6 wanted to discuss with him regarding the
7 different caliber of bullets since they were
8 found, the .38 and the .357?

9 A. Yes. The stated found weapon was a
10 .38 pistol. And right here they have, like
11 they say there's one Winchester .38 round.
12 So if they have a .38 round right here, a
13 shell, then the weapon that they said they
14 have, the weapon itself if it's fired, this
15 round right here, the weapon would have left
16 a fingerprint for each weapon would have had
17 its own fingerprint. So why wasn't the
18 weapon tested with the round that they said
19 they found?

20 Q. And Mr. Ladson, you're not my
21 typical client. Did you have extensive
22 training with firearms as a result of your
23 positions in law enforcement?

24 A. Yes.

25 Q. Okay. And so in going through these

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1 documents now that you have them, are there
2 things that essentially jump off the page
3 to you due to your experience with law
4 enforcement?

5 A. Yes.

6 Q. And those are things you would have
7 wanted to discuss with your attorney and
8 decided if you should go forth with a trial
9 or not?

10 A. Yes, I would.

11 Q. Okay. And the next documents that
12 you should have in front of you are marked
13 thirty through thirty-eight. And my best
14 summary of that is they're your records from
15 your law enforcement experience; is that
16 correct?

17 A. Well, you have some of them. Some
18 of them is my experience. Then you have some
19 of them that's on another state trooper's.

20 Q. Okay. And that would be taking us
21 through page fifty-six, just so that we're
22 making sure we know what documents we're
23 talking about. Who is the other state
24 trooper, based upon this information that
25 they obtained information on?

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1 A. From the weapon they said they
2 found, ATF, which is Alcohol Tobacco &
3 Firearm, they traced the weapon coming back
4 to another state trooper by the name of Henry
5 Sims from Hemingway, Lexington, Edgefield.
6 They said the gun belongs to him.

7 Q. So on pages thirty-nine through
8 forty-four, forty-seven through fifty and
9 fifty-three through fifty-six, there's
10 information regarding the South Carolina
11 Highway Patrol records of this Sims?

12 A. Yes.

13 Q. A found gun result and the AFT
14 results that go back to Sims. Prior to
15 reviewing these documents and after we
16 received them as discovery in this PCR case,
17 did you have any knowledge of this
18 information regarding this Sims and the found
19 gun result?

20 A. Never.

21 Q. Would that have factored into your
22 decision to enter a guilty plea?

23 A. Yes.

24 Q. Why?

25 A. The weapon they found -- the weapon

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1 came registered to a state trooper somewhere
2 else, that I don't know. And I've never
3 heard of it until I got this report right
4 here. I've never seen any report where this
5 was investigated.

6 Q. Is there anything else regarding
7 that set of documents that you'd like to tell
8 the Court, dealing with Highway Patrolman
9 Sims and the found gun report?

10 A. I'm very disappointed that I did not
11 have these reports. And that, like I said,
12 the weapon came back registered to another
13 state trooper and they never went to
14 investigate the state trooper who the gun
15 belongs to.

16 Q. And if I may turn your attention
17 then to page sixty-six, it's marked sixty-
18 six. It appears to be an evidence receipt
19 that lists two microcassettes?

20 A. Yes.

21 Q. What would you like to testify about
22 regarding page sixty-six?

23 A. I've never seen the microcassette
24 nor have I ever seen this receipt. And if
25 they had these two cassettes, if there's

1 something on it, then it should have been
2 said. It should have been revealed.

3 Q. The next page that I'll direct your
4 attention to is page sixty-nine. And it's a
5 consent to search bearing your signature.

6 A. Yes.

7 Q. What would you have wanted to
8 discuss with your attorney about this consent
9 to search?

10 A. If I had anything to hide, I would
11 not have signed this consent-to-search paper.

12 Q. And is that an aspect of your case
13 you got to discuss with him?

14 A. No, I didn't.

15 Q. Okay. I want to direct your
16 attention to what's marked as pages seventy-
17 one through seventy-eight, which is a search
18 warrant with its return.

19 A. Yes.

20 Q. And what would you have wanted to
21 discuss with your attorney about pages
22 seventy-one through seventy-eight, the search
23 warrant and return?

24 A. The Berkeley County Sheriff
25 Department, they obtained a search warrant to

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1 search all of my properties. So if they
2 found anything, why wasn't it analyzed?
3 Why wasn't it sent to the proper channel?
4 Why wasn't it sent to SLED? And if they did,
5 where's the result or what was the result?
6 And if they didn't, why not?

7 Q. And is that something you discussed
8 with your attorney, the handling of the
9 evidence in this case prior to the entry of
10 your guilty plea?

11 A. No, never.

12 Q. I'm going to ask a couple more
13 questions, then I'll get back to that. But
14 on pages eighty-two through eight-six,
15 there's a second search warrant involving
16 your vehicle, a truck?

17 A. Yes.

18 Q. What would you like to point out
19 regarding pages eighty-two through eighty-
20 six?

21 A. Okay. They searched my truck and
22 they -- they said that I was involved in a
23 brutal bloody incident, so they searched my
24 truck. Why didn't they find any evidence or
25 blood or anything in my truck? They had the

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1 truck.

2 Q. And, Rodney, we were able to utilize
3 an expert in this case. I'm not going to ask
4 you questions that he was able to answer.
5 But upon your simple review of the evidence
6 that was collected, the reports that were
7 generated by SLED and the handling of the
8 evidence, would you have asked your attorney
9 to utilize either a private investigator or
10 an expert in this case?

11 A. Yes, I would.

12 Q. Why, Rodney?

13 A. Because there was a lot of evidence
14 that was destroyed or evidence that were not
15 used. And all of the evidence that was
16 beneficial to me was destroyed, was never
17 presented. And I didn't receive these
18 information here until years, years later.

19 Q. And we're alleging today newly-
20 discovered evidence. And is that why you
21 asked me to allege that, because this
22 information is, in fact, new to you?

23 A. Yes.

24 Q. Okay. And are you -- let me
25 rephrase that. If you would have known this

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1 information at the time you pled guilty,
2 would you have pled guilty?

3 A. No, I would not.

4 Q. What would you have chosen to do?

5 A. Go to trial, just like I'm asking
6 for now.

7 Q. Okay. Let's jump back to the
8 documents here just quickly. The final pages
9 that you have there are pages eighty-seven
10 through ninety-five. These pages deal with
11 search warrants and inquiries trying to get
12 information regarding a calling card that was
13 attributed to you?

14 A. Yes.

15 Q. Could you explain just upon having
16 reviewed, you know, the file and being part
17 of this case, what your understanding was --
18 why that would be a factor in your case?
19 What were they asking you about in regards to
20 this calling card?

21 A. Okay. The route that I was
22 traveling, I was running back and forth from
23 Charleston to Savannah, Georgia, two and
24 three times a day. And my dispatcher from
25 Jacksonville, Florida called the dispatcher

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1 in Charleston and they relay a message to a
2 truckstop that's on our route, so we stopped
3 there we were advised -- I was advised that I
4 needed to call home. And I had a phone card
5 so I called my Aunt Bertha Mae Beaufort. And
6 that's when I asked her, 'What happened?
7 What's going on?' And that's when she told
8 me what happened. And when I talked to a
9 Berkeley County Deputy, I told him that. But
10 apparently -- I mean, they called me a liar.

11 Q. And did you see anywhere in there
12 where they have her -- got a statement or it
13 appears that anyone investigated and talked
14 to Bertha Mae as you told them?

15 A. Never.

16 Q. So from day one you were telling
17 them the person you called, once you got
18 notice that you were supposed to try to call
19 home, was your Aunt Bertha Mae.

20 A. Yes.

21 Q. And it appears that they did a
22 subpoena to get your records and nothing was
23 ever located. But as far as the records
24 indicate, did anyone ever talk to her?

25 A. Not that I know of.

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1 Q. Would you have wanted your attorney
2 to talk to her and potentially call her as a
3 witness?

4 A. Yes.

5 Q. Okay. And why is that, Rodney, just
6 in case we haven't covered that?

7 A. Because Berkeley County Sheriff
8 Department has said that I lied and that I
9 never called anybody and I was trying to make
10 up an excuse, make up some kind of alibi.
11 And all they had to do was investigate and go
12 talk to her themselves.

13 Q. Okay. And Rodney we had prepared,
14 not knowing that the Judge was going to have
15 a complete copy of the Berkeley County
16 Sheriff's Office file. Beginning at page one
17 twenty-seven and going through approximately
18 page two forty. And I can hand you a copy if
19 you'd like to thumb through that. There's an
20 interview done of Willie Mathis and other
21 individuals, a number of voluntary
22 statements?

23 A. Yes.

24 Q. Did you have the chance to review
25 that interview and statements contained

1 therein thoroughly with your attorney prior
2 to the entry of your guilty plea?

3 A. No, I haven't.

4 Q. Is that something you would have
5 wanted to review with him, the State's
6 interviews and witness statements?

7 A. Yes.

8 Q. Why Rodney?

9 A. That's my case. The only thing they
10 ever gave me was just four sheets. And when
11 I got this right here, I have fifty-four or
12 fifty-something sheets.

13 Q. And in these statements found form
14 page one twenty-seven to approximately page
15 two forty, in going through them now, were
16 you able to find some inconsistencies and
17 issues that you would have wanted to discuss
18 with your attorney?

19 A. Yes. From studying this, it seems
20 as though that the officer that was inter-
21 viewing him was leading him, giving him
22 leading questions.

23 MR. JOHNSON: Objection, Your Honor.
24 That's complete speculation. He has no
25 knowledge of what the officer did with these

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1 witnesses. He cannot testify to that.

2 THE COURT: Sustained.

3 DIRECT EXAMINATION CONTINUED

4 BY MS. BLANCHETTE:

5 Q. Was there an issue in the statements
6 of your son, Rodney Ladson, Jr., that you
7 would have wanted to point out to your
8 attorney in your comparison of the state-
9 ments?

10 A. My son?

11 Q. Yes. Was there an issue regarding
12 the two statements that he had given?

13 A. (No verbal response).

14 Q. Was there information in those
15 statements? And if you need to review it,
16 it's pages two thirty-five to two thirty-six
17 and two thirty-nine.

18 A. (Upon review), yes. My son, Junior,
19 he comes to see me probably every three
20 months. And he basically he told me -- he
21 asked me. He said, 'Dad...' ---

22 MR. JOHNSON: Objection to hearsay,
23 Your Honor.

24 THE COURT: Yeah. I'm not going
25 to let him testify to what somebody else has

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1 to let him testify to what somebody else has
2 said.

3 DIRECT EXAMINATION CONTINUED

4 BY MS. BLANCHETTE:

5 Q. Are there issues in your son's
6 statement that you could have pointed out to
7 your attorney if you would have gone over
8 those with him?

9 A. Yes.

10 Q. Would you have wanted -- if you
11 would have known the full gambit of what
12 these witnesses were saying and had gone over
13 that with your attorney, would you have
14 wanted to go to trial to defend against that
15 potential testimony?

16 A. Yes.

17 Q. And upon now a full review of those
18 documents, just to be clear, you're saying
19 that you would have wanted to go forward with
20 the trial?

21 A. Yes, I would.

22 Q. Okay. Now, I want to take you to
23 the first set of documents there. It's a
24 very long one, one twenty-seven through one
25 eighty-two (127-182), is the interview of

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1 your riding partner. And correct me if
2 that's the wrong terminology. Mr. Mathis.
3 Had you reviewed that transcript before of
4 his interview?

5 A. Not before I received these.

6 Q. Okay. And is there information in
7 there you would have wanted to discuss with
8 your attorney?

9 A. Yes.

10 Q. Specifically, what did you take away
11 from that interview that you would have
12 wanted to talk with your attorney about?

13 A. He seemed as though that he was a
14 counselor. He knew me better than I knew
15 myself.

16 Q. And was there information there that
17 you did not agree with?

18 A. Yes.

19 Q. Okay. And was there information
20 there that you found to be suspect?

21 A. Yes.

22 Q. Okay. Do you want to give us any
23 specific examples?

24 A. Well, in this report here it was
25 stated that "I know this what Rodney would

1 do." Then on the end of the report, from
2 what I gathered, the report states that, "if
3 you know so much, how didn't you know this?"

4 Q. And so you dispute the knowledge
5 that he seems to have of you in that
6 interview.

7 A. Yes.

8 Q. Okay.

9 THE COURT: What number was that?

10 MS. BLANCHETTE: That's found on
11 pages one twenty-seven through one eighty-
12 two, Your Honor.

13 THE COURT: All right. Okay.
14 Yeah.

15 DIRECT EXAMINATION CONTINUED

16 BY MS. BLANCHETTE:

17 Q. Rodney, just to sum it up as far as
18 these interviews and statements go, were you
19 aware that this was kind of the basis of the
20 investigation, the evidence that was
21 potentially going to be used against you?

22 A. No, I didn't.

23 Q. Okay. And then I want to ask you
24 about one document that the experts today
25 referred to. It's marked pages twenty

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1 through twenty-nine and then pages seventy-
2 nine. And I'll hand that up to you.

3 And what is it that you would have wanted
4 to discuss with your attorney regarding those
5 three pages.

6 A. On page -- on Berkeley County page
7 twenty-eight, item number three, they said
8 they have one electric razor removed from
9 victim house, victim's residence. The
10 sheriff department report stated that they
11 have some hair residue. I think they found
12 some hair. Well, if they have my electric
13 razor right here, then they should be -- my
14 hair should be in my electric razor. So why
15 wasn't the hair that they found compared to
16 the hair that they said they found on the
17 scene?

18 Q. And is there any regarding item
19 eight, I believe it is, on that list?

20 A. Yes.

21 Q. And what is that?

22 A. On item eight, on page twenty-eight,
23 they have one .38 Special Winchester bullet
24 being found. But when you go to page twenty-
25 nine, they change to a .357. And as stated

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1 by the expert, a .357 will not fit into a .38
2 Special that they found.

3 Q. And further, Rodney, I want to hand
4 you the one, two, three, four SLED reports.
5 And they're found also in the Berkeley County
6 Sheriff's Office file and the SLED file that
7 was turned over as part of the discovery in
8 this case. I want you to take us through
9 each report, state who the department is,
10 what the date is on it, and what you would
11 have wanted to discuss with your attorney.

12 A. This is SLED report March the 22nd,
13 1999. They're talking about two GSR kit from
14 Patricia Ladson and Rodney Ladson. And hair
15 sample from the CS kit of Patricia Ladson.

16 Q. And were you aware that there was a
17 hair that was collected that was not tested
18 in your case?

19 A. No.

20 Q. And what was the date on this
21 report?

22 A. March the 22nd, 1999.

23 Q. So that was prior to the entry of
24 your guilty plea?

25 A. Yes.

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1 Q. If you could turn to the next report
2 and tell us the department it comes from and
3 the date, please?

4 A. This is from SLED, March the 23rd,
5 1999.

6 Q. And what is the Department it comes
7 from, the specific SLED Department?

8 A. The South Carolina Law Enforcement
9 Division.

10 Q. Okay. And does it say there in the
11 right hand corner what department it is, if
12 it's trace or ballistics?

13 A. Latent print department.

14 Q. All right. And upon review of that,
15 what would you have wanted to discuss with
16 your attorney?

17 A. I would have wanted each one of
18 these item checked thoroughly by SLED, and
19 I would have wanted to know what was the
20 result.

21 Q. Okay. And if you could turn to the
22 next report, please and tell us about that?

23 A. This is a report from South Carolina
24 Law Enforcement Division, SLED. A forensic
25 service laboratory report.

1 Q. And is there any information in that
2 report you would have wanted to discuss with
3 your attorney?

4 A. Yes. On this kit right here, they
5 have this CS kit, the CSC kit on Patricia
6 Ladson: blood standard from victim, saliva
7 standard from victim, vaginal smear, vaginal
8 swab, oral swab, rectal swab and fingernail
9 scraping.

10 I would have wanted the results in this
11 right here. Because all of the results that
12 came back from SLED came back negative.

13 Q. And then the final report that you
14 have there in front of you?

15 A. This report came from the South
16 Carolina Law Enforcement Division toxicology
17 department. And, uh, item of evidence,
18 they've got one gray-top tube of blood
19 labeled Ladson Patricia, the result. Blood
20 alcohol found, negative; negative screening
21 for barbiturates; urine, negative. Negative
22 screening for benzodiazepines, negative
23 screen for cocaine, negative screen for
24 opiates. Everything was negative. So I
25 would have wanted all of these because

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1 everything that SLED tested came back
2 negative.

3 Q. And I am not going to painstakingly
4 take you through every page we received from
5 every agency. But upon receiving that
6 discovery and even prior to receiving it, you
7 utilized, you retained a private
8 investigator; is that correct? In this case?

9 A. Yes.

10 Q. And an expert in the area of crime
11 scene investigation?

12 A. Yes.

13 Q. Would you have wanted your attorney
14 to review these documents with you and give
15 you the option of retaining those
16 individuals?

17 A. Sure would have.

18 Q. Okay. And we're not going to go on
19 today like you're an expert in these and
20 explain the importance of these. But I just
21 want to be clear for the record that these
22 are things you would have wanted to discuss
23 with your attorney so he could either have
24 used a private investigator or followed up
25 with an expert. And we have called those

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1 people today; is that correct?

2 A. Yes.

3 Q. And the additional thing that we
4 cannot do today is based upon the interroga-
5 tories, we've been informed in the files,
6 that the evidence appears to have been
7 destroyed sometime around 2003 in your case.
8 If that evidence was available, would you
9 have wanted the evidence further tested?

10 A. Yes.

11 Q. And were you aware prior to the
12 entry of your guilty plea there was no
13 ballistics testing or trajectory analysis
14 done in your case?

15 A. I never knew anything.

16 Q. Now, let me take you forward
17 essentially to the day or leading up to your
18 plea. What was the advice you received from
19 your attorney?

20 A. My attorney stated to me that the
21 State was placing on the table life plus
22 twenty. And said if you don't take this
23 plea, that's what you're going to receive.
24 He said but you're going to take this plea of
25 thirty mandatory.

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1 Q. Were you prepared at that point in
2 feeling confident in going forward in a
3 trial?

4 A. No.

5 Q. Had you all sat down and discussed
6 defenses and potential witnesses?

7 A. No.

8 Q. Okay. And what was the decision
9 that you made as far as entering a guilty
10 plea?

11 A. I took the thirty-year plea because
12 I didn't want to have my kids to, at a young
13 age, go through that, you know, that ordeal
14 of having their parents' personal life being
15 smeared. Plus, you know, from the help that
16 I was getting from my lawyer, my hand and
17 everything was tied behind my back.

18 Q. And if we went back to that time
19 when you made that decision, your kids would
20 still be the same age. You know, as a
21 father, those would still be factors for you?

22 A. Yes.

23 Q. But are you saying today that you
24 would have chosen a trial?

25 A. Now?

1 Q. Yes?

2 A. Yes, I would've.

3 Q. Okay. Let me ask you specifically
4 about page six of the transcript and I'll
5 hand you up a copy, (tendering). There Judge
6 Dennis goes through the typical questions
7 about are you satisfied with your lawyer.
8 'Do you have any complaints?' And at that
9 point, did you register any complaints?

10 A. Did I register any complaint to
11 Judge Dennis?

12 Q. Yes.

13 A. No, I didn't.

14 Q. Okay. Why didn't you?

15 A. As I said earlier my lawyer said
16 that this what the State said. The State
17 said 'if you'll take the plea, we give you
18 thirty years mandatory. If you don't take
19 the plea, we're going to give you life and
20 twenty.' And that's what he told me.

21 And he also stated that if the judge asks
22 you that if you were promised anything, just
23 say no. So that's what I did. I said no.

24 Q. And so you were acting under the
25 advice of your attorney during the course of

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1 that plea hearing?

2 A. Yes.

3 Q. Now, I anticipate that the State is
4 going to ask you a question that'll go
5 something like this, 'were you lying that day
6 or are you lying today?'

7 MR. JOHNSON: Objection, Your Honor.
8 That's improper questioning.

9 THE COURT: That's pretty
10 improper.

11 MS. BLANCHETTE: It was Your Honor.
12 Once it came out, I concede it was improper.

13 THE COURT: Okay. Rephrase.

14 DIRECT EXAMINATION CONTINUED

15 BY MS. BLANCHETTE:

16 Q. Mr. Ladson, let me reask the
17 question. I'll just simply ask you the
18 question, were you lying to Judge Dennis that
19 day?

20 A. I told him what my lawyer said.

21 Q. And were you satisfied with your
22 attorney?

23 A. No. No, I'm not.

24 Q. Okay. And why should this court
25 believe you today because you're back in a

1 court of law telling him a different answer.

2 So why should he believe you today?

3 A. Why should he believe me? The same
4 reason why should the court believe the
5 expert, the investigator, SLED, Berkeley
6 County, ATF, and the coroner's report. And
7 this what everything is based on.

8 Q. So you're basing your answers today
9 upon the full review of your file that we
10 received as part of discovery?

11 A. Yes.

12 Q. And if that information had been
13 available to you at that time, would you have
14 gone forth with the guilty plea?

15 A. I sure wouldn't.

16 Q. Okay. Now, kind of the elephant in
17 the room is the fact that you entered your
18 guilty plea in 1999 and we are here today in
19 2016 and your application wasn't filed until
20 2012.

21 MS. BLANCHETTE: Your Honor, it's
22 my understanding you have a complete copy of
23 the conditional order of dismissal response?

24 THE COURT: Yes.

25 MS. BLANCHETTE: And, Your Honor,

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1 for the record, I believe that we have a
2 burden to establish at this point, because
3 the State is likely to move to dismiss again
4 our reasons for filing, so I'm just going to
5 briefly go over this with him.

6 DIRECT EXAMINATION CONTINUED

7 BY MS. BLANCHETTE:

8 Q. Mr. Ladson, I'm going to hand you up
9 a copy. We're not going to recreate the
10 wheel. We're going to go over what we've
11 already submitted to the Court. Mr. Ladson,
12 obviously, His Honor can read this for
13 himself. So I'd just like to fast forward to
14 the bottom of page two. Are you asking this
15 Court to accept that you have exercised all
16 due diligence in filing your application?

17 A. Yes.

18 Q. And Mr. Ladson, if you would have
19 been capable and able to file it at an
20 earlier date, would you have filed it?

21 A. Yes, I would.

22 Q. And each one of these days that you
23 have been waiting to have this hearing here
24 in 2016, where have you been spending those
25 days?

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1 A. Mostly in the hospital, having
2 different surgeries.

3 Q. And you've been incarcerated that
4 whole time; is that correct?

5 A. Yes.

6 Q. Okay. So you in no way wanted to
7 delay getting to court; is that correct?

8 A. That's true.

9 Q. Okay. Let me take you through some
10 of the specifics that we outlined. And we
11 found some additional information since. So
12 you feel free to interject. But beginning at
13 the bottom of page two, it is explained by
14 myself here to the court in this filing that
15 you've obtained some of your medical and
16 mental health records. And they're attached
17 as exhibits here.

18 First, it says as is established by the
19 SCDC records attached as Exhibit 1, you
20 underwent mental health treatment and
21 received medication through 2001. Just
22 explain to us what was going on from the time
23 that you were convicted up until 2001 as far
24 as the mental health medication and treatment
25 you were receiving?

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1 A. When I was arrested in Berkeley
2 County instantly, they put me on psychotic
3 medication, Paxil and Mellaril. Through the
4 whole court process even until I was
5 transferred into the custody of the South
6 Carolina Department, I was still under the
7 psychotic medication. I finally got off that
8 medication right around 2001.

9 Q. And then it goes on to explain that
10 you remained under mental health counseling
11 during that time; is that correct?

12 A. Yes.

13 Q. And then it explains that in 2004
14 you underwent treatment for an eye infection?

15 A. Yes.

16 Q. That became a lesion by 2005.

17 A. Right.

18 Q. And in 2006 through '07, you
19 underwent your first corneal transplant.
20 We've attached records of that as Applicant's
21 Exhibit 2. Take us through that time period
22 and were you capable at that time of filing
23 your PCR application?

24 A. No, I couldn't. I could not see.
25 I was losing my vision. It got to the point

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1 where they had to do a cornea transplant.
2 And after the cornea transplant, I had a --
3 my body began to reject the transplant. And
4 after receiving it -- after my body received
5 the transplant again, there were sutures that
6 were in the eyes and the sutures began to
7 popping and imbed itself within the
8 transplant giving me more, giving me more
9 problems.

10 Q. Okay. And before we continue on
11 with page three in your medication history,
12 when you went into SCDC, were you put into
13 any type of protective custody?

14 A. Yes. When I first ---

15 MR. JOHNSON: Objection to the
16 relevance, Your Honor.

17 THE COURT: Well ---

18 MR. JOHNSON: Whether or not he's in
19 protective custody has nothing to do with
20 whether or not counsel was ineffective or
21 whether or not he filed pleadings.

22 THE COURT: I'll let her go into a
23 little bit of this and see.

24 DIRECT EXAMINATION CONTINUED

25 BY MS. BLANCHETTE:

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1 Q. Were you ever placed in protective
2 custody?

3 A. Yes. When I first -- when I left
4 Berkeley County and went to Kirkland in
5 Columbia and they saw my case in the State
6 paper, they realized that I was ex-law
7 enforcement. So they took me out of
8 population and they isolated me for about a
9 week, two weeks. And after signing a waiver
10 they put me back into population.

11 And after being transferred to Lieber,
12 they refused to allow me to go into the
13 population. So I signed a waiver again
14 stating that I wanted to go in the
15 population. I wasn't afraid. But at the
16 same time, I had to be careful where I went.

17 Q. And when you were in PC, did you
18 have free access to the law library and the
19 regular -- like the mailroom, those type of
20 things in the Institution?

21 A. No.

22 Q. Okay. So for you, did that factor
23 into your delay?

24 A. Yes.

25 Q. As a result of your medical issues

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1 were you transported on a rather regular
2 basis?

3 A. Yes.

4 Q. Okay. And how did that factor into
5 your delay?

6 A. Because I was constantly being
7 transferred from institution to another.

8 Q. And did that inhibit your ability to
9 get access to the law library and forms and
10 the mailroom?

11 A. Yes.

12 Q. Okay. Let's pick back up on page
13 three. It explains that in 2008 you
14 underwent a cervical fusion?

15 A. Yes.

16 Q. And you were treated for a shoulder
17 fracture and you have, in Exhibit 3,
18 regarding the records on that. How did that
19 inhibit you from getting access to the law
20 library, mail, and forms to file your PCR
21 application?

22 A. I was having a lot of pain and I was
23 becoming paralyzed and so they was constantly
24 sending me back and forth, trying to find out
25 what was the problem. And they found out

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1 that I'd had a broken shoulder and a broken
2 neck and I didn't know it, in the past. And
3 it came out to a point where I was becoming
4 paralyzed and in a whole lot of pain. And
5 they had to do a discectomy, you know, take a
6 disk, fuse vertebrae, put in a steel plate
7 and screws. So, (pause).

8 Q. And in 2009 and in 2011, you
9 actually were treated, as is explained here.
10 And we have an Exhibit 4, for a corneal
11 transplant rejection and vision issues in
12 your left eye; is that correct?

13 A. Yes.

14 Q. Okay. And did that also inhibit you
15 from filing?

16 A. Yes, it did.

17 Q. And as we have alleged here, are you
18 asking the Court to consider both your mental
19 and medical health issues as to your delay in
20 filing your application?

21 A. Yes.

22 Q. Let's talk a little bit about your
23 attempt to locate your case records. In
24 2004, and we have an exhibit attached, that
25 you have written the solicitor's office

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1 trying to locate your file; is that correct?

2 A. Yes.

3 Q. And that was shortly after you had
4 come off of mental health treatment, but
5 before you ran into the eye problems?

6 A. That's right.

7 Q. And you received an unfavorable
8 response from them?

9 A. Yes.

10 Q. And then the letter that's already
11 been introduced in 2004, you started writing
12 and trying to track down Mr. Brown; is that
13 correct?

14 A. That's correct.

15 Q. And you finally received a response
16 from the South Carolina Bar with his new
17 address?

18 A. Yes.

19 Q. And once you got that, you wrote to
20 him; is that correct?

21 A. That's correct.

22 Q. And is the letter that we've already
23 referenced stated he redirected you to the
24 clerk of court and didn't provide you with
25 your file at that time?

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1 A. That's true.

2 Q. Okay. And that was within six years
3 of when he had represented you; is that
4 correct?

5 A. That's correct.

6 Q. Okay. And then just prior to your
7 filing the application in 2012, is that when
8 you first received a response containing some
9 of the Rule 5 documents?

10 A. Yes.

11 Q. Okay. And as a result you filed the
12 application; is that correct?

13 A. That's correct.

14 Q. Rodney, we've put up a rather
15 lengthy case today. We've called a number of
16 witnesses, an expert and an investigator.
17 But simply put, based upon our statute of
18 limitations in South Carolina, your
19 application is considered untimely because it
20 wasn't filed within the one year. But you
21 are asking this Court, as a matter of equity,
22 to allow you to go forward; is that correct?

23 MS. BLANCHETTE: Objection to
24 leading, Your Honor. Counsel just testified
25 that entire question.

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1 THE COURT: It was leading. I'm
2 not sure it was totally testimony, but I'll
3 overrule. I mean, it's -- if it helps speed
4 this along, I'll allow it.

5 DIRECT EXAMINATION CONTINUED

6 BY MS. BLANCHETTE:

7 Q. You can go ahead and answer, Rodney.

8 A. Yes. That's what I'm asking of the
9 Court.

10 Q. Okay. If you could have filed this
11 application in a timely manner, would you
12 have done it?

13 A. Yes, I would.

14 Q. And why did you not do it, simply
15 put. We've gone over all of it. But simply
16 put why did you not file until 2012?

17 A. Because of my mental and my health
18 issue and once those was resolved, I tried to
19 gather the information from my attorney, Mr.
20 Brown, the clerk of court, the solicitor's
21 office. I tried everybody.

22 Q. And did anyone ever advise you in
23 any of those correspondences, most of which
24 have been admitted or are a part of our COD
25 response, about your one year for filing a

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1 PCR application?

2 A. No.

3 MS. BLANCHETTE: Your Honor, if I
4 could beg the Court's indulgence just one
5 moment.

6 DIRECT EXAMINATION CONTINUED

7 BY MS. BLANCHETTE:

8 Q. Rodney, if you had received the
9 Berkeley County Sheriff's Office file that
10 we have now, the Berkeley County Coroner's
11 Office file that we have now, the SLED file,
12 plus the pictures, and I believe I didn't say
13 the Solicitor's Office file. But all the
14 files that I've been referencing all day, if
15 you had received those and found the
16 information contained therein and had already
17 had a PCR application, would you have filed a
18 second PCR alleging newly discovered
19 evidence?

20 A. Yes, I would.

21 Q. Okay. Rodney, you've been waiting a
22 long time for this day in court. I know we
23 had to wait a long time for you today, but I
24 don't want you, in any way, to feel rushed.
25 Is there anything else you'd like to tell the

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1 Court in support of your allegations and in
2 asking him for relief here today?

3 A. Yes, I am asking the Court for
4 relief. I'm asking the Court for an
5 opportunity for a new trial because every-
6 thing that was presented is true. And we
7 have the documents to prove that what was
8 said is true.

9 MS. BLANCHETTE: Your Honor, I
10 have no further questions at this time.

11 THE COURT: Let's take a very
12 short break. I think that would be
13 appropriate.

14 MS. BLANCHETTE: Would you advise
15 him that I can't speak to him.

16 THE COURT: Right. Yeah. Since
17 you're under what we call the "testimony
18 bubble", or at least that's what I call it.
19 That means you can't talk to your attorney
20 about your questions and all of that.

21 WITNESS: Yes, sir.

22 THE COURT: You know, until you
23 complete your testimony.

24 MS. BLANCHETTE: Thank you, Your
25 Honor.

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1 THE COURT: Your attorney or anybody.
2 You can't talk to anybody about that.

3 All right. We'll be -- a five-
4 minute break.

5 (WITNESS STEPS DOWN)

6 (BRIEF RECESS)

7 (APPLICANT PRESENT)

8 (WITNESS TAKES STAND)

9 THE COURT: All right. You may
10 proceed with the cross-examination.

11 MR. JOHNSON: May it please the
12 Court, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q. Mr. Ladson, your testimony here
16 today is you're prior law enforcement; isn't
17 that correct?

18 A. Yes.

19 Q. That's five years on the Highway
20 Patrol?

21 A. Yes.

22 Q. Two years at Mt. Pleasant?

23 A. Yes.

24 Q. And one year at Charleston; right?

25 A. Yes.

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1 Q. Did you ever investigate any crime
2 scenes while you were in uniform?

3 A. Yes.

4 Q. So you actually went to the crime
5 scene and did some investigation?

6 A. If you're the first person on the
7 scene, that's the first thing you do. You
8 secure the scene.

9 Q. Okay. You secure the scene. You
10 write a report; ---

11 A. Yes.

12 Q. --- right?

13 A. Yes, sir.

14 Q And you turn that over to your
15 supervisor, who then turns it over to the
16 Solicitor's office; correct?

17 A. Yes, sir.

18 Q. Then you know that if any investiga-
19 tion needs to be done, it usually goes to
20 SLED, the South Carolina Law Enforcement
21 Division; correct?

22 A. Yes, sir.

23 Q. So with that knowledge, your
24 testimony today is that you never have seen
25 any of these documents before 2014; correct?

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1 officer, you still write reports; correct?

2 A. They're different.

3 Q. But you write reports?

4 A. Yes.

5 Q. Okay. So you know they existed?

6 A. I know there is paperwork, but I
7 didn't know all of these paperwork existed.

8 Q. You pled guilty in November of 1999;
9 correct?

10 A. Yes.

11 Q. Okay. Then you get shipped to
12 Lieber; right?

13 A. (No verbal response).

14 Q. Then you go to Kirkland, to R&E, and
15 then you get shipped out to Lieber?

16 A. Yes.

17 Q. All right. The first time you go
18 to medical. So you say that you were on
19 medicine, psychiatric medicine until 2001;
20 right?

21 A. Yes, sir.

22 Q. Okay. But the first time you
23 actually go to medical in the Department
24 of Corrections is 2003; correct?

25 A. I disagree.

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1 MR. JOHNSON: Your Honor, if I may
2 introduce his SCDC records. Actually,
3 they're in your report, which shows that on
4 August 19th, 2003, he actually goes to medical
5 for the first time.

6 THE COURT: Where would that be?

7 MR. JOHNSON: Sir?

8 THE COURT: Where would that
9 packet be then? What part of the packet?

10 MR. JOHNSON: Good question.

11 THE COURT: Solicitor, SLED,
12 Michael Brown, Coroner, Sheriff's Office.

13 MR. JOHNSON: It would have come
14 from our office. And I see it -- if I have
15 it in my work packet, you should have it in
16 your big packet. If I may assist Your Honor.
17 May I approach?

18 THE COURT: Yes. Would it be
19 attached to your return?

20 MR. JOHNSON: Yes, sir. It should
21 be in -- it may be in this ---

22 (OFF RECORD DISCUSSION)

23 MR. JOHNSON: Your Honor, I can hand
24 you a copy.

25 THE COURT: Well, I think I've --

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1 well, is it that?

2 MR. JOHNSON: I'm not sure. Let me
3 -- it should be in your packet.

4 (OFF RECORD DISCUSSION)

5 THE COURT: All right. Here we
6 go. It's the last document.

7 MR. JOHNSON: Did you get it?

8 THE COURT: Yes. All right.

9 MR. JOHNSON: Okay. May I approach
10 the witness, Your Honor?

11 THE COURT: Yes.

12 MS. BLANCHETTE: Your Honor, I
13 object to the question.

14 MR. JOHNSON: I haven't asked the
15 question.

16 MS. BLANCHETTE: I believe the
17 question has already been asked if the first
18 time he reported to medical was in 2003.

19 THE COURT: And I've probably got
20 it, but I was fumbling trying to find the
21 document referred to, so I'm going to ask
22 that he -- I'm going to allow him.

23 MS. BLANCHETTE: All right.

24 MR. JOHNSON: May I approach the
25 witness, Your Honor?

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1 THE COURT: Yes.

2 CROSS-EXAMINATION CONTINUED

3 BY MR. JOHNSON:

4 Q. Mr. Ladson, does this look like your
5 records? Is that your name?

6 A. Yes.

7 Q. And that's your sentence?

8 A. Yes.

9 Q. And so it's your thirty-year
10 sentence?

11 A. Yes, sir.

12 Q. Okay. So this shows all your
13 movements as far as, you know, moving from
14 different institutions, going to medical?

15 A. Yes.

16 Q. It says medical. Would you agree
17 with me that the first medical movement you
18 have is in 2003?

19 A. I don't. Where's it at?

20 Q. '03. August 19th, '03?

21 A. You said medical?

22 Q. Medical movement. Yes. So say you
23 went to a different institution to get
24 medical treatment?

25 A. (No response)

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1 Q. So you go from Lieber to Kirkland to
2 Lieber.

3 MS. BLANCHETTE: Your Honor, I
4 object to this. He's being asked to
5 interpret the SCDC records.

6 THE COURT: I'm going to allow it.
7 I think it's a proper question.

8 MS. BLANCHETTE: Okay.

9 CROSS-EXAMINATION CONTINUED

10 BY MR. JOHNSON:

11 Q. That's the first time you had gone
12 to Kirkland for medical; right?

13 A. On the 835 over here it show where
14 -- what is this? Is this '99? That's what
15 they have on here.

16 Q. Okay. And you can have that and you
17 can flip through it. Show me anywhere in
18 that document where you went to Gilliam
19 Psychiatric Hospital. Have you ever been to
20 Gilliam Psychiatric Hospital?

21 A. No, sir.

22 Q. Have you ever been found
23 incompetent?

24 A. Sir?

25 Q. Have you ever been found

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1 incompetent?

2 A. No, sir.

3 Q. So turning to your guilty plea of
4 November 5th, 1999. The judge asked you if
5 Mr. Brown had explained the nature of the
6 offense, to which you replied "yes, sir."
7 Correct?

8 A. Yes, sir.

9 Q. Okay. That's murder?

10 A. (No verbal response)

11 Q. The offense of murder?

12 A. Yes.

13 Q. Okay. And that the punishment was
14 from thirty to life; correct?

15 A. Yes.

16 Q. That's what the judge says. And
17 then you say "yes, he has."

18 A. Yes.

19 MR. JOHNSON: And that'd be page
20 four in the transcript, Your Honor.

21 THE COURT: Okay.

22 CROSS-EXAMINATION CONTINUED

23 BY MR. JOHNSON:

24 Q. And that thirty years meant thirty
25 years; correct?

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1 A. Thirty years mandatory.

2 Q. Right, day for day?

3 A. Yes.

4 Q. Okay. And the judge asked you, have
5 you ever been treated for any emotional
6 problems or any mental illness, to which you
7 replied 'no'; isn't that correct?

8 A. That's what I said.

9 Q. And that you wanted to plead guilty;
10 correct?

11 A. Yes.

12 Q. And asked if you were satisfied with
13 your counsel; right?

14 A. Yes.

15 Q. And you said 'yes'?

16 A. Yes.

17 Q. But now you're not satisfied; right?

18 A. I wasn't satisfied then. I was only
19 doing what he told me.

20 Q. Okay. But it's not Mr. Brown going
21 to prison is it?

22 A. He's my attorney.

23 Q. At no time did you stop the court
24 and say, "I'm just saying what he told me to
25 say"; did you?

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1 A. No, I didn't.

2 Q. Okay.

3 A. Because he was my attorney.

4 Q. But it's your life. You're the one
5 going to prison; correct?

6 A. He was my hired attorney.

7 Q. You're a smart man. If he tells you
8 to jump off the cliff are you going to jump
9 off a cliff?

10 A. All depends on what you call smart.

11 Q. Sir, you're prior law enforcement.
12 You're above average intelligence; correct?

13 A. It all depends on what you call
14 smart. I don't know what you call smart.

15 Q. You were in law enforcement for
16 eight years; were you not?

17 A. Yes.

18 Q. Okay. You had no complaints about
19 Mr. Brown at that time; did you?

20 A. Did I?

21 Q. You told the judge you had no
22 complaints about him; did you not?

23 A. I had only seen Mr. Brown three or
24 four time in eight months. And the time I
25 seen him probably was fifteen minutes per

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1 meeting.

2 Q. Sir, that's not my question. My
3 question is did you tell the Judge at your
4 guilty plea that you had no complaints about
5 him?

6 A. That's my answer.

7 Q. Okay. But obviously, you had
8 complaints about him?

9 A. That's my answer.

10 Q. Okay. So you lied at this guilty
11 plea; did you not?

12 A. I told the judge what my lawyer told
13 me.

14 Q. You never told that to the judge;
15 did you?

16 A. But that's what my lawyer told me.

17 Q. You never told that to the Judge;
18 did you?

19 MS. BLANCHETTE: Your Honor, that's
20 been asked and answered.

21 MR. JOHNSON: He did not answer my
22 question.

23 THE COURT: No, he hasn't answered
24 the question yet.

25 MS. BLANCHETTE: Okay.

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1 WITNESS: No, I didn't say that
2 to the judge.

3 CROSS-EXAMINATION CONTINUED

4 BY MR. JOHNSON:

5 Q. You did not say that to the judge?

6 A. No, I didn't.

7 Q. Okay. And you also testified that
8 you fully understood your rights in this
9 case; correct?

10 A. Yes.

11 Q. As a right to a trial?

12 A. Yes.

13 Q. A right to challenge the evidence?

14 A. Yes.

15 Q. Including confronting witnesses?

16 A. Yes.

17 Q. And a right to cross-examine those
18 witnesses?

19 A. Yes.

20 Q. And right not to testify or testify?

21 A. (No verbal response)

22 Q. And you waived those rights;
23 correct?

24 A. I don't recall. Maybe I did.

25 MR. JOHNSON: Your Honor, I'm

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1 looking at Page 8, Line 4.

2 CROSS-EXAMINATION CONTINUED

3 BY MR. JOHNSON:

4 Q. The court says 'is it your decision
5 to give up these rights', to which you reply
6 "yes, sir." You waived those rights; did you
7 not?

8 A. Yes.

9 Q. Okay. And that was your decision;
10 right?

11 A. (No verbal response)

12 Q That's what you told the judge;
13 correct?

14 A. That's what I told the judge, but I
15 was doing what my lawyer told me.

16 Q. And once again you never told that
17 to the plea judge; did you?

18 A. No, sir.

19 Q. And nobody had promised you anything
20 except the negotiated sentence; right?

21 A. (No verbal response)

22 Q. Nobody promised you anything to get
23 you to plead guilty in this case, except the
24 negotiation; right?

25 A. My lawyer.

1 Q. Did you tell the judge that nobody
2 promised you anything to get you to plead
3 guilty?

4 A. You asked me if anybody told me. I
5 told you 'yes, my lawyer.' No, I didn't say
6 it to the judge but that's what my lawyer
7 told me.

8 Q. So then you lied to the judge again.
9 That's what you're telling us?

10 A I'm telling you what my lawyer told
11 me.

12 Q. Once again, you never said, 'my
13 lawyer said to say no'?

14 A. No, I didn't.

15 Q. Okay. And nobody threatened you to
16 get you to plead guilty; did they?

17 A. No.

18 Q. Okay. And when they said, "Sir, is
19 there any question about your guilt of this
20 offense?" And, you said "no."

21 A. Yes.

22 Q. And you agreed with the facts as
23 presented by the solicitor; did you not?

24 A. That day I did.

25 Q. It's a pretty important day; isn't

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1 it? You know you're going to prison for
2 thirty years?

3 A. With a clear head now I can see it's
4 important.

5 Q. But you told him you didn't have any
6 mental illnesses; didn't you?

7 A. Yes. The state record states it.

8 Q. Sir, at the guilty plea you told the
9 judge you had no mental illnesses; correct?

10 A. Yeah. But the state record states
11 it. He asked me a vague question. He said
12 do you have any mental illness? I didn't
13 know I have mental illness but apparently the
14 County did. That's why they put me on Paxil
15 and Mellaril. And the State stated that when
16 I left Berkeley County coming to the State, I
17 was already on psychotic medication.

18 Q. Your wife had filed for divorce; had
19 she not?

20 A. I don't know. That's what I was
21 told.

22 Q. So your testimony on direct is that
23 everything in the solicitor's file and the
24 SLED file is the truth?

25 A. I agree with it.

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1 Q. Okay. There's a statement in there
2 that says that you said to three other
3 witnesses that you were going to get her.
4 And if nobody could have her -- that, you
5 know, if you couldn't have her nobody could.

6 A. That's what they said.

7 Q. And you were under a restraining
8 Order at this time, were you not?

9 A. They said that, but I didn't.

10 Q. Yes or no. Were you under a
11 restraining Order?

12 A. Yes.

13 Q. So you weren't even supposed to be
14 around her; were you?

15 A. That still was my property. She
16 still allow me to come to clean the property
17 up.

18 Q. It's irrelevant, sir. The
19 restraining Order, you are not allowed to go
20 within a certain amount of distance to your
21 wife at the time. You were under a
22 restraining Order, were you not?

23 A. Yes.

24 Q. Okay. And then you stated to the
25 judge, the plea judge, that you agreed with

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1 the facts as the solicitor stated at that
2 guilty plea?

3 A. Yes.

4 Q. And that states that you murdered
5 your wife?

6 A. But I disagree with you. You're
7 saying that.

8 MR. JOHNSON: Your Honor, Page 14,
9 Line 8.

10 CROSS-EXAMINATION CONTINUED

11 BY MR. JOHNSON:

12 Q. Mr. Ladson, do you agree with me
13 that the court states, 'Well, is there any
14 question in your mind that you, on March 2nd,
15 did willfully, unlawfully, and felonious with
16 malice aforethought, shoot Patricia Ladson in
17 the chest and then she died as a result of
18 that?" To which you replied, "yes, sir."

19 The Court then asked:

20 "Any question about that?

21 No, sir.

22 That's true?

23 Yes, sir.

24 In every respect?

25 Yes."

1 That's what you testified to; is it not?

2 A. The reason why I testified to ---

3 Q. Yes or no?

4 A. Yes. Because my lawyer told me. He
5 said, 'look, if you don't take the plea that
6 the State is going to give you, the State has
7 got on the table life plus twenty.' So he
8 told me, he said to take this plea.

9 Q. And the judge turns around and says
10 thirty to life, does he not?

11 A. He probably did.

12 MR. JOHNSON: No further questions,
13 Your Honor.

14 THE COURT: Any redirect?

15 REDIRECT EXAMINATION

16 BY MS. BLANCHETTE:

17 Q. Rodney, just very briefly. Did you
18 have other charges pending that would have
19 caused you to receive a life plus twenty year
20 sentence?

21 A. Yes.

22 Q. And was it your understanding that
23 they were going to go forward to trial on all
24 of those charges?

25 A. Right. He had told me that there

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1 was -- they told me if I did not take the
2 plea, they were going to give me life and
3 twenty.

4 Q. When you answered the questions on
5 the day of your plea that you've been
6 repeatedly asked about, had you had the
7 opportunity to fully review your file with
8 your attorney?

9 A. No, I haven't.

10 Q. Were you aware that either a private
11 investigator or an expert could be utilized
12 in the capacity that they were today?

13 A. No.

14 Q. And knowing what you know today,
15 would you have entered that guilty plea or
16 would you have chosen to go to trial?

17 A. I would go to trial.

18 Q. And what is the relief you're asking
19 this court for today?

20 A. I'm asking the court for a new
21 trial.

22 MS. BLANCHETTE: Your Honor, I have
23 no further questions.

24 MR. JOHNSON: Just one follow-up.

25 RECROSS-EXAMINATION

1 BY MR. JOHNSON:

2 Q. You were prior law enforcement;
3 correct?

4 A. Yes.

5 MR. JOHNSON: No further questions,
6 Your Honor.

7 THE COURT: All right. Any other
8 witnesses?

9 MS. BLANCHETTE: No, Your Honor.
10 It's my understanding that the State can move
11 for dismissal at the close of my case. I
12 didn't know if Your Honor wanted to hear
13 further argument, rearguing the timeliness.
14 I did try to put up the testimony. Your
15 Honor has a copy of our response of
16 conditional Order of dismissal. I have a
17 couple of cases to hand up

18 MR. JOHNSON: Your Honor, before
19 argument I should be able to ---

20 THE COURT: All right. We're
21 going to have brief ---

22 MR. JOHNSON: And move for
23 dismissal. That's a directed verdict motion.
24 That she has rested her case. I get to ---

25 THE COURT: Well, first of all,

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1 you haven't rested your case.

2 MS. BLANCHETTE: Well, Your Honor,
3 I do have some cases I wanted to hand up.

4 THE COURT: Have you rested your
5 case?

6 MS. BLANCHETTE: I have no further
7 witnesses. I just have case law.

8 THE COURT: All right. And you've
9 rested your case. All right. That comes
10 after his, in his response to his motion to
11 dismiss, all right?

12 MS. BLANCHETTE: Correct, Your
13 Honor. I just had some cases and some --
14 regarding some prior allegations.

15 THE COURT: Well, I mean, you've
16 rested your case. And then he'll make a
17 Motion and then you'll present those.

18 MS. BLANCHETTE: Okay. I'll be
19 happy to, Your Honor.

20 THE COURT: Yeah, that's ---

21 MS. BLANCHETTE: I just wanted to
22 make sure we go into our allegations about
23 the dismissal.

24 THE COURT: Right.

25 MR. JOHNSON: Your Honor, the State

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1 moves for dismissal under Rule 41(b),
2 involuntary dismissal, which states "after
3 the plaintiff in an action tried by the court
4 without a jury has completed their
5 presentation of its evidence, the defendant,
6 the State in this case, without waiving its
7 right to offer evidence in the..." ---

8 THE COURT: Hold on. I guess we
9 should actually let him stand down.

10 (WITNESS STEPS DOWN)

11 COURT REPORTER: "The defendant,
12 without waiving his rights..." ---

13 THE COURT: I'm sorry. I just
14 realized we were ---

15 MR. JOHNSON: (Reading): "...the
16 defendant without raising his rights or
17 offering evidence in the event the motion is
18 not granted, may move for a dismissal on the
19 ground that upon the facts and the law, the
20 plaintiff has shown no right to relief."

21 Your Honor, this was a negotiated guilty
22 plea in November of 1999. Under the statute,
23 which is 17-27-, I believe, 45(a), he must
24 bring this within one year of that guilty
25 plea since there was no appeal. He has

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1 failed to do so. He did not bring this
2 action until 2012. So on that ground he is
3 way beyond the statute of limitations.

4 Further, he has presented absolutely no
5 evidence that he was incompetent at any time,
6 whether to accept the guilty plea and/or that
7 he was incompetent as to toll the statute of
8 limitations.

9 The case is *Ferguson v. State*, Your
10 Honor. And I believe that is a 2009 case
11 that basically holds that if an inmate is
12 mentally incapacitated the tolling of the
13 statute of limitations -- the statute of
14 limitations is tolled until he regains
15 competency and then must file within one year
16 of regaining competency.

17 Mr. Ladson has never been found
18 incompetent. He has not been to Gilliam
19 Psych. Yes, he had some type of psychiatric
20 drugs that he was on. However, he told the
21 judge that he had no mental illnesses.
22 There's been no evidence that showed --
23 there's been no expert that comes in and
24 says, 'hey, he was incompetent', you know, at
25 any during this process. So the State is

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1 asking Your Honor that as a matter of law,
2 judgment be granted in its favor.

3 Further, he has raised a claim of newly-
4 discovered evidence that any of this stuff
5 has not been discovered until 2013. However,
6 under 17-27-45(c), the applicant must bring
7 the claim within one year of the actual day
8 of discovery or the date after which the
9 facts could have been ascertained by the
10 exercise of reasonable diligence.

11 The reason I asked him about prior law
12 enforcement on cross-examination is that he
13 knows more than a layman of what goes into a
14 case. He has investigated cases. He has
15 written reports. He knows that all of this
16 stuff would have existed. He failed, until
17 2013, to find out that this stuff existed.
18 If he had actually exercised due diligence,
19 he would have found this prior to the plea.

20 And another case is *Jamison v. State*.
21 And I know counsel is very cognizant of that
22 case as she was the one that argued it. And
23 the two-pronged -- it used to be a five-
24 pronged test. Now we're down to two with
25 respect to a guilty plea. It said the "newly

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1 discovered evidence is discovered after the
2 entry of the plea. And the exercise of
3 reasonable diligence could not have been
4 discovered prior to the entry of the plea."
5 And two, the "newly-discovered evidence is of
6 such great in quality under the facts and
7 circumstances of a particular case, the
8 interest of justice requires the applicants
9 guilty plea being vacated."

10 He has presented no reason why this
11 guilty plea should be vacated. He never told
12 the judge he only answered these questions on
13 the advice of counsel.

14 And under *Blackwood v. Allison*, he has
15 presented no reason why he should be able to
16 withdraw his plea and go to a trial.

17 Your Honor, we ask under Rule 41(b) that
18 the State be granted a directed verdict in
19 this case. Thank you.

20 THE COURT: I'll be glad to hear
21 from you, any of your cases which you have.

22 MS. BLANCHETTE: I appreciate that,
23 Your Honor. I do have a couple of copies of
24 cases that deal with the safekeeping of
25 property and the destruction that I would

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1 hand up. But I would just like to hit on
2 kind of the main points that the State made.

3 I would submit that it would be an error
4 of law by this Court to carve out an
5 exception that holds my client to a higher
6 standard because he was prior law
7 enforcement, with a focus in the area of
8 traffic. I think if that is the basis for
9 finding that this application was untimely,
10 that would be a clear error of law.

11 Secondly, you have in the record our
12 response to the conditional Order of
13 dismissal. I went over that. I'm not going
14 to argue that again unless Your Honor would
15 like. I'm not going to insult your
16 intelligence. I know you have that and that
17 you have heard from us today. I would like
18 to incorporate, though, that as a part of my
19 argument, the arguments set therein.

20 THE COURT: Okay.

21 MS. BLANCHETTE: And the testimony
22 that I elicited here today.

23 THE COURT: Okay.

24 MS. BLANCHETTE: As counsel alluded to
25 you, I am, I would say, unfortunately

1 familiar with *Jamison v. State*. In my
2 opinion the Supreme Court decided to
3 retroactively apply a new rule to my client
4 and none of the others that were similarly
5 situated. What was key in that case, though,
6 -- we won in the Court of Appeals, I lost in
7 the Supreme Court following an argument, a
8 very lengthy argument and I filed for
9 rehearing. My favorite part of it is the now
10 Chief Justice Pleicones' dissent, of course.
11 But even in the majority Opinion they point
12 out that in no time in Mr. Jamison's case did
13 we allege ineffective assistance of counsel.
14 Mr. Jamison had already been through the PCR
15 process. The issue of the newly-discovered
16 evidence actually came up while he was on PCR
17 appeal. So our major issue there was whether
18 the issue should have been raised. And we be
19 given to raise the issue during the PCR
20 appeal or if we were properly bringing it
21 through a second PCR.

22 In that second PCR, what makes it very
23 distinct from this one, is my boss at the
24 time, Tommy Thomas, alleged strictly newly-
25 discovered evidence. There was no allegation

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1 of ineffective assistance, which I would say
2 distinguishes *Jamison* from the case at hand
3 today. And I would actually ask this court
4 to apply the five factors set forth in *Hayden*
5 v. *Spann*. Because it is clear in my reading
6 of *Jamison* and my interaction with the Court
7 on *Jamison*, that they distinguish *Jamison* the
8 fact that we did not raise ineffective
9 assistance and we have here.

10 So I would just ask that the Court apply
11 the proper case law, which I would say is
12 *Hayden v. Spann*.

13 But under either standard, I would submit
14 that we have met the standard.

15 What we have presented today is a
16 complete breakdown in the adversarial
17 process. There was potentially exculpatory
18 evidence, evidence that could have linked
19 someone else to the crime. And those reports
20 came back prior to the entry of the guilty
21 plea. Now, if the State wants to go on and
22 on about my client's law enforcement
23 experience, if he had known that, you do not
24 think he would have cried foul. If he was in
25 his right mind, do you not think he would

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1 have cried foul and said 'I want this tested.
2 There's DNA under her fingernails. They're
3 saying there was an altercation. I want this
4 tested. It didn't happen.'

5 And I would submit to you the entry of
6 the guilty plea before a case is properly
7 investigated is a breakdown in our
8 adversarial process. And that's why we've
9 made the *Chronic* and *Nance* claims.

10 Unless this Court has any further
11 questions from me, I just have a couple -- I
12 have a copy of *Jamison* if the Court would
13 like that. A copy of Rule 1.25 regarding the
14 attorney's requirement to keep a file for six
15 years. And then I have a copy of the *State*
16 *v. Reeves*.

17 And I'm sorry, Madam Court Reporter,
18 I'm going very fast.

19 COURT REPORTER: No, you're fine.

20 MS. BLANCHETTE: And *Austin v.*
21 *Beaufort County* regarding the destruction of
22 evidence. And then if Your Honor would like
23 it, I have a copy of the preservation of
24 evidence Act, but I would concede that did
25 not come into, it wasn't passed into

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1 legislation until after this case.

2 THE COURT: All right.

3 MR. JOHNSON: And, Your Honor, if I
4 may briefly respond to that?

5 THE COURT: Yeah. I'll be glad to
6 hear from you.

7 MR. JOHNSON: Your Honor, I'm not
8 resting my argument on the fact that he is
9 prior law enforcement. I am resting it on
10 the fact that he had within one year of
11 November the 15th, 1999 to file this petition.
12 He failed to do so. And there should not be
13 an exception carved out just for Mr. Ladson.

14 He states that he had some mental issues.
15 However, he presented no evidence that he was
16 incompetent at the time.

17 As to the toll of the statute of
18 limitations and, you know, that he filed so
19 much later, Your Honor. So that is what
20 we're resting on is the statute of
21 limitations, which Mr. Ladson failed to file
22 within the time.

23 THE COURT: Okay. You know, and
24 I have listened very carefully to the
25 testimony. I also have reviewed the

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1 transcript and a lot of the information
2 before the hearing, since we had a delay this
3 morning.

4 On the delay in filing, and I think the
5 statute is real clear that they have to file
6 within one year.

7 And I'm sorry, I don't see that the
8 petitioner has met their burden in showing
9 that that -- that we should waive that or
10 that there was some basis for excusing that
11 one year. I mean, normally what you see are
12 almost like people in comas or something like
13 that. And not that 'I had a lot going on.'
14 I realize he had a lot of health issues that
15 he talked about. And I appreciate that. But
16 I'm not sure that that raises to the level of
17 you -- that you can sit on your rights. I
18 think he said he didn't know he had one year.
19 I thought everybody -- there's numerous
20 jailhouse lawyers that that's all they talk
21 about, I think, is PCRs. But I note that I'm
22 not taking notice of that. But I don't
23 believe that there have been a -- met the
24 burden that the statute of limitations has
25 been excused.

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1 As an alternate finding, though, you
2 know, a lot of this -- a lot of what I've
3 heard is like, you know, it doesn't sound
4 like the investigation was overly well-done.

5 But, you know, one, we're not
6 talking about a trial. If we'd have had a
7 trial, I think a lot of this information
8 would be different. And if he was up here
9 professing his innocence and if he had
10 professed his innocence in his plea -- and I
11 would remark that he doesn't even profess his
12 innocence in his application that he filed
13 because he doesn't say he wants a new trial.
14 He says he wants to vacate his sentence and
15 plead to the lesser offense of manslaughter.
16 I mean, that's what he's asking. I know
17 you've argued differently here today, but
18 that's his request that's before the Court.

19 And I think interestingly enough the
20 practical effect of that is, it's my
21 understanding he gets no credit for time
22 served if I vacate his sentence. Therefore,
23 if he got fifteen years for manslaughter,
24 then he'd basically be at the same place he
25 is now, just as a practical matter.

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1 And you say potentially -- you say
2 there's a lot -- and these tests have
3 potential exculpatory. But, you know, I did
4 not hear a single thing that was exculpatory.
5 There was like 'oh, they tested this.' Well,
6 if he pled guilty and he indicated throughout
7 that he was guilty then I think, you know,
8 those tests would only make -- you know,
9 could very easily just confirm what, you
10 know, that he should have pled.

11 But, you know, I didn't see anything
12 that raises to the level that, you know, I
13 don't think it's up the attorney to go
14 through every possible test. You know,
15 especially when you're looking at a guilty
16 plea where the guy admits on the record 'yes,
17 I did it.' If this had been a trial and a
18 lot of information was brought in and the
19 attorney hadn't done this information or had
20 not requested these tests and all that, then
21 I think we'd be looking at a totally
22 different situation here.

23 Also, I think that the record on the
24 transcript, which I've probably read about
25 two separate times now this morning, it's

Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Closing Arguments, Motions & Ruling of the Court

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1 very clear. The judge very clearly goes
2 through all the questions and all the
3 elements of the plea. And that he is on --
4 that he knows what he's doing. There is no,
5 you know, there's no indication of -- yeah,
6 there is indication that he's on some
7 medication. But I don't think there is a
8 sufficient level for the Court to take
9 judicial notice, is what you're asking to do,
10 that he was incompetent at the time he
11 answered these questions.

12 And I'm -- like I said, I realize
13 that after the fact he's discovered maybe
14 that there were a lot of things that should
15 have been done differently as far as the
16 investigation. But would that have changed
17 anything when he's pleading guilty and he
18 admitted to murder.

19 But, you know, based on those
20 elements I'm going to grant the State's
21 motion to dismiss or directed verdict at this
22 stage.

23 I mean, I don't think that any
24 additional testimony would change the fact
25 that -- also, because of the delay it's just

Rodney Ladson v State of South Carolina
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Closing Arguments, Motions & Ruling of the Court

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1 not possible for you to meet your burden I
2 think, too. That is another grounds. And I
3 think that's, you know, one of the reasons a
4 statute of limitations is imposed. But based
5 on that, I do grant the State's motion.

6 MR. JOHNSON: Thank you, Your Honor.

7 MS. BLANCHETTE: Thank you, Your
8 Honor.

9 (TRANSCRIPT CONCLUDED)

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Rodney Ladson v State of South Carolina
Case No. 12-CP-08-0637
PCR Hearing of January 21, 2016
Certificate of Court Reporter

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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF GREENVILLE)

I, the undersigned Deborah Garrison,
Circuit Court Reporter for the 13th Judicial
Circuit, hereby certify that the foregoing is a
complete and accurate transcript of the hearing
held in the within action heard on January 21,
2016, before The Honorable Perry H. Gravely;

I further certify that I am neither kin nor
counsel to any of the parties and have no interest
in the outcome of this action.



Deborah Garrison

Greenville, South Carolina

**STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY
EXHIBITS**

Case # 2017-CP-28431-37
January 21, 2018
Yarmely
Harrison

Plaintiff(s) Edney Harrison
vs.
Defendant(s) State

Annex 2A14

PLAINTIFF'S EXHIBITS	DEFENDANT'S EXHIBITS	COURT'S EXHIBITS
① <u>LED</u> <u>Interrogatories</u>	1	1
② <u>Shelley</u> <u>Interrogatories</u>	2	2
③ <u>2-11-15 RTR</u> <u>from M. B. Lamm</u>	3	3
④ <u>LED photos 4pg</u>	4	4
⑤ <u>Statement</u> <u>Review of Sheriff</u>	5	5
⑥ <u>10-7-13 RTR</u> <u>Shelley Legal</u>	6	6
⑦ <u>LED medical</u> <u>Records</u>	7	7
⑧ <u>LED photos</u> <u>1 page</u>	8	8
9	9	9
10	10	10
11	11	11
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17	17	17
18	18	18
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20	20	20

FILE
2018 JAN 21 PM 4:10
CLERK
BERKELEY

Court Reporter Deborah Harrison 703 57145, Greenville 29616
Clerk of Court Jackie Williamson

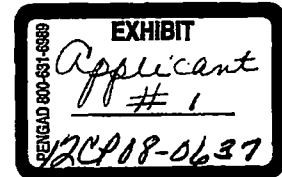
SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

November 23, 2015



Tricia A. Blanchette, Esquire
Post Office Box 12725
Columbia, SC 29211

Re: Rodney Ladson v. State
Docket No.: 2012-CP-08-0637
SLED Subpoena No.: 2015-0006

Dear Attorney Blanchette:

Please allow this correspondence to serve as the South Carolina Law Enforcement Division's (SLED's) formal response to the Interrogatories you served on November 11, 2015. As an initial matter, SLED formally objects to this discovery request. Pursuant to Rule 33, SCRPC, "any **party** may serve upon any other **party** written interrogatories to be answered by the party served..."; however, SLED is not a party to this action and, as such, written discovery is not allowed on SLED. Further, even the order you provided indicates that "Applicant shall be allowed to serve Interrogatories, **pursuant to Rule 33, SCRPC**", which limits the use of interrogatories to parties. In addition, as SLED was not afforded the opportunity to be heard on this request, SLED formally objects to such and reserves the right to move to quash any further attempts to serve written discovery on SLED on this, or on any other, case in which SLED is not a party.

However, notwithstanding the above and in the interests of judicial economy, please be advised of the following:

1. SLED's crime scene agents on this case were Special Agent Ted Shealy and Special Agent Steve Curtis. However, SLED has already provided you all of the documents in SLED's possession responsive to this request. Our records indicate that you were provided 2 CD/DVDs of materials via letter dated March 4, 2015.



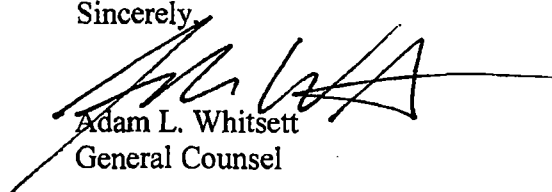
An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

- a. SLED has previously provided all materials in SLED's possession responsive to this request, including any reports, logs or noted that were generated at any time.
 - b. SLED's Forensic Laboratory did not conduct ballistics or trajectory analysis in this matter and, as such, there are no findings or reports regarding such.
2. Please refer to CD/DVD #1 sent on March 4, 2015 for information on the items sent to SLED and the testing performed on such. Further, these documents will provide all of the information in SLED's possession regarding the reasons for all such testing. However, be advised that all evidence in this case was returned to the Berkeley County Sheriff's Office and SLED has no information on the current status of such.
3. SLED possesses no DNA evidence for this case.

If you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am
Sincerely,



Adam L. Whitsett
General Counsel

Cc: Assistant Deputy Attorney General J. Rutledge Johnson

STATE OF SOUTH CAROLINA)

COUNTY OF BERKELEY)

RODNEY LADSON, 262438,)

Applicant,)

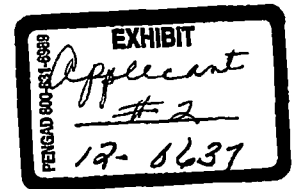
vs.)

STATE OF SOUTH CAROLINA,)

Respondent,)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICAL CIRCUIT
CIVIL ACTION NO.: 2012-CP-08-0637

**BERKELEY COUNTY SHERIFF'S
OFFICE RESPONSES TO APPLICANT'S
INTERROGATORIES**



**BERKELEY COUNTY SHERIFF'S OFFICE RESPONSE TO APPLICANT'S
INTERROGATORIES**

Pursuant to the Order Granting Supplemental Discovery and under Rule 33 of the South Carolina Rules of Civil Procedure, the **Berkeley County Sheriff's Office** hereby responds to the Applicant's Interrogatories:

GENERAL RESPONSES AND OBJECTIONS

Each of Berkeley County Sheriff's Office responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections or a partial response to any individual request does not waive any of the Berkeley County Sheriff's Office's general responses and objections.

The following responses reflect the current state of the Berkeley County Sheriff's Office's knowledge, understanding and belief respecting matters about which inquiry has been made. The Berkeley County Sheriff's Office expressly reserve their right to supplement or

modify these responses with such pertinent information as they may hereafter discover or as may be informed by the opinions of experts retained by the parties to testify in the trial of this matter, and will do so to the extent required by the South Carolina Rules of Civil Procedure. The Berkeley County Sheriff's Office expressly reserve the right to rely on, at any time, including trial, subsequently discovered documents and/or materials that have been produced promptly upon discovery.

INTERROGATORY #1:

QUESTION: "On Berkeley County Sheriff's Office Case No. 99-0300652 (Defendant: Rodney Ladson) identify who handled the crime scene investigation and provide any documentation generated from and inventory of evidence taken during the crime scene investigation."

ANSWER: On March 2, 1999, Lieutenant D.R. Kokinda (f/k/a Cpl. D.R. Kokinda) of the Berkeley County Sheriff's Office initially handled the crime scene at the incident location located at 3889 Hwy. 41, Huger, SC; however, Agent T. Shealy of the State Law Enforcement Division (hereinafter referred to as "SLED") assumed authority over the crime scene investigation upon his arrival. A complete copy of Berkeley County Sheriff's Office Case No. 99-0300652 is attached.

INTERROGATORY #2:

QUESTION: "On Berkeley Sheriff's Department Case No. 99-0300652 (Defendant: Rodney Ladson) identify who handled the ballistic trajectory investigation and the documentation or evidence relating from the investigation."

ANSWER: The Berkeley County Sheriff's did not perform or handle any ballistic trajectory investigation for Case No. 99-0300652. A complete copy of Berkeley County Sheriff's Office Case No. 99-0300652 is attached.

INTERROGATORY #3:

QUESTION: "Identify what evidentiary items were sent to SLED, whether such items were tested and the current location/status of the items. Identify all evidentiary items that were not sent to SLED and/or not tested and the reason no testing was conducted."

ANSWER: Response enclosed and contained in Berkeley County Sheriff's Office Case Number 99-0300652. All evidence obtained and retained by the Berkeley County Sheriff's Office, that is not provided, has been disposed of following the guilty plea of Mr. Rodney Ladson. The one exception is one (1) Charter Arms Undercover .38 Special, Serial Number 567681, which is still in evidence at the Berkeley County Sheriff's Office Forensics Department.

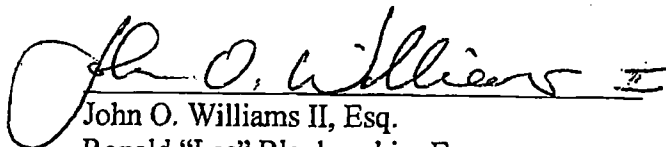
INTERROGATORY #4:

QUESTION: "Identify if there is any DNA evidence that remains untested and has not been destroyed."

ANSWER: The Berkeley County Sheriff's Office is not in possession of any DNA evidence that remains untested and has not been destroyed.

{SIGNATURE PAGE TO FOLLOW}

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read "John O. Williams II", is written over a horizontal line.

John O. Williams II, Esq.

Ronald "Les" Blankenship, Esq.

Berkeley County Legal Department

1003 Highway 52

Post Office Box 6122

Moncks Corner, SC 29461-6120

843-719-4011(Telephone)

843-719-4306 (Facsimile)

john.williams@berkeleycountysc.gov

les.blankenship@berkeleycountysc.gov

Attorneys for Berkeley County Sheriff's Office

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

RODNEY LADSON, 262438

Plaintiff(s),

vs.

Berkeley County Water and Sanitation,

Defendant(s).

IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2015-CP-08-0637

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of *Berkeley County Sheriff's Office Responses to Applicant's Interrogatories* was served this 4th day of November, 2015, by depositing same in the United States mail, postage pre-paid, and addressed as follows:

LAW OFFICES OF TRICIA A. BLANCHETTE

Tricia A. Blanchette, Esq.

PO Box 12725

Columbia, SC 29211

Attorney for Plaintiff

Berkeley County Government



Ginger Gaskins-Weiss

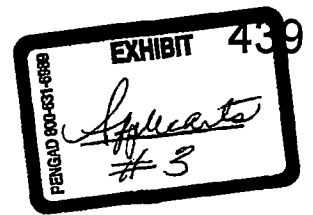
Office of the County Attorney

P.O. Box 6122

Moncks Corner, SC 29461

(843) 719-4011

Paralegal



Michael A. Brown

Attorney at Law

P. O. Box 25748
Greenville, SC 29616

(O) 864-915-1100

(F) 864-898-5116

E-mail: sclawbrown@aol.com

February 17, 2015

Tricia A. Blanchette, Esq.
P.O. Box 12725
Columbia SC 29211

Re: Rodney Ladson v. State; Docket No.: 2012-CP-08-0637

Dear Ms. Blanchette:

In response to your subpoena for file documents related to the defense of Mr. Ladson in Berkeley County in 1998, please be advised that all of my file records in that matter were disposed of by shredding in 2012.

In 2004, Mr. Ladson requested assistance from me in obtaining certain court records related to his case. I do have a copy of my response to Mr. Ladson at that time from an old computer. I am enclosing a copy of that letter for your information. I have no other records related to his case other than the documents provided to me recently by the Attorney General's office in relation to preparation for the hearing on Mr. Ladson's PCR.

If you have any other questions of me or any assistance I can provide, please feel free to call or otherwise contact me. I understand that the hearing has been continued and may be scheduled again sometime in April.

Sincerely,

Michael A. Brown

MAB/ega

Enclosure: as noted

Michael A. Brown

Attorney at Law

420 East Park Avenue, Suite 300

Greenville, South Carolina 29601

Telephone: (864) 233-5680 Facsimile: (864) 242-0162

April 26, 2004

Rodney J. Ladson Sr. #262438
Evans Correctional Institution-FLA185
610 Highway #9 West
Post Office Box 29512-02
Bennettsville, South Carolina 29512

Dear Mr. Ladson,

As you are aware, I am no longer located in Moncks Corner, having relocated to Greenville last June. Consequently, I will have to redirect you to the Berkeley County Clerk of Court for the records you have requested.

In a criminal case, unlike other types of law, there is very little paperwork generated other than the transcript of the court proceedings. I am presupposing that this is the information you are seeking. The transcript must be requested from the Court Reporter. Papers such as written motions, etc., will be in the records of the Clerk of Court.

I recommend you request any documents on file with the Clerk and that you also obtain the Court Reporter's name and address from the Clerk. You can contact the Clerk at this address:

Honorable Mary Brown
Berkeley County Clerk of Court
300 California Avenue
Moncks Corner, South Carolina 29461

I hope this response is helpful to you.

Sincerely,

Michael A. Brown

MAB/ega





LAW OFFICE OF TRICIA A. BLANCHETTE

January 21, 2015

Michael A. Brown, Esquire
Post Office Box 25748
Greenville, SC 29616

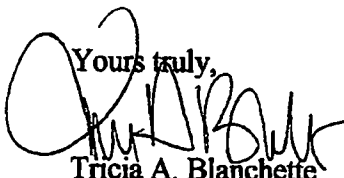
RE: Rodney Ladson v. State; Docket No.: 2012-CP-08-0637

Dear Mr. Brown:

I represent Rodney Ladson in the above referenced Post Conviction Relief Application pending in Berkeley County. On December 29, 2014, Judge Nicholson issued an Order For Discovery, a copy of which is enclosed. Pursuant to this Order, I have enclosed a subpoena for the records from your representation of him on Docket No.: 2012-CP-08-0637.

I have enclosed an envelope for the return of the Proof of Service. Please contact my office if this subpoena needs to be served in person.

Thank you for your attention to this matter. I will look forward to receiving a response.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: Rutledge Johnson, Assistant Attorney General
Rodney Ladson

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF BERKELEY

RODNEY LADSON, 262438, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

STATE OF SOUTH CAROLINA, Defendant

Case Number: 2012-CP-08-0637

Pending in BERKELEY County

TO: MICHAEL A. BROWN, ESQUIRE
 POST OFFICE BOX 25748
 GREENVILLE, SC 29616

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME , AM

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME , AM

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

A complete copy of your file on Rodney Ladson (Indictment Number 99-GS-08-860).

PLACE
 LAW OFFICE OF TRICIA A. BLANCHETTE
 POST OFFICE BOX 12725
 COLUMBIA, SC 29211

DATE AND TIME FEBRUARY 23, 2015, 5:00 PM

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature
 Indicate if Attorney for Plaintiff or Defendant
 Attorney's Address and Telephone Number :
 ATTORNEY FOR PLAINTIFF

01/21/2015
 Date

TRICIA A. BLANCHETTE

Print Name

POST OFFICE BOX 12725
 COLUMBIA, SC 29211
 (803) 988-0001

**VOLUNTARY STATEMENT
(NOT UNDER ARREST)**

I, Ruby Mae Beaufort, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Det Sgt Ollie + Det Cpl Blanchard. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 28 years of age, and I live at 3898 Hwy 41, Huger SC 29450 336-4316

Last Tuesday morning I went out and started my car to let it warm up at 6:45am I didn't see anyone outside at that time. I went outside at 7:10 to leave and reached in the backseat to get my purse and noticed it wasn't there. I went back into the house and got my purse. When I walked outside I saw Rodney coming from across the street going towards his truck. Rodney said "Hey black" and I waved back at him and got into my car and went to work. I remember that Rodney was wearing a light colored top, it was like a tan color but I don't know if it was a shirt or a jacket. End of statement.



I have read each page of this statement consisting of 1 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.

Dated at 10/5/99, this 8th day of March 19 99.

WITNESS: Det Cpl Blanchard

x Ruby Beaufort

Signature of person giving voluntary statement

WITNESS: Det Sgt

BERKELEY COUNTY
Legal Department

1003 Highway 52 Post Office Box 6122
Moncks Corner, SC 29461-6120

Elizabeth Smith Cannon
Assistant County Attorney

Nicole Scott Ewing
County Attorney

Ginger Gaskins-Weiss
Paralegal

October 7, 2013

Mr. Rodney Ladson
SCDC #262438
MacDougall Correctional Institution
516 Old Gilliard Road
Ridgeville, SC 29472

RE: Request dated August 12, 2013

Dear Mr. Ladson:

I am writing in response to your letter dated August 12, 2013, and received in this office on September 24, 2013, wherein you request a copy of medical records. I have attached a copy of your request for your reference.

After a review of the Hill-Finklea's Detention Facility's records, we did not locate any records responsive to your request.

If you have questions, please contact me.

Sincerely,



Ginger Gaskins-Weiss
Paralegal

Enclosure: as stated

cc: Lt. Kendra Moore, HFDC (via email)



RECEIVED

2013 SEP 24 PM 2:30
Rodney Ladson, SCDC# 262438
MacDougall Corr. Inst.
BERKELEY COUNTY Old Gilliard Rd.
LEGAL DEPARTMENT Greenville, SC 29472

August 12, 2013

Sheriff Dewitt
County of Berkeley
223 N. Live Oak Drive
Moncks Corner, SC 29461

Ref: Medical file
Medical and health records

Dear Sheriff,

While in Berkeley County Jail March 12, 1999-November 16, 1999, I was under the county medical care including taking prescribed medication by the doctor(s) that governed the medical staff during the above date. I don't see anything about it in the paperwork that I received from the Sheriff's Dept. through the clerk of court's office. Would you please advise me and/or forward this to the proper office, because I need and am requesting any and all health-mental information that the county jail has on me. I need these as soon as possible. If there is any cost for copies or postage, please advise.

Please clock stamp and send a copy back to me. Thanks again in advance for your help and time in this matter.

Ladson Sr., Rodney J.

Rodney J. Ladson Sr.

SCDC# 262438 LADSON, RODNEY J.

PAGE 87

CALL TO BERKELEY CTY JAIL 0810 TO VERIFY MEDS - MSG LEFT TO RETURN CALL
NO ANSWER AT TIME. J ROUNDTREE, RN

VITALS:-----

HEIGHT: 5 FT 9 IN WEIGHT: 196 TEMP: 097.1 PULSE: 72
BP: 102/ 82 RESP: 16
VISION SCREEN WITHOUT GLASSES: R:20/ 20 L:20/ 70
WITH GLASSES: R:20/ 0 L:20/ 0

VACCINES:-----

DT GIVEN
PPD GIVEN
VACCINE INFO GIVEN

SIGNED OFF ON 11/17/99 AT 08:12 BY JONELLA K ROUNDTREE, UNCLASSIFIED

PHYSICAL ABNORMALITIES:-----

PSYCHIATRIC

CURRENT MEDICAL CONDITIONS:-----

PSYCHIATRIC PROB-IDENTIFY

PHYSICANS COMMENTS:-----

PSYCHIATRIC
HX OF VISUAL HALLUCINATION.WAS ON MELLARIL AND LORAZEPAM.

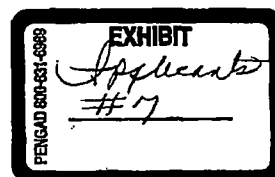
PHYSICANS ORDERS:-----

MELLARIL 50 MGX4 WKS. 2REF.
SIGNED OFF ON 11/17/99 AT 08:29 BY JAIRAJ PRASHAD, PHYSICIAN II

NURSES RESPONSE:-----

CALL RETURNED FROM BERKELEY CTY JAIL - NURSE PAULA STS MEDS WERE
ATTIVAN 0.5MG PO QHS, MELLARIL 50MG PO QAM AND 100MG PO QHS. DR PRASHAD
NOTIFIED AND GAVE VERBAL ORDER AND RX CHANGE TO MELLARIL 100MG PO QHS
X 30 D WITH REF X 2. MAR COMPLETED. J ROUNDTREE, RN
SIGNED OFF ON 11/17/99 AT 11:18 BY JONELLA K ROUNDTREE, UNCLASSIFIED

***** END OF SICK CALL NOTES *****



STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

16 MAY - 3 PM '13

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Rodney Ladson, #262438,

CLERK OF COURT
BERKELEY COUNTY, S.C.

2012-CP-08-0637

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

This matter comes before the Court by way of the Applicant's Post-Conviction Relief application filed February 29, 2012. Respondent filed its Return and Motion to Dismiss on July 10, 2013. The Honorable Roger M. Young, Sr. issued a Conditional Order of Dismissal on July 17, 2013. PCR counsel filed a Notice of Appearance on February 10, 2014. On June 2, 2014, the Honorable Stephanie P. McDonald issued a Form 4 order rescinding the Conditional Order of Dismissal and setting this case for an evidentiary hearing. On August 1, 2014, Applicant, through Counsel, filed a Motion for Discovery. On September 8, 2014, a hearing was held before the Honorable G. Thomas Cooper, Jr. on Respondent's motion to dismiss for Applicant's failure to file his application within the statute of limitations pursuant to S.C. Code Ann. § 17-27-45(a). On October 10, 2014, Judge Cooper ruled that there was not a pending motion to dismiss which needed to be resolved before Applicant's motion for discovery was heard. On December 9, 2014, a motion hearing was held before the Honorable J.C. Nicholson, Jr. On December 29, 2014, Judge Nicholson granted discovery in this case limited to a copy of the SLED file, a copy of plea counsel's file, a copy of the Berkeley County Solicitor's Office file if plea counsel did not have a file containing Rule 5

PH

SCRCrimP materials and complete case documents, and a copy of the coroner's file. On June 16, 2015, Counsel filed a Supplementary Motion for Discovery. On July 1, 2015, Respondent filed a Motion for Summary Judgment. On July 22, 2015, a motion hearing was held before the Honorable Roger E. Henderson at the Charleston County Courthouse. On July 30, 2015, Judge Henderson issued an Order denying Respondent's Motion for Summary Judgment and granting Applicant's Motion for Supplemental Discovery. On December 2, 2015¹, Applicant, through Counsel, filed Amendment to Application for Post-Conviction Relief.

An evidentiary hearing into the matter was convened on January 21, 2016 at the Berkeley County Courthouse. Tricia A. Blanchette, Esquire, represented Applicant. J. Rutledge Johnson, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

At the hearing, Applicant testified on his own behalf. Robert Tressel, Ruby Mac Beaufort, Bertha Beaufort and Peter Skidmore also testified. This Court had before it a copy of the records of the Berkeley County Clerk of Court, records from the South Carolina Department of Corrections, the Application, the State's Return, Applicant's Response to Conditional Order of Dismissal, the guilty plea transcript, the Berkeley County Solicitor's file, the SLED file, plea counsel's file, the Berkeley County Coroner's file and the Berkeley County Sheriff's file.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Berkeley County Clerk of Court. The Applicant was indicted at the March 1999 term of the Berkeley County Grand Jury for murder (1999-GS-08-0860).

¹ While the document states the date as December 2, 2014, PCR Counsel orally corrected the date as December 2, 2015.

PH

Michael Brown, Esquire, represented the Applicant. On November 15, 1999, the Applicant pled guilty to murder. The Honorable R. Markley Dennis sentenced him to confinement for thirty (30) years. The Applicant did not appeal his conviction or sentences.

ALLEGATIONS

In his application for post-conviction relief, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Failure to investigate the case
 - b. Failure to challenge the indictment at trial
 - c. Failure to tell the Judge he was under the influence of drugs during trial and plea
 - d. Failure to explain he could appeal his sentence and conviction
 - e. Failure to get mental evaluation
2. Due Process of Law
3. Involuntary Guilty Plea

In his amended Application, Applicant alleged the following:

1. "Ineffective assistance of counsel that resulted in an involuntary guilty plea due to counsel's failure to provide and review the Berkeley County agencies and SLED's file with Applicant prior to the entry of the guilty plea. Additionally, failure to inform Applicant and/or the court that testing had not been completed on evidentiary items sent to SLED."
2. "Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to conduct a reasonable investigation prior to the entry of Applicant's guilty plea."
3. "Ineffective assistance of counsel that resulted in an involuntary guilty plea for failure to address Applicant's mental health and prescription medication with Applicant and the court prior to the entry of Applicant's guilty plea."

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4. "Alternatively, Applicant submits the responses to interrogatories from the Berkeley County Sheriff's Department and SLED, along with the file received from Berkeley County Solicitor's office, Berkeley County coroner's office, Berkeley County sheriff's office and SLED amount to newly discovered evidence that was not provided by his counsel prior to entry of his plea, was not provided in response to his repeated requests for his final and has been discovered within the last year (as a result of the discovery orders issued on the PCR action) that would have caused him not to proceed with a guilty plea and proceed to trial."
5. "Pursuant to United State v. Cronin, 466 U.S. 648, 104 S.Ct. 2039 (1984) and Nance v. Ozmint, 367 S.C. 547, 626 S.E.2d 878 (2006), Applicant alleges that counsel rendered ineffective assistance in violation of the Sixth Amendment's requirement that Applicant have counsel acting in the role of an advocate and in violation of the adversarial process the Sixth Amendment protects when counsel failed to subject the State's case to meaningful adversarial testing."
6. "Pursuant to Rule 15(b), SCRCP, Applicant would move to amend to conform to the evidence and testimony presented at the evidentiary hearing."

At the hearing, the Applicant proceeded on his claims of ineffective assistance of plea counsel and newly discovered evidence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review a copy of the records of the Berkeley County Clerk of Court, records from the South Carolina Department of Corrections, the Application, the State's Return, Applicant's Response to Conditional Order of Dismissal, the guilty plea transcript, the Berkeley County Solicitor's file, the SLED file, plea counsel's file, the Berkeley County Coroner's file, and the Berkeley County Sheriff's file. This Court has also heard witness testimony at the post-conviction relief hearing and had the opportunity to observe the witnesses presented pass

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upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law.

Statute of Limitations

This Court finds this PCR application should be dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §§ 17-27-10, et seq. (2003). South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

Applicant pled guilty to the offenses he challenges in this application on November 15, 1999.

This application was filed on February 29, 2012, nearly twelve years after the one-year statutory filing period had expired. The statute of limitations contained in section 17-27-45(a) sets forth a bright-line test that must be followed by this Court in determining whether an application for PCR was filed in a timely manner. Applicant testified that the delay in filing his application was due to various mental and medical health issues. Specifically, Applicant testified that he was placed on psychotic medication by Berkeley County Detention after his arrest in March of 1999. Applicant introduced part of his medical and mental health records from South Carolina Department of Corrections and testified that he was on mental health medications until 2001 and was in mental health counseling for some time after that. Applicant also noted that in 2004 he had an eye infection and a corneal transplant in 2006-2007. Applicant further testified that he various other eye and medical issues that prevented him from filing his application until 2012. However, Applicant admitted on cross-examination that he had never been deemed mentally incompetent, nor had he

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been hospitalized for mental health issues. Though Applicant has asserted various reasons why he was unable to file his application until 2012, this Court finds that the asserted reasons do not justify disregarding this one-year statute of limitations. As such, all issues related to Applicant's plea hearing are dismissed. Alternative findings on the issues of newly discovered evidence and ineffective assistance of counsel will be discussed below.

Newly discovered evidence

Applicant also claimed that the documents received from the Berkeley County Sheriff's office, the Berkeley County Coroner's office, the Berkeley County Solicitor's office, and SLED constitute newly discovered evidence under S.C. Code § 17-27-45(c). This Court finds Applicant has failed to meet his burden of proving there is newly-discovered evidence. See Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) ("The burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.").

S.C. Code § 17-27-45(c) states: "If the Applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the Applicant or **after the date when the facts could have been ascertained by the exercise of reasonable diligence.**" (emphasis added). Further, when an Applicant seeks relief on the basis of newly discovered evidence following a guilty plea, relief is appropriate only when the Applicant presents evidence showing (1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea and (2) the newly discovered evidence is of such weight and quality that, under the facts of circumstances of that particular case, the "interest of justice" requires the Applicant's

guilty plea be vacated. Jamison v. State, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014).

While Applicant asserts he did not receive the above-referenced documentation until his PCR action, this Court finds Applicant has failed to meet the definition of newly discovery evidence, as these documents were available and discoverable prior to and during his guilty plea. This Court finds that these documents and information could have been ascertained by the exercise of reasonable diligence. Applicant has simply failed to exercise reasonable diligence pursuant to S.C. Code § 17-27-45(c). This Court finds the documents and information Applicant claimed to be newly discovered evidence satisfies neither prong under Jamison. Therefore, this Court denies this allegation, as this information is not newly discovered evidence.

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel leading to a breakdown in the adversarial process in violation of his Sixth Amendment rights. In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985);

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Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

Under United States v. Cronic, 466 U.S. 648 (1984) and Nance v. Ozmint, 367 S.C. 547, 626 S.E.2d 878 (2006), the defendant does not need to show specific prejudice because there is a presumption of prejudice. In Cronic, the Court identified three situations where a presumption of prejudice exist: (1) where a defendant is denied counsel at a critical stage of the trial; (2) a constructive denial of counsel when a lawyer "entirely fails to subject the prosecution's case to meaningful adversarial testing"; and (3) when even a fully competent lawyer would not be able to provide effective assistance. Cronic, 466 U.S. at 659 (finding that the appoint of a young lawyer with a real estate practice and only twenty-five days to prepare for trial did not create a presumption of prejudice). Establishing per-se prejudice under Cronic is a very high standard for a criminal defendant. Nance, 367 S.C. at 552, 626 S.E.2d at 880. In Nance, the South Carolina Supreme Court found that not only was defense counsel presently suffering from, and was on medication for, or had recently suffered from pneumonia, gout, ulcers, diabetes, alcoholism, and congestive heart failure at the time he was appointed, but that his presentation during the trial and sentencing actually bolstered the prosecution's case and counsel failed to act as an adversary to the prosecution. Nance, 367 S.C. at 553, 557-58, 626 S.E.2d at 881, 883.

Applicant argues that not only did he receive actual prejudice and ineffective assistance of counsel under Strickland, but that there should also be a presumption of prejudice under Cronic and Nance due to a violation of the adversarial process. This Court disagrees. First, it is noted that both Cronic and Nance involve trials. It is noted that this case involves a guilty plea. Applicant's testimony shows that he had always intended to plead guilty. There was no testimony that he had ever requested a trial prior to his guilty plea. Applicant stated that he had accepted the negotiated

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thirty year offer instead of going to trial and facing a life sentence plus an additional twenty years on additional charges. Applicant also stated that he did not want a trial because he did not want his children to have to go through a trial. During his guilty plea, Applicant listened to the facts as recited by the State and when asked by the plea judge if Applicant "on March the 2nd did willfully, unlawfully and feloniously with malice aforethought shoot Patricia Ladson in the chest and that she died as result", Applicant responded affirmatively. (Plea Tr. 14). This Court also notes that though he testified that he wanted a new trial at the hearing, in Applicant's PCR application he states that he is seeking to have his sentence vacated so he can plead to the lesser included offense of manslaughter. (Application 5). Applicant testified that had he known of the existence of various documents including SLED reports, items in the Berkeley County Sheriff's file, items in the Coroner's file, and items in the Solicitor's file he would have wanted to discuss these items with his plea counsel, have certain test run, and would have wanted to go to trial.

To support Applicant's claims, Applicant put forth the testimony of Robert Tressel, who was qualified as an expert in crime scene analysis and reconstruction, Peter Skidmore, a licensed private investigator, Ruby May Beaufort, and Bertha Beaufort.

Both Ruby May and Bertha Beaufort testified that though they were not at the scene at the time of the Victim's murder, they had either seen or spoken to Applicant near the time of the murder and were not contacted by Applicant's plea counsel prior to Applicant pleading guilty.

Mr. Tressel's testified that he reviewed the various documents before the Court. Based on his review of the materials in this case, he stated that there were several issues that he would have raised to plea counsel had he been involved in the case. First, as to a trajectory analysis, Mr. Tressel testified he was not able to make an analysis because the case was missing important measurements.

He testified he would have raised this issue to Counsel. Next, as to a firearms analysis, Mr. Tressel testified that none was completed even though a recovered weapon was sent to SLED. In 2002, the weapon was returned to Berkeley County. He also stated there was a recovered projectile from the wall and a .357 caliber shell casing recovered. There was also a .38 caliber gun recovered in a river close to the crime scene. This gun was traced to a State Trooper. Concerning a trace analysis, Mr. Tressel testified there was gunshot residue on Victim's palm and the back of her right hand; he opined that the right-hand of Victim was closer to the gun than the left hand. There was no gunshot residue test performed on Applicant. Mr. Tressel also testified there were hair samples collected on March 22, 1999 by the medical examiner's office. Mr. Tressel stated SLED did not test the blood found under Victim's fingernails, but should have. Mr. Tressel then opined that manual strangulation was a possible cause of death and that most of the evidence had been destroyed. He further opined that there was no forensic evidence linking Applicant to the crime.

Peter Skidmore testified he had reviewed the Solicitor's file, Sheriff's Office file, SLED file, and Coroner's file. He testified his involvement in this case was to help subpoena the files, review the case, and locate witnesses. He claims he was easily able to locate Ruby May and Bertha Beaufort. He also stated that he reached the conclusion that an expert was needed in this case to review the fingernail scrapings and gunshot residue. He stated that he was surprised that Applicant, as a former law enforcement officer, would plead guilty without reviewing these items. He also stated that he believed plea counsel needed to reach out to other agencies in this case. He lastly stated that there is currently no evidence to be tested because it was destroyed at some point after the guilty plea.

While this Court finds that there was certainly more investigation that could have been done in this case, the situation at hand does not rise to the actual prejudice under Strickland or presumed

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prejudice under Cronic and Nance. This case involves a guilty plea and not a trial. The level of investigation required is not the same when the defendant who never asserted he wanted a trial and admitted on the record in his guilty plea that he was in fact guilty. Applicant is not professing his innocence, in fact his original application simply asked to vacate the murder charge so he can plead to manslaughter, although, it is noted that his testimony at the hearing was that he now wanted a new trial. Though things could have been done differently, it does not rise to the level of incompetence.

CONCLUSION

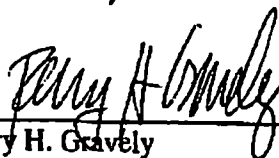
Based on the records, pleadings, the arguments of counsel, and evidence presented this Court finds the Applicant failed to file his PCR application within the time mandated by the Uniform Post-Conviction Procedure Act. This Court further finds the Applicant failed to meet his burden of proving after-discovered evidence. This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure the appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED THAT:

1. The Respondent's Motion to Dismiss is hereby **GRANTED** and the post-conviction relief application is **DENIED AND DISMISSED WITH PREJUDICE**.
2. The Applicant is remanded to the custody of the Respondent for the completion of his sentence.



AND IT IS SO ORDERED this 13th day of April, 2016.



Perry H. Gravely
Presiding Judge
Ninth Judicial Circuit

Mudcks Corn, South Carolina.



LAW OFFICE OF TRICIA A. BLANCHETTE

May 10, 2016

Berkeley County Clerk of Court
ATT: Common Pleas
300 California Ave.
Moncks Corner, SC 29461

RE: Rodney Ladson v. State; Docket No. 2012-CP-08-0637

Dear Sir or Madam:

For filing in the above referenced case, I have enclosed an original and one copy of a Rule 59, SCRCF, Motion. Upon filing, please return the copy to my office in the enclosed envelope.

By copy of this letter, I am providing a copy of this Motion directly to the Honorable Perry H. Gravely as Rule 59, SCRCF, requires.

Thank you for your assistance with this matter. Please contact me with any questions.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: Honorable Perry H. Gravely
Rutledge Johnson, Assistant Attorney General
Rodney Ladson

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BERKELEY	)	DOCKET NO.: 2012-CP-08-0637
	)	
RODNEY LADSON, 262438,	)	
Applicant,	)	
v.	)	MOTION PURSUANT TO
	)	RULE 59(a) & (e), SCRCP
STATE OF SOUTH CAROLINA,	)	
Respondent,	)	

COMES NOW Applicant, through his undersigned attorney, and requests a rehearing and/or entry of a new judgment, pursuant to Rule 59(a)(2), and/or amendment of the findings of fact and conclusions of law in the standing Order of Dismissal pursuant to Rule 59(e), SCRCP.

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post Conviction Relief filed on February 9, 2012. The State submitted a Return and Motion to Dismiss and Conditional Order of Dismissal on July 9, 2013. Thereafter, the Honorable Roger M. Young signed the Conditional Order of Dismissal, which was filed on July 17, 2013. The Applicant, through counsel, received service of the Conditional Order of Dismissal on April 28, 2014. Applicant, without the assistance of counsel, responded to the Return and Motion to Dismiss and proposed Conditional Order of Dismissal on July 19, 2013, and the Applicant, through counsel, submitted a response to Conditional Order of Dismissal on May 12, 2014. On June 9, 2014, Applicant, through counsel, received notice of the entry of a Form Four Order by the Honorable Stephanie P. McDonald rescinding the Conditional Order of Dismissal and ordering that an evidentiary hearing be set.

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An evidentiary hearing was convened on January 21, 2016 at the Berkeley County Courthouse in front of the Honorable Perry H. Gravely. The State was represented by J. Rutledge Johnson, Esquire, of the South Carolina Attorney General's Office. Applicant was present and was represented by Tricia A. Blanchette, Esquire.

At the conclusion of the hearing, the Court instructed the State to submit a proposed Order. Following the submission of a proposed Order, Applicant's counsel contacted the Court regarding concerns with the proposed Order. An Order of Dismissal was issued on April 13, 2016 and filed May 3, 2016. Applicant's counsel received a copy of the Order via email from the Berkeley County Clerk of Court on May 6, 2016 and a mailed copy from the Office of the Attorney General on May 9, 2016, from which this Motion timely follows.

ARGUMENT

In Marlar v. State, 375 S.C. 407, 653 S.E.2d 266 (2007), the South Carolina Supreme Court made it clear that a post-conviction relief judge must make specific findings of fact and state expressly the conclusions of law relating to each issue presented. See also S.C. Code Ann. § 17-27-80. Therefore, Applicant would respectfully request that this Court ensure that specific findings of fact and conclusions of law are entered and that the arguments and testimony of each witness is properly addressed. Applicant would further request that this Court obtain and review the evidentiary hearing transcript, reconsider the standing Order of Dismissal, and/or rehear Applicant's case pursuant to Rule 59(a) and (e), SCRPC.

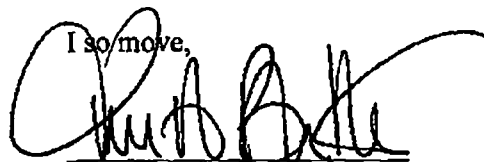
In support of the instant Motion, Applicant would submit the following:

1. The standing Order of Dismissal fails to address the Interrogatories that were obtained via Court ordered discovery and provided as part of the record at the evidentiary hearing.
2. The standing Order of Dismissal fails to address the lengthy Response to Conditional Order of Dismissal that was provided as part of the record and supports Applicant's testimony and claims that his Application should not be dismissed as untimely.
3. The South Carolina Supreme Court has held that trial counsel has a duty to perform a reasonable investigation, which at a minimum includes the duty to conduct an independent investigation of the facts and circumstances of the case and interview potential witnesses. Lounds v. State, 380 S.C. 454, 460, 670 S.E.2d 646, 649 (2008); See Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007). The standing Order of Dismissal fails to address each individual claim of ineffective assistance of counsel raised and does not address the State's failure to call trial counsel as witness to rebut the testimony and evidence offered by Applicant regarding counsel's failure to prepare and investigate the case prior to a trial or the entry of his guilty plea.
4. The standing Order of Dismissal fails to address Applicant's amended allegation, testimony and evidence offered regarding counsel's failure to address "Applicant's mental health and prescription medication with Applicant and the court prior to the entry of Applicant's guilty plea."
5. The standing Order of Dismissal fails to address Applicant's testimony that he would not have accepted the guilty plea and would have proceeded to trial but for counsel's ineffective assistance. See Davie v. State, 381 S.C. 601, 613, 675 S.E.2d 416, 422-23 (2009) (Reasoning that it is not always necessary for a defendant to offer objective evidence to support a claim of actual prejudice; depending on the facts of the case, a defendant's self-serving statement may be sufficient to establish actual prejudice); See also Jackson v. State, 342 S.C. 95, 97, 535 S.E.2d 926, 927 (2000) (Rejecting objective evidence requirement established in Judge and finding Petitioner proved he was prejudiced by counsel's deficient performance in failing to properly advise the Petitioner that he was pleading to a felony rather than a misdemeanor where Petitioner's uncontradicted testimony established that he would not have pled had he known the charge was a felony), overruling Judge v. State, 321 S.C. 554, 562, 471 S.E.2d 146, 150 (1996) ("The second prong of the ineffective assistance inquiry--prejudice--is shown by demonstrating through objective evidence . . . [the existence of] a reasonable probability that, but for counsel's advice, [the defendant] would have accepted the plea. Mere statements by the PCR petitioner that he would have accepted the plea agreement but for counsel's incompetence are insufficient to show prejudice because they are self-serving and inherently unreliable.") (citation omitted); See also Smith v. State, 369 S.C. 135, 138, 631 S.E.2d 260, 261 (2006) ("The defendant's undisputed testimony that he would not have pled guilty to the charges but for trial

counsel's advice is sufficient to prove that defendant would not have pled guilty.").

6. The standing Order of Dismissal fails to consider that Applicant's case is distinguishable from Jamison v. State, 410 S.C. 456, 765 S.E.2d 123 (2014) since Applicant has claimed ineffective assistance of counsel and involuntary guilty plea. In deciding Jamison and fashioning a new rule applicable to strictly newly discovered evidence claims stemming from a guilty plea, the South Carolina Supreme Court made it abundantly clear that Jamison had not alleged ineffective assistance of plea counsel or involuntary guilty plea in connection with his claim of newly discovered evidence. 410 S.C. at 465, fn. 5, 467, 765 S.E.2d at 127, fn.5, 128. Therefore, Applicant submits that his case is distinguishable from Jamison and this Court's standing Order applying Jamison amounts to an error of law.

For the above stated reasons, Applicant would respectfully request that this Court obtain and review the evidentiary hearing transcript and hold a motion hearing to allow Applicant, through counsel, to address this Court regarding the standing Order of Dismissal. Applicant would further request that this Court reconsider the standing Order of Dismissal and direct the entry of a new judgment or alter the standing Order of Dismissal to ensure that all arguments are fully addressed by this Court prior to appeal

I so move,


Tricia A. Blanchette
 Attorney for Applicant
 Post Office Box 12725
 Columbia, South Carolina 29211

May 10, 2016
 Columbia, SC

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
RODNEY LADSON, 262438,)
Applicant,)
v.)
STATE OF SOUTH CAROLINA,)
Respondent,)

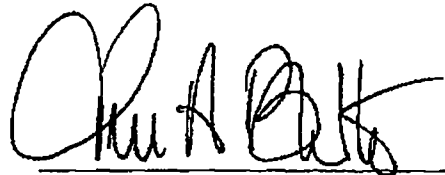
IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2012-CP-08-0637

CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, Attorney for Applicant, hereby certify that a copy of a Rule 59, SCRCP, Motion was placed in the United States mail this 10th day of May 2016 to J. Rutledge Johnson of the Attorney General's Office, at:

Office of the Attorney General
Att: J. Rutledge Johnson, Sr. Ast. AG
PO Box 11549
Columbia, SC 29211



Tricia A. Blanchette
PO Box 12725
Columbia, SC 29211
(803) 988-0008

May 10, 2016

TS
2016 MAY 12 PM 12:20
CLERK OF COURT
BERKELEY COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Rodney Ladson, #262438,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

2012-CP-08-0637

ORDER

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This matter comes before the Court upon Applicant's Motion Pursuant to Rule 59(a) & (e), SCRCP (Motion) of the Order dismissing his Post-Conviction Relief (PCR) claim, filed by and through counsel on or about May 10, 2016. After fully considering said Motion, the Court finds no need for oral argument in this matter, and the Motion to Alter/Amend Judgment is denied for the reasons discussed below.

In his Motion, Applicant sets forth six bases for this Court to reconsider its Order dismissing Applicant's claims. In summary, the Motion asserts that the Order fails to address: (1) "the Interrogatories that were obtained by Court ordered discovery"; (2) the Response to Conditional Order of Dismissal; (3) "each individual claim of ineffective assistance of counsel and does not address the State's failure to call trial [sic] counsel as a witness"; (4) "Applicant's amended allegation, testimony and evidence offered regarding counsel's failure to address 'Applicant's mental health and prescription medication with Applicant and the court prior to the entry of Applicant's guilty plea'; (5) "Applicant's testimony that he would not have accepted the guilty plea and would have proceeded to trial but for counsel's ineffective assistance"; and (6)

"fails to consider that Applicant's case is distinguishable from Jamison v. State . . . since Applicant has claimed ineffective assistance of counsel and involuntary guilty plea."

I. Failure to address Response to Conditional Discharge.

The Court notes that this matter was decided on the ground that the Applicant had failed to file his Application for PCR prior to the expiration of the statute of limitations. (Order pp. 5-6). All other allegations made by the Applicant were addressed as alternative findings. (Order p.6). While the Order does not address Applicant's Response to Conditional Order of Dismissal (Response) by name, the content of this filing as well as Applicant's corresponding testimony at the PCR hearing are considered and discussed in the Order. (Order pp.5-6). Despite Applicant's Response and testimony, the Court found that although Applicant suffered various medical and other issues (such as difficulty obtaining his file from his attorney when he contacted him nearly five years after his guilty plea) since being incarcerated, Applicant admitted he was never deemed mentally incompetent or hospitalized for mental health issues. (Order pp. 5-6) The Applicant did not present an excuse for the twelve year delay in filing his PCR application.

II. Interrogatories.

Applicant argues that the Court has failed to address the Interrogatories that were obtained during discovery and were part of the Record. First, the Court considered all information that was made a part of the Record. While not mentioned by name in the Order, all the information contained in the Interrogatory responses¹ was discussed as "the documents received from the Berkeley County Sheriff's office . . . and SLED" under "Newly discovered

¹ It is noted that SLED's response to the Interrogatories was an objection and statement that all information they had was already provided to PCR counsel and that they had no ballistics analysis, no trajectory analysis, and possessed no DNA evidence. Berkeley County Sheriff's response can be summarized by stating that they disposed of any evidence at some point after the guilty plea, all that they had retained as a Charter Arms Undercover .38 Special, and they attached the case file to their responses.

evidence” and addressed in the discussion of Robert Tressel and Peter Skidmore’s testimony under “Ineffective Assistance of Counsel.” (Order pp. 6–7; 9–10). The Court found that these items did not meet the definition of newly discovered evidence.

III. Claims for ineffective assistance of counsel and State’s failure to call plea counsel as a witness.

a. Plea counsel did not testify.

Applicant argues in his Motion that the Court should reconsider its Order because it did not address the “State’s failure to call trial [sic] counsel as witness [sic] to rebut the testimony and evidence” presented by the Applicant. (Order pp. 7–8). It is noted that “[c]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985) (citing Strickland v. Washington, 466 U.S. 668, 690 (1984)). As set forth in the Order, the burden of proof is on the applicant in a PCR to prove each element of his case by a preponderance of the evidence. The State’s decision to call or not call a witness at an evidentiary hearing does not change this burden.

b. Ineffective assistance of counsel claims

Second, Applicant made various claims of ineffective assistance of counsel. The Court realizes that not all claims discussed during the evidentiary hearing were fully addressed in the Order and takes this opportunity to supplement the findings in its Order.

In the attachments to Applicant’s original PCR Application, Applicant stated the following reasons for his claim of ineffective assistance of counsel:

- “[plea counsel] did not investigate [Applicant’s] case”;
- “[plea] counsel did not challenge the indictment at trial”;

- “[plea] counsel failed to tell judge that [Applicant] was under the influence of drugs during my trial and pled [sic]”;
- “[plea] counsel was ineffective for not explaining that he could appeal the judge’s sentence and conviction”; and
- “[plea] counsel should have gotten the applicant a mental evaluation”.

On or about December 2, 2015, Applicant, through counsel, filed an Amendment to Application for Post Conviction Relief (Amendment). Here, the Applicant clarified and added to his claims of ineffective assistance of counsel. The Amendment claims ineffective assistance of counsel for:

- plea counsel’s “failure to provide and review the Berkeley County Agencies’ and SLED files with Applicant prior to entry of guilty plea . . . to inform Applicant and/or the court that testing had not been completed on evidentiary items sent to SLED”;
- “failure to conduct a reasonable investigation”;
- “failure to address Applicant’s mental health and prescription medication with Applicant and the court prior to the entry of Applicant’s guilty plea”; and
- “Pursuant to United States v. Cronin, 466 U.S. 648, 104 S.Ct. 2039 (1984) and Nance v. Ozmint, 367 S.C. 547, 626 S.E.2d 878 (2006), Applicant alleges that counsel rendered ineffective assistance in violation of the Sixth Amendment”.

Applicant also moved to amend the pleading to conform to the evidence and testimony presented. During the evidentiary hearing on January 23, 2016, the issues raised by Applicant concerning the indictment and failure to advise Applicant of his right to appeal were never addressed and therefore deemed abandoned.

While the Court addressed plea counsel’s alleged failure to properly investigate evidence and claims under Cronin and Nance in the Order, the Court will further address Applicant’s claims that (1) plea counsel did not review discovery with him and failed to inform Applicant and the court that testing of evidence had not been completed; and (2) plea counsel failed to address Applicant’s mental health with Applicant and court prior to the guilty plea. Any other

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allegations of ineffective assistance of counsel were deemed abandoned by Applicant's failure to present testimony and evidence related to the claims during the evidentiary hearing.

1. *Plea counsel failed to review discovery with Applicant and inform Applicant and the court that testing had not been completed.*

Applicant testified that he met with plea counsel three or four times between March 1999 and his guilty plea in November 1999, yet he states that they never went over the nearly five hundred pages of discovery he has now received in this case, never discussed potential witnesses, and never discussed defenses. Applicant states in cross examination that he never even saw any of the 500 pages of discovery before 2013. However, earlier, Applicant's testimony concerning voluntary statements of witnesses was that he had seen at least some parts of these statements prior to his guilty plea. The Court notes that during the guilty plea the court asked plea counsel if he had investigated the case and shared the results with Applicant. (Plea Tr. p. 6). Plea counsel responded that he had. (Plea Tr. p. 6). Later in the plea, plea counsel is addressing the court and states that he and Applicant "had many conversations together about the case, about what was involved and about the consequences." (Plea Tr. p. 16).

When discussing how he was prejudice by counsel allegedly failing to review any discovery with him prior to his guilty, Applicant states that he would have wanted certain test performed or evidence investigated, that things "jumped off the page" in reports due to his experience and training as a former law enforcement officer.² Later in his testimony, Applicant states that he didn't even know of the existence of the types of reports and information contained in the approximately five hundred pages of information before the Court because his main duties as a law enforcement officer were traffic enforcement, even though he admitted on cross

² Applicant testified he spent five years with the South Carolina Highway Patrol, three years as a traffic officer with the Mount Pleasant Police Department, and one year with the City of Charleston Police Department as a traffic officer.

examination that he had investigated crime scenes and completed reports that were turned over to the solicitor's office. He further admitted on cross examination that he knew that if investigation needed to be done that it usually went to SLED.

The Court finds that Applicant's testimony is inconsistent and contradictory at times with regard to what information he received and its effect on his decision to plead guilty or go to trial. The Court finds that Applicant has not shown by a preponderance of the evidence that plea counsel failed to render reasonably effective assistance, that Applicant was prejudiced by plea counsel's performance, or that but for plea counsel's errors he would have not pled guilty and demanded a trial.

2. *Plea counsel failed to address Applicant's mental health with him and the court prior to entry of guilty plea.*

This claim will be discussed *infra* in Section IV as it was raised as a separate issue in Applicant's Motion.

IV. Failure of plea counsel to address mental health and prescriptions with the plea judge.

Applicant testified that plea counsel should have known that he was on various medications for mental health issues and was depending on plea counsel to inform the court of this. Applicant further testified that he recalls being on these medications in the time leading up to his guilty plea while he was in the Berkeley County jail. When asked by PCR counsel why he didn't tell the judge that he was on mental health medications when asked during the plea, Applicant responded that the court didn't ask if he was on medication, the court asked if he was on drugs so he responded that he was not. Applicant went on to say that he depended on plea counsel to provide any information that the court needed. However, during the plea, the court asked Applicant if he was "under the influence of anything affecting [his] ability to make a decision of

this nature” and Applicant responded that he was not. (Plea Tr. p. 5). The court went further and asked if he had consumed or ingested any drugs or alcohol in the last 24 hours and if Applicant had ever been treated for any emotional problems or mental illness. (Plea Tr. p. 5). Applicant responded in the negative to both questions from the court. (Plea Tr. p. 5). Later in the plea, the court notes that “[Applicant] fully understands his rights, is not under the influence of anything affecting his ability to make a decision of this nature. . . . [the court finds] nothing about this demeanor that suggests to the Court that he is functioning or under the undue pressure or anything effecting him at all. He has responded to my questions correctly in every sense, body language and words...” (Plea Tr. pp.14–15).

The court finds that the Applicant has not met his burden in this matter. A defendant cannot rely on plea counsel to provide information to the court when the court directly asks the defendant about things he has consumed and treatment he has received. In addition, the court noted Applicant’s demeanor during the plea and did not find anything unusual or abnormal about his behavior in deciding to accept Applicant’s plea. The Court finds that any oversight on the part of plea counsel was negated by the questioning of the court during Applicant’s guilty plea. Therefore, the Court finds that Applicant has not met his burden of proving ineffective assistance of counsel on this issue.

V. Applicant’s statements that he would not have accepted the plea but for ineffective assistance of counsel.

Applicant has cited various case law stating that an applicant’s uncontradicted testimony that applicant would not have pled guilty but for plea counsel’s advice is sufficient to prove applicant would not have pled guilty and to establish actual prejudice. (Mot. Recons. 3–4).

The Court feels that, again, the credibility of the Applicant is an issue that must be

weighed in considering if the Applicant's statement alone, that he would have gone to trial instead of accepting the negotiated plea offer, is enough to meet the Applicant's burden. The Applicant gave various contradictory testimony during the hearing and in his Application. In addition, during the guilty plea, plea counsel states that this was always going to be a guilty plea, that the Applicant did not want to put his children and family through a trial. (Plea Tr. 15-16). This was echoed again by the Applicant during the PCR hearing when he was asked why he decided to take the negotiated plea offer. Based on this, the Court does not believe that the Applicant has met his burden and does not support an amendment to the previous Order.

VI. Distinctions between the present case and Jamison v. State.

In Jamison v. State, 765 S.E.2d 123, 130 (S.C. Sup Ct 2014), the Supreme Court set forth the standard for vacating a guilty plea in connection with a PCR applications:

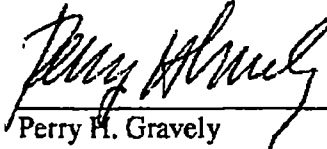
Guided by the language of section 17-27-20(A)(4) of the PCR Act, we hold that, when a PCR applicant seeks relief on the basis of newly discovered evidence following a guilty plea, relief is appropriate only where the applicant presents evidence showing that (1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the "interest of justice" requires the applicant's guilty plea to be vacated. In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions. In so holding, we caution that it will be the rare case indeed where the interests of justice will require that a knowing and voluntary guilty plea be vacated through post-conviction relief on the basis of newly discovered evidence, for an unconditional guilty plea involving an admission of guilt and a waiver of trial and all defenses will generally preclude any subsequent challenge to factual guilt.

This Court finds that the Applicant did not meet this very narrow exception to vacating his guilty plea. The "newly discovered evidence" was not some alibi witness, but the testimony was along the lines that this evidence should have been reviewed and additional investigation performed. This does not rise to the level of exculpatory evidence or the possibility that it may

have changes the outcome. It is mere speculation that the Defendant would have done some additional investigation if he had reviewed this information which is quite different than the scenario in Jamison. Therefore, the Court does not find that this exception is a basis for granting the relief requested.

VII. Conclusion

For the reasons set forth above, the Applicant's Motion for Reconsideration is denied.


Perry H. Gravely
Presiding Judge

September 7, 2016

Pickens, South Carolina





ALAN WILSON
ATTORNEY GENERAL

September 15, 2016

The Honorable Mary P. Brown
Clerk of Court, Berkeley County
Post Office Box 219
Moncks Corner, South Carolina 29461-0219

Re: Rodney Ladson, #262438 v. State of South Carolina
2012-CP-08-0637

Dear Ms. Brown:

Enclosed please find an original and a copy of an **Order** in connection with the above referenced case. Please file the original and return a certified copy to me in the self-addressed envelope provided for your convenience.

Sincerely,

J. Rutledge Johnson
Assistant Deputy Attorney General

CLERK OF COURT
BERKELEY COUNTY S.C.

16 SEP 21 PM 4:02

mailed 9/21/16

TG

NOT RECORDED

DW

99-03-SC-00308

WITNESSES
Blanchard, BCSO

ARREST WARRANT NO. G180013

ACTION OF GRAND JURY

Yane Bill

Beggs. Vain
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 99-GS-08-860

The State of South Carolina,
Berkeley

County of

COURT OF GENERAL SESSIONS

May

TERM 1999

39 THE STATE *with Bill*

vs.

RODNEY LADSON

Indictment for

MURDER

476

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE

VS

AKA:

Race: BSex: MDOB: [REDACTED]Age: 39SSN: [REDACTED]DL#: [REDACTED]SID#: [REDACTED]IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:99 -GS- 08 - 860A/W#: G180013Date of Offense: 3-2-99S.C. Code § : 16-3-10CDR Code #: 011116

SENTENCE

☒ PLEA☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Murderin violation of § _____ of the S.C. Code of Laws, bearing CDR Code # 011116☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Sharon Capers
SolicitorRodney Hudson
DefendantMichael A. J.
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____, plus costs and assessments as applicable*, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$

§ 14-1-206 - Assessments 100%.....\$

§ 14-1-211 - Surcharge.....\$

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI).....\$

County (3%).....\$

TOTAL.....\$

Clerk of Court/Deputy Clerk Debra MitchellCourt Reporter: Grace Hensley

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: _____

PRESIDING JUDGE R. MarkleyJudge Code: 0101610Sentence Date: 11-15-99

White - Clerk

Green - Corrections/Detention Ctr.

Canary - Probation

Pink - Defendant

Goldenrod - Solicitor