

VOLUME TWO OF TWO

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

Honorable D. Craig Brown, Circuit Court Judge

THOMAS LEWIS BLOODSAW,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-002496

APPENDIX

JOHN H. STROM
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JESSICA KINARD
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

RECEIVED

JUL 03 2017

S.C. SUPREME COURT

INDEX

INDEX..... i

TRIAL TRANSCRIPT..... 1

ANDERS BRIEF..... 464

ORDER DISMISSING APPEAL..... 477

REMITTITUR..... 479

APPLICATION FOR POST-CONVICTION RELIEF 480

RETURN 487

POST-CONVICTION RELIEF HEARING TRANSCRIPT..... 493

ORDER OF DISMISSAL..... 528

INDICTMENTS..... 541

1 Q Okay. When you spoke with law enforcement just a few
2 days after being arrested, had you already met with
3 Mr. Cooper?

4 A No, not at all.

5 Q Okay.

6 A As a matter of fact -- I apologize. I got
7 question -- I got confused on the question. At the time,
8 I never really talked to Jay Cooper until maybe -- I never
9 found out that he was my lawyer until maybe two, two
10 months after I got locked up. And I never really talk to
11 him about the case until maybe about six, six months after
12 I got locked up.

13 Q Okay.

14 MR. JAMES: I have to object. I don't really see
15 where this is going. This isn't relevant to the
16 allegations made in his Post Conviction Relief
17 application, which pertains only to the State's closing
18 argument.

19 THE COURT: I'm going to overrule it right now.

20 I'll give you a little leeway here, Mr. Waller.

21 MR. WALLER: I'm wrapping up this issue right now.

22 THE COURT: Okay.

23 BY MR. WALLER:

24 Q Did you speak with Mr. Cooper about the circumstances
25 surrounding your statement?

1 A No, sir.

2 Q Okay. Who else represented you after Mr. Cooper
3 passed away?

4 A Victor Li.

5 Q Okay. Did you speak with Mr. Li about the
6 circumstances surrounding your statement?

7 A As far as trial tactics, but not really in-depth
8 testimony of what went on.

9 Q Okay. When did you first meet with Mr. Li?

10 A Around about September, so I'd say maybe about --
11 around August of 2012, maybe.

12 Q Okay. And what did you -- if you recall, what did
13 y'all talk about when you first met?

14 A Well, he wanted to get the rundown of how far me and
15 Mr. Cooper had got in the case, but we never really got in
16 the case. He wanted to know whether I wanted to take it
17 to trial or whether I wanted to plea. I informed him that
18 I definitively didn't want to plead to 15 years because I
19 was not guilty of first degree burglary, so I would much
20 rather take it to trial.

21 Q Okay. And you ultimately ended up testifying at the
22 trial that; is that right?

23 A Yes, sir.

24 Q And your testimony was that while you did enter the
25 house, that you were not the first person to enter the

1 house?

2 A Yes, sir.

3 Q Is that right? Who did you testify that entered the
4 house before you?

5 A Mr. Moses, Moses McKnight.

6 Q Okay. Did you tell Mr. Cooper or Mr. Li about
7 Mr. McKnight in advance of the trial?

8 A No, not -- no, sir.

9 Q Okay. So when was the first time Mr. Li would have
10 learned of Mr. McKnight?

11 A At trial.

12 Q At the trial, okay. What did you and Mr. Li talk
13 about as far as any potential defenses that you might
14 have?

15 A Well, he really told me that -- you know, he just was
16 telling me what the trial would be like and what the
17 settlement would be and asking me, you know what I'm
18 saying. I can't really remember everything that we talked
19 about, but I know he really was breaking down what he was
20 going to attack and tell me what -- ask me what I wanted
21 to do. And I just tell him I'm just getting on the stand
22 and tell what happened because I didn't take a gun. And
23 he said if that's what you want to do.

24 Q Okay.

25 A I mean, it was more to it, but, you know, it's been

1 three years, so.

2 Q And that was really the only issue at your trial,
3 right, was whether or not you took the guns that were
4 taken from the house?

5 A Yes, sir.

6 Q And you contend, just like you contend today, that
7 you did not ever have possession of any weapons at any
8 time?

9 A Yes, sir.

10 Q Mr. Bloodsaw, I've asked all the questions that I
11 have for you. Before the trial started, not talking about
12 the actual trial itself, is there anything you think that
13 the Court needs to be aware of of Mr. Li's representation
14 of you?

15 A Well, after -- now that I have had knowledge of some
16 of the laws that went on, yeah, I feel he did prejudice me
17 in a certain few areas, not necessarily purposely, but he
18 was ineffective in a few areas during the trial.

19 Q Okay. Before the trial, was there anything you asked
20 him to do that he did not do?

21 A Well, yeah -- I can't really -- I'm trying to think,
22 my mind is going back and forth. I got a lot going on in
23 my life right now. I know it was some things that I may
24 have asked for that we did not -- you know what I'm
25 saying, he just -- he did not agree with, so he never

1 brought up at the time and I just went along with it.

2 Q Okay.

3 A But I can't think.

4 MR. WALLER: I have no further questions for you.
5 Please answer any questions Mr. James has.

6 THE COURT: Cross-examination?

7 THE WITNESS: Oh, oh.

8 THE COURT: Hold on a minute.

9 THE WITNESS: I apologize.

10 THE COURT: Was there something else?

11 THE WITNESS: Yes, sir, my memory just --

12 THE COURT: Okay. Go ahead, sir.

13 THE WITNESS: Okay. I had -- he didn't know the
14 whole story on my codefendant, but I was going to ask
15 about my codefendant, but he said just give the testimony
16 and they'll take from it there. If they need him, they'll
17 call him.

18 BY MR. WALLER:

19 Q When you say codefendant, who do you mean by
20 codefendant?

21 A Moses.

22 Q Was he ever charged in this case?

23 A No, sir. He was not really my codefendant, but he
24 was the person involved with me.

25 Q Okay. So Mr. Li didn't know about him until the

1 morning of trial, the day of trial?

2 A Yeah, the day of trial. He didn't know how he was
3 involved, but I let him know it may be somebody else
4 involved, there was somebody else involved and they might
5 need to be called. But he said if testimony called for
6 him to be called, the judge would ask for -- the Solicitor
7 might ask for it.

8 Q Was that -- when y'all had that discussion, was it
9 before the trial or was that the same day?

10 A That same day, like going-into-the-courtroom-type
11 situation, like in the courtroom.

12 Q Did he ever ask you in preparing for trial
13 whether you had any defenses or any other witnesses?

14 A I think he asked me, but he said -- I think he asked
15 me, but I can't remember. He didn't really say. I can't
16 remember. I think he asked me, but at the time for some
17 reason, that never got brought to -- you know what I'm
18 saying, never got brought up.

19 Q Okay. So he might have asked you, but you never gave
20 him Mr. McKnight's name?

21 A No, I never -- I mean, no -- I can't -- I really --
22 it comes and goes, you know what I'm saying. It's been
23 three years, but I can't really remember if he did. I
24 know that -- I don't know. I can't really remember. I
25 can't remember right now.

1 MR. WALLER: No further questions.

2 THE WITNESS: I apologize. My mind just...

3 THE COURT: Mr. James.

4 CROSS-EXAMINATION

5 BY MR. JAMES:

6 Q Mr. Bloodsaw, just to be clear, you said that you
7 didn't tell Mr. Li about Moses McKnight until the trial?

8 A Yeah, the day of.

9 Q Okay.

10 A As far as name, yeah.

11 Q Do you know the whereabouts of Mr. Moses McKnight
12 today?

13 A I just recently found out that he died.

14 Q Okay.

15 A I guess while I was locked up.

16 Q How recently did you find out that he died?

17 A While I was locked up, like, right after I caught my
18 time.

19 MR. JAMES: I have no further questions, Your Honor.

20 THE COURT: Anything further?

21 MR. WALLER: Nothing further, Your Honor.

22 THE COURT: Sir, you may step down.

23 MR. WALLER: Thank you, Your Honor. The Applicant
24 calls Victor Li.

25 VICTOR LI, after being duly

1 sworn, testified as follows:

2 THE COURT: Please be seated. State your full name
3 for the record, spell your last, please.

4 THE WITNESS: Victor K. Li, L-I.

5 DIRECT EXAMINATION

6 BY MR. WALLER:

7 Q Good morning, Mr. Li, how are you -- good afternoon,
8 I guess, how are you today?

9 A Good, how about you?

10 Q Mr. Li, do you have a copy of the transcript of this
11 case?

12 A You sent me one. I didn't bring it with me, but I
13 did read it.

14 MR. WALLER: Your Honor, may I approach?

15 THE COURT: Yes, sir.

16 BY MR. WALLER:

17 Q Mr. Li, how did you come to represent Mr. Bloodsaw?

18 A I believe that his mother had come to speak with me
19 before Christmas of 2012 and discussed the case with me.
20 I believe Mr. Bloodsaw was currently incarcerated at that
21 and she did not retain me until, if my memory serves me,
22 beginning of January -- mid-January to beginning of
23 January of 2013.

24 Q Okay. And about how long did you -- before that did
25 you go meet with Mr. Bloodsaw?

1 A I don't think I did.

2 Q Okay.

3 A I may have, but I'm not sure.

4 Q Do you recall how many times you did meet with him?

5 A Many times. We had an open door policy. No
6 appointments necessary. He could just show up at the
7 office. He had my cell phone, so that wasn't an issue.

8 Q He was out on bond?

9 A Right. His mother came into some money after the new
10 year, so that's how she decided to retain me. And she
11 bonded Mr. Bloodsaw out.

12 Q And if you could, what -- in speaking with
13 Mr. Bloodsaw, what was your theory of the case?

14 A Well, the theory of the case is -- the only evidence
15 that they had was fingerprints. That's all the evidence
16 that they had. The fingerprints came back and they
17 matched -- the State alleged that they matched
18 Mr. Bloodsaw's.

19 So at that point, we had two choices and in
20 retrospect, they were probably mutually exclusive
21 theories. But if we wanted to challenge the fingerprint
22 part of it, that was one course, and then the other course
23 was to contest the element of the weapon, the gun at the
24 burglary, trying to get a burglary second charge.

25 So for the fingerprint -- for the fingerprint theory,

1 we -- I hired an expert, a guy named Marty Lutis from
2 North Carolina. He was very qualified, very nice, very
3 willing to work with us for the amount of money that we
4 could get, that I could ask Ms. Bloodsaw to provide.

5 He came down -- he came down to Columbia, went to the
6 sheriff's department. I had arranged it with the Richland
7 County Sheriff's Department for him to analyze or take a
8 sample or to get a copy of the fingerprint. I'm not
9 exactly sure how it worked, but he ended up doing that and
10 he tested it himself. Once he tested it himself, he was
11 pretty confident that it matched. He came to the same
12 result that the lab at the Richland County Sheriff's
13 Department did.

14 So at that point, I still held onto the theory
15 that -- because I had read a bunch of cases contesting
16 fingerprints, about the general science of fingerprints,
17 how it's unreliable, how there's a huge underlying
18 misconception to the science of fingerprints. So I
19 thought about challenging the -- not that it didn't match,
20 but just the underlying science of fingerprinting
21 themselves. It was between that part and then contesting
22 whether or not there was a gun. Because I don't agree
23 with the testimony today as to not knowing about Moses
24 McKnight prior to that. I did have the -- you know, I was
25 informed of that theory of the case.

1 Obviously, I wasn't there at the scene. I liked that
2 theory of the case. I knew -- we knew about Moses
3 McKnight prior to the trial. That was definite because I
4 remember I had -- I sent an investigator to do some
5 research on -- a friend of mine. He didn't charge us any
6 money, just do some background on Moses McKnight, I think
7 around February of the case. I didn't have much time to
8 do the research, but I did have an investigator to do some
9 research on it. And I spoke with Don Robinson and said
10 hey, look, give me some information on a guy named Moses
11 McKnight. It turned out that Moses McKnight was dead. I
12 don't know when he died, but he was the person that was
13 testified about prior to this hearing as the victim of the
14 previous case here. So yeah, there was Moses McKnight. I
15 knew about him, but couldn't do any investigation on him
16 because he was dead.

17 Q Don Robinson was investigator in this case?

18 A That's right.

19 Q Did you represent Mr. Bloodsaw on an assault and
20 battery charge as well?

21 A I was appointed to -- I was appointed to that case,
22 to the assault and battery charge, but I can't remember
23 exactly if I was appointed before being retained on him or
24 after. I'm pretty sure it was after I was already
25 retained for this case. And then they -- I think the

1 public defender's office conflicted that one out to me.

2 Q Okay. In either of the two cases and, particularly,
3 the burglary case, did you and Mr. Bloodsaw discuss the
4 circumstances surrounding his statement to law
5 enforcement?

6 A No, not really. He told me about it. He said that
7 he didn't say anything. I think his words were, I didn't
8 tell him nothing. I didn't tell him anything. So, you
9 know, that's -- that's what I understood. And the
10 Solicitor never turned over any discovery that implied
11 that he had gave a written statement or anything like
12 that.

13 Q Okay. There was a Jackson v. Denno hearing in the
14 burglary trial, is that your understanding?

15 A I believe so.

16 Q Okay.

17 A If it's there, yeah.

18 Q Do you recall whether you call Mr. Bloodsaw to
19 testify?

20 A I don't remember.

21 Q Okay.

22 A Did I?

23 Q You did not?

24 A I did not.

25 Q Do you recall if you presented any evidence to

1 dispute the investigator's allegations of how the
2 statement was given, the circumstances of the statement?

3 A I don't believe I did. Obviously, correct me if I'm
4 wrong. I don't remember the Jackson vs. Denno hearing.

5 Q Mr. Bloodsaw testified in the trial; is that right?

6 A Yes.

7 Q Did y'all discuss his testimony prior to the trial
8 starting?

9 A Yes.

10 Q Okay. What did y'all talk about?

11 A I went over very clearly the elements of burglary
12 first. And because the expert had come back -- and, you
13 know, obviously, I didn't tell the prosecutor this, but
14 challenging the fingerprint was kind of, I guess, beating
15 a dead horse because I didn't have an expert to contest
16 the results of the Richland County Sheriff's Department
17 lab.

18 So we went over the elements of the burglary first,
19 that if he had taken the gun -- if it was shown that he
20 had taken the gun, that would be a burg first. There was
21 no proof that it happened at nighttime. There was no
22 proof that it happened while committing some other crime.
23 The only element that made it a burg first was the gun.

24 So I made it very clear to him that if the gun had --
25 if they can show that you took the gun, then it would be a

1 burg first. If we can somehow get the gun -- you know, if
2 the theory involved that the gun was not taken by you, you
3 know, we would have a chance at getting a burg second
4 charge.

5 Q Okay. There was no question that Mr. Kelly's house
6 had been burglarized?

7 A That's right.

8 Q There was no question that Mr. Bloodsaw's fingerprint
9 was at the scene?

10 A Well -- right, there was some fingerprints. There
11 was some fingerprints that they said matched his, but that
12 was the only piece of evidence that they had, right.

13 Q And following his testimony, there's no question that
14 he stole, at least, one item from the house; is that
15 right?

16 A We didn't really care about that part of it. There
17 was some other items taken, right, other than just a gun,
18 so yes, there was items taken.

19 Q The issue that you were contesting was the guns?

20 A That's correct.

21 Q That Mr. Bloodsaw had obtained the weapons while
22 inside the house; is that right?

23 A Repeat that one more time, I'm sorry.

24 Q There was no allegation that Mr. Bloodsaw brought a
25 gun with him?

1 A Right, it was guns taken from the scene.

2 Q So that's what you were challenging?

3 A Exactly.

4 Q Okay. Now, when Mr. Bloodsaw testified, the first
5 time that he had told -- he testified that the first time
6 he had told anyone about Moses McKnight was that day?

7 A Testified today or testified at the --

8 Q The day of the trial, at the trial?

9 A Yes.

10 Q Okay.

11 A I believe so.

12 Q That was in response to a question that you asked him
13 about it being the first opportunity he's had?

14 A Right.

15 Q Okay. What was the strategy behind bringing that
16 aspect of it up, that this is the first time he's been
17 able to tell that portion?

18 A It may have been a -- I mean, the reason for that --
19 the reason for that was in opening argument, I didn't lay
20 that theory out to -- I didn't lay that theory out to the
21 jury. I wanted to reemphasize to the jury that -- I knew
22 Margaret -- I knew the Solicitor was going to attack,
23 like, oh, this is the first time we've heard about this.
24 Why is it just all of a sudden coming up? Why are we
25 hearing about this now? We didn't hear about it at the

1 beginning of the trial. We have spent two days arguing
2 about fingerprints. Why is it all of a sudden now that
3 we're hearing about this mystery third person? So I
4 wanted to reemphasize that this is the first opportunity
5 that he has to tell. He was under no obligation to tell
6 it, to break his right to remain silent or to speak to
7 anybody else, that this was his opportunity to talk to the
8 jury and to give his side. That he was under no
9 obligation to give this story, to give this -- you know,
10 to give these facts prior to him taking the stand. That
11 was my thinking behind that now that you've refreshed my
12 -- that was my thinking behind that.

13 Q Had you -- in your discussions with Mr. Bloodsaw
14 regarding the statement he made to law enforcement, did
15 you consider that he gave a statement?

16 A No. I, personally -- as an attorney, I think
17 saying -- I believe that saying -- it doesn't matter what
18 I believe, but I took it to be, you know, did you say
19 anything? Then he responded -- he responds, I told him I
20 didn't know anything about it. For me, I think that could
21 be interpreted as you're exercising your right to remain
22 silent, but I believe that -- I think through the Jackson
23 vs. Denno hearing that they tried to use that as
24 impeachment, that he lied in the beginning and said well,
25 he didn't know anything about it. And so they counted it

1 as a statement.

2 Q Okay. The statement came in and it was --

3 A Used to impeach.

4 Q Right, ruled that he was untruthful?

5 A Right, right.

6 Q If the statement had not come in, would you have
7 asked him the same question?

8 MR. JAMES: Your Honor, I must object again. There's
9 nothing in the allegations presently before the State to
10 indicate that there's any concern or issue with the
11 statement that Mr. Bloodsaw offered to police. They only
12 allege issues with closing argument. This is not
13 relevant.

14 THE COURT: I don't necessarily disagree with you,
15 but I'm going to allow him to get to the point.

16 MR. WALLER: Yes, sir. That was my last question.

17 THE WITNESS: I see what you're saying with that,
18 Mr. Waller, and to tell you the truth, I did not think
19 about those consequences. I did not think -- because that
20 statement did come in, I thought that it didn't really
21 hurt his -- it didn't open the door to anything because
22 the judge had ruled at the Jackson vs. Denno hearing that
23 the statement of I didn't know anything about it -- I
24 don't know anything about it, that statement came in, but
25 to tell the truth, I didn't consider whether or not it was

1 going to open the door to more questions about that.

2 Q Okay. And turning to the closing arguments that the
3 Attorney General just referenced, can you open your
4 transcript to Page 419 please -- excuse me, 416?

5 A Yes, sir.

6 Q If you would look at Line -- beginning at Line 4 and
7 continuing, I guess, to Line 5?

8 A Yes.

9 Q You objected to the Solicitor's comments right there.
10 Why did you make that objection?

11 A Because it was pleading to the passions to the jury,
12 violating the Golden Rule. Margaret had said -- the
13 Solicitor had said it's because of people like the
14 defendant that come into your home and take things,
15 speaking directly to the jury.

16 Q Okay. After the judge sustained your objection, what
17 was the strategy behind not making a motion for a mistrial
18 or for a curative instruction?

19 A There was no strategy. I just missed it.

20 Q Okay. Did you --

21 A I would have objected -- I mean, I should have
22 objected.

23 Q You did make the objection. You just didn't make a
24 motion for a mistrial or request a curative instruction?

25 A That's right.

1 Q Okay.

2 A No strategy behind that.

3 Q Okay. If I can also get you to turn to Page 430 --
4 excuse me, 427?

5 A 427.

6 Q 427?

7 A Okay. Got you.

8 Q If you would, begin on Line 14 and continuing to the
9 bottom of the page, just read that to yourself, please.

10 A From 14 down?

11 Q Yes, sir.

12 A (The witness complies.)

13 Q Okay. The Solicitor is commenting on Mr. Bloodsaw's
14 testimony and says, quote, There was not one bit of
15 remorse or apology. What was the strategy of not
16 objecting to that or the continuation as it goes even onto
17 the next page?

18 A No strategy. Just didn't object to it. I didn't
19 catch it at the time. It's just an oversight on my part.
20 Margaret had made so many ridiculous arguments. Margaret
21 Fent had made so many ridiculous arguments during that
22 closing argument. And she -- you know, this is not a
23 public forum to do that, but she made all these snide
24 comments. During the whole proceeding of the trial things
25 would be whispered under her breath. So it almost became

1 -- I almost became immune to it and I didn't object to it.
2 There's no strategy behind not objecting to it.

3 Q Okay. The order of closing arguments, the State did
4 not close on the law before your closing; is that correct?

5 A You tell me. I don't remember.

6 Q About how long was your closing argument, if you
7 recall? How long is your closing argument usually?

8 A I couldn't give you an honest answer on that.

9 Q Okay.

10 MR. WALLER: Beg the Court's indulgence, please.

11 THE COURT: Yes.

12 (Pause.)

13 MR. WALLER: No further questions. Please answer any
14 questions Mr. James has.

15 THE COURT: Mr. James?

16 MR. JAMES: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. JAMES:

19 Q Mr. Li?

20 A Yes, sir.

21 Q Do you recall in your closing -- in your own closing
22 argument sort of setting up a strategy of predicting what
23 the State was going to argue in their own closing
24 argument?

25 A Yes.

1 Q Do you recall predicting that they would try to shift
2 attention onto Mr. Bloodsaw to shift the burden?

3 A I don't remember exactly, but probably.

4 Q All right. If I may direct your attention to Page
5 408 of the transcript?

6 A Yes, sir.

7 Q Starting at Line 16. And you promise two things,
8 first that they're going to shift attention to Thomas
9 Bloodsaw?

10 A Right.

11 Q And they're going to call him a bad person?

12 A Right.

13 Q Call him a liar?

14 A Right.

15 Q I'm going to ask you not to believe them?

16 A That's right.

17 Q Do you believe that you accurately predicted what the
18 State was going to do in its own closing?

19 A Yes.

20 Q Did the State, in fact, try to shift burden onto
21 Mr. Bloodsaw?

22 A Yes.

23 Q Did they, in fact, call him a liar and a bad person?

24 A Yes.

25 Q All right. Do you recall making a motion for a

1 directed verdict at the end of the State's -- at the
2 State's case in chief?

3 A I don't remember, but if I did, I did. Did I?

4 Q Well, let's --

5 A I don't remember, but I think I did. I think I did.

6 Q If I can flip you to Page 351 of the transcript, Line
7 1, right there at the very top?

8 A Yes, sir, I did.

9 Q Do you recall renewing that motion for a directed
10 verdict before closing arguments?

11 A My memory would be helped if you told me.

12 Q Flip to Page 381, Line 10 through 14.

13 A Yes.

14 Q All right. And once more into the fray, Mr. Li, if
15 you could flip over to Page 448, Line 24, do you recall,
16 yet again renewing your motion for a directed verdict and
17 requesting a new trial?

18 A Which line are you referring to?

19 Q I'm sorry, Page 448?

20 A Yes, sir.

21 Q Line 24. It goes down --

22 A Yes.

23 Q -- and then over onto the next page, 449 through
24 the --

25 A That's right.

1 Q -- Court's ruling on that request?

2 A I made a motion to renew all prior motions and
3 objections.

4 Q And you renewed all and respectfully requested a new
5 trial?

6 A Yes, sir.

7 Q And you stated before that you interpreted
8 Mr. Bloodsaw's statement to you regarding his own
9 statements to the police to mean that he hadn't said
10 anything?

11 A It's the way I prepared the trial thinking that, but
12 obviously the judge ruled against my theory at the Jackson
13 vs. Denno hearing, saying that it could come in to show
14 that he had, you know, given a statement. The Court
15 considered a statement, so we rolled with that.

16 MR. JAMES: No further questions, Your Honor.

17 THE COURT: Mr. Waller?

18 MR. WALLER: Nothing further, Your Honor.

19 THE COURT: Mr. Li, you may step down, sir.

20 THE WITNESS: Thank you so much, Your Honor.

21 THE COURT: Yes, sir.

22 MR. WALLER: The Applicant has no further witnesses,
23 Your Honor.

24 THE COURT: All right. Does the State have any
25 witnesses?

1 MR. JAMES: The State has no witnesses, Your Honor.

2 THE COURT: Mr. Waller, anything by way of argument?

3 MR. WALLER: Just briefly, Your Honor. Again, all of
4 our arguments center on the closing argument. Your Honor,
5 the Solicitor intended to very clearly I guess violate the
6 golden rule. She asked -- she pointed to the defendant
7 and said that he's the type of people that breaks into
8 your homes. She was talking directly to the jury.

9 Mr. Li very, very promptly objected to it. He
10 actually did a very good job of catching her mid-sentence.
11 She was still able to get it out. So while he did object
12 correctly, he didn't make a motion for a mistrial or a
13 motion for a curative instruction.

14 Your Honor, he articulated that he did not have a
15 trial strategy for moving for either of those. Your
16 Honor, I think it's ineffective to not make a motion for a
17 mistrial or for a curative instruction.

18 Your Honor, going to the issue -- I kept bringing up
19 about the statement, Your Honor, and I understand the
20 Attorney General's objections. Your Honor, on Page 425 of
21 the transcript, it's during the Attorney General's closing
22 arguments, she makes several comments about the amount of
23 time that has passed between when the incident took place
24 and that this was the first time that Mr. Bloodsaw is
25 commenting or telling any sort of different story.

1 Your Honor, the case law is clear that the solicitor
2 is not allowed to comment on an individual's right to
3 remain silent. Your Honor, we think that is a violation
4 there and that Mr. Li was ineffective for failing to
5 object that.

6 Your Honor, then finally on Page 427 of the
7 transcript, beginning on Line 14, the Solicitor makes
8 several comments for half a page and onto the next page
9 about that the defendant while testifying had no remorse,
10 showed no remorse.

11 Your Honor, if I could, I'd like to hand up a case.
12 It's Fossick vs. State found at 371 South Carolina 375.
13 That holds that the Solicitor is not permitted to make
14 comments regarding -- to the jury of a defendant not
15 showing any remorse.

16 Your Honor, we'd ask you to consider those things and
17 review, particularly, the closing argument of the
18 Solicitor when reaching your decision.

19 THE COURT: All right. Thank you.

20 Mr. James.

21 MR. JAMES: Your Honor, it seems opposing counsel
22 accurately points out that Mr. Li timely objected and at
23 the end of closing arguments renewed not only all of his
24 prior motions for a directed verdict, but also separately
25 a motion to move for a new trial. That was denied by

1 Judge McMahon.

2 It doesn't really -- even if Mr. Li had no particular
3 strategy for objecting or not objecting during the State's
4 closing arguments, that is not adequate to show that it
5 prejudiced his client in any way. His client received a
6 sentence that is very near the minimum for burglary first
7 as I read it. It's hard to say that he was hurt in any
8 way, shape, or form by Mr. Li's decision to object or not
9 object during the State's closing argument whether he had
10 a strategy copy or not.

11 Your Honor, I respectfully request that you deny
12 Mr. Bloodsaw's motion for -- or application for PCR.

13 THE COURT: All right. I'm going to take a look at
14 the closing arguments in its entirety. The transcript has
15 been provided to me. I'll let you all know.

16 MR. JAMES: Thank you, Your Honor.

17 MR. WALLER: Thank you, Your Honor.

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Thomas Lewis Bloodsaw,
S.C.D.C. No. 354735)

v.)

State of South Carolina)

Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

2015-CP-40-01846

ORDER OF DISMISSAL

RICHLAND COUNTY
FILED
2016 SEP 29 AM 11:52
JEANETTE W. HOSBRO
C.C.P. & G.S.

This matter comes before the Court by way of an application for post-conviction relief filed March 27, 2015 ("the Application"). Respondent made its return on or about June 30, 2015. The Court convened an evidentiary hearing into the matter on July 14, 2016 at the Richland County Courthouse. Applicant was present at the hearing and represented by Jonathan D. Waller, Esquire. Johnny E. James Jr., Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, Victor K. Li, Esquire, ("Counsel") also testified. The Court had before it a copy of the trial transcript, the records of the Richland County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, and the pleadings. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. On September 1, 2011, the Richland County Sheriff's Department sought and obtained an arrest warrant against Applicant for the crimes of Burglary, First Degree (I-959437) and Larceny, Value more than \$1,000 but less than

PL

\$5,000 (I-959438). Applicant was thereafter indicted by the Richland County Grand Jury during the May 2012 term for Burglary, First Degree (2012-GS-40-01158) and Petit Larceny, \$2000 or Less (2012-GS-40-01159). Victor K. Li, Esquire represented Applicant on the charges. Applicant proceeded to a jury trial before the Honorable R. Knox McMahon from March 11 to March 13, 2013 and was found guilty as indicted. Judge McMahon sentenced Applicant to concurrent terms of eighteen (18) years incarceration for Burglary, First Degree and thirty (30) days for Petit Larceny.

Applicant filed a timely notice of appeal and a direct appeal was perfected by Robert M. Dudek, Esquire, and Austin H. Crosby, Esquire filing a brief pursuant to Anders v. California, 386 U.S. 738 (1967). The South Carolina Court of Appeals affirmed Applicant's convictions by unpublished opinion. State v. Bloodsaw, Op. No. 2015-UP-002 (S.C. Ct. App. filed January 7, 2015). The Remittitur issued on January 26, 2015.

Present Allegations

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

1. "Ineffective Assistance of Counsel"
 - a. "Failed to object to States closing argument"
 - b. "Failed to move for Direct Verdict for 1st degree burglary-closing argument"
2. "Prosecutorial [sic] Misconduct"

At the hearing, Applicant proceeded only on his claims of ineffective assistance of counsel.

II. APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must

prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

"Where counsel articulates a valid reason for employing a certain strategy, such conduct will not be deemed ineffective assistance of counsel." Caprood v. State, 338 S.C. 103, 110, 525 S.E.2d 514, 517 (2000) (citing Stokes v. State, 308 S.C. 546, 419 S.E.2d 778 (1992)).

Where overwhelming evidence of guilt is introduced at trial, Applicant cannot show prejudice from the deficient performance of counsel, as the reasonable probability of a different result does not exist. See Brown v. State, 383 S.C. 506, 680 S.E.2d 909 (2009); Ford v. State, 314 S.C. 245, 442 S.E.2d 604 (1994); Geter v. State, 305 S.C. 365, 409 S.E.2d 344 (1991).

DCB

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court's records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

Failure to Object during Closing—Appealing to Passions of the Jury

Applicant alleges that Counsel failed to properly object to the solicitor's appealing to the passions of the jury during State's closing argument. "A solicitor's argument must not be calculated to arouse the jurors' passions or prejudices, and its content should stay within the record and reasonable inferences to it." State v. Webb, 389 S.C. 174, 697 S.E.2d 662 (Ct. App. 2010) (quoting State v. Rudd, 355 S.C. 543, 549, 586 S.E.2d 153, 156 (Ct. App. 2003)). An argument asking the jurors to place themselves in victim's shoes does nothing but endeavor to arouse passion and prejudice. Brown at 515-16, 680 S.E.2d at 914 (quoting State v. Reese, 370 S.C. 31, 38, 633 S.E.2d 898, 901 (2006)). However, "[i]mproper comments do not automatically require reversal if they are not prejudicial to the defendant," and the applicant has the burden of proving that prejudice. Id. at 516, 680 S.E.2d at 915.

"When objection is timely made to improper remarks of counsel, the judge should rule on the objection, give a curative charge to the jury, and instruct offending counsel to desist from improper remarks." McElveen v. Ferre, 299 S.C. 377, 385 S.E.2d 39 (Ct. App. 1989). If the curative instruction is not satisfactory, counsel must further object in order to preserve the error

DCB

for appeal. Id., see also Kalchthaler v. Workman, 316 S.C. 499, 450 S.E.2d 621 (Ct. App. 1994). Where improper remarks or arguments are made in the course of a closing argument, the charge given by the trial judge to the jury may be adequate to cure prejudice therefrom. See Smith v. State, 375 S.C. 507, 524, 654 S.E.2d 523, 533 (2007) (Finding adequate cure in trial court's jury charge that "[y]ou must not consider as evidence any statement of counsel made during the trial.").

At trial, immediately prior to closing arguments, the trial judge briefly instructed the jury that "what the attorneys say is not evidence in the case[.]" T.R. p. 404, l.19-20. During the State's closing argument, the solicitor touched on firearms as a broader issue and began to implicate Applicant as a reason for the validity of each side; Counsel objected before the solicitor could finish and the trial judge immediately sustained that objection:

[MS. BODMAN:] [The Victim's] sense of security being invaded, which is really why there is probably two issues to – or two sides to this gun issue that's out there. It's because there are people like the Defendant (indicating) who will come into your home and take—

MR. LI: Your Honor, I object—

MS. BODMAN: —what they want.

THE COURT: Okay.

MR. LI: I object to pledging to the passions of the jury.

THE COURT: All right.

You can rephrase that, Solicitor.

Thank you, Mr. Li.

Thank you, Solicitor. You may continue.

T.R. p. 416, l. 1-15. The solicitor thereafter continued without rephrasing, referring to, or expanding upon the improper remark. Counsel did not seek further curative instruction. The

DCB

trial judge did not offer a specific curative instruction, but again offered general guidance as part of the jury charge:

[THE COURT:] You are to consider only the competent evidence before you. You are to consider only the testimony which has been presented from the witness stand and any exhibits which have been made part of the record.

T.R. p. 434, l. 11-13. After the jury returned its verdict of guilty, Counsel renewed his prior motions and objections and made a motion for a new trial, which was denied from the bench.

At the evidentiary hearing in this present action, Counsel testified during Applicant's direct examination that his failure to seek a further curative instruction was not subject to any strategy, that he should have done so, and that he "just missed it." On cross-examination, Counsel acknowledged that he renewed his objection and moved for a new trial after the jury returned its verdict.

The Court finds that Counsel's conduct fell within prevailing professional norms. Counsel did indeed object and did so with attentive haste, so as to prevent the solicitor from completing her remark. Any further action regarding the comment on the part of Counsel or the Court would have done little more than draw further attention to argument that was otherwise at least partly drowned by Counsel's objection.

Even if Counsel's conduct was deficient, Applicant has failed to demonstrate that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. First, the solicitor's improper comment was interrupted by Counsel's objection, diminished thereby, and was not returned to by the solicitor afterward. To the extent a cure was necessary, the Court finds that the trial judge's admonition prior to closing arguments, along with his general charge on what to consider in rendering a verdict was sufficient to orient the jury to the proper contemplation of the evidence. See Smith. As such, the Court finds the



solicitor's comment did not so infect the trial with unfairness so as to make the resulting conviction a denial of due process. See Brown at 517, 680 S.E.2d at 915 (citing Smith v. State, 375 S.C. 507, 654 S.E.2d 523; Von Dohlen v. State, 360 S.C. 598, 602 S.E.2d 738 (2004))

Second, Applicant cannot prove prejudice, as overwhelming evidence exists to show his guilt. The victim testified that his house was burglarized and among the items missing were three firearms. Fingerprint evidence placed Applicant in the burglarized house and was found on a file cabinet and a box of Winchester ammunition for one of the stolen firearms. When Applicant's efforts to undermine that fingerprint evidence failed, the Applicant himself testified to burglarizing the victim's house, stealing a computer found therein, to at least touching the box of Winchester ammunition, and to lying to investigators. The only question remaining for the jury was whether or not to believe Applicant's story exculpating himself from the theft of the firearms by blaming a conveniently deceased co-conspirator—ample evidence existed for the jury to disbelieve Applicant and overwhelming evidence existed to place entire responsibility for the burglary upon his shoulders.

Therefore, Applicant has failed to show any prejudice rising from the deficiency he alleges. Accordingly, this allegation shall be dismissed.

Failure to Object during Closing— Comments on the Right to Remain Silent, Remorse

Applicant also alleges that Counsel failed to properly object to the solicitor's statements on Applicant's exercise of the right to remain silent during State's closing argument. When an accused unambiguously asserts a constitutional right, "it is impermissible for the state to comment upon or argue in favor of guilt or punishment based upon his assertion of that right. For example, when a defendant invokes the Fifth Amendment, the prosecutor cannot proffer the accused's silence as evidence of guilt." State v. Johnson, 293 S.C. 321, 323, 360 S.E.2d 317,

DCB

319 (1987) (citing Doyle v. Ohio, 426 U.S. 610 (1976)); see also Berghuis v. Thompkins, 560 U.S. 370 (2010) (Defendant's invocation of the right to remain silent must be unambiguous). However, "[t]he underpinnings of Doyle, and the need for its application, are diminished where a defendant waives his right to silence," whether by offering a statement or taking the stand in his own defense. State v. Simmons, 360 S.C. 33, 40, 599 S.E.2d 448, 451 (2004). Indeed, "Doyle does not apply to cross-examination that merely inquires into prior inconsistent statements. Such questioning makes no unfair use of silence because a defendant who voluntarily speaks after receiving Miranda warnings has not been induced to remain silent. As to the subject matter of his statements, the defendant has not remained silent at all." Anderson v. Charles, 447 U.S. 404, 408 (1980).

A corollary of the right to remain silent is the prohibition against argument that a defendant has failed to show remorse when he chooses not to testify. State v. McClure, 342 S.C. 403, 537 S.E.2d 273 (2000); see also Sloan at 440, 398 S.E.2d at 95 ("[N]o right is more fundamental than the right of an accused to plead not guilty and put the state to its proof."). "This constitutional prohibition, however, does not preclude a prosecutor from making a fair response to a claim made by defendant or his counsel." McClure at 407, 537 S.E.2d at 274 (quoting United States v. Robinson, 485 U.S. 25, 32 (1988)). Where a defendant takes the stand, the State may comment on his or her general demeanor in the courtroom, including his remorse or lack thereof. Bates v. Lee, 308 F.3d 411 (4th Cir. 2002) (citing Gaskins v McKellar, 916 F.2d 941, 951 (4th Cir. 1990)) ("This court has found that prosecutorial comments about the lack of remorse demonstrated by a defendant's demeanor during trial do not violate a defendant's Fifth Amendment right not to testify."); compare McClure at 408, 537 S.E.2d at 275 (distinguishing Six v. Delo, 94 F.3d 469 (8th Cir. 1996)) (holding Six was inapplicable and statements on

DCS

remorse in sentencing phase were reversible error where the statements were *not* “prefaced with a reference to the jury’s observance of the defendant during the trial”).

Testimony in the trial transcript and testimony at the evidentiary hearing consistently show that, upon arrest, Applicant was given warnings pursuant to Miranda v. Arizona, 384 U.S. 436 (1966). Applicant thereafter asked questions of the law enforcement officers. Inv. Don Robinson stated that he was investigating a burglary and asked Applicant if he knew anything about it. The Applicant replied that he had “no idea what you’re talking about[.]” T.R. p. 305, l. 7-13. Applicant took the stand in his own defense at trial and offered a partially exculpatory narrative, admitting his complicity in burglarizing the house and stealing a computer, but only after another individual by the name of Moses McKnight¹ had burglarized the house, stolen other items and guns, and departed.

Near the end of direct examination, Counsel asked Applicant a series of questions addressing the inconsistency between his testimony and the statement he gave to law enforcement. Counsel explicitly asked Applicant twice whether his courtroom testimony was the first time he had offered his Moses narrative; in each instance, Applicant replied in the affirmative. During cross-examination, the State asked the same, and Applicant again affirmed that trial was the first time he had offered his Moses narrative.

During closing arguments, Counsel predicted that the State would attack Applicant for not offering the story before trial. The State argued as predicted:

[MS. BODMAN:] So more than 20 months have passed since Leroy Kelly’s home was invaded. He tells not a single soul, nobody, nobody, that means not his momma, not the mother of his child. There was testimony that, apparently, he’s had multiple attorneys. Not a single soul does he tell this story to until yesterday

¹ Moses McKnight was deceased prior to Applicant’s trial. Though not relevant to the allegations properly brought and argued before this Court, Counsel testified Mr. McKnight was murdered before an investigator could look into Applicant’s story.

after he watches all of that fingerprint testimony that he is not going to be able to overcome.

T.R. p. 425, l. 2-7. The solicitor subsequently emphasized that Applicant lied to investigators, that he admitted to lying, and that he lied rather than invoke his right to remain silent. She then continued attacking Applicant's credibility by noting his courtroom demeanor:

[MS. BODMAN:] You did not see – in the credibility of the witnesses, you judge their demeanor. You judge their demeanor as he sat here and he just – there was not one bit of remorse or apology.

T.R. p. 427, l. 14-17.

Counsel testified on direct examination at the evidentiary hearing that there was no strategy leading to the absence of his objection to the solicitor's closing remarks, but rather offered that after hearing so many ridiculous arguments during trial and argument, he had become numb to their continued proliferation. However, during cross-examination by the State, Counsel acknowledged that in his own closing argument, he predicted that the solicitor would remark that Applicant had never told his story before. Upon further examination by the State, Counsel also acknowledged that the successful anticipation of the State's closing argument was a strategy he typically found effective. Counsel agreed that he did renew his objections and request a new trial after the jury returned its verdict.

The Court finds that Counsel's conduct fell within prevailing professional norms. First and foremost, the State's closing arguments at trial did not constitute impermissible comments on the right to remain silent. Doyle is inapplicable to examination and argument on inconsistent statements. Anderson, 447 U.S. 404. Applicant never unambiguously invoked his right to remain silent, but rather lied to investigators that he knew nothing about the burglary, as he admitted at trial. Applicant's lie opened the door to argument addressing Applicant's inconsistent admission of involvement at trial. The solicitor was within the bounds of fairness to

question Applicant and argue that his testimony at trial was not credible given his inconsistent statement to law enforcement, especially where Counsel preemptively elicited the subject.

The rule that a solicitor is not to argue a defendant's supposed lack of remorse is similarly dissolved by Applicant's decision to take the stand and testify at length to his involvement in burglarizing the victim's house. The prohibition against comments on lack of remorse exists to protect a defendant's right to remain silent and not testify; it does not shield a defendant from critical observation of his courtroom demeanor, especially where he takes the stand and admits to significant wrongdoing. The solicitor prefaced her remarks with explicit reference to Applicant's courtroom demeanor and thereby framed her argument within the bounds of Bates, 308 F.3d 411 and Gaskins, 916 F.2d 941.

Furthermore, although Counsel initially agreed with Applicant's PCR counsel that there was no strategy to his decisions, the Court finds credible his later testimony elicited on cross-examination that he executed a strategy of predicting the State's argument in his own closing and that his strategy was rendered more effective when the State thereafter argued as predicted. The Court so finds the later testimony credible because the execution of such a strategy is clear and evident upon review of the trial transcript. In light of that strategy, the Court cannot and will not deem Counsel's action ineffective assistance of counsel. See Caprood at 110, 419 S.E.2d at 517.

Still further, even if Counsel's conduct was deficient, Applicant has failed to demonstrate that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. As previously stated, Applicant cannot prove prejudice, as overwhelming evidence exists to show his guilt. Therefore, Applicant has failed to show any prejudice rising from the deficiencies he alleges. Accordingly, these allegations shall be dismissed.

DCB

Failure to Move for a Directed Verdict

Applicant also alleges that Counsel failed to properly move for a directed verdict or mistrial. To the extent that this allegation pertains to the allegations previously discussed herein, the Court relies primarily upon its above reasoning. The Court finds that Counsel did in fact seek a directed verdict at the end of the State's case-in-chief, renewed that motion at the end of Applicant's own case-in-chief, and again renewed that motion, renewed all objections, and further moved for a new trial after the jury returned its verdict. Counsel acknowledged as much at the evidentiary hearing. Therefore, Applicant has failed to show any deficiency. Furthermore, even if Counsel's conduct was deficient, Applicant has failed to demonstrate that there is a reasonable probability that, but for Counsel's unprofessional errors, the result of the proceeding would have been different. As is the case with respect to the previous allegations, he cannot do so given the overwhelming evidence against him. Therefore, Applicant has failed to show any prejudice rising from the deficiency he alleges. Accordingly, this allegation shall be dismissed.

Prosecutorial Misconduct

As previously indicated, Applicant proceeded only on his claims of ineffective assistance of counsel in State's closing argument and did not argue on the claim of prosecutorial misconduct alleged in his application. As such, the Court must find that Applicant has abandoned this allegation and failed to meet his burden to support either prong of Strickland. Thus, this allegation shall be dismissed.

DCP

CONCLUSION

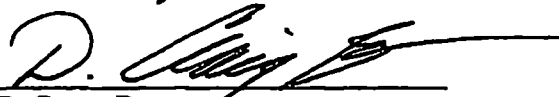
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 19 day of Sept., 2016.


 D. CRAIG BROWN
 Presiding Judge
 Fifth Judicial Circuit

Florence, South Carolina

DCB

541

WITNESSES

(S) Donald Robinson - Richland County Sheriff

ARREST WARRANT NUMBER

1959437

ACTION OF GRAND JURY

TRUE BILL

Margaret A. Dickerson
Foreperson of Grand Jury
Date: MAY 09 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-40-01158

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MAY TERM 2012

92

**THE STATE
vs.**

Thomas Lewis Bloodsaw

**Indictment for
BURGLARY 1ST DEGREE**

SC Code: 16-11-0311
CDR Code: 0079

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

**CERTIFIED TRUE COPY
OF ORIGINAL FILED**
Janette W. McBride
**C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA**

DOCKET NO. 2012-GS-40-01159

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

543

WITNESSES

(S) Donald Robinson - Richland County Sheriff

The State of South Carolina

County of

Richland

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

MAY TERM 2012

92

ARREST WARRANT NUMBER

1959438

Defendant

THE STATE

vs.

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

Thomas Lewis Bloodsaw

TRUE BILL

Janet A. Dickinson
Foreperson of Grand Jury
Date: MAY 09 2012

VERDICT

1st/Single Indictment for
GRAND LARCENY \$1000-\$5000
2000 OR 2005
SC Code: 16-13-0030(A)
CDR Code: *000 3419*

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W. M. Brude
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on MAY 9, 2012, the Grand Jurors of Richland County present upon their oath:

petit/Simple (2nd)
~~GRAND LARCENY~~
(VALUE OVER \$1000 BUT LESS THAN \$5000)
\$2000 OR LESS

~~That Thomas Lewis Bloodsaw did in Richland County on or about August~~

~~24, 2011, take and carry away the personal goods of LEROY KELLEY,~~
(2nd) two thousand dollars (\$2,000) OR
~~valued at more than one thousand (\$1,000.00) dollars, but less than five~~

~~thousand (\$5,000.00) dollars, described as follows: ONE COMPUTER~~
~~AND/OR THREE FIREARMS, with the intent to deprive the owner~~

~~permanently of such property and to convert the goods to his/her own use,~~
~~in violation of Section 16-13-0030(A), S. C. Code of Laws, 1976, as~~
~~amended~~

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



DAN JOHNSON, SOLICITOR