

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Union County

Honorable Roger L. Couch, Circuit Court Judge

RECEIVED

AUG 18 2017

S.C. SUPREME COURT

SAMUEL EARL JETER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000116

APPENDIX

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF UNION) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Samuel Earl Jeter,) 2009-GS-44-261;2011-GS-44-190
6 Defendant.) February 1 and 2, 2011
7 Union, South Carolina

8
9
10 B E F O R E :
11 HONORABLE JOHN C. HAYES, III, JUDGE
12

13
14 A P P E A R A N C E S :
15 JOHN CLEVELAND ANTHONY, ESQUIRE
16 Attorney for the State
17

18
19
20
21 Janet Rich, Court Reporter
22 Linda D. Moffitt, Transcribed
23
24
25

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EXHIBITS

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1 (Proceedings February 1, 2011)

2 THE COURT: Mr. Anthony.

3 MR. ANTHONY: Yes, sir. Your Honor, the state -- the
4 state's first case this morning is going to be State of
5 South Carolina vs. Samuel Earl Jeter.

6 He is charged on two indictments -- 2010-44-261 for
7 criminal sexual conduct with a minor in the second degree,
8 and then he is also charged in 2011-44-190 with lewd act
9 upon a minor. Both of these have been true billed by the
10 grand jury.

11 THE COURT: All right. Mr. Jeter, you were here
12 yesterday, and at that time you were represented by
13 Mr. Dest and Mr. Barrowclough. And they were relieved from
14 representing you at your request.

15 So you're here today, and the state is calling your
16 case. So it's time for the trial on these two charges.
17 And we've got a jury waiting outside. We can -- we're
18 ready to draw the jury. Are you ready to draw the jury?

19 THE DEFENDANT: I haven't said anything.

20 THE COURT: What, now?

21 THE DEFENDANT: I haven't said anything about a jury
22 trial.

23 THE COURT: Do you want a trial? Do you want a jury
24 trial or do you want to try it before me without a jury?

25 THE DEFENDANT: Right.

1 THE COURT: You want -- you want to try it before me
2 without a jury.

3 THE DEFENDANT: Right.

4 THE COURT: All right. Well, you understand you have
5 a right to have a jury trial, and we have the jury panel
6 outside. And you don't want to do that. You want to --

7 THE DEFENDANT: Right.

8 THE COURT: You just want to try it in front of the
9 judge.

10 THE DEFENDANT: Right.

11 THE COURT: All right. Well, I find that Mr. Jeter
12 understands he has a right to a trial by a jury and that
13 the jury has been assembled and is waiting outside from
14 which we could draw a panel, that I met Mr. Jeter yesterday
15 and understand his background and his ability and his age.
16 And I allowed him to waive his right to a trial -- right to
17 representation by counsel.

18 Does the state oppose him going forward without a
19 jury, or do you consent to him waiving his right to
20 counsel?

21 MR. ANTHONY: Well, we consent. Well, we have no
22 objection and consent to a bench trial in this case.

23 THE COURT: Do you know how jury trials work,
24 Mr. Jeter?

25 THE DEFENDANT: Right.

1 THE COURT: And you know that they would deliberate
2 after hearing the evidence and make a determination based
3 on -- they would judge the facts, the credibility and the
4 law as I give them. Do you understand all of that?

5 THE DEFENDANT: Right.

6 THE COURT: And you're sure you don't want a jury
7 trial.

8 THE DEFENDANT: Right.

9 THE COURT: You're sure.

10 THE DEFENDANT: Right.

11 THE COURT: All right. Well, I find that Mr. Jeter,
12 understanding his right to a trial by a jury, that has
13 been -- that we have the solicitor's approval, and I will
14 approve of him going forward. I believe that he,
15 Mr. Jeter, knowingly understands his right to a trial and
16 is voluntarily waiving his right to counsel.

17 All right. We will start the trial then in just a
18 minute. I'm going to ask the clerk to -- what time do we
19 need the jury back?

20 MR. ANTHONY: If they can call back tonight after 6:00
21 that'd probably be the best thing.

22 THE COURT: All right. Rather than to bring them, if
23 you'll just tell them outside.

24 All right. We'll go forward. I'm convening the trial
25 in the State vs. Samuel Earl Jeter on these two

1 indictments, criminal sexual conduct with a minor and lewd
2 act upon a child under the age of 16.

3 The first one is 2009-GS-44-261 and the latter is
4 2011-GS-44-190.

5 Do you want to make any opening statement,
6 Mr. Solicitor?

7 MR. ANTHONY: Your Honor, may I have a recess just to
8 get my witnesses up here and get set up to start the case?

9 THE COURT: I thought that's what we were doing.

10 MR. ANTHONY: I'm sorry, Your Honor. I just -- I just
11 don't want to go through -- put him on the record.

12 THE COURT: All right. Mr. Jeter, we'll take about a
13 10-minute break.

14 Do you have any witnesses you want the court to -- the
15 clerk issue subpoenas for?

16 THE DEFENDANT: No.

17 THE COURT: Okay. All right. Well --

18 THE DEFENDANT: Could I ask you one thing?

19 THE COURT: Yes, sir.

20 THE DEFENDANT: You say indicted me on -- what was it
21 11th -- 2011? What -- what count?

22 THE COURT: That's the one I believe he arraigned you
23 on yesterday, and that was the lewd act on a child that
24 were given to you yesterday alleging that back on December
25 17th, 2008, you committed a lewd act on Minor

1 who was under 16 at the time. That's what that charge is.

2 THE DEFENDANT: I didn't have -- being on notice.

3 It's not on my paperwork.

4 THE COURT: Well, let's wait a minute.

5 THE DEFENDANT: It's not on my paperwork --

6 THE COURT: We'll get the jury out. Be quiet. I know
7 they're leaving, but let's ask them to leave as quietly as
8 possible.

9 (Pause.)

10 THE COURT: All right. Stand up so I can see you and
11 hear you better, Mr. Jeter.

12 What's -- what's your question?

13 THE DEFENDANT: I said the paper that I had a warrant
14 on me, it's not on my paper, not no -- just second degree
15 it on my paper. That's all I was served, was second
16 degree.

17 THE COURT: Well, I --

18 THE DEFENDANT: Where the other paper came from,
19 that's what I want to know.

20 THE COURT: All right. Well, we --

21 THE DEFENDANT: This says 2011.

22 THE COURT: All right. What -- what I'm telling
23 you -- well, not what I'm telling you. The state has a
24 right to seek an indictment without a -- without a warrant.

25 THE DEFENDANT: Without a hearing?

1 THE COURT: Well, without a warrant. They have to go
2 before the grand jury --

3 THE DEFENDANT: Uh-huh.

4 THE COURT: -- and take the evidence they -- they have
5 and ask the grand jury to indict you, even though a warrant
6 was not issued. It's called a direct indictment. And that
7 is what the state has done.

8 Is that not correct, Mr. Anthony?

9 MR. ANTHONY: Yes, sir. That's what we did.

10 THE COURT: So you were not ever arrested on a
11 warrant. This indictment was taken before the grand jury,
12 and the grand jury returned it as a true bill on January
13 27th of 2011. And they served you with a copy of it
14 yesterday.

15 THE DEFENDANT: Uh-huh. I don't appreciate that.
16 But, you know, I haven't had no hearing. I don't know
17 nothing about it.

18 THE COURT: This is what this is going to be. This is
19 going to be a -- the trial on this -- this indictment and
20 the earlier one wherein you were charged with criminal
21 sexual conduct with a minor with the same girl, Minor
22 , who was between 16 and 14 at the time.

23 THE DEFENDANT: Uh-huh.

24 THE COURT: That's right. So that's what you're going
25 to be tried for.

1 THE DEFENDANT: Right.

2 THE COURT: All right. We will take about a 10-minute
3 break, and then we'll start back up into the trial.

4 (Whereupon, a recess was taken.)

5 (Blood standard marked State's Exhibit No. 1 for
6 Identification; panties marked State's Exhibit No. 2 for
7 Identification; buccal swabs marked State's Exhibit No. 3
8 for Identification; buccal swab for child marked State's
9 Exhibit No. 4 for Identification; cut from clothing marked
10 State's Exhibit No. 5 for Identification; medical report
11 marked State's Exhibit No. 6 for Identification.)

12 THE COURT: Any remarks you want to make?

13 MR. ANTHONY: No, sir. I do have two things I would
14 like to just put on the record before we start the trial,
15 things that I think would probably be covered in any trial
16 like this pre-trial.

17 First of all, as I said yesterday, I did provide all
18 the discoverable material in this case to the public
19 defender's office. I gave them a list last week of all the
20 items they should have.

21 I see Mr. Jeter has a book over there, which I assume
22 is the file in the case. But I just want to put on the
23 record that I did comply with Rule 5 and Brady in this
24 case.

25 The second thing, Your Honor, is just to call the

1 Court's attention to the fact that our allegation is that
2 both before the act alleged in the indictment and after the
3 act alleged in the indictment there was a continuing sexual
4 relationship between Mr. Jeter and the victim in this case.
5 And her testimony would be that there were sexual -- there
6 was sexual activity and sexual intercourse of a similar
7 nature to what she's going to testify to when she testifies
8 about the incident itself. There was that type activity
9 before the incident alleged in the indictment. And then
10 even after Mr. Jeter was charged that that sexual activity
11 continued.

12 And eventually she -- Mr. Jeter in -- sometime in
13 March of 2009 Mr. Jeter impregnated the victim in this
14 case, and she a child by him in December of 2009.

15 And we do have as part of the proof of that continuing
16 relationship, we have evidence we intend to present that
17 there was a swab taken from the victim's child and that
18 that has been -- that swab was sent to SLED.

19 It was compared with DNA samples from the victim and
20 from Mr. Jeter, and that that child -- the DNA of that
21 child was consistent with the victim's and Mr. Jeter's.

22 Our position would be that under the common scheme or
23 plan exception to Lyle that this is admissible evidence
24 that would go to show a continuing relationship both before
25 the date alleged in the indictment and after the date

1 alleged in the indictment between the two parties.

2 THE COURT: Mr. Jeter, any opening remarks you want to
3 make?

4 THE DEFENDANT: What that child got to do with it? I
5 wasn't charged with no child. What he got to do with it?
6 She brought it up. It's not on my paper. I wasn't charged
7 with that.

8 THE COURT: You're charged with what you're charged
9 with, which is the having criminal sexual conduct.

10 THE DEFENDANT: The child got to do with it, sir?

11 THE COURT: Well, that's for me to decide. I'm the
12 judge.

13 THE DEFENDANT: Oh, I'm just -- I'm just talking about
14 what the child got to do with it. I wasn't charged. I was
15 charged with second degree. That's all I'm guilty of. I'm
16 not guilty about no baby. She's 16 years old -- over 16.
17 He said 2009. She had no baby in no 2009.

18 THE COURT: All right. Well, I'll wait and hear the
19 evidence.

20 THE DEFENDANT: I'm just talking, you know.

21 THE COURT: Okay.

22 THE DEFENDANT: 2009. She didn't have no baby in no
23 2009. She's 15 years old when she had intercourse. He
24 said 14 -- 18. I don't know nothing about no 13 or 14.

25 THE COURT: All right.

Minor

Direct examination by Mr. Anthony

1 THE DEFENDANT: I'm not here to be no tried for no --
2 I'm on trial for second degree. That's all I'm here for.

3 THE COURT: And lewd act.

4 THE DEFENDANT: What?

5 THE COURT: And the lewd act.

6 THE DEFENDANT: What lewd act?

7 THE COURT: Well, that's what they've got you charged
8 with. I have to hear the evidence. I don't know.

9 THE DEFENDANT: Yeah. All right. On my paper it's
10 second degree's.

11 THE COURT: All right. Well, I'm going hear the
12 evidence, and I'll determine that.

13 For the record, Mr. Gault, I believe you gave to
14 the -- Mr. Jeter a booklet -- the book of discovery that
15 was given to you by the public defender.

16 THE CLERK: Yes, I did. Gave it to him this morning.

17 THE COURT: Okay. All right. Thank you.

18 All right. Call your first.

19 MR. ANTHONY: All right. Our first witness is

20 Minor , Your Honor.

21 Minor , having
22 been first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. ANTHONY

24 Q would you state your name, please? would you tell me
25 your name, please?

Minor
Direct examination by Mr. Anthony

1 A Minor .

2 THE COURT: All right. You need to slide up a little
3 bit so you can be talking into that microphone there.

4 (Whereupon, the witness complied.)

5 THE COURT: There you go. Thank you.

6 Q And, Minor , where do you live?

7 A

8 Q And who do you live with?

9 A Grandma.

10 Q With who?

11 A Grandma.

12 Q Okay. And what's her name?

13 A Janie Clowney.

14 Q Okay. And who else lives with you?

15 A My sister and my cousin.

16 Q Okay. And what -- what is your mother's name?

17 A Lawanda Clowney.

18 Q Lawanda. Okay. All right. And what is your --
19 what's your grandmother's name?

20 A Vanessa Smith.

21 Q All right. And, Minor , when is your birthday?

22 A 93.

23 Q what?

24 A 93.

25 Q '93. Okay. And, Minor , do you know Samuel

Minor
Direct examination by Mr. Anthony

1 Jeter?

2 A No, yeah.

3 Q Okay. All right. And how did you come to know Samuel
4 Jeter?

5 A Over at my grandmama's.

6 Q All right. And what's your grandmother's again just
7 so we're sure?

8 A Vanessa Smith.

9 Q Okay. Vanessa Smith. All right. At her house.

10 A Yes.

11 Q And how did -- how did you wind up or how did you come
12 to meet Mr. Jeter at Vanessa Smith's house? Why was he at
13 Vanessa Smith's house?

14 A He was her boyfriend.

15 Q He was her boyfriend?

16 A Yes.

17 Q Okay. Now, back in December of 2008 when this
18 happened, where were you living?

19 A With my grandmama.

20 Q Okay. You were living with Vanessa?

21 A No. Janie.

22 Q You were living with Janie. Okay. And would you stay
23 sometime with Vanessa?

24 A Yeah.

25 Q Okay. And the -- going to December 17th, 2008, did

1 you talk to Sam that day or that night?

2 A Yeah.

3 Q All right. And how did you talk to him at first?

4 THE COURT: Make sure we know who Sam is.

5 Q We're talking about Samuel Jeter. Is that who you're
6 talking about?

7 A Yes.

8 Q Okay. And how did you talk to him initially? How did
9 you talk with Mr. Jeter initially that day? How did he get
10 in touch with you or how did you get in touch with him?

11 A He called my phone.

12 Q He called you on the phone?

13 A Yes.

14 Q All right. And what -- what did he tell you when he
15 called you?

16 A Come to the road.

17 Q I'm sorry?

18 A Come to the end of the street.

19 Q Okay. And when -- when he called and you told you to
20 go to the end of the street, where did you think you were
21 going to go with him?

22 A I don't know.

23 Q Where? Where were y'all planning on going?

24 A I don't know 'till I got there.

25 Q I'm sorry?

Minor

Direct examination by Mr. Anthony

- 1 A I don't really know until I got there.
- 2 Q All right. Well, when you -- when you got in the
- 3 truck did you -- did he pick you up?
- 4 A Yeah.
- 5 Q Okay. And when he picked you up, where were you --
- 6 where were you thinking you were going?
- 7 A To have sex.
- 8 Q All right. Was there some place you thought you were
- 9 going to go and --
- 10 A To the store.
- 11 Q You thought you were going to the store.
- 12 Okay. All right. And what -- what kind of vehicle was
- 13 Mr. Jeter driving?
- 14 A Truck.
- 15 Q A truck. Okay. And when he picked you up, where did
- 16 he take you?
- 17 A Buffalo.
- 18 Q I'm sorry? What? When he picked you up, where did he
- 19 take you?
- 20 A Oh, Jeter's Road.
- 21 Q Jeter Road.
- 22 A Yeah.
- 23 Q Okay. And what kind of road is Jeter Road?
- 24 A A rocky and bumpy.
- 25 Q Okay. It's not -- is it paved?

Minor
Direct examination by Mr. Anthony

1 A Uh-uh.

2 Q Okay. Now, when he got to Jeter Road did he keep
3 driving on Jeter Road or did he stop?

4 A Stopped.

5 Q He stopped. All right. And when he stopped, what --
6 what did he say to you?

7 A Take your clothes off.

8 THE COURT: What? I can't hear her.

9 THE WITNESS: Take your clothes off.

10 THE COURT: All right.

11 Q And did he tell you what was going to happen if you
12 didn't take your clothes off?

13 A I wasn't never going home.

14 Q You what, now?

15 A I wouldn't never go home.

16 Q He wasn't going take you home?

17 A No.

18 Q Okay. And what did he tell you he wanted to do?

19 A Have sex.

20 Q Okay. And so what did you do when he told you that?

21 A Took my clothes off.

22 Q Okay. And after you took your clothes off, did he
23 touch you anywhere? You need to say yes or no.

24 A Yes. On my breasts.

25 Q Okay. And what did he -- what -- what part of his

Minor

Direct examination by Mr. Anthony

1 body did he touch your breast with?

2 A His tongue.

3 Q Okay. And did -- did he touch you anywhere else with
4 his mouth?

5 A Uh-uh.

6 Q Did he kiss you?

7 A Yes.

8 Q Okay. All right. And where did he -- how did he --
9 what did he have you do as far as how you were sitting in
10 the truck or positioned in the truck? What -- what did you
11 do?

12 A Lay straight.

13 Q Okay. And then after you -- after you laid there in
14 the truck, what did he do?

15 A Get on top.

16 Q Okay. He got on top of you?

17 A (Nods head in the affirmative.)

18 Q Okay. And once --

19 A Yes.

20 Q Once he got -- once Mr. Jeter got on top of you, what
21 did he do?

22 A Had sex.

23 Q Okay. He -- specifically.

24 A Put his penis in my vagina.

25 Q Okay. All right. And after he did that, what

Minor

Direct examination by Mr. Anthony

1 happened after that?

2 A He took me home.

3 Q Okay. And where -- what -- where did he take you?

4 whose house did he take you to?

5 A My aunt house.

6 Q Okay. And where did you spend the night that night?

7 A At my aunt house.

8 THE COURT: whose house?

9 THE WITNESS: My aunt's.

10 THE COURT: Aunt.

11 Q what's her name?

12 A Lakeshea Smith.

13 Q Okay. Now, that morning did you -- did you talk to

14 anybody about what happened the next morning?

15 A Yeah. My mama.

16 Q Okay. And what's your mama's name?

17 A Lawanda Clowney.

18 Q Okay. And why did you tell your mom what had

19 happened?

20 A Because she was the only one there.

21 Q Okay. And why was it that you decided to tell anybody

22 what had happened?

23 A Because my stomach was hurting.

24 Q Okay.

25 THE COURT: What's that?

Minor

Direct examination by Mr. Anthony

1 THE WITNESS: Stomach was hurting.

2 Q So after you told your mom, did the two of y'all go
3 anywhere that -- that morning?

4 A Yeah. We went to the hospital.

5 Q Okay. And did -- did you see a nurse in the hospital?

6 A Yes.

7 Q Okay. All right. And did you talk to anybody from
8 the police at the hospital?

9 A Yes.

10 Q Okay. And then do you remember the day after you went
11 to the hospital? Did you meet with anybody else from the
12 police or did you meet with one of the policemen again?

13 A I met with the police. I met with them.

14 Q Okay. And where did you go with the policeman the
15 next day?

16 A To the scene.

17 Q To where it happened?

18 A Yeah.

19 Q Okay. And did you show -- show the policeman where
20 this had --

21 A Yes.

22 Q Where Sam and you had had sex?

23 A Yes.

24 Q Okay. Now, Minor , was this -- this incident that
25 you just talked about in the truck, was that the first time

Minor

Direct examination by Mr. Anthony

1 you and Samuel had had sex?

2 A No, sir.

3 Q Okay. And where -- where had you had sex before?

4 A At a hotel.

5 Q Okay. Well, before -- before this night though in the
6 truck where -- where would you two have sex?

7 A In the house.

8 Q Okay. Who's house?

9 A Vanessa Smith.

10 Q Okay. And how many times would you say that that had
11 happened before, before the night in the truck, that you
12 and Sam had had sex?

13 A I can't remember.

14 Q Okay. And after you went to the hospital that day and
15 told the police about what had happened did -- did you and
16 Sam ever have sex again?

17 A No.

18 Q After -- after you went to the hospital did the two of
19 you --

20 A Yes.

21 Q Okay. All right. And how -- how -- what would happen
22 to where you would wind up meeting up with Mr. Jeter?

23 A He'd call my phone.

24 Q He'd call your phone. All right. What would he say
25 when he called the phone?

Minor

Direct examination by Mr. Anthony

- 1 A Come outside.
- 2 Q Okay. And would you do that? would you come outside?
- 3 A (Nods.)
- 4 Q You need to say yes or no.
- 5 A Yes.
- 6 Q Okay. And when you -- when you came outside what
- 7 would Mr. Jeter do?
- 8 A Go take me somewhere.
- 9 Q I'm sorry? what?
- 10 A He would take me somewhere.
- 11 Q He would take you somewhere. Okay. And when he --
- 12 when he would pick you up, what would the two of you do?
- 13 A Have sex.
- 14 Q You'd have sex. Okay. And where would you -- where
- 15 would you have sex?
- 16 A At the hotel.
- 17 Q Okay. You went to the hotel. Did you have sex
- 18 anywhere besides the hotel?
- 19 A Hotel and the truck. That's it.
- 20 Q You had sex in the truck some more.
- 21 A (Nods.)
- 22 Q Okay. Okay. All right. And Minor , do you have
- 23 a child?
- 24 A Yes.
- 25 Q And what's your child -- well, when is your child

Minor
Direct examination by Mr. Anthony

- 1 birthday?
- 2 A of 2009.
- 3 Q Okay. And what's your child's name?
- 4 A Child [inaudible] Child .
- 5 Q Child ?
- 6 A Child .
- 7 Q Okay. Child .
- 8 A Child .
- 9 Q I've got it. Okay. Child .
- 10 All right. And do you remember a day after Child
- 11 was born where someone from -- from the sheriff's office --
- 12 well, where this man here came to your house and took a
- 13 little Q-tip and put it inside Child 's mouth?
- 14 A Yes.
- 15 Q Okay. All right. And, Minor , do you see Samuel
- 16 Jeter here in the courtroom?
- 17 A Yes.
- 18 Q Okay. And where's he sitting?
- 19 A Over there beside his daughter.
- 20 Q I'm sorry?
- 21 A Beside his daughter.
- 22 Q Beside his daughter. Okay. Did you -- what kind of
- 23 shirt, what color of shirt, is he wearing?
- 24 A Red.
- 25 Q All right. If I could have just take one moment.

Minor

Direct examination by Mr. Anthony

1 (Pause.)

2 THE COURT: Just clarify what happened in the truck.

3 I'm having trouble understanding, even though I'm only two
4 feet away, what she alleged happened in the truck other
5 than she took off her clothes, she laid straight, he got on
6 top. And I couldn't understand what she said after that.

7 Q Okay. Minor , just -- just going back to what
8 happened in the truck, okay, that night --

9 A Yes.

10 Q -- on the dirt road, when you said that he got on top
11 of you --

12 A Yes.

13 Q Okay. When he got on top of you what -- what part of
14 his body touched your body?

15 A His penis.

16 Q Okay. And what part of his -- of your body did his
17 penis touch?

18 A Vagina.

19 Q Okay. And did -- did his penis go inside your vagina?

20 A Yes.

21 Q Okay. And did y'all have sexual intercourse?

22 A Yes.

23 Q Okay.

24 MR. ANTHONY: Are there any other --

25 THE COURT: No. I didn't hear her. I was a little

Minor

1 unclear on that. Okay.

2 MR. ANTHONY: If I could have one moment.

3 (Pause.)

4 MR. ANTHONY: All right. That's -- that's everything
5 on direct.

6 THE COURT: Mr. Jeter, do you have any questions you
7 want to ask Minor ?

8 THE DEFENDANT: Yeah. She stated that --

9 THE COURT: No, no, no, no, no.

10 THE DEFENDANT: Okay.

11 THE COURT: Don't tell me. You ask her questions at
12 this time. She's under oath. She has to answer questions
13 if you have any.

14 THE DEFENDANT: Okay. Minor said awhile ago that
15 I called her. I don't even know her aunt's phone number.

16 THE COURT: Well, no. You've got to ask her
17 questions. You can tell me all of that later. Right now
18 you've got to ask her questions.

19 THE DEFENDANT: Ask her a question?

20 THE COURT: If you have any. You don't have to, but
21 if you have any questions you want to ask this lady, this
22 young lady, about any of the stuff she's testified about.

23 THE DEFENDANT: I want to ask her why did she lie on
24 me. Why do you tell a lie?

25 MR. ANTHONY: I -- I object that's not a proper

Minor

1 question.

2 THE DEFENDANT: I want to ask why --

3 THE COURT: I'll allow it.

4 THE DEFENDANT: -- she want to tell a lie on me. I
5 just talking about somebody tell the truth about the thing,
6 you know.

7 THE COURT: Well, just ask her.

8 THE DEFENDANT: I don't know why you want to lie on
9 me. I want to know.

10 THE COURT: Okay. He's asked you why -- why would you
11 lie on him.

12 THE WITNESS: Because it's the truth.

13 THE DEFENDANT: It's the truth. You know you're not
14 telling the truth.

15 MR. ANTHONY: Well, that's asked and answered.

16 THE COURT: That's getting argumentative. She said
17 she wasn't lying.

18 So have you got any other questions?

19 THE DEFENDANT: No.

20 THE COURT: All right. You can step down and have a
21 seat back there with the victim's advocate.

22 All right. Call your next witness.

23 MR. ANTHONY: Your Honor, as I was anticipating to
24 schedule this case out with the expectation it would be a
25 jury trial, I didn't really expect to have any witnesses

Patricia Reynolds
Direct examination by Mr. Anthony

1 before lunch.

2 My next witness is supposed to be here and be
3 available to testify no later than 2:00 o'clock. So
4 that's -- that's all I have to present this morning.

5 THE COURT: We'll break until 2:00 o'clock.

6 Mr. Jeter, since the trial has started I'm going to
7 require you to remain incarcerated until the end of the
8 trial.

9 All right. So we'll be at ease until 2:00 o'clock.

10 MR. ANTHONY: Thank you, Your Honor.

11 (Whereupon, a recess was taken.)

12 THE COURT: Ready to call your next witness?

13 MR. ANTHONY: We are. The next witness would be
14 Ms. Reynolds.

15 PATRICIA REYNOLDS, having been
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. ANTHONY

18 Q Would you state your name, please?

19 A Patricia Reynolds.

20 Q And, Ms. Reynolds, how are you currently employed?

21 A I'm a full-time employee at Spartanburg Regional
22 Medical Center, and I'm also a part-time employee at
23 Wallace Thompson Hospital in Union.

24 Q And going back to December of 2008, how were you
25 employed at that time?

Patricia Reynolds
Direct examination by Mr. Anthony

1 A I was full time at Wallace Thompson Hospital in Union
2 in the emergency department.

3 Q Okay. And what did you do? What was your job in the
4 emergency room?

5 A Take care of the patients that come in.

6 Q And you are a nurse?

7 A I'm a registered nurse, yes.

8 Q All right. And how long had you worked at Wallace
9 Thompson? When did you start work at Wallace Thompson?

10 A I started working at Wallace Thompson in 1993. I'm
11 sorry. 2003.

12 Q Okay. And how long have you been a nurse all
13 together?

14 A Fifteen years.

15 Q Okay. All right. And I want to take you back now to
16 December the 18th, 2008. Did you see Minor
17 that day?

18 A Yes, I did.

19 Q And where did you see her?

20 A In the emergency room.

21 Q And how was it that you came to see Minor in the
22 E.R.?

23 A Her mother signed her in and I triaged her.

24 Q What time did you begin working with Minor ?

25 A It was at 12:55.

Patricia Reynolds
Direct examination by Mr. Anthony

1 Q And what did you do in regards to treating her when
2 she came?

3 THE COURT: Was that a.m. or p.m.?

4 THE WITNESS: It's p.m.

5 Q Okay. What did you do in regards to treating her when
6 she came to the emergency room?

7 A I took her to our female exam room, which is room ten,
8 and I performed a sexual assault kit on her.

9 Q Okay. And was anybody else called to the hospital to
10 deal with Minor being there?

11 A Yes. There was a female officer present and Mr. Hines
12 was present.

13 Q Okay. And did they speak to her before you began the
14 sexual assault exam?

15 A Yes, they did, yes.

16 Q Okay. And just in case I didn't cover it, who did
17 Minor come to the emergency room with?

18 A Her mother.

19 Q Her mama. Okay. And after the officials from the
20 sheriff's office spoke with Minor, what did you do as
21 far as your interaction with her?

22 A That's when I started doing the sexual assault kit on
23 her.

24 Q And approximately what time did you do that?

25 A 1340. That's p.m.

Patricia Reynolds
Direct examination by Mr. Anthony

1 Q Okay. All right. And you said you started doing the
2 sexual assault kit. What -- what procedure do you follow?
3 Or just explain to the judge how you go about doing a
4 sexual assault kit in general.

5 A A sexual assault kit is a sealed kit that we only open
6 once the nurse is in the room with the patient. And the
7 nurse stays with the patient the entire time during the
8 exam.

9 Q And how do you begin the sexual assault exam?

10 A You first open the kit, and it gives you instructions
11 to do. And the first thing that it does is give -- it
12 wants the patient's name and age and, in her words, what
13 happened to her.

14 Q And did you do that with Minor ?

15 A Yes, I did.

16 Q And in speaking to Minor did -- did she report
17 to you that she'd been sexually assaulted?

18 A Yes, she did.

19 Q When did she tell you that had happened?

20 A She told me that it happened at approximately 10:30
21 the night before on the 17th.

22 Q Okay. And where did she tell you it had happened?

23 A Outside of Monarch.

24 Q Did she give any kind of information as far as the
25 type location, whether it was a vehicle or a home or what

Patricia Reynolds
Direct examination by Mr. Anthony

1 kind of --

2 A It was in the patient -- I mean the -- it was in a
3 male's car, and that he was going to take her to the store
4 but he bypassed the store and took her down a long dirt
5 road.

6 Q Was it a car or a truck?

7 A She didn't specify.

8 Q It's not specific as to that.

9 A No.

10 Q But she told you some type of vehicle.

11 A vehicle, uh-huh.

12 Q Okay. And in questioning Minor and interacting
13 with her during this exam, what observations did you make
14 about her demeanor?

15 A She's very calm. She was cooperative with everything
16 that we had to do. She seemed to be very simple.

17 Q And when you say she was very simple, what -- what was
18 it about talking to her that would lead you to characterize
19 her that way?

20 A She described the sexual encounter. She always used
21 very course street slang to describe body parts and any
22 sexual encounters that happened.

23 Q Now, as you do the sexual assault exam is there -- is
24 part of doing that exam collecting evidence?

25 A Yes.

Patricia Reynolds
Direct examination by Mr. Anthony

1 Q And did you do that in Minor 's case?

2 A Yes.

3 Q Okay.

4 MR. ANTHONY: Your Honor, I took the exhibit over to
5 Mr. Jeter. He -- he advised me he'd like to see it. So I
6 will hand it to him. Just for the record, I'll hand it to
7 him.

8 THE COURT: Okay.

9 Q I'm going to ask you, first of all, is part of the kit
10 or is part of the protocol that you follow with the kit
11 entail collecting underwear?

12 A Yes, it does.

13 Q Okay. And I'm -- I'm going to show you now what's
14 been marked for identification as State's Exhibit No. 2.
15 I'm going to take the white bag out of the plastic bag and
16 ask you if you've seen that white bag before.

17 A Yes.

18 Q And what is that, Ms. Reynolds?

19 A This is Minor 's underwear.

20 Q Okay. And when did you collect that?

21 A During the sexual assault kit. And it says 1400 p.m.

22 Q Okay. And once you got Minor 's underwear from
23 her, what did you do with it?

24 A I placed it in this white evidence bag sealed with a
25 red evidence sticker and initialed by myself.

Patricia Reynolds
Direct examination by Mr. Anthony

1 Q Okay. And is that what you done --

2 A Yes.

3 Q -- or what you did with that -- that white bag?

4 A Yes.

5 Q Okay. And does taking a C.S.C. kit also entail
6 drawing blood?

7 A Yes, it does.

8 Q Okay.

9 MR. ANTHONY: Just for record, I handed State's
10 Exhibit No. 1 to Mr. Jeter. He's looking inside that
11 envelope as well.

12 (Pause.)

13 Q I'm going to hand you what's been marked for
14 identification State's Exhibit No. 1 and, once again, I'm
15 going to take out the white paper bag that's inside the
16 plastic bag. And there is another plastic envelope inside
17 the white bag with a -- still another plastic envelope
18 inside of it. I would ask if you recognize that label that
19 is part of State's Exhibit No. 1.

20 A Yes.

21 Q Okay. And what is that?

22 A This is the known blood sample by Minor

23 Q And was that taken as part of the C.S.C. kit as well?

24 A Yes, yes.

25 Q And once you took Minor 's blood, what did you do

Patricia Reynolds
Direct examination by Mr. Anthony

1 with it?

2 A We placed it in this plastic bag with the label, and
3 we put a red evidence sticker on it to seal it. And I
4 initial it.

5 Q Is that what you did in this case?

6 A Yes.

7 Q And then are other items also collected as part of the
8 taking of the C.S.C. kit?

9 A Yes.

10 Q Okay. And what other things, what other evidence, did
11 you collect from Minor that day?

12 A We collected oral swabs and vaginal swabs.

13 Q Okay. And I'm going to show you. I'm going to show
14 you, once again, Exhibit No. 1. And I ask just asked you
15 about this white bag. What -- what all went into that
16 white bag where the -- where you just testified the blood
17 was?

18 A Okay. We had her blood. And then we had
19 miscellaneous body fluid. We had vaginal swabs in here,
20 oral swabs in here. And that was all that had to be placed
21 in this bag.

22 Q Okay. And then once you collected all those swabs and
23 things you just testified about, what did you do to secure
24 it?

25 A Everything's placed in this white bag and then sealed

Patricia Reynolds
Direct examination by Mr. Anthony

1 with the red evidence sticker and initialed by myself.

2 Q Okay. And is that what you did on this occasion --

3 A Yes.

4 Q -- with Minor ?

5 A Yes.

6 Q Okay. Was there a physical exam done as part of the
7 protocol?

8 A Yes. There is.

9 Q Okay. And who did that?

10 A Dr. Amir Ansari.

11 Q And where was it done?

12 A It was also done in room ten of our emergency
13 department.

14 Q Okay. And what did -- and were you in the room while
15 Dr. Ansari examined Minor ?

16 A Yes, I was.

17 Q Okay. And what did you observe him do in regards to
18 the examination?

19 A We have to look at the patient with a wood's light,
20 which is a florescent light. And if there's any semen
21 present it glows.

22 Q And when Dr. Ansari shined the wood's light on
23 Minor , what did you observe?

24 A There were few small areas around the vaginal area
25 that glowed, and also on her left inner thigh.

Patricia Reynolds
Direct examination by Mr. Anthony

1 Q And what does the glowing indicate?

2 A That there was semen present.

3 Q All right. And then you testified just a moment ago
4 about there being swabs taken from her private area. Was
5 that done as part of Dr. Ansari's examination?

6 A I collected the vaginal swab on the outside of the
7 vagina and the doctor collects swabs from the inside.

8 Q All right. And as far as swabs being taken from any
9 other private areas of Minor 's body, where else did
10 you collect a swab?

11 A We collected them from her left inner thigh and also
12 from her breast and her mouth.

13 Q Okay. And what was the reason from taking the swab
14 from her breast? What had she stated?

15 A Stated that the assailant licked her breasts.

16 Q All right. And then as far as her vaginal hair, was
17 anything done to try and secure any evidence there?

18 A Yes. We have to collect known hair, which is plucked
19 with tweezers from the victim. And then we also -- after
20 we do that we comb through her hair with a comb that's
21 provided from the sexual assault kits. And we collect any
22 hairs that come out, and we send those with the kit.

23 Q All right. And during the -- during the course of the
24 physical examine did -- were there any physical injuries
25 observed to Minor ' person?

1 A No.

2 Q The evidence that you collected -- the blood and the
3 swabbings and the underwear -- what did you do with that
4 evidence once -- once you collected it and put it in the
5 paper bags that --

6 A Everything is placed back into the sexual assault kit,
7 which is then sealed with red evidence labels and initialed
8 by myself. And it's kept with my person at all times until
9 I pass it off to an officer.

10 Q All right. And is that what you did in this case?

11 A Yes, sir.

12 Q You gave it to a sheriff's deputy?

13 A Yes, sir.

14 Q And when you did do that -- when did you do that?

15 A I didn't write the time, but it was done immediately
16 after the kit was complete. We call the officer unless
17 they're already still present.

18 Q While he was still at the hospital.

19 A Right.

20 Q Okay. All right. And did you have any other
21 interaction or make any other provisions for treatment for
22 Minor ?

23 A Yes. We gave her two antibiotics, which is to prevent
24 any sexually transmitted diseases, and we also gave her the
25 pregnancy pill, Plan B, to prevent pregnancy.

Robert Hines
Direct examination by Mr. Anthony

1 Q And did you have any further contact with Minor
2 concerning this incident after December 18th?

3 A No, sir.

4 Q Or any further contact on December 18th?

5 A No, sir.

6 Q All right. If I could have one moment.

7 (Pause.)

8 MR. ANTHONY: That's everything on direct.

9 THE COURT: Mr. Jeter, do you have any questions you
10 want to ask of this lady?

11 THE DEFENDANT: No, sir.

12 THE COURT: You can step down and be excused. We
13 appreciate your time. Thank you.

14 (Whereupon, the witness was excused.)

15 THE COURT: Call your next witness.

16 MR. ANTHONY: The next witness is Captain Hines.

17 ROBERT HINES, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. ANTHONY

20 Q Would you state your name, please?

21 A Robert Hines.

22 Q Mr. Hines, how are you employed?

23 A Union County Sheriff's Office.

24 Q And what's your position there currently?

25 A I'm -- currently I am a captain responsible over the

Robert Hines
Direct examination by Mr. Anthony

1 emergency services, emergency management division.

2 Q And going back to December of 2008, what was your
3 position then?

4 A I was an investigator with the sheriff's office.

5 Q And how long have you worked for the sheriff's office?

6 A It'll be ten years this October, and ten years with
7 the city prior to coming to the sheriff's office.

8 Q All right. And how long have you been an
9 investigator?

10 A Probably 10 or 11 years.

11 Q Back on December the 18th of 2018 -- or 2008, were you
12 working in investigations at that time?

13 A I was.

14 Q And did you receive a call to go out to Wallace
15 Thompson Hospital?

16 A Yes, sir. We did.

17 Q And what was that in regards to?

18 A The nature of the call was, according to our dispatch,
19 that the nurse there at the emergency room at Wallace
20 Thompson Hospital had a patient in her E.R. stating that
21 she had been sexually assaulted.

22 Q And when did you go to Wallace Thompson Hospital that
23 day?

24 A Immediately after it was dispatched, which was a
25 little after lunch.

Robert Hines
Direct examination by Mr. Anthony

- 1 Q And who did you meet with there?
- 2 A Deputy Roxie Belue.
- 3 Q And who else?
- 4 A Ms. Reynolds met with us out in the nurses' station
- 5 area, and she explained to us that she had a female in room
- 6 ten. And we left and went into room ten.
- 7 Q Who did you talk to in room ten?
- 8 A Minor
- 9 Q And when you talked to Minor did she report to
- 10 you that she had been sexually assaulted?
- 11 A She did, yes, sir.
- 12 Q When -- when did she say that had happened?
- 13 A The night before.
- 14 Q Which would have been?
- 15 A The 17th. It was a Wednesday night.
- 16 Q Okay. And where did she say that had occurred?
- 17 A She stated that it occurred on a dirt bumpy road out
- 18 in the county, out past the Monarch area.
- 19 Q Did she give you any indication what her location had
- 20 been insofar as whether she was in a residence or a vehicle
- 21 or anything like that when you talked to her?
- 22 A Stated that she was in a vehicle, specifically a red
- 23 and white truck -- Ford.
- 24 Q So after you had this initial conversation with
- 25 Minor , what happened then?

Robert Hines
Direct examination by Mr. Anthony

1 A We spoke to her. We got some pretty good details from
2 her.

3 At that time Ms. Reynolds, the E.R. nurse, advised us
4 that the doctor was ready to perform the sexual assault
5 rape kit. So Deputy Belue and myself left and went back up
6 front to the nurses' station while they performed the rape
7 kit, or I should say completed the rape kit, which was
8 about an hour, or a little bit longer.

9 Then at that time she come back out or they come out
10 and explained to us what they had done.

11 Ms. Reynolds had the kit. It was signed over to me
12 via chain of custody.

13 And the doctor explained to us what he had come up
14 with, what he had found.

15 We went back in after that and spoke to Minor
16 and some of her family members which were present. And I
17 explained to them that we were going to follow up with this
18 case, that I needed to meet back with her but I wanted her
19 to go home, kind of get some rest, cleaned up, and we would
20 get back in the morning together. And we did.

21 Q Going back to the kit, how was the kit presented to
22 you?

23 A It was in a box, a white box with red writing on it.
24 And there was items that were completed by Ms. Reynolds and
25 the doctor, and they were secured inside the box. And

Robert Hines
Direct examination by Mr. Anthony

1 there's -- the box was placed back together. The top was
2 put on the bottom of the box and secured by two pieces of
3 evidence, red evidence, tape, one on either side, which
4 were initialed and dated by Ms. Reynolds.

5 Q And what -- what did you do with the actual C.S.C. kit
6 itself after Ms. Reynolds gave it to you?

7 A That box was taken back to the sheriff's office and
8 turned over to the evidence custodian and placed into
9 evidence.

10 Q Now, you said you told Minor you needed to see
11 her the next day.

12 A That's correct.

13 Q Were you able to do that?

14 A Yes, sir, we were.

15 Q And where did you meet with her?

16 A The next morning Minor and her grandmother came
17 to the sheriff's office. And Minor and I went back to
18 my office and sat down and talked.

19 And I actually got a statement from her, more
20 detailed. Then after we did that I asked Minor was
21 she physically able or mentally capable of taking me to the
22 area or location that she says that it happened. She said
23 that she would try her best.

24 Together she and I got in my car, and I drove to the
25 area that she stated that the assault occurred.

Robert Hines
Direct examination by Mr. Anthony

1 Q And what -- how did you go about getting to where she
2 said the assault occurred?

3 A She basically -- once we got into the area she
4 basically remembered. We went to Walker Boulevard there at
5 Main Street across the railroad tracks onto Perrin Avenue
6 through Ottary, come out onto Monarch Highway where we
7 turned right onto Monarch Highway. We proceeded on Monarch
8 Highway. We turned left on Neil Shoals Road. We passed a
9 church that she was very explicit in explaining the way --
10 detailed as far as what it looked like. Across the street
11 on the right-hand side was a graveyard, which she
12 explained. We traveled down the road on Neil Shoals Road
13 past the church, the graveyard. We turned left. Excuse
14 me. Correction. We turned right onto -- she remembered
15 Davis Road, but it was actually Davis Jeter Road.

16 Q And what kind of road is Davis Jeter Road?

17 A Davis Jeter Road is an actually -- is a county
18 maintained road, not a state road. It is in poor condition
19 with very little asphalt, if any -- ruts, dirt, gravel
20 area.

21 Q And after you turned onto Davis Jeter Road how -- how
22 far did you go?

23 A We continued probably just maybe a couple hundred
24 yards, and then she basically said stop. And I stopped the
25 car, and I looked at her. And she was kind of looking out

Robert Hines
Direct examination by Mr. Anthony

1 the passenger-side window. And she said this is it.

2 So I put the car in park. We both exited my car, and
3 we walked over to this little clearing that leads up into a
4 field that's got a gate there. There's a gate there. You
5 got to go, you know, open up the gate before you go into
6 this field. But she remembered the gate and she remembered
7 the dirt area right here where they -- they pulled off.

8 Q And this location where she -- that to which she
9 directed you, is that in Union County?

10 A That is, yes, sir.

11 Q Okay. And in your -- your interaction with Minor
12 talking, just talking, to her about what happened and
13 taking a statement from her, what observations did you make
14 about her ability to communicate and her overall demeanor?

15 A I found that Ms. Minor was very -- she
16 was very simple minded, you know, respectfully saying that.
17 She was very simple minded.

18 She -- you had to be very specific with questions to
19 her. And she was very matter-of-fact back to you with
20 questions.

21 She would explain in just matter-of-fact kind of ways.
22 I mean, she would tell you. She wouldn't hold it back.
23 When you got through talking to her you understood what she
24 was meaning, and that's the way we had to -- I had to be
25 careful with her moving too fast. I had to repeat a lot of

1 questions to her and even at some point, even turning the
2 questions a little bit or re-asking the questions a
3 different way so she could understand them.

4 Q All right. And after you had had this conversation
5 with Minor and taken a statement from her, what was
6 the next thing you did in regards to investigating the case
7 or making charges on the case?

8 A I -- we -- I took the case that I had to the
9 magistrate and got warrants against Mr. Samuel Jeter.

10 Q Okay. And what were -- during the course of compiling
11 information about this case were you able to determine
12 Mr. Jeter's birth date?

13 A Oh, yes, sir, yes, sir.

14 Q And when is his birthday?

15 A Well, that morning on the 18th when she came -- when
16 Minor was brought up to the sheriff office, when I had
17 her back in my office and I was talking to her, we pulled
18 up a driver's -- a 3-year driver record history, which
19 Minor said that was who the person was. And his date
20 of birth was 49.

21 Q All right. Now, after you obtained or requested the
22 warrant for Mr. Jeter, when was the next time that you did
23 anything in regards to the investigation of the case?

24 A We -- it was on June the 17th of 2009.

25 Q Okay. And what -- what did you do on that date?

Robert Hines
Direct examination by Mr. Anthony

1 A I believe it was a Schmerber hearing where we brought
2 this case before the court asking for a buccal swab, and
3 the judge ordered a buccal swab to be administered. And I
4 met with Mr. Jeter at Dr. Flood's who at the time was our
5 county doctor. So we met with Dr. Flood at his office.

6 Q And what did Dr. Flood do in regards to getting a
7 buccal swab?

8 A I presented Dr. Flood with a sealed suspect kit that
9 we have in our office. It was opened. I handed it to him.
10 He opened it in my presence and Mr. Jeter's presence. He
11 removed just the cotton tip area or cotton tip tubing and
12 performed a buccal swab test on Mr. Jeter as ordered by the
13 court.

14 Q And once he performed the test, what did he do with
15 the swab?

16 A It was sealed into a container, and evidence tabs were
17 placed on either end where he dated -- initialed and dated
18 it. And it was turned over to me via chain of custody, and
19 I took control of it.

20 Q And was the taking of the swab done in your presence?

21 A It was.

22 Q All right.

23 MR. ANTHONY: I've offered to show Mr. Jeter State's
24 Exhibit No. 3 for Identification. I am now approaching
25 Mr. Hines.

Robert Hines
Direct examination by Mr. Anthony

1 Q I'm showing you what's been marked State's Exhibit No.
2 3 for Identification. I'd ask that if you can identify the
3 white bag that's inside the larger plastic bag.

4 A This is, in fact, the suspect evidence collection kit
5 that I got that day and I presented to Dr. Flood at his
6 office. Top left-hand corner is my handwriting, Samuel
7 Jeter, suspect's name, date June 17th of 2009.

8 Q Okay. And if you can, go ahead and open it up. Is
9 the actual buccal swab in there?

10 A Yes, sir.

11 Q All right. And did Dr. Flood do anything when he took
12 the swab to document that he taken it?

13 A Yes, sir. On the box there is a paper tab on here
14 with my handwriting. I wrote the case number, in
15 parenthesis U.C.S.O., Union County Sheriff's Office.

16 Collected. I left that one blank. Sample by Samuel E.
17 Jeter, which I wrote. Tested for DNA in my handwriting.

18 This was presented to Dr. Flood. And after the sample
19 was taken Dr. Flood wrote on here collected, and he put his
20 initials, the date and the time on there.

21 The sample was placed inside of this container, and
22 evidence tabs were placed on either end of this container.

23 Q All right. And then what was done with it after it
24 was placed in that container that's in your hand?

25 A It was placed back into this envelope, and it was

Robert Hines
Direct examination by Mr. Anthony

1 sealed with a piece of evidence tape with his initials
2 indicated. And then he got the -- for police personnel
3 chain of possession, and he said from John Flood to -- to
4 Lieutenant Robert Hines, 6/17/09 at 1639. And then he
5 handed this, and I got it placed in my possession.

6 Q All right. And then what did you do with it after you
7 got it from Dr. Flood?

8 A I took it and placed it into evidence.

9 Q And the next day what did you do with the evidence
10 that had you recovered both from the C.S.C. kit and from
11 the -- from Dr. Flood the day before?

12 A Those items were taken to the state law enforcement
13 division, SLED, in Columbia, South Carolina.

14 Q And we're going to go through this. I'm going to
15 start off by showing you again what's been marked for
16 identification as State's Exhibit No. 2. And I'd ask if
17 you've seen the white bag that's inside the larger plastic
18 bag before.

19 A Yes, sir, I have.

20 Q Okay. And what is that?

21 A This is indicated underwear. Minor is
22 the victim's name.

23 Q Okay. And when did you see that?

24 A This -- I actually saw it the day I took it down to
25 SLED.

Robert Hines
Direct examination by Mr. Anthony

1 Q Okay. And that was June 18th of 2009?

2 A I'm sorry. Yes, sir.

3 Q And how did it go to SLED? How was it contained or
4 packaged?

5 A It was in the box that Ms. Reynolds, the E.R. nurse at
6 Wallace Thompson -- handed me that box, and that box was
7 sealed from the time she gave it until the time I took it
8 to SLED. And it was -- the seal was broken once we got to
9 SLED. And that's the first time I actually seen this bag.

10 Q All right. When you first saw that bag on June 18th
11 was it sealed up?

12 A It was sealed like this with an evidence tab with
13 Ms. Reynolds' initials on there.

14 Q Then what happened to that, to the bag, the paper bag
15 in your hand that contains the panties? What happened to
16 it when you got it to SLED?

17 A The technician that was there in evidence was Ms.
18 Nikki Perry. She's actually the one that opened this up.
19 It was placed into a state lawsuit division evidence
20 bag, this being it. It was placed in there. It was heat
21 sealed across the top.

22 And at that time she basically literally turns around
23 after she heat seals it and hands it to me. And then I
24 have to initial and date it, which I did, that it was
25 sealed in my presence.

Robert Hines
Direct examination by Mr. Anthony

1 Q Okay. And then what did you request that SLED do?
2 what request for processing of that evidence did you make
3 of the panties themselves?

4 A I asked that this, this particular piece of evidence,
5 be sent to DNA.

6 Q Okay. Well, was it going to go somewhere before --
7 before DNA, or did you just ask that it be examined for
8 DNA?

9 A Be examined for DNA.

10 Q Okay. All right. And moving on now to Exhibit No. 1
11 or -- that's right, Exhibit No. 1 for Identification. I
12 ask you take the paper bag out of that plastic bag, and I'd
13 ask if you've seen that paper bag before.

14 A Yes, sir.

15 Q And what is in that paper bag, or what does that bag
16 indicate?

17 A It's a DNA section, evidence distribution envelope,
18 and, on blood, zip lock bag.

19 Q Okay. And when did you first see that?

20 A June the 18th at SLED.

21 Q Okay. And what -- how was that bag packaged when you
22 first saw it?

23 A This also was included in that sealed box that
24 Ms. Reynolds gave me at the hospital the day before. And I
25 transported that sealed box to the state lawsuit division

Robert Hines
Direct examination by Mr. Anthony

1 where it was opened by Ms. Nikki Perry, and Ms. Nikki Perry
2 took out several items in that box to include State's
3 Exhibit No. 1.

4 Q Okay. And the envelope that -- that is in the bag, in
5 the plastic bag that's State's Exhibit No. 1, what was
6 done? No, no. I don't mean that. I'm talking about the
7 paper envelope that you've got in your hand.

8 A Okay.

9 Q What was done with that envelope once you got it to
10 SLED?

11 A It was placed into a plastic envelope from state
12 law -- South Carolina Law Enforcement Division, evidence
13 form, and heat sealed across the top by Ms. Nikki Perry.
14 And I signed it and dated it.

15 Q Okay. And was that -- was the paper bag still in a
16 sealed condition --

17 A It was.

18 Q -- when it was brought, when it was taken out of the
19 sealed box and given to people at SLED?

20 A Yes, sir, it was.

21 Q Okay.

22 A The whole -- when I got it from Nikki Perry it was
23 actually sealed with the tamper proof red tape and placed
24 into this plastic bag from the South Carolina Law
25 Enforcement Division evidence bag and heat sealed.

Robert Hines
Direct examination by Mr. Anthony

1 Q Okay. All right. And what request did you make as
2 far as processing of that evidence?

3 A To be examined for the DNA.

4 Q Okay. And I'm going to show you again State's Exhibit
5 No. 3, which is the swab taken from Mr. Jeter that you just
6 testified about.

7 What -- what was done with that paper bag the next day?
8 You said the swab was taken on June 17th. What was done on
9 June 18th with that paper bag?

10 A This was taken, along with the rape kit that
11 Ms. Reynolds gave us the day before, to the state law
12 enforcement division.

13 Q Okay. And was that envelope that the swab was in, was
14 it sealed when you submitted it to SLED?

15 A It was. It had been sealed the day before by Dr.
16 Flood.

17 Q Okay. And then when you got that envelope to SLED
18 what was done in regards to packaging it to be processed?

19 A Ms. Nikki Perry entered this information into her
20 computer system, and then she placed this one, this
21 envelope itself, into a plastic South Carolina Law
22 Enforcement Division evidence bag, and it was heat sealed,
23 and I initialed R. Hines and 6/18/09.

24 Q All right. And what request did you make from SLED in
25 regards to -- to that item, the swab from Mr. Jeter?

Robert Hines
Direct examination by Mr. Anthony

1 A Examined for DNA.

2 Q All right. And then as far after -- after you took
3 this evidence to SLED in June, when was the next time you
4 did any further investigation in this case or the situation
5 between Mr. Jeter and Minor ?

6 A I believe it was February the 24th of 2010.

7 Q Okay.

8 A Is that correct? I think that was --

9 Q Well, did you ever go -- did you ever go to see
10 Minor ?

11 A Yes. I'm sorry. On January the 25th of 2010.

12 Q Okay. And what -- what happened on January 25th of
13 2010?

14 A I had received information that Ms. Minor
15 had given birth to a little baby boy. And myself and
16 Lieutenant Terry Humphries went to to where
17 Minor resided. And a buccal swab was taken from the
18 baby belonging to Ms. Minor .

19 MR. ANTHONY: I'm just, for the record, I am showing
20 Mr. Jeter State's Exhibit No. 4 for Identification. That's
21 the buccal swab taken from the child.

22 I'm going to show you now what's been marked for
23 identification as State's Exhibit No. 4. Could you look --
24 just take the envelope, paper of the envelope, inside that
25 bag. And I'd ask you if you've seen that before.

Robert Hines
Direct examination by Mr. Anthony

1 A Yes, sir.

2 Q Okay. What is that?

3 A This is a cardboard container which contains a Q-tip
4 style swab that was used by me on the little baby boy
5 belonging to Ms. Minor.

6 Q And once you took that swab from the boy, what did you
7 do with it?

8 A I secured it with the enclosed capsule that it comes
9 with, and then it was placed into this box by myself, and
10 both ends were secured in the presence of Ms. Minor
11 , her grandmother and Lieutenant Terry Humphries.

12 Q Okay. And then what did you do with that swab after
13 you took it?

14 A When we got back -- got back to the sheriff's office
15 the information was filled out on the -- the label, and it
16 was placed into evidence.

17 Q Okay. And when it was placed into -- what was the
18 purpose of putting it into evidence?

19 A To secure it, so, until it could be taken down to the
20 state law enforcement division.

21 Q And did you ask or try to make arrangements for that
22 to occur?

23 A I did. I talked, I spoke, with the evidence
24 custodian, and he placed it into evidence. And I explained
25 to him the urgency and that we had already taken several

Robert Hines
Direct examination by Mr. Anthony

1 items already down to the state law enforcement division to
2 be examined and that he would -- he's going -- he said he
3 would take it down to the -- to SLED to -- to be included
4 with the other items already submitted.

5 Q Okay. And then after you received the information
6 about her having the child did you have another or take
7 another statement from Minor about any
8 continuing relationship between she and Mr. Jeter?

9 A Yes, sir, I did.

10 Q Okay. When was that?

11 A It was on February 24th.

12 Q of 2010?

13 A That's correct.

14 Q Okay.

15 A I'm sorry.

16 Q All right.

17 MR. ANTHONY: If I could have one moment.

18 (Pause.)

19 Q Thank you.

20 MR. ANTHONY: That's everything on direct.

21 THE COURT: All right. Mr. Jeter, do you have any
22 questions you want to ask of Mr. Hines, Captain Hines?

23 THE DEFENDANT: Yeah.

24 THE COURT: All right. You need to stand up so we can
25 all see and hear you.

Robert Hines
Cross-examination by the defendant
Redirect examination by Mr. Anthony

1 CROSS-EXAMINATION

2 BY THE DEFENDANT

3 Q You say you investigated, right?

4 A I investigated the case, yes, sir.

5 Q Right. She never did tell you there was someone
6 outside of me?

7 A I didn't understand you. Say -- ask me again. I
8 didn't understand you. I'm sorry.

9 Q You say you investigated the case, right?

10 A Yes, sir.

11 Q Did she say there was someone else?

12 A She indicated -- there was some information I received
13 that it could have been somebody else, yes, sir.

14 Q All right.

15 THE COURT: Any other questions?

16 THE DEFENDANT: That's it.

17 MR. ANTHONY: I have brief redirect.

18 THE COURT: All right.

19 REDIRECT EXAMINATION

20 BY MR. ANTHONY

21 Q Who -- who spoke to you about it possibly being
22 somebody else?

23 A We had received a letter that there was another guy's
24 name that was indicated.

25 Q Okay. And at some point in time did you speak to

Robert Hines
Redirect examination by Mr. Anthony

1 Minor again about that situation?

2 A Yes, sir.

3 Q And what was her reaction when you spoke to her again
4 after you got the information that it might have been
5 someone else?

6 A That basically she was threatened to write the letter
7 and that -- that it was not -- she had never lied to us the
8 whole time that's she's saying, was still saying, that it
9 was still Samuel E. Jeter.

10 Q Thank you. That's everything.

11 THE COURT: Anything else, Mr. Jeter?

12 THE DEFENDANT: No.

13 THE COURT: All right. I'm a little confused.

14 You said did she say it was someone else. What's that
15 relate to? We've got a child being born, and then we've
16 got the incident for which he's being tried. I'm not sure
17 I understand the question.

18 Did she say it was someone else that did what?

19 Let me ask you. As far as the letter you received
20 that said it was, quote, someone else, it was someone else
21 that did what?

22 THE WITNESS: That somebody else had -- that the baby
23 had belonged to somebody else basically.

24 THE COURT: All right. Okay. When you say belonged
25 to, you meant fathered by.

Jeff R. Lawson
Direct examination by Mr. Anthony

1 THE WITNESS: That's correct, yes, sir.

2 THE COURT: All right. You can step down. Thank you.

3 THE WITNESS: Yes, sir.

4 THE COURT: Call your next witness.

5 MR. ANTHONY: Our next witness is Investigator Lawson.

6 JEFF R. LAWSON, having been
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION BY MR. ANTHONY

9 Q would you state your name, please?

10 A Jeff R. Lawson.

11 Q And, Mr. Lawson, how are you currently employed?

12 A Union County Sheriff's Office.

13 Q And what's your position there?

14 A I am an investigator.

15 Q And how long have you worked for the sheriff's office?

16 A will be 26 years this coming March.

17 Q And going back to January of last year, what was your
18 position at the sheriff's office at that time?

19 A I was evidence custodian, captain over the jail
20 division.

21 Q Okay. And I'm showing you what's been marked for
22 identification as State's Exhibit No. 4. And I'd ask if
23 you've ever seen that item in that, in the cardboard,
24 that's inside that plastic bag.

25 A That's correct. Yes, sir.

1 Q And when did you see that?

2 A On or about January the 25th, 2010.

3 Q Okay. And what did you do in regards to that
4 evidence?

5 A I transported it. well, I held it and transported it
6 to SLED for the investigator working the case.

7 Q All right. And when -- when you took it to SLED, what
8 did you do with it?

9 A I took it to SLED and checked it in and sealed it in a
10 South Carolina Law Enforcement evidence bag and signed my
11 name across the seal, or gave my initials.

12 Q Okay. And the plastic bag that the cardboard is in,
13 is that the South Carolina evidence bag you're referring
14 to?

15 A That's correct, yes, sir.

16 Q Okay. And did you fill out the information on the
17 front of the bag?

18 A That's correct, yes, sir.

19 Q And that would indicate that you took it to SLED on
20 January 27th, is that right?

21 A Yes, sir.

22 Q Okay. And who did you turn it over to at SLED?

23 A I don't remember the name. It was one of the ladies
24 there. I don't remember her name.

25 Q If I showed you the receipt, would that refresh your

Jeff R. Lawson
Direct examination by Mr. Anthony

1 recollection?

2 A Yes, sir.

3 Q I'm handing you a document that's been marked SLED
4 laboratory forensic services request.

5 A Turned it over to Amy Stephens.

6 Q All right. And what -- what kind of testing did you
7 request be done on that swab?

8 A I assumed it was going to be DNA.

9 Q Okay. Thank you. That's everything on direct.

10 THE COURT: Anything, Mr. Jeter, of this witness?

11 THE DEFENDANT: No.

12 THE COURT: All right. I don't know if it was ever
13 actually identified as to what swab, which swab, that was.
14 I mean, I think it's pretty obvious, but I don't think
15 there's anything in the record.

16 MR. ANTHONY: Okay. Well, this is Exhibit 4, which is
17 the -- Lieutenant Hines testified that's the swab he took
18 from the child.

19 THE COURT: Okay. That's what I thought. I wanted to
20 make sure.

21 You can step down. Thank you.

22 MR. ANTHONY: We ask Investigator Lawson be excused.

23 THE COURT: He may be excused.

24 (Whereupon, the witness was excused.)

25 THE COURT: Call your next witness.

1 MR. ANTHONY: Your Honor, that's the witnesses I had
2 for this afternoon. And I have three witnesses from SLED
3 who are scheduled to be here tomorrow morning.

4 The DNA analyst is subpoenaed for court in Cherokee
5 County in the morning. I talked to the attorney who had
6 her subpoenaed, and he advised me that he could call her at
7 9:30 when that hearing starts. And so -- and he advised me
8 that her testimony would not be lengthy.

9 So I would ask the Court to resume the trial at 11:00
10 o'clock in the morning. I feel fairly confident that
11 she'll be able be here by then. And I'll have the other
12 two witness here.

13 THE COURT: We're going to stop for the day and start
14 back at 11:00.

15 Anything before we stop for the day, Mr. Jeter?

16 THE DEFENDANT: No, sir.

17 THE COURT: Okay. All right. Court's in recess.

18 END OF PROCEEDINGS FEBRUARY 1, 2011
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Robert Hines
Direct examination by Mr. Anthony

1 (Proceedings February 2, 2011)

2 THE COURT: State ready to proceed?

3 MR. ANTHONY: We are.

4 THE COURT: Mr. Jeter.

5 THE DEFENDANT: Yes, sir.

6 MR. ANTHONY: Your Honor, before we call the SLED
7 witnesses I would ask the Court to allow me to call Captain
8 Hines just to clear up one question that was asked him
9 yesterday.

10 THE COURT: All right. Mr. Hines, come forward.
11 You're still under oath.

12 ROBERT HINES, having been
13 previously duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. ANTHONY

15 Q Captain Hines, at the end of your testimony yesterday
16 you were asked a question about a conversation you had with
17 Minor

18 A Yes.

19 Q Is that correct?

20 A Yes, sir.

21 Q And that was in regards to a letter that Minor
22 had written.

23 A That's correct.

24 Q And that letter was essentially a recantation letter.

25 A That's correct.

Robert Hines
Direct examination by Mr. Anthony

1 Q And the conversation that you had with her, did that
2 concern her recanting the allegation about the actual
3 C.S.C. incident for which Mr. Jeter is on trial, or did it
4 have something to do with paternity of her child?

5 A The letter contained only information in reference to
6 the C.S.C.

7 Q Okay. Had nothing to do with the paternity of her
8 child.

9 A No, sir.

10 Q And the roughly -- I know you don't know the exact
11 date -- but roughly what timeframe did you talk to her
12 about this letter?

13 A It was probably towards the end of February, first of
14 March.

15 Q Okay. of 2009?

16 A Yes. I'm sorry. 2009.

17 Q She didn't actually get pregnant and have -- and she
18 didn't have the baby until of '09.

19 A That's correct.

20 Q All right. Thank you.

21 MR. ANTHONY: That's everything.

22 THE COURT: Mr. Jeter.

23 THE DEFENDANT: Nothing.

24 THE COURT: You can step down. Thank you.

25 MR. ANTHONY: The next witness will be Ms. Blair.

Jozetta Blair
Direct examination by Mr. Anthony

1 JOZETTA BLAIR, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. ANTHONY

4 Q Good morning, Ms. Blair.

5 A Good morning.

6 Q Ms. Blair, where do you currently live?

7 A I live in Charleston, South Carolina.

8 Q And how long have you lived in Charleston?

9 A Approximately two weeks now.

10 Q Okay. And before you moved to Charleston where did
11 you live and where did you work?

12 A I lived in Columbia, South Carolina, where I was
13 employed at the South Carolina Law Enforcement Division,
14 commonly known as SLED.

15 Q And how long did work for SLED?

16 A Approximately three years.

17 Q And were you working for SLED in August of 2009?

18 A Yes, sir.

19 Q And what department in SLED were you employed?

20 A In evidence processing.

21 Q Okay. And just if you could, just sort of summarize
22 what somebody does who works in the evidence processing at
23 SLED.

24 A As an evidence technician you process cases from
25 different counties and agencies within South Carolina for

Jozetta Blair
Direct examination by Mr. Anthony

1 any type of biological fluids, fibers and hairs.

2 Q And could you just briefly tell the judge what
3 education and training you've had in the field of evidence
4 processing?

5 A I have a bachelor's of biology degree from Columbia
6 College. And when I was employed by SLED I received a --
7 training for approximately a year under a court qualified
8 senior analyst in evidence processing where I had to
9 process cases, approximately over 200 cases.

10 Once I was completed with that year of training I had
11 to take a proficiency and competency test. And to be
12 certified you have to every year take another proficiency
13 test.

14 Q And have you testified before in regards to evidence
15 that you processed?

16 A Yes, sir.

17 Q And have you been qualified as an expert witness
18 before?

19 A Yes, sir.

20 MR. ANTHONY: Your Honor, at this time we'd ask that
21 the court -- or we submit Ms. Blair to the Court as an
22 expert in the field of evidence processing.

23 THE COURT: Do you have any questions you want to ask
24 her at this time, Mr. Jeter?

25 THE DEFENDANT: No.

Jozetta Blair
Direct examination by Mr. Anthony

1 THE COURT: He indicated not.

2 All right. Go forward. I find she is qualified.

3 MR. ANTHONY: Thank you, Your Honor.

4 Q All right. Ms. Blair, at this time I'm going to hand
5 up what's been marked for identification as State's Exhibit
6 No. 2. And I would ask if you'd just take a look at that
7 bag and the envelope inside the bag and see if it's -- if
8 you can identify that as something you've seen before.

9 A Okay. Yes, sir. This evidence I have seen before.
10 And the way I can tell that I have processed this evidence
11 or had it in my custody is because I can see the SLED lab
12 number, my initials, the date and the item number.

13 Q Okay. And what -- what is that? What -- that you're
14 holding there.

15 A This is SLED item No. 4, which are the panties that I
16 processed for possible semen.

17 Q And where did you retrieve those panties from? What
18 is the paper bag that they were contained in?

19 A This is a heat sealed pouch, and it was packaged in
20 this white envelope from the hospital. And once we -- I
21 received it from evidence control --

22 Q Okay.

23 A -- in a sealed envelope in this heat sealed pouch.

24 Q Okay. And when something is submitted, when a law
25 enforcement agency submits something like that to SLED,

1 where does it stay until somebody like you comes to get it?

2 A It is secured in our evidence control area. Once we
3 are assigned a case we go up to evidence control, and then
4 it's transferred into our custody. And we each have a
5 secure lab that only that analyst has access to, and that's
6 where I keep my evidence until I process it.

7 Q Okay. Is that what you did with this particular bag?

8 A Yes, sir.

9 Q And when did you get that bag?

10 A I received this particular piece of evidence on 7/30
11 from Selina Kinard -- July 30th of 2009.

12 Q And when you retrieved that bag was it -- was it
13 sealed?

14 A Yes, sir, it was sealed.

15 Q Okay.

16 MR. ANTHONY: And, Your Honor, at this time we'd move
17 into evidence Exhibit No. 2.

18 THE COURT: Any objection, Mr. Jeter? Mr. Jeter, any
19 objection?

20 THE DEFENDANT: No.

21 THE COURT: He indicated no objection. It's in
22 without objection.

23 MR. ANTHONY: Thank you, Your Honor.

24 (Panties marked State's Exhibit No. 2.)

25 Q Ms. Blair, once you retrieved those, that bag with the

Jozetta Blair
Direct examination by Mr. Anthony

1 panties from evidence processing, what did you do with
2 them?

3 A Once I received this item four I made sure my area, my
4 work area, was sterile. And the request on it was for
5 possible semen.

6 So once we are processing for possible semen I use an
7 alternate light source which will fluoresce any biological
8 fluids. I will circle that area, and once I'm ready to
9 test that area with acid phosphatase I will dab a Q-tip
10 with some distilled water, test that spot. And if it is a
11 possible semen it will turn a purplish color.

12 Once it indicates that it's possible semen I make a
13 cutting of that article and slip it inside a heat -- a coin
14 envelope and then into a heat sealed pouch.

15 Q And when you tested those particular panties what --
16 what happened as far as whether you had any kind of
17 indication there was semen on it?

18 A Well, when I tested this particular pair of panties it
19 fluoresced in several different areas. So I marked those
20 areas and I made three cuttings. And I tested those three
21 cuttings for possible semen. And then that's when it came
22 out to be a purplish color.

23 So I heat -- made a cutting, slipped it in that coin
24 envelope, heat sealed it and transferred to secure area for
25 the DNA analyst.

1 Q Now, I'm going to hand you now what's been marked for
2 identification as State's Exhibit No. 5. And I'd ask you
3 if you recognize that bag.

4 A Yes. This also has my initials, the date that I
5 processed it, my name. And also on the coin envelope where
6 I slipped the cutting in it has my name and initials. And
7 this is also the cutting 4.1 that was taken from the
8 panties.

9 Q All right. And when did you take that cutting and put
10 it in that coin envelope?

11 A On July 31st of 2009.

12 Q And then did you do anything to secure the envelope,
13 the coin envelope, itself?

14 A Correct. Yes. I did secure the coin envelope. I put
15 a piece of tape here. I initialed and dated. I sealed it
16 in this heat sealed pouch with my initials, my name and the
17 date. And then it was placed into storage drawer 5-C,
18 which is in a secure DNA room where the DNA analyst would
19 retrieve that evidence for processing.

20 Q Okay. And the room 5-C, who -- who has access to that
21 room?

22 A Only DNA analysts and evidence processing technicians.

23 Q All right. Thank you very much. That's all my -- all
24 my questions for Ms. Blair.

25 THE COURT: Do you have any questions of this witness,

Sheree Brown
Direct examination by Mr. Anthony

1 Mr. Jeter?

2 THE DEFENDANT: No.

3 THE COURT: Okay. You can step down and be excused.
4 We appreciate your time.

5 THE WITNESS: You're welcome.

6 (Whereupon, the witness was excused.)

7 THE COURT: All right. Next.

8 MR. ANTHONY: We call Ms. Brown.

9

10 SHEREE BROWN, having been
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. ANTHONY

13 Q would you state your name, please?

14 A Sheree Brown.

15 Q And, Ms. Brown, how are you employed?

16 A Yes. I'm employed with the South Carolina Law
17 Enforcement Division.

18 Q And what do you do there?

19 A I'm a forensic technician in the DNA department.

20 Q And how long have you worked in that capacity?

21 A I've been with SLED 16 and half years, in the DNA
22 department 13 years.

23 Q And could you just briefly state the educa -- well,
24 first of all, what do you do as a forensic technician in
25 the DNA department?

Sheree Brown
Direct examination by Mr. Anthony

1 A I do a lot of duties. I was a purchasing person
2 within the DNA department. But also one of my duties
3 within SLED is to go down to evidence control and receive
4 the evidence that is brought in by the submitting agencies
5 throughout the State of South Carolina.

6 Q All right. And could you just tell the judge briefly
7 the education and training you've had in handling evidence
8 and assisting in processing DNA evidence?

9 A I have an -- two associate degrees, one in electronics
10 engineering, other in biomedical repair. But I've been
11 trained as a forensic technician in the toxicology
12 department and DNA department going through each of those
13 department year-long, a training program, and took
14 proficiency testing.

15 Q All right. And have you testified in court before?

16 A Yes, I have.

17 Q And approximately how many times?

18 A Approximately 45 times.

19 Q All right. I'm going to show you what's been marked
20 State's Exhibit 1 and State's Exhibit No. 3 for
21 Identification, and I would ask if you've seen those two
22 items before.

23 A Yes, I have.

24 Q Okay. And what -- what are those items and how do you
25 come to recognize them?

Sheree Brown
Direct examination by Mr. Anthony

1 A They're heat sealed pouches that was -- the evidence
2 was submitted to SLED. And it was sealed in evidence
3 control.

4 The reason I can know that I've seen them before,
5 because I recognize my handwriting, and also it has my
6 initials on the heat sealed pouch.

7 Q When did those two items come into your possession?

8 A State Exhibit 3. I took custody of it on June 22nd,
9 2009.

10 Q Okay. And then as to No. 1.

11 A And State's Exhibit No. 1. I took custody of it June
12 22nd, 2009.

13 Q And, once again, where did you get those items?

14 A From our evidence control department in SLED.

15 Q Okay. Who did you specifically get them from?

16 A Nikki Perry, which she's a technician in the evidence
17 control department.

18 Q And that is the evidence control room, is the place
19 where such evidence as this is kept when law enforcement
20 bring it in, is that correct?

21 A Yes. It's also -- you -- it's called evidence log-in.

22 Q Okay. And is it procedure at SLED for evidence like
23 Exhibit 1 and 3 to stay in the evidence control until
24 somebody from a special department such as yourself goes to
25 get it?

1 A Yes.

2 Q Okay. All right. And were -- what condition were
3 those two plastic bags in when you retrieved them from
4 evidence control or evidence log-in?

5 A It was sealed properly and all the signatures that was
6 needed was on there.

7 Q Okay. And then once you got those two bags; Exhibits
8 1 and 3, where did you take them?

9 A I kept them in my custody and took it up to the DNA
10 department, and they stayed in my custody until I could
11 determine how they should be routed.

12 Q Okay. And I want to do -- first off, let's do No. 1,
13 which is the victim's blood. We'll talk about it first.
14 Specifically, as to that exhibit what -- what kind of
15 process or what kind of operation did you perform in
16 regards to what's been marked as No. 1 for Identification,
17 the blood from the suspect or from the victim's kit?

18 A When I received the heat sealed pouch and took it back
19 upstairs I looked at it in our computer system and
20 recognized that it was a C.S.C. kit.

21 And according to our policy and procedure within DNA
22 we -- if it's a liquid blood standard it would have to be
23 taken and made into a dried blood standard. So I followed
24 all procedures into taking the liquid blood that was
25 submitted within the kit to a dry blood standard. And I

Sheree Brown
Direct examination by Mr. Anthony

1 prepared it according to our policy and procedures.

2 Q Okay. And that is -- that is the little paper
3 envelope inside the plastic bag --

4 A Yes.

5 Q -- that you're holding in your hand?

6 A Yes.

7 Q Okay. And once you have prepared the dried blood
8 standard, what did you do with the dry blood standard?

9 A When it completely dried I repackaged it back up and
10 heat sealed the -- the envelope back into the heat sealed
11 pouch. And from that stage I took it on June the 25th of
12 2009 and put it DNA storage drawer 3-C.

13 Q Okay. And when you sealed it back, there's a 6/25/09
14 date on the back besides your -- or S.K.B. Is that your
15 initials?

16 A Yes.

17 Q And then there's also V.T.G. Who? What was the
18 V.T.G. on the bag?

19 A That's initials for a technician in the evidence
20 processing department. She was trained to be my backup.
21 So she was in training then. But everything was done under
22 my supervision.

23 Q Okay. All right. So you actually either sealed the
24 bag up yourself or saw her do it.

25 A Yes.

1 Q Okay. And then you said you took the bag to a special
2 drawer, is that correct?

3 A We have a room within the DNA department that we have
4 a storage drawer so all the evidence can be stored in there
5 for later analysis.

6 Q Okay. And who has access to that room?

7 A Only the personnel within the DNA department.

8 Q Okay. All right. So we talked about No. 1, which was
9 the victim's blood.

10 I'm going to show you now No. 3, which is the
11 defendant's buccal swab. When did you receive it, again?

12 A June 22nd of 2009.

13 Q Okay. Was it sealed when it came to you?

14 A Yes.

15 Q All right. And what kind of procedure did you engage
16 in as far as that piece of evidence?

17 A What I see on the heat sealed pouch and the chain of
18 custody, I had to open it up because I could not determine
19 if it had a liquid blood standard or buccal swab. But by
20 me sealing it back up on June 22nd it confirmed that it was
21 just a buccal swab versus a liquid blood standard.

22 Q Okay. And what did you do with that after you sealed
23 it back up? What did you do with that bag?

24 A It stayed in my custody until I could transfer both
25 items, State's Exhibits 1 and 3, into the secure location

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1 of drawer 3-C.

2 Q Okay. So both of them went -- both one and three went
3 to the same place.

4 A Yes.

5 Q Okay. And did you -- you transferred the bag on the
6 25th?

7 A Yes.

8 Q Is that correct? Okay. And, once again, the initials
9 here are 6/22/09, S.J.B., V.T.G. Who -- who is the V.T.G.?

10 A Technician Verona Gibson. She was -- she was training
11 as my backup.

12 Q Okay. But, once again, that was done with you either
13 sealing it back up or else --

14 A Yes.

15 Q -- watching her do it.

16 A Yes.

17 Q Okay. And then I'm going to show you now State's
18 Exhibit No. 4 for Identification. I'd ask if you've seen
19 that item before.

20 A Yes, because this -- it has the SLED lab number
21 L0907350.

22 Q And where -- how did you come into possession of
23 Exhibit No. 4?

24 A The same way I did State's Exhibits 1 and 3. I
25 received it from Patricia Crooks, which works in evidence

Sheree Brown
Direct examination by Mr. Anthony

1 control or evidence log-in. I received it on 1/28/2010.

2 Q All right. And what condition was the bag when you
3 got it?

4 A It was properly sealed and dated and signed.

5 Q Okay. And then once you retrieved that bag, what did
6 you do with it?

7 A It was in my custody, and, according to the chain of
8 custody, Catherine Leisy took custody of it during that
9 same day and did not have to time to go to the storage
10 drawer.

11 Q Okay. All right. And Ms. Leisy is a DNA analyst at
12 SLED?

13 A Yes.

14 Q Okay. And so the bag, this bag, just stayed sealed
15 the whole time it was in your possession.

16 A Yes.

17 Q Because you -- there wasn't any kind of operation you
18 needed to perform on it.

19 A Correct.

20 Q All right. That's everything for Ms. Brown.

21 THE COURT: Mr. Jeter, do you have any questions of
22 Ms. Brown?

23 THE DEFENDANT: No.

24 THE COURT: All right. You may step down and be
25 excused. We appreciate your time. Thank you.

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Direct examination by Mr. Anthony

1 THE WITNESS: Thank you.

2 (Whereupon, the witness was excused.)

3 THE COURT: Call your next witness.

4 MR. ANTHONY: Next witness would be Agent Leisy.

5 CATHERINE LEISY, having been
6 first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. ANTHONY

8 Q State your name, please.

9 A Catherine Leisy.

10 Q And, Agent Leisy, how are you employed?

11 A I'm employed as a forensic scientist assigned to the
12 DNA serology unit at state -- excuse me -- South Carolina
13 State Law Enforcement Division.

14 Q And what do you -- do you do in that job?

15 A My responsibilities include processing forensic cases,
16 generating reports based on the results and conclusions
17 drawn and testifying to those reports if necessary.

18 Q And how long have you worked at SLED?

19 A For five years.

20 Q And would you just briefly give the judge your
21 education and training in the field of DNA analysis?

22 A I have a bachelor of science degree in genetic
23 engineering from Cedar Crest College in Allentown,
24 Pennsylvania.

25 Prior to my employment with SLED I spent four years as

1 a forensic analyst at a private testing facility in
2 Maryland known as Orchid Cellmark. And I received in-house
3 training at SLED in all of the different testing analyses
4 and processes that I perform.

5 Q Have you been qualified as an expert witness in court
6 before in the field of DNA analysis?

7 A Yes, I have.

8 Q And approximately how many times?

9 A On at least 30 occasions.

10 Q And in what jurisdictions?

11 A Several different counties throughout South Carolina,
12 as well as federal court in Florence. I've also been
13 qualified to testify in courts in California,
14 Massachusetts, New Jersey, Florida and the District of
15 Columbia.

16 MR. ANTHONY: Your Honor, at this time we'd submit
17 Agent Leisy to the Court in the field -- as an expert in
18 the field of DNA analysis.

19 THE COURT: Mr. Jeter, do you have any questions?

20 THE DEFENDANT: No, sir.

21 THE COURT: He's indicated not. I find she is
22 qualified.

23 Q Agent Leisy, could you just briefly explain how in
24 your job you actually come to use DNA?

25 A We generate DNA profiles from items of evidence found

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1 at crime scenes or on pieces of evidence. We then compare
2 the DNA profiles found from unknown biological stains found
3 on those items to the DNA profiles of known individuals to
4 try and determine whether or not those individuals could
5 have contributed the unknown stains.

6 Q I'm going to hand up to you what's been marked for
7 identification as State's Exhibit No. 5, and I'll just ask
8 if you recognize that item, if it's ever been in your
9 possession.

10 A I do recognize the item based on the case and item
11 numbers, as well as my initials, and it was in my custody.

12 Q Okay. And what is that?

13 A It's a cutting from panties that were identified as
14 being submitted from Minor .

15 Q Okay. And when did those -- did that cutting that's
16 in that bag come into your possession?

17 A I took custody of this item on August the 5th of 2009.

18 Q All right. Where did you get it from?

19 A It was located in storage drawer 5-C within our locked
20 storage facility in the DNA department.

21 Q Okay. And who -- who has access to that drawer?

22 A DNA personnel only.

23 Q All right. And when it came, when you retrieved that
24 bag, was the bag sealed?

25 A Yes, it was.

1 Q Okay.

2 MR. ANTHONY: Your Honor, we move Exhibit 5 into
3 evidence.

4 THE COURT: Any objection?

5 UNIDENTIFIED PUBLIC DEFENDER: No.

6 THE COURT: No objection. In without objection.

7 (Cut from clothing marked State's Exhibit No. 5.)

8 Q Once you retrieved Exhibit 5, what did you do in
9 regards to the -- the cutting that's contained in it?

10 A After taking custody of the item I first performed a
11 preliminary presumptive test for serology looking to
12 identify the possible presence of semen.

13 On this particular cutting the test was positive
14 indicating the presence of semen. I then performed DNA
15 extraction attempting to separate both epithelial cells
16 potentially from the victim as well as male DNA cells from
17 the semen to develop DNA profiles for comparison to known
18 standards.

19 Q And were you able to develop a profile from the semen?

20 A Yes, I was.

21 Q Now I'm going to show you Exhibits 1 and 3. And I'll
22 ask you if you've seen these two items before.

23 A Yes. I recognize the case item numbers and my
24 initials on these items.

25 Q Okay. And, first of all -- well, what -- what is No.

Catherine Leisy
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1 3?

2 A State's Exhibit 3 is the buccal swabs submitted from
3 Samuel Jeter.

4 Q And what is No. 1?

5 A State's Exhibit 1 contains the blood standard that was
6 submitted from Minor .

7 Q When did you retrieve those two items, No. 1 and No.
8 3?

9 A I took custody of these particular items on July the
10 28th of 2009.

11 Q And where were they when you got them?

12 A They were in storage drawer 3-C within our locked DNA
13 storage facility.

14 Q And were those two items under -- was the bags -- were
15 the bags the two items were in, Exhibit 1 and Exhibit 3,
16 were they sealed at that time?

17 A Yes, they were.

18 Q Okay. And when you took those bags into custody, into
19 your custody, on June 28th, where did you put them?

20 A Prior to processing the items after I took custody
21 they were stored in a box in my testing area within the
22 locked DNA testing laboratory.

23 Q All right. Who has access to that?

24 A Only DNA personnel.

25 Q Okay. All right. And then when did you actually

1 begin to work with these two exhibits, one and three?

2 A If I recall correctly, I began testing on August the
3 5th of 2009 on these particular items.

4 Q Okay. And were the two bags when you started working
5 with them on Exhibit 5, were they both sealed at that time?

6 A Yes, they were.

7 Q Okay.

8 MR. ANTHONY: We would move Exhibits 1 and 3 into
9 evidence.

10 THE COURT: Any objection?

11 THE DEFENDANT: No.

12 THE COURT: He indicated not. In without objection.

13 (Blood standard marked State's Exhibit No. 1; buccal
14 swabs marked State's Exhibit No. 3.)

15 Q All right. And then once -- once you opened up those
16 bags on August 5th, what did you do, first of all, in
17 regards to the -- the dried blood stain that's part of
18 Exhibit No. 1?

19 A From the dried stain I took a small cutting, performed
20 a DNA extraction and then developed a DNA profile for
21 Minor from that particular cutting.

22 Q And then as far as the buccal swab that's Exhibit No.
23 3, what did you do in regards to it?

24 A Again, just took a small cutting. Typically, I just
25 cut the tip of a swab and develop a DNA profile to be used

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1 as a standard for Mr. Jeter.

2 Q Okay. And were you able to develop standards for both
3 Minor from the cutting and Mr. Jeter from the swab?

4 A Yes, I was.

5 Q Okay. And after you developed the standard or the
6 profile from Mr. Jeter's swab, what comparison were you
7 able to make between the swab, which is Exhibit No. 3, and
8 the cutting from the panties that I showed you a few
9 minutes ago that's Exhibit No. 5?

10 A The DNA profile developed from the semen on the
11 panties matches the DNA profile of Samuel Jeter.

12 Q Okay. And were you able to develop any kind of
13 statistic that would show what the chances would be of that
14 DNA profile belonging to somebody besides Mr. Jeter?

15 A Yes, I was.

16 Q Okay. And what -- what -- how would you quantify
17 that, Agent Leisy?

18 A The probability of randomly selecting an unrelated
19 individual having a DNA profile matching the semen on the
20 cutting of the panties is approximately one in 310
21 quadrillion.

22 Q Now, as far as any other evidence submitted to you
23 from the victim's kit from Minor , was there any other
24 evidence tested by you for semen in relation to this case?

25 A Yes. There were.

1 Q Okay. What -- just briefly, what else did you test?

2 A I also performed a preliminary presumptive test for
3 semen on the vaginal swabs and miscellaneous body fluid
4 swabs included in the C.S.C. kit, as well two additional
5 cuttings taken from the panties that were submitted.

6 Q Okay. And were profiles -- were you able to develop
7 profiles from any of that other evidence?

8 A No. For those four particular items the preliminary
9 test was negative for semen, and I did not take those items
10 further for DNA testing.

11 Q And the other evidence that came in -- well, was there
12 other evidence that came in with the victim kit, like pubic
13 hair combings and pubic hairs and that type thing? Was
14 there other evidence that came in with the victim kit that
15 was not tested?

16 A Correct. There were several items included in the
17 victim kit, as well as debris collection that was sent with
18 the panties that I did not test.

19 Q Okay. And what was the reason for that?

20 A Typically, we try and start with the items we think
21 will be most probative in a case just for the sake of
22 efficiency.

23 When going through this test I started with what I
24 thought would make the most significant potential
25 connection between a victim and a suspect. And once I was

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1 able to develop a DNA profile from the semen on the panties
2 I decided not to test the -- the items further for any more
3 connection.

4 Q All right. And then in regards to these three
5 exhibits -- No. 5 and No. 1 and No. 3 -- what did you --
6 what did you do with those after you had finished your
7 examination and developed a profile?

8 A Once I complete my examination I return the item to
9 its specific heat sealed pouch, seal it, date, initial it
10 and then leave it in my storage area within the lab until I
11 return it back to our log-in department to be returned to
12 the submitting agency.

13 Q Okay. And on all three bags you have -- you have
14 initialed and dated it as 10/4/09. What is that?

15 A That indicates the day that I prepared the items for
16 return. Typically, I'll open each pouch back up to make
17 sure everything's labeled correctly, everything that should
18 be in the pouch is. And I believe I actually returned the
19 items to log-in on 10/5/09.

20 Q Okay. All right. Now I'm going to show you also,
21 Exhibit No. 4 for Identification. I'd ask if you've seen
22 that item before.

23 A Yes. I have.

24 Q And what is that?

25 A The item is a buccal swab that was submitted as a

1 standard for the child of Minor .

2 Q And when did that come into your possession?

3 A I took custody of this particular item on January the
4 28th of 2010.

5 Q Okay. And who did you get it from?

6 A It was in the possession of Sheree Brown at the time I
7 took custody.

8 Q Okay. And when it came -- when that item came to you,
9 what condition was it in?

10 A The heat sealed pouch was properly sealed, dated and
11 initialed.

12 MR. ANTHONY: Your Honor, at this time we move No. 4
13 into evidence.

14 THE COURT: Any objection?

15 THE DEFENDANT: No.

16 THE COURT: No objection, he indicated. In without
17 objection.

18 (Buccal swab for child marked State's Exhibit No. 4.)

19 Q Okay. And after you received No. 4, after you
20 received the swab from Minor 's child, what did you do
21 in regards to it?

22 A I performed a DNA extraction on the swab and developed
23 a DNA profile to be used as a standard for the child of
24 Minor .

25 Q And did -- were you able after you developed the DNA

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1 profile from Exhibit 5, were you able to make a comparison
2 between the DNA profile from the child, which is Exhibit 5,
3 and the DNA profile from Minor , which is Exhibit 1,
4 and the DNA profile from Mr. Jeter that was Exhibit 3?
5 Were you able make any kind of comparison or determine any
6 relationship between those?

7 A Yes, I was.

8 Q And what -- what was that?

9 A The DNA profile developed from the child of Minor
10 is consistent with a biological offspring of
11 Minor and Samuel Jeter.

12 Q Okay. And how many -- just to give some idea of what
13 that means as far as consistency goes -- well, first off,
14 is it agency policy at SLED to provide a statistic as far
15 as paternity in situations?

16 A We do not currently provide statistics for paternity,
17 no.

18 Q Okay. How many genetic locations did you develop or
19 how many genetic locations were encompassed in this
20 profile?

21 A The profile includes 15 specific DNA locations.

22 Q Okay. And so when you say that Minor 's and Mr.
23 Jeter's profile are consistent with the child being theirs,
24 what does that mean in regards to the 15 locations?

25 A It means that at each location after determining which

1 DNA type at that location had to have been determined by
2 the father, at each of these locations in this case,
3 Mr. Jeter is consistent with possibly being a contributor
4 of that type to the child.

5 Q Okay. If I could have one moment.

6 (Pause.)

7 A Thank you. That's everything on direct.

8 THE COURT: All right. Mr. Jeter, do you have any
9 questions of this witness?

10 THE DEFENDANT: No.

11 THE COURT: All right. He indicated not.

12 You may be excused. We appreciate your time. Thank
13 you.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness was excused.)

16 THE COURT: Call your next witness.

17 MR. ANTHONY: Your Honor, madam court reporter, do you
18 have marked -- moved in everything?

19 (Pause.)

20 MR. ANTHONY: Your Honor, that would be the state's
21 case.

22 THE COURT: All right. Mr. Jeter, the state has
23 presented all of the evidence that it's going to present.
24 So you can make any motions you want at this time.

25 We're going to break for lunch in a few minutes. When

1 we come back you have a right to testify if you wish. You
2 don't have to. You have an absolute right to remain
3 silent. You don't have to testify. The state can't make
4 you testify; I can't make you testify. You may testify
5 though. But if you testify you'll be, of course, sworn in
6 and have to tell -- answer truthfully the questions. You
7 can testify. Then you'd be cross-examined by Mr. Anthony.

8 Does he have any impeachment --

9 MR. ANTHONY: No, sir. He doesn't.

10 THE COURT: So you can testify if you wish, or you
11 have the right to remain silent.

12 You also have a right to call any witnesses that you
13 believe you would like to call. So if you have any
14 witnesses you wish to call, when we come back from lunch
15 you can call them and they'd be sworn in and take the
16 stand. And we'll allow you to ask them questions, and then
17 the state would have a right to cross-examine them.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: He's indicating he does.

21 Do you have any questions about any of that?

22 THE DEFENDANT: No.

23 THE COURT: Okay. All right. We'll reconvene at 2:00
24 o'clock. Thank you.

25 THE DEFENDANT: Can I go smoke a cigarette if you

1 don't mind?

2 THE COURT: What did he say?

3 UNIDENTIFIED PERSON: He wants to smoke a cigarette.

4 THE COURT: I have to leave that up to the law
5 enforcement people. You're in their custody at this point.

6 THE DEFENDANT: Okay.

7 (Whereupon, a recess was taken.)

8 THE COURT: All right. Mr. Jeter, we're back with
9 your case. And right before lunch the state rested, and I
10 told you you had a right to testify or call witnesses.

11 Do you have any witnesses or do you want to testify?

12 THE DEFENDANT: No.

13 THE COURT: You don't have any witnesses?

14 THE DEFENDANT: No.

15 THE COURT: Do you want to testify?

16 THE DEFENDANT: Yeah.

17 THE COURT: Okay. Well, come on up and be sworn.

18 SAMUEL EARL JETER, having been
19 first duly sworn, testified as follows:

20 THE COURT: Since you're representing yourself, you,
21 of course, don't have to ask yourself questions.

22 You can just speak into the microphone and tell us
23 what you want to tell us about this -- about the charges.
24 Just give us your testimony or your -- what you want to say
25 about it.

Samuel Earl Jeter

1 THE DEFENDANT: I don't have my glasses. Be all right
2 if she read it out?

3 THE COURT: Yeah. She can bring your glasses up.

4 THE DEFENDANT: I don't have my glasses. Could she
5 read it out for me?

6 THE COURT: And she's who?

7 THE DEFENDANT: My granddaughter.

8 THE COURT: She's your granddaughter.

9 THE DEFENDANT: Yeah.

10 THE COURT: Is it something that's -- yeah, I'll
11 let -- I'll let her. I know you're not acting as his
12 attorney, but I'll be glad to let you read out -- I don't
13 know how we're going to be able to hear you. Just come up
14 here. And this is something you wrote out or had written
15 out?

16 THE DEFENDANT: Something that's wrote out.

17 THE COURT: All right. Are these your words or
18 somebody else's words?

19 THE DEFENDANT: Somebody else's words too.

20 THE COURT: No. I mean, did you -- well, I'll just
21 let --

22 THE DEFENDANT: I have some more there. I had some
23 more. Go ahead. Get my book. I have some more.

24 (Pause.)

25 THE COURT: The clerk's going to swear you in to swear

1 that you read this accurately. Wait, wait. Well, don't
2 leave us. Before you start reading, anything from the
3 state?

4 MR. ANTHONY: Well, I don't think she's given her
5 name.

6 THE COURT: I'm going to get her name.
7 Okay. Anything else?

8 MR. ANTHONY: No, sir.

9 THE COURT: All right. Your name and your age?

10 KIMBERLY YOUNG: I'm 18 years old. My name, Kimberly
11 Young.

12 THE COURT: All right. I'm going to ask you to read
13 what your granddaddy wants you to read.

14 KIMBERLY YOUNG: Want me to turn --

15 THE COURT: I want you to read.

16 And, Mr. Anthony, you can come up here and stand
17 beside the court reporter. Why don't you just stand right
18 there, ma'am, and kind of face me and face your -- face
19 your granddad.

20 All right. Now, go ahead and read out loud and
21 slowly.

22 KIMBERLY YOUNG: "To whom it may concern: In January
23 2009, Minor called me to ask me if I would
24 pick her up and take her to the Li'L Cricket in Monarch. I
25 sit in my truck while she went into the store. And there

Kimberly Young

1 she was talking to a group of guys. So she came back and
2 got into the truck and I took her back to her aunt house.
3 About a half hour later she called me back and asked me if
4 I'd pick her back up, but I never did. She told me she had
5 asked her Aunt Tish. I never left the city limits. So
6 later I was home and received a phone call from a friend
7 paying that -- saying that I had molested Minor . I
8 never touched her in any way. I told them I didn't do
9 anything because I haven't seen her since I took her back
10 to her aunt house. She get -- she got a scrap on that she
11 had been using and used a used condom from the trash which
12 me and her grandmother used. Her mother and grandmother
13 both are on drugs and let her sleep with different men for
14 drugs."

15 MR. ANTHONY: I object to that.

16 THE COURT: I'm going to let her read it though. I
17 understand. There's no jury, but you're on the record that
18 you objected.

19 Go ahead.

20 KIMBERLY YOUNG: "She get high and uses vibrators with
21 her mom and other people. When I got out of jail in March
22 2009 she started calling and coming around me, and she was
23 17 years old. Now, if I raped her why would she continue
24 to call or come around me? When I couldn't give them drugs
25 they didn't have use for me, nor did they tell that the

1 mother had been messing with her own daughter."

2 And this is another statement.

3 "On February 20, 2009. This is Minor ."

4 MR. ANTHONY: Your Honor, I -- she's -- she's reading
5 a letter that was written allegedly by the victim, and I'd
6 object to that as hearsay. That's not his words. That's
7 something that the victim said.

8 THE DEFENDANT: It was sent to me.

9 THE COURT: well, the person who sent it would have to
10 testify about it and verify that that -- that they, in
11 fact --

12 THE DEFENDANT: But I still can read it, right? I'm
13 talking about the words that she said.

14 THE COURT: How do we know -- the problem is how we're
15 going to know that's her letter.

16 THE DEFENDANT: Her mother and her daughter here, they
17 have their name on it.

18 THE COURT: well, I could put my name on it. I could
19 put their name on this piece of paper right here. It
20 wouldn't mean that they signed it.

21 THE DEFENDANT: well, that's their writing though.
22 They signed it. Do you want to get them to write their
23 name?

24 THE COURT: Subject to your objection, I'm going to
25 allow her to read it.

Kimberly Young

1 Go ahead.

2 KIMBERLY YOUNG: This is Minor .

3 "Me and my grandmother had got into it. I was over to
4 my Aunt Tish house with some boys. I had to tell her
5 something. She was going to put me out of the house. Sam
6 did not put his hands on me. He did not take me down a
7 dirt road and did not have no sex with me. It was not Sam.
8 I am sorry I told a lie to the hospital. I had to tell
9 somebody something to the hospital. This is a true letter.
10 If you don't believe me, you can ask my Aunt Tish. I am
11 not going to court because Sam didn't do nothing to me."
12 And you got the -- a signature right here.

13 And this one say, "I, Lawanda Clowney, talked to my
14 daughter."

15 MR. ANTHONY: I have another -- once again, that's
16 not -- that's not even a statement by somebody who
17 testified.

18 THE COURT: well, I sustain the objection, but I'll go
19 ahead and make an in-camera offer.

20 Go ahead and read it.

21 KIMBERLY YOUNG: "Clowney talked to my daughter. She
22 said it wasn't Sam Jeter, it was Michael Holmes. Thank
23 you. Lawanda Clowney. P.S. I talked to her a week ago."
24 Date, 1/28/09. This is a copy of the same one.

25 THE COURT: That's it?

1 KIMBERLY YOUNG: Yeah.

2 THE COURT: Just hand those to the court reporter.
3 We'll mark those as evidence as a package, Defendant's No.
4 1.

5 (Letters marked Defendant's Exhibit No. 1.)

6 THE COURT: Mr. Jeter, anything else you want to
7 testify to?

8 THE DEFENDANT: Some of those letters.

9 THE COURT: Wait just a minute. Let's get through one
10 thing at a time. Just a second.

11 (Pause.)

12 THE DEFENDANT: That's about it.

13 THE COURT: Answer any questions Mr. Anthony has to
14 ask you.

15 CROSS-EXAMINATION

16 BY MR. ANTHONY

17 Q Mr. Jeter, how did you know Minor ?

18 A How I did know her?

19 Q Uh-huh.

20 A I knowed her back in, I guess back in -- let's see. I
21 guess back about eight years ago.

22 Q About six years ago?

23 A Eight.

24 Q Eight years ago.

25 A About eight years ago.

Samuel Earl Jeter
Cross-examination by Mr. Anthony

1 Q Okay. And is it true that you -- you had a
2 relationship with her grandmother?

3 A Right.

4 Q With Vanessa Smith?

5 A Right.

6 Q And you and Vanessa Smith -- would it be fair to say
7 y'all dated, y'all had a romantic relationship?

8 A Right.

9 Q Okay. And you spent time over at Vanessa Smith's
10 house?

11 A We used to live there together.

12 Q Okay. You used to live at Vanessa Smith's house.

13 A Right.

14 Q And did Minor -- did she stay there quite often
15 as well at Vanessa Smith's house?

16 A No. She got in some arguments with her -- she got in
17 some argument with her aunt, and they sent her over to her
18 grandmama's house, and couldn't nobody do nothing with her,
19 you know.

20 Q Well, Vanessa Smith is her grandmother, right?

21 A She have another grandmother too -- great grandmother.

22 Q Okay. She had another grandmother. Okay. But she --
23 she did spend time while you were living with Vanessa
24 Smith -- she would be over some at Vanessa Smith's house.

25 A Yes.

Samuel Earl Jeter
Cross-examination by Mr. Anthony

1 Q Okay. And were you ever alone with her at Vanessa
2 Smith's house?

3 A No.

4 Q You never -- you were never alone with her.

5 A No.

6 Q Just the two of you in the house together.

7 A What's that, now?

8 Q You were never alone, just the two of you, in the
9 house together.

10 A Me and her?

11 Q Yeah. You and Minor .

12 A No. We never was alone, no, no.

13 Q Okay. Did she spend the night there sometimes?

14 A Yes.

15 Q Okay. And there'd be times that you would be spending
16 the night there and Minor would be spending the night
17 there.

18 A And her grandmama.

19 Q And her -- and Ms. Smith.

20 A Right.

21 Q Okay. And is it -- is it accurate to say that you
22 would give her rides sometime?

23 A Her grandmother would be with her.

24 Q Okay. Did you ever -- you take her to the store
25 sometimes?

Samuel Earl Jeter
Cross-examination by Mr. Anthony

1 A Yeah, uh-huh.

2 Q Okay. So it wouldn't be unusual for her to be riding
3 in your truck.

4 A That's if she asked someone to take her somewhere,
5 yes, she'd be done asked her grandmama or whatever, you
6 know, and I'd take her then.

7 Q Okay. All right. And in your testimony you talk
8 about how on an occasion in January of '09 -- right?
9 That's what you said here, January of '09.

10 A Yeah, January '09.

11 Q All right. And you talk about there was occasion of
12 January of '09 where she called you, Minor called you,
13 right?

14 A Right.

15 Q Okay. And wanted you to pick her up.

16 A Right.

17 Q And you did pick her up.

18 A Right.

19 Q Okay. So that -- was that just you and her?

20 A She called me from her aunt's house and told me to
21 pick her up.

22 Q Well, the question is when you picked her was it just
23 you and her in the truck.

24 A No. It was someone else in the -- in the truck with
25 me.

Samuel Earl Jeter
Cross-examination by Mr. Anthony

- 1 Q And who would that be?
- 2 A There was a -- who that guy was? Know exactly. That
- 3 was the guy they called Duck.
- 4 Q Duck?
- 5 A Yeah. That's who they called him -- Duck.
- 6 Q And you -- all right. And did you pick up Duck before
- 7 you picked up Minor ?
- 8 A I picked up Duck first, and just she got in the
- 9 middle.
- 10 Q Okay. All right. And does Duck -- I take it he has
- 11 some other name besides Duck. What would that be?
- 12 A Something they call -- I know they call him Duck. I
- 13 don't really know his real name.
- 14 Q You don't know. Well, how did you wind up picking him
- 15 up?
- 16 A Because I -- I just see him sometime. All I know is
- 17 Duck.
- 18 Q Okay. Well, the question was how did you wind up
- 19 picking him up that night.
- 20 A Why I pick him?
- 21 Q Yeah.
- 22 A Sometimes I picks him up.
- 23 Q Okay.
- 24 A Yeah.
- 25 Q But you don't know his real name.

Samuel Earl Jeter
Cross-examination by Mr. Anthony

- 1 A I don't know his real name.
- 2 Q And do you know where you -- where you picked him up
- 3 from?
- 4 A Yeah. Dixie Curb Market.
- 5 Q Where?
- 6 A Dixie Curb Market -- Dixie Curb Market.
- 7 Q You picked him up at the Dixie Curb Market. Okay.
- 8 And have you seen Duck since you got charged with this?
- 9 A Yeah, uh-huh.
- 10 Q Okay. And all right. So you and Duck and Minor
- 11 all went to the store on this occasion.
- 12 A Yeah. I usually keep her out about no more than ten,
- 13 about ten, minutes, no more than ten minutes.
- 14 Q Okay. All right. And your testimony is that on this
- 15 occasion you took her to the store, is that right?
- 16 A Right.
- 17 Q And is this a store in Monarch?
- 18 A Right.
- 19 Q Okay. And she -- she got out and she talked to some
- 20 guys.
- 21 A Right.
- 22 Q And then she came back and got in the truck, is that
- 23 right?
- 24 A Right.
- 25 Q And then you took her back to her Aunt Tish's house.

Samuel Earl Jeter
Cross-examination by Mr. Anthony

- 1 A Right.
- 2 Q Okay. And was Duck with you the whole time?
- 3 A Yeah, uh-huh.
- 4 Q Okay. And then she called you back later that night
- 5 and wanted you to pick her up again.
- 6 A Right.
- 7 Q Okay. And you didn't do that.
- 8 A No, sir, I didn't.
- 9 Q All right. And you say that -- you said so later I
- 10 was home and received a phone call from a friend saying
- 11 that I had molested Minor .
- 12 A Right.
- 13 Q Was that -- okay. And was that that same night?
- 14 A No. That was, I think, that was -- that was the next
- 15 day.
- 16 Q Okay.
- 17 A Next day.
- 18 Q All right. And somebody just told you that you had --
- 19 they were saying you done this to Minor .
- 20 A Right.
- 21 Q Okay. And who called you?
- 22 A Her mother told me that first. Lawanda Clowney.
- 23 Q Uh-huh.
- 24 A On North Church Street.
- 25 Q I'm sorry?

Samuel Earl Jeter
Cross-examination by Mr. Anthony

- 1 A She was the first one told me.
- 2 Q Okay. All right. And then did -- were you still
- 3 dating Vanessa when this -- when you got accused of this?
- 4 A No, no, no.
- 5 Q You and Vanessa had broken up?
- 6 A Uh-huh.
- 7 Q Okay. And so Lawanda told you what Minor had
- 8 said.
- 9 A Right.
- 10 Q All right. And did you do anything about being told
- 11 that?
- 12 A Did I do anything?
- 13 Q Yeah. I mean --
- 14 A No.
- 15 Q -- did you try to talk to anybody in the family --
- 16 A No.
- 17 Q -- and say, hey, I wasn't with her, I didn't do
- 18 anything to Minor that night?
- 19 A No. I told them. I told them I didn't do anything.
- 20 I told them I had did anything with someone else.
- 21 Q Okay. You never --
- 22 A I told them this had been happening all the time.
- 23 Q Okay. And you never --
- 24 A I was getting the blame for it.
- 25 Q Well, there's a question.

Samuel Earl Jeter
Cross-examination by Mr. Anthony

1 A Yeah.

2 Q Let me just ask you a question.

3 Did you go -- did you go round up and Duck and take
4 Duck over there to Shermorri's family and say --

5 A No.

6 Q -- you know, I didn't do anything because me and Duck
7 was together all night?

8 A No, no, because I know I didn't do nothing.

9 Q Okay. All right. And you say here you hadn't seen
10 her since you took her back to her aunt's house. That's --
11 you mean you just hadn't seen her like from January of 2009
12 until now, is what you're saying.

13 A Yeah, now.

14 Q Yeah, until now like, you know, until we have this
15 case. You're saying you hadn't seen her since then?

16 A Well, she came back around. She came back around me,
17 and she got pregnant by me, you know, says she got pregnant
18 by me, you know.

19 Q Okay.

20 A When she came back around me, right.

21 Q Okay. She --

22 A I didn't go around her.

23 Q Okay. So she did --

24 A Because the judge told me not to go around her. But
25 she came around me.

Samuel Earl Jeter
Cross-examination by Mr. Anthony

1 Q Okay. She came around you, and she got pregnant by
2 you, didn't she?

3 A Right. That's when she was over 17.

4 Q Okay. And you say here, "when I couldn't give them
5 drugs, they didn't have use for me."

6 A Right.

7 Q You're talking about you gave Minor drugs? Is
8 that what that refers to?

9 A No. I gave her mama and her aunt -- her mama and her
10 grandma drugs. They was drugs.

11 Q Okay. But you never gave Minor any drugs.

12 A No. Never have.

13 Q Okay. And you -- you've spent a good bit of time
14 around Minor, haven't you?

15 A No.

16 Q Well, you know -- you know, just from being around her
17 that it's pretty easy to get her do what you want her to
18 do, don't you?

19 A No, no.

20 Q You wouldn't say that?

21 A No, no.

22 Q Okay.

23 A I got kids of my own. I couldn't do nothing like
24 that.

25 Q And -- and nothing happened that night at all, like

Samuel Earl Jeter
Cross-examination by Mr. Anthony

1 between you and her and Duck.

2 A No, no, no. Ain't nothing happened that night, no.

3 Q So you don't know of any reason why she would have
4 wound up going to the hospital the next day and saying that
5 you had had sex with her.

6 A well, you -- when you -- when you hang around with a
7 bunch of guys -- they was standing on the porch when I got
8 back, and you come telling me that you done got hurt and
9 you're hurting or something -- five or six guys done had
10 messed with you, how am I supposed to know?

11 Q Okay. well, but that -- my question is --

12 A Yeah. I understand what you're saying too.

13 Q There's no reason why she'd say you did anything to
14 her.

15 A Yeah, yeah. There's more beside me.

16 Q But my question is --

17 A I understand.

18 Q -- you don't know of any reason why she'd say you did
19 anything to her, is that right?

20 A Yeah. She just read the letter and just told you.

21 Q No, no.

22 A I'm talking about she just read --

23 Q I'm asking you that the next day --

24 A Uh-huh.

25 Q -- you don't know of any reason why that next day she

Samuel Earl Jeter
Cross-examination by Mr. Anthony

1 would have said you did anything to her.

2 A I didn't see her the next day.

3 Q I know. But you don't know why she would have said
4 you did anything to her the night before, do you?

5 A Right.

6 Q Because you didn't do anything to her the night
7 before.

8 A Right.

9 Q It was just you and her and Duck --

10 A Right.

11 Q -- in the truck.

12 A Right.

13 Q Okay. And the letter that you -- you had your
14 granddaughter read, did you know she had written that? Did
15 know Minor had written that?

16 A That's her handwriting.

17 Q Well, no. My question is did you have Minor
18 write that.

19 A No.

20 Q Did you tell her to write that?

21 A No, no, no.

22 Q You didn't tell her to write that.

23 A No.

24 Q You didn't have anything to do with that letter being
25 written.

1 A No, uh-uh.

2 Q And the -- you didn't have anything to do with her
3 mama writing the letter.

4 A No.

5 Q You never asked either one of them to write a letter
6 saying that you didn't have sex with her --

7 A No.

8 Q -- on this, on the occasion in question.

9 A No. I didn't ask them.

10 Q And you do not, I take it you do not, deny that you're
11 the father of her child.

12 A I am the father of her child.

13 Q You're the father of her child.

14 A Right.

15 Q And she got -- the child was born in '09, is
16 that correct?

17 A Right.

18 Q So which means that she would have gotten pregnant in
19 March of '09, is that correct? That's about nine months
20 back from , right?

21 A March or April -- March or April.

22 Q Okay.

23 MR. ANTHONY: If I could have one moment.

24 (Pause.)

25 MR. ANTHONY: That's everything on cross.

Robert Hines
Direct examination by Mr. Anthony

1 THE COURT: Your date of birth -- says 1649.

2 That can't be right. , 1949?

3 THE DEFENDANT: Right.

4 THE COURT: All right. They've got 1649. I didn't
5 think you were quite that old. I'm going to correct this
6 to say 1949. So that makes you, what, what 61?

7 THE DEFENDANT: 62.

8 THE COURT: 62 -- 62 in May but 61 now.

9 Anything else you want to say?

10 THE DEFENDANT: That's all I have to say.

11 THE COURT: All right. You can step down and have a
12 seat.

13 Anything else, Mr. Jeter? Any other witnesses?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Anything in reply?

16 MR. ANTHONY: I do. I'd like to recall Lieutenant or
17 Captain Hines for maybe two questions.

18 THE COURT: All right. Captain Hines, you're still
19 under oath. Please come up and have a seat.

20 ROBERT HINES, having been
21 previously duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. ANTHONY

23 Q Just to clear one thing up, Captain Hines.

24 That -- you were sitting here and heard the letter that
25 was part of Mr. Jeter's presentation that was allegedly

1 written by Minor .

2 A Yes, sir.

3 Q And also there's another letter allegedly written by
4 Lawanda Clowney.

5 A Yes, sir.

6 Q Was that -- when you testified earlier you talked
7 about showing -- speaking to Minor about a letter, is
8 that right?

9 A Yes, sir.

10 Q And that -- is that the letter -- the letter that was
11 read, is that the letter you talked to her about?

12 A Yes, sir.

13 Q And, once again, what did she tell you when you asked
14 her about that letter?

15 A When I went -- when I found out about the letter I
16 went and questioned her and spoke to Minor , and
17 basically she stated under duress that she was made to
18 write that letter but that the letter was, in fact, false
19 and that everything that she had given to me as far as a
20 statement, everything that she had told me in way of the
21 statement, was true, that she had been sexually assaulted
22 by Samuel Earl Jeter.

23 Q All right. Thank you.

24 THE COURT: Do you want to ask him any questions?

25 THE DEFENDANT: No.

1 THE COURT: You can step down, Captain Hines.

2 Anything further from the state?

3 MR. ANTHONY: No, sir.

4 THE COURT: Anything further, Mr. Jeter?

5 THE DEFENDANT: No, sir.

6 THE COURT: All right. I find beyond a reasonable
7 doubt that Mr. Samuel Earl Jeter is guilty of both
8 committing a lewd act upon a child under the age of 16 and
9 criminal sexual conduct with a minor second degree.

10 I find that on December 17th, 2008, in violation of
11 Section 16-15-140 of the South Carolina Code the defendant,
12 Mr. Jeter, who at that time was over 16 years of age did
13 commit a lewd and lascivious act upon the body of
14 Minor who at that time was under the age of 16
15 with the intent of arousing, appealing or qualifying to his
16 or her lusts or passions or sexual desires by kissing her
17 on the breasts.

18 I find that on December the 17th of 2008 in violation
19 of Section 16-3-650, South Carolina Code of Laws, defendant
20 had sexual intercourse with Minor, such
21 constituting a sexual battery, and at that time Minor
22 was over the age of 14 but less than 16 and the
23 defendant was older than she was at the time.

24 So I have found -- Mr. Jeter, I find you guilty on
25 both of these charges.

1 Now, if you'll come around and the solicitor will come
2 around I'll impose a sentence.

3 Does Minor , the victim, want to say
4 anything else?

5 MR. ANTHONY: She has an aunt here, Ms. Smith --

6 THE COURT: All right.

7 MR. ANTHONY: -- that acts as a guardian of sorts for
8 her. And she would like to be heard.

9 THE COURT: All right. Come on around.

10 Have you already served some time in jail on this?

11 THE DEFENDANT: Beg your pardon?

12 THE COURT: Did you already serve some time in jail on
13 these charges?

14 THE DEFENDANT: Yeah.

15 THE COURT: How long?

16 THE DEFENDANT: About three weeks, I believe.

17 THE COURT: About three weeks. All right.

18 MR. ANTHONY: He made bond on January the 17th, and he
19 was arrested on January the 7th. He was in ten days.

20 THE COURT: All right. Yes, ma'am. Your name.

21 SHERITA SMITH: My name is Sherita Smith.

22 THE COURT: All right.

23 SHERITA SMITH: And I just request that he receive the
24 most time as possible because he has ruined my niece's
25 life. She's very insecure. He has caused our family a lot

1 of pain. He is not remorseful for what he done. He
2 continues to do it as of now. So I just wish that justice
3 is really served and he gets as much time as possible.

4 THE COURT: Thank you. All right.

5 MR. ANTHONY: Your Honor, if I can just have a moment.
6 (Pause.)

7 MR. ANTHONY: Your Honor, I have couple of things I'd
8 like to be heard on.

9 THE COURT: All right. Now would be the time.

10 MR. ANTHONY: He has a prior DUI from 1999, a
11 malicious damage to real property from 1998, breach of
12 trust from 1998.

13 Also, Your Honor, I have asked the court reporter to
14 make a psychological evaluation of Minor that
15 I'd like the court to review just to give the court some
16 insight into the capacity of the victim in this case.

17 I would in particular ask the Court to look at the
18 percentile rankings on the I.Q. test that was given to her.
19 She has a full scale I.Q. of 66.

20 This has been provided to the defense in discovery.
21 I'd ask that the Court review that.

22 THE COURT: All right. Well, before I even review it,
23 I listened to her testimony. While I didn't state it when
24 I announced my verdict, I found her testimony to be
25 credible. Obviously, I wouldn't have found him guilty

1 beyond a reasonable doubt, but I found regardless of what
2 her limitations are that her testimony was credible.

3 MR. ANTHONY: We just -- the state would just like to
4 state to the Court that we're very concerned about
5 Mr. Jeter. We get the impression that Mr. Jeter doesn't
6 think he did anything wrong in this situation. We think
7 that he poses a continuing threat to the people of Union.
8 We think he imposes a particular threat to young women like
9 Minor .

10 And he is 61 years old, so he will be able to engage
11 in this kind of behavior for several more years. And, Your
12 Honor, we would, the state would, ask the Court to impose a
13 sentence that gives him the better part of that 20-year
14 exposure on the criminal sexual conduct charge.

15 Thank you, Your Honor.

16 THE COURT: Mr. Jeter, anything else you want to say?

17 THE DEFENDANT: No.

18 THE COURT: All right. The sentence on the criminal
19 sexual conduct with a minor is for 20 years. I'm giving
20 you credit for ten days.

21 On the lewd act the sentence is 15 years, and that's
22 to run concurrent.

23 You're to be enrolled when you are released on the sex
24 offender registry. And that's it. Thank you.

25 END OF REQUESTED TRANSCRIPT OF RECORD

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record as reported by Janet Rich and transcribed by Linda D. Moffitt of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Union County, South Carolina, on the 1st and 2nd days of February 2011.

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

October 6, 2016

Linda D. Moffitt
Circuit Court Reporter

RECEIVED

FORM 5

MAY 12 2015

STATE OF SOUTH CAROLINA

FILED FOR RECORD

COUNTY OF ~~Anderson~~ Union

2015 MAY 15

IN THE COURT OF COMMON PLEAS
PCI MAIL ROOMSamuel Earl Jeter
Full name and prison number (if any) of Applicant.WILLIAM F. GAULT
CLERK OF COURT
UNION, SC2015 CP-44-225

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 Perry 430 Oaklawn Rd Pelzer S.C. 29669
2. Name and location of Court which imposed sentence.

3. Name(s) of co-defendant(s) (if any)

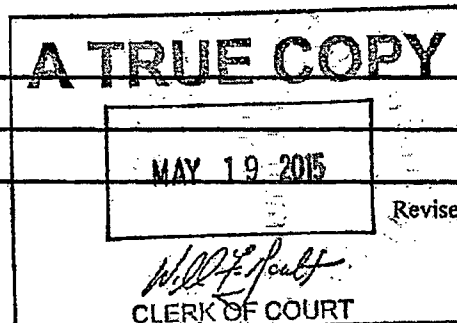
N/A

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) UNKNOWN

(b)

(c)



Revised 3/2003

SCANNED

5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 2 month, year 2010
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty Yes
- (b) after a plea of not guilty N/A
- (c) after a plea of nolo contendere Yes
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Counsel fail to appeal on Petitioners behalf
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. N/A
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. N/A
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) Counsel Failed to do so
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) INEFFECTIVE assistance of Counsel
- (b) Due Process Violation
- (c) Judicial Error
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) See attachment facts
- (b) See attachment facts
- (c) See attachment facts
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?

NONE

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. ~~none~~ *not*
- ii. *N/A*
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. *N/A*
- 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) *This is the first time on P.C.R. No issues have been ready, until now.*

- (b) _____
- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? YES
- (b) your trial, if any? N/A
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? No appeal counsel wasn't present
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A
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. _____
- ii. _____
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. Plea/No contest
- ii. sentencing
- iii. _____
19. State clearly the relief you seek in filing this application:
all relief that is available under violation of issues
-
20. Are you now under sentence from any other court that you have not challenged?
NO

STATE OF SOUTH CAROLINA)

County of ~~Anderson~~ Union)

VERIFICATION

I Samuel E. Jeter, 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.

Samuel E. Jeter

SWORN to and subscribed before me this 12
day of May, 2015.

Tamara C. Cawell (L.S.)
Notary Public

My Commission Expires: My Commission Expires
September 25, 2023

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

Samuel E. Jato, 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.

Samuel E. Jato
Applicant

SWORN or affirmed to and subscribed before me this
12 day of May, 2020.

Tamara C. Howell
Notary Public

My Commission Expires

My Commission Expires: September 25, 2023

Attachment Facts

1) Ineffective assistance of Counsel

1. Counsel failed to protect the applicant rights, when counsel motion before the court to be remove as counsel without assurance that applicant was fully knowledgeable of his rights. Making counsel performance below normal.

2. Violation of Rule Professional 1.2 Scope of Representation and Allocation of Authority between Client and Lawyer: a lawyer shall consult with the client as to the means by which they are to be pursued. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer as to a plea to be entered, whether to waive jury trial and whether the client will testify. It is highly irregular for a lawyer to leave a defendant before court to defend his self during criminal procedure as counsel did so in this case

3. U.S. v. Cronk 466 U.S. 648, 667 N 42 (1984) Where Ineffective assistance of Counsel is a ground for relief, the defendant must prove that counsels conduct so undermined the proper function of adversarial process that plea cannot be relied upon as having produced a just result. And defendant can prove this, Plus the record will show this. In this case it show, because left defendant in a open criminal procedure/hearing without legal representation. Strickland v. Washington, 466 U.S. 668 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). The record will produce the show Counsel Performance under normal and how it prejudiced the defendant. To leave the defendant that had no legal knowledge shows Performance under normal. ① of ①

Attachment Facts
 1) Ineffective assistance
of
counsel

4) Pursuant to Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). In order to prove prejudice, an applicant must "show there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." In this case the record will show counsel never made applicant aware that he would request motion to be relieved as counsel during the plea hearing. This left applicant alone without counsel, that would provide legal understand for a defense and protect applicant rights against self incrimination.

Attachment Facts

2) Due Process violation

3) Judicial Error

Under the South Carolina Constitution and Federal Constitution of the fourteenth Amendment. The spirit of the South Carolina Post-Conviction act, is the challenge the unconstitutionality of ones Constitutional rights being violated. When courts allowed applicant to proceed alone, after counsel motion the court to be relieved as counsel violated applicant Constitutional rights to counsel representation. The record will also show that the counsel never advise applicant that a waiver to counsel must be put on record as part of Judicial proceeding. This by the courts, counsel, and government is Judicial Error as well as constitutional violation. Then, the allowing applicant to be subjected to questioning and sentencing without legal knowledge to defend himself from self incrimination violate State and Federal Constitution, also Judicial Error. There is no right to hybrid representation, See Miller v. State 388 S.E.3d 347, 347, 697 S.E. 2d 587, 527 (2010). In this case it seems the courts did so by letting applicant stand in a legal counsel position in a criminal hearing that, applicant was neither train for or had knowledge to stand in as his own counsel. The 5th and 6th amendment of State and Federal Constitution set in place to assure counsel. All Judicial Courts have noted that the court had to held to a higher degree of responsibility than defendant for imprecision.

(1) of (3)

State of South Carolina
 In The Court of Common Pleas

 Appeal from Union County
 Circuit Court

Samuel Earl Jeter,

Applicant

v.

The state of South Carolina

Respondent

 Certificate of Service

The undersigned hereby certifies that true copy of notice
 For Post-conviction Relief, has been served upon opposing counsel
 and Clerk of Court of Union County by mail of the United
 States mail, postage prepaid.

Union County Clerk of Court
 P.O. Box 703
 Union, S.C. 29379

Alan Wilson
 Attorney General
 P.O. Box 11549
 Columbia, S.C. 29211

This 12th day of May, 2015

Samuel E. Jeter
 Samuel Earl Jeter
 430 Oaklawn Rd.
 Pelzer, S.C. 29669

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF UNION	)	
	)	
Samuel Earl Jeter,	)	2015-CP-44-225
S.C.D.C. No. 344686,	)	
	)	
Applicant,	)	
	)	RETURN AND MOTION TO DISMISS
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

In response to the application for post-conviction relief filed by Samuel Earl Jeter (Applicant) on May 15, 2015, Respondent would show this Court:

I.

Applicant was indicted at the November 2010 term of the Union County General Sessions for Criminal Sexual Conduct with a Minor, 2nd Degree (2009-GS-44-261). Applicant was also indicted at the January 2011 term of the Union County Court of General Sessions for Lewd Act Upon a Child Under the Age of Sixteen Years (2011-GS-44-190). Applicant proceeded pro se and on February 2, 2011 underwent a bench trial before the Honorable John C. Hayes, III. He was found guilty on both charges and sentenced to imprisonment for twenty years for criminal sexual conduct and a concurrent term of imprisonment for fifteen years for lewd act. Applicant did not appeal his sentence or conviction.

II.

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

1. Ineffective Assistance of Counsel

- a. Counsel failed to protect applicant's rights when counsel moved before the court to be relieved as counsel

Attached are the Union County Clerk of Court records. Respondent reserves the right to amend the Return upon receipt of relevant materials.

III.

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). Applicant was convicted of the offenses he challenges on February 2, 2011. He therefore had until February 2, 2012, to file his application. This application was filed on May 15, 2015, over three years after the statutory filing period had expired.

Summary dismissal of a PCR application is appropriate when the application is filed after the statutory filing period. Leamon v. State, 363 S.C. 432, 611 S.E.2d 494 (2003). 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, Respondent requests that this Court summarily dismiss the application for post-

conviction relief for failure to file within the time mandated by the Post-Conviction Procedure Act.

IV.

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

V.

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

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

JOHANNA C. VALENZUELA
Senior Assistant Deputy Attorney General

JUSTIN J. HUNTER
Assistant Attorney General

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

By:


Attorneys for Respondent

may 11, 2016

1 State of South Carolina

Court of Common Pleas

2 County of York

3

4 Samuel Earl Jeter,

)

Transcript of Record

)

5 Applicant,

)

6 vs.

)

2015-CP-44-00225

)

7 The State of South Carolina.

)

8

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November 7, 2016
York, South Carolina

10

11

B E F O R E:

12

The Honorable Roger L. Couch, Judge

13

14

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

15

N. Beth Ramsey Faulkner

16

Attorney for the Applicant

17

Justin James Hunter, Assistant Attorney General

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Attorney for the State

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Stacy S. Johnson, RPR
Circuit Court Reporter

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I N D E X

PAGE

Certificate of Reporter

11

E X H I B I T S

NO.

DESCRIPTION

ID. EVD.

NO EXHIBITS WERE INTRODUCED

P R O C E E D I N G S

THE COURT: All right. We're on the record in the case of Samuel Earl Jeter versus the State of South Carolina. The State is present and represented by Mr. Hunter. Ms. Faulkner is representing Mr. Jeter.

It's my understanding there's a motion.

MR. HUNTER: Yes, Your Honor. Just a brief procedural history.

THE COURT: Yes, sir.

MR. HUNTER: He was indicted at the November 2010 term of the Union County Grand Jury for CSC with a minor second degree in 2009-GS-44-261 and he was indicted at the January 2011 term for a lewd act upon a child under sixteen in 2011-GS-44-190. He was represented initially -- at least from our records it shows that he was represented by Mr. B.J. Barrowclough and Harry Dest of the public defender's office.

On February 1st through 2nd, 2011, he underwent a bench trial before Judge Hayes where he was subsequently found guilty and sentenced to twenty years on the CSC charge and fifteen years on the lewd act charge. He did not file a notice of appeal --

THE COURT: Those were run concurrent?

MR. HUNTER: Concurrently, yes, sir.

THE COURT: All right.

1 **MR. HUNTER:** Yes, Your Honor. And I guess some more
2 background on that case. It's apparent from the transcript
3 of the bench trial that, I believe, Your Honor has a copy
4 of --

5 **THE COURT:** I do. Yes, sir.

6 **MR. HUNTER:** It's apparent that the day before this
7 trial started, so I guess that would have been
8 January 31st, that there was a motion to relieve defense
9 counsel that, I believe, the judge says that -- that
10 Mr. Jeter requested, so that's why he proceeded pro se
11 before Judge Hayes.

12 So, Your Honor, he filed his current application
13 May 15, 2015, alleging ineffective assistance of counsel;
14 that his counsel failed to protect his rights when his
15 counsel moved to be relieved. Your Honor, the State filed
16 a motion to dismiss and a conditional dismissal which was
17 signed by Judge Hall essentially alleging that he had
18 until, I believe, February 2, 2012, to file his application
19 given the one-year statute of limitation and it was filed a
20 little over three years later. That's the basis of the
21 State's motion to dismiss is it's simply filed three years
22 beyond the statute of limitations.

23 **THE COURT:** I assume he has not alleged any
24 after-discovered evidence that was not available?

25 **MR. HUNTER:** Not that I'm aware of, Your Honor.

1 **THE COURT:** Okay. I'll hear from Mr. Jeter. Yes,
2 ma'am.

3 **MS. FAULKNER:** May it please the Court, Your Honor?
4 Your Honor, certainly there is a statute of limitations
5 when a person convicted of a crime intends to file a
6 post-conviction relief application; however, Your Honor,
7 the Supreme Court according to Wilson versus State has
8 carved out an exception to that statute of limitations
9 where the Applicant does not knowingly and voluntarily
10 waive his right to appeal his trial conviction.

11 Your Honor, Mr. Jeter was certainly convicted and he
12 was convicted by a bench trial. I just received the
13 transcript and the Attorney General's office just received
14 the transcript last week, so we've just received that. We
15 have been unable to get the transcript from the proceedings
16 -- which I'm not sure what the problem is, but the Attorney
17 General's office has been unable to get that transcript
18 from the proceedings from the day before, Your Honor, so we
19 -- I don't know exactly what happened. I just know what my
20 client has told me, but regardless at the end of the bench
21 trial, Mr. Jeter was never -- it was never advised that he
22 had any right to appeal and that's apparent from the
23 transcript after the bench trial.

24 So, Your Honor, I do not believe that he knowingly and
25 voluntarily waived his right to appeal the trial conviction

1 because he simply was never advised and without an attorney
2 he certainly had no attorney to advise him and if he was
3 never advised I think it's certainly not fair and it would
4 be prejudicial to assume that he knew that he only had
5 ten days to file his notice of intent to appeal.

6 Accordingly, Your Honor, I believe that he should be
7 allowed to continue with his post-conviction relief
8 application.

9 **THE COURT:** Well, let me be sure I understand exactly
10 what happened. There was a proceeding the day before the
11 trial apparently --

12 **MS. FAULKNER:** Yes, Your Honor.

13 **THE COURT:** -- in which the Defendant moved to, I
14 guess, either fire or discharge his attorney. Is that
15 correct?

16 **MS. FAULKNER:** That is my understanding, Your Honor,
17 but, of course, we can't get the transcript.

18 **THE COURT:** There's no transcript.

19 **MS. FAULKNER:** That's right. And I did -- and
20 Mr. Hunter and I talked to Mr. Dest and I briefly talked to
21 Mr. Barrowclough who both represented Mr. Jeter and they
22 have no recollection. Of course, they would have to be --
23 get their file and come here and they certainly weren't
24 subpoenaed here today for this motion hearing.

25 **THE COURT:** Well, but at any rate, there's no question

1 that he proceeded at trial without counsel?

2 **MS. FAULKNER:** There is no question about that, Your
3 Honor.

4 **THE COURT:** Okay. Let me hear from the State just
5 briefly. I don't know whether Judge Hayes had any colloquy
6 with the Defendant prior to the trial beginning about the
7 fact that he was proceeding without counsel. Can you help
8 -- I haven't read the transcript, so if you'll help me with
9 that, please.

10 **MR. HUNTER:** Yes, Your Honor. And -- and really all
11 we have to go off of is the transcript, Page -- and just
12 for a brief background, Page 5, Lines 11 through 14, the
13 judge discusses that they were here the day before and his
14 counsel was relieved from his -- on his request. And I
15 guess we're looking at Page 6, Lines 11 through 17, and
16 specifically, you know, lines -- starting at Line 14 he
17 says I met Mr. Jeter yesterday and understand his
18 background and his ability and age and I allowed him to
19 waive his right to a trial -- right to represent --
20 representation by counsel. That's really the only
21 indication that we have that some type of warnings I assume
22 were given the day before on that motion to relieve.

23 **THE COURT:** All right. What -- what is the State's
24 position on the claim by the Defendant that since he wasn't
25 represented by counsel that he was not advised of his right

1 to appeal?

2 **MR. HUNTER:** Well, Your Honor, as far as PCR actions
3 go that I've seen and been a part of, those claims
4 essentially have to do -- or you're allowed to get a
5 belated appeal and --

6 **THE COURT:** Well, that's usually in the case where
7 you've got a lawyer --

8 **MR. HUNTER:** Right.

9 **THE COURT:** -- and the lawyer's got a duty to inform
10 you of your rights and there's been a deficiency or a
11 failure by counsel to live up to the standards that you're
12 supposed to live up to by the advising of the right to
13 appeal, but here he had no lawyer --

14 **MR. HUNTER:** Right.

15 **THE COURT:** -- and I'm not sure who -- maybe you can
16 help me. Who do you allege failed him in this case?

17 **MS. FAULKNER:** Your Honor, I'm not alleging that
18 anybody actually failed him in this case. I'm just
19 alleging that as a statute of limitations argument he
20 shouldn't be barred from going forward on this
21 post-conviction relief application simply because he filed
22 it outside of the one-year timeframe and that is because
23 this -- the courts have carved out that exception that if
24 he did not knowingly and voluntarily waive his right to
25 appeal, that can't be used as a bar by -- by the statute --

1 **THE COURT:** Right, but that's usually because the
2 Court finds there's been ineffective assistance of counsel
3 for not advising someone of their right to appeal. Here he
4 relieved his counsel and from what I can see from this
5 transcript he knowingly proceeded without counsel and then
6 waived his right to a trial by jury, so apparently he acted
7 as his own attorney throughout the case; is that correct?

8 **MS. FAULKNER:** That -- that is correct, Your Honor.

9 **THE COURT:** All right. Anything further from the
10 State?

11 **MR. HUNTER:** Well, Your Honor, you're correct and what
12 I was gonna say earlier, most of these cases are when a
13 client either asks his counsel to file an appeal for him or
14 somehow going through counsel --

15 **THE COURT:** Yes.

16 **MR. HUNTER:** -- you can get a belated review under
17 White versus State. In this case, and I believe when
18 someone goes pro se, they're essentially held to the same
19 standard as -- as a lawyer would be and so I -- I don't see
20 any cases where there's been a belated appeal done from
21 pro se. I just know we usually go through White versus
22 State when there's an ineffective counsel claim.

23 **THE COURT:** I'm gonna grant the State's motion. I'll
24 ask that you prepare an order. My finding is that he
25 assumed the obligation of representing himself. While the

1 Court is quite often lenient in those situations, here this
2 is a substantive right that he should have been aware of if
3 he assumes that obligation to represent himself. I don't
4 find that there was anyone who owed him a duty to advise
5 him of that right to appeal. He assumed that obligation
6 and he assumed the obligation to file an appeal on his own
7 behalf if he wished to do so. So I'm gonna grant the
8 State's motion and find it's barred by the statute. Thank
9 you very much.

10 MR. HUNTER: Thank you.

11 MS. FAULKNER: Thank you, Your Honor.

12 THE COURT: Do you wish to prepare an order to that
13 effect?

14 MR. HUNTER: Yes, Your Honor.

15 THE COURT: All right. I'll mark the Form 4 that I've
16 dismissed it and that a form order will follow.

17 MR. HUNTER: Thank you.

18 THE COURT: Thank you very much.

19 MS. FAULKNER: Thank you.

20 (Whereupon, the proceedings were concluded at
21 9:49 AM.)
22
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25

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh 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 the evidence introduced in the hearing of the captioned case in Circuit Court on the 7th day of November, 2016.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin, counsel, nor have an interest to any party hereto.

March 16, 2017

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF UNION)

Samuel Earl Jeter,
S.C.D.C. No. 344686,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
OF THE SIXTEENTH JUDICIAL CIRCUIT

2015-CP-44-225

ORDER OF DISMISSAL

FILED FOR RECORD
2016 DEC 15 PM 10 25
CLERK OF COURT
UNION, SC

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Samuel Earl Jeter (Applicant) on May 15, 2015.

I. PROCEDURAL HISTORY

Applicant was indicted at the November 2010 term of the Union County General Sessions for Criminal Sexual Conduct with a Minor, 2nd Degree (2009-GS-44-261). Applicant was also indicted at the January 2011 term of the Union County Court of General Sessions for Lewd Act Upon a Child Under the Age of Sixteen Years (2011-GS-44-190). Applicant proceeded pro se and on February 2, 2011 underwent a bench trial before the Honorable John C. Hayes, III. He was found guilty on both charges and sentenced to imprisonment for twenty years for criminal sexual conduct and a concurrent term of imprisonment for fifteen years for lewd act. Applicant did not appeal his sentence or conviction.

PCR Application

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

RECEIVED

JAN 19 2017

SC Court of Appeals

Page 1 of 5

A TRUE COPY

DEC 15 2016

CLERK OF COURT

1. Ineffective Assistance of Counsel
 - a. Counsel failed to protect Applicant's rights when counsel moved before the court to be relieved as counsel
2. Applicant did not waive his right to a direct appeal under White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).

Respondent made its Return and Motion to Dismiss on or about May 11, 2016. A Conditional Order of Dismissal was signed by the Honorable Daniel D. Hall on May 24, 2016 and filed June 6, 2016. In this Order, Judge Hall conditionally dismissed this action for being filed over three years beyond the expiration of the one-year statute of limitations.

On November 7, 2016, a hearing was held at the Moss Justice Center in York, South Carolina. Applicant was present and represented by Beth Faulkner, Esquire. Justin Hunter, of the South Carolina Office of the Attorney General represented Respondent. At this hearing, Respondent made a motion to dismiss, based on the expiration of the statute of limitations. This Court had before it the Union County Clerk of Court records, Applicant's PCR application, Respondent's Return and Motion to Dismiss, and the Court's Conditional Order of Dismissal.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

The Court finds that this application for post-conviction relief must 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).

Applicant was convicted of the offenses he challenges on February 2, 2011. He therefore had until February 2, 2012, to file his application. This application was filed on May 15, 2015, over three years after the statutory filing period had expired.

Summary dismissal of a PCR application is appropriate when the application is filed after the statutory filing period. Leamon v. State, 363 S.C. 432, 611 S.E.2d 494 (2003). 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, Applicant failed to file within the time mandated by the Post-Conviction Procedure Act and Applicant's post-conviction relief application must be summarily dismissed.

Waiver of right to direct appeal

Applicant alleged that he did not knowingly and intelligently waive his right to a direct appeal. He testified that the trial judge never told him at the conclusion of the trial that he had ten days to file a direct appeal.

In the absence of an intelligent waiver by the defendant, counsel must either initiate an appeal if requested or comply with the procedure required by Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967); White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). Where the post-conviction relief judge determines that the applicant did not freely and voluntarily waive his appellate rights, the applicant may petition the South Carolina Supreme Court for review of direct appeal issues pursuant to White v. State, See Rule 227(g) (1), SCACR; Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986). Therefore, where an accused establishes in a post-conviction relief hearing that he was unconstitutionally deprived of his statutory right to a direct appeal, the South Carolina Supreme Court, upon an appeal of the post-conviction relief decision, will review

the trial record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. To waive a direct appeal, a defendant must make a knowing and intelligent decision not to pursue the appeal. Davis v. State, 288 S.C. 290, 342 S.E.2d 60 (1986); White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).

This Court finds that Applicant's allegation is without merit. This Court finds that Applicant assumed the obligation of representing himself when he relieved his counsel to proceed pro se. This Court finds that Applicant should have been aware of his right to an appeal as he represented himself. This Court also finds that neither Applicant's former trial counsel nor the trial judge owed him a duty to inform him of his right to a direct appeal. Accordingly, this allegation must be dismissed.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this order, the Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, the Court finds Applicant has abandoned any such allegations.

V. CONCLUSION

Based on the foregoing facts, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Applicant failed to demonstrate that Counsel's performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt 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, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

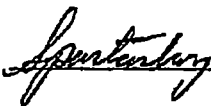
IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 2nd day of December, 2016.



ROGER COUCH
Presiding Judge
Sixteenth Judicial Circuit


_____, South Carolina

WITNESSES

Hines/UCSO

ARREST WARRANT NUMBER

Direct Indictment - RE: K367362

ACTION OF GRAND JURY

TRUE BILL

Reuben Healy
person of Grand Jury
Date: JAN 27 2011

VERDICT

- Guilty -

John C. Hargrett
Foreperson of Petit Jury
Date: Feb 4c
2/2/31

DOCKET NO. 2011-GS-44-0190
Direct Indictment

The State of South Carolina
County of Union

COURT OF GENERAL SESSIONS

JANUARY 31, TERM 2011

THE STATE

vs.

SAMUEL EARL JETER

Indictment for

**LEWD ACT UPON A CHILD UNDER
THE AGE OF SIXTEEN YEARS**

SC Code: 16-15-140
CDR Code: 2468

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.

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

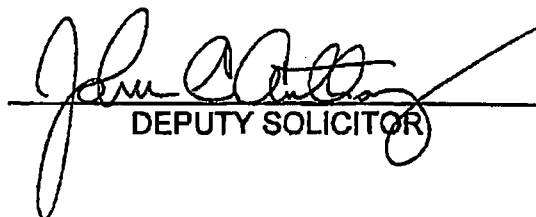
INDICTMENT

At a Court of General Sessions, convened on January 27, 2011, the Grand Jurors of Union County present upon their oath:

LEWD ACT UNDER THE AGE OF SIXTEEN

That in Union County, South Carolina, on or about December 17, 2008, Samuel Earl Jeter, a person over the age of fourteen, did willfully commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of Victim [REDACTED], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the victim, in violation of Section 16-15-140, Code of Laws of South Carolina (1976, as amended).

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Union

STATE

VS.

Samuel Earl Jeter

AKA:

Race: B

Sex: M

Age: 67

DOB: 11/11/1949

SSN: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED] 29379

DL#

SID#

SC00228611

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO:

In violation of §

16-15-140

of the S.C. Code of Laws, bearing CDR Code #

2468

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45

The charge is:

☐ As Indicted,☐ Lesser Included Offense,☐

Defendant Waives Presentation to Grand Jury.

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation,☐

Negotiated Sentence,

☐ Recommendation by the State.

ATTEST:

7116

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 15 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.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2/2/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 10243☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
§44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ 3
TOTAL	\$	\$ 133.50

Clerk of Court/Deputy Clerk: [Signature]
Court Reporter: [Signature]

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other: Sex Offender Registry

☐ Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date

[Signature]
2049
2/2/11

WITNESSES

Hines/UCSO

ARREST WARRANT NUMBER

K367362

ACTION OF GRAND JURY

TRUE BILL

Kelly W. [Signature]
Foreperson of Grand Jury

Date: NOV - 4 2010

VERDICT

- Guilty -

John C. [Signature]
Foreperson of Petit Jury

Date:

DOCKET NO. 2009-GS-44-0261
Amended Indictment

The State of South Carolina

County of Union

COURT OF GENERAL SESSIONS

NOVEMBER 08, TERM 2010

THE STATE

vs.

SAMUEL EARL JETER

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR, 2ND DEGREE**

SC Code: 16-03-655
CDR Code: 396

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.

STATE OF SOUTH CAROLINA)
COUNTY OF UNION)

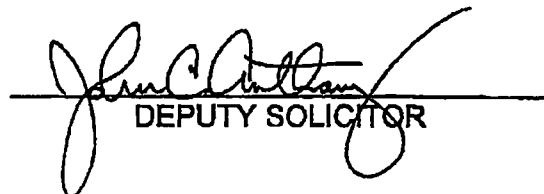
INDICTMENT

At a Court of General Sessions, convened on November 04, 2010, the Grand Jurors of Union County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 2ND DEGREE

The Defendant, Samuel Earl Jeter, did in Union County, South Carolina, on or about December 17, 2008, commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree, in that the Defendant did commit a sexual battery upon the minor victim, ^{Victim} [REDACTED], who was less than sixteen (16) years of age but who was at least fourteen (14) years of age at the time of the incident and the Defendant was older than the victim, in violation of Section 16-03-655, Code of Laws of South Carolina (1976, as amended).

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


DEPUTY SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Union

STATE

VS.

Samuel Earl Jeter

AKA:

Race:

Sex: M

Age: 41

DOB:

SS#:

Address:

City, State, Zip:

29379

DL#

SID#

SC00228511

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO:

Criminal Sexual Conduct with 2 Minors, 2nd Degree

In violation of §

of the S.C. Code of Laws, bearing CDR Code #

0396

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ \$17-25-45(CSC w/minor 1st or Lawd Act)

The charge is:

☐ As Indicted,☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,

(def.'s Initials)

The plea is:

☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

7116

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 20 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.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2/2/11☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. 10 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient:

May serve W/E beginning
Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ 100
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5
\$44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ 38
TOTAL	\$	\$ 123

Clerk of Court/Deputy Clerk
Court Reporter: _____

Random Drug/Alcohol Testing ☐

Fine may be pd. In equal consecutive weekly/monthly

prmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other: Sexual Offender Reg. s/c

☐ Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
☐ Appointed PD or appointed other counsel, \$47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date

2049

2/2/11