

STATE OF SOUTH CAROLINA)
 COUNTY OF CHESTERFIELD)
)
 STATE OF SOUTH CAROLINA)
)
 v.)
)
 BILLY LISENBY, JR.,)
)
)
 DEFENDANT)

IN THE COURT OF APPEALS
 Appellate Case Number 2017-001639

RETURN TO MOTION TO APPOINT COUNSEL

11629

2017 SEP -5 PM 4: 27
 Wanda C. Miles
 CLERK OF COURT
 CHESTERFIELD COUNTY, S.C.

NOW COMES Patricia C. Rivers, former attorney for Billy Lisenby, who responds to Defendant Lisenby's Motion to Appoint Counsel as follows:

1. Defendant applied for the services of a public defender on June 5, 2017 and has had the benefit of counsel at all times since that date, and
2. Patricia C. Rivers was appointed counsel on that date, and has represented Mr. Lisenby until August 8, 2017, and
3. Attorney Rivers filed for and was provided ongoing discovery from the Solicitor's office pertinent to Mr. Lisenby's case, and
4. Included in that material she noticed a statement from one Rufus Wilson, who is a possible witness against Mr. Lisenby should his case go to trial, and
5. Mrs. Rivers believes Mr. Rufus Wilson may be a past acquaintance, and, therefore, she notified the Public Defender's office of a possible conflict she may encounter in her representation, and Tonya Copeland-Little, a contract attorney for the Public Defender's Office, has since been appointed to represent Mr. Lisenby,
6. Contact information for Mr. Lisenby's attorney is:

Copeland-Little Law, LLC
 Tonya Copeland-Little
 Attorney and Counselor at Law
 524 W. Carolina Avenue
 Hartsville, South Carolina 29550
 Telephone: (843) 332-3202
 Facsimile: (843) 33203295

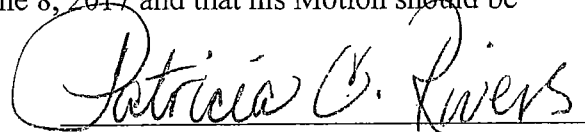
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SEP 08 2017

SG Court of Appeals

A True Copy Attest
 Wanda C. Miles
 CLERK OF COURT C.P. & G.S.
 CHESTERFIELD COUNTY, SC

WHEREFORE, Patricia Rivers is informed and believes Mr. Lisenby's request for counsel is unnecessary due to the fact he has had counsel since June 8, 2017 and that his Motion should be dismissed.



Patricia C. Rivers
 Assistant Public Defender
 Chesterfield County Public Defender Office
 101 W. Main Street, Suite B
 Chesterfield, SC 29709

STATE OF SOUTH CAROLINA)

COUNTY OF)

The State of South Carolina)

Plaintiff,)

vs.)

Malik Al-Shabazz)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOURTH JUDICIAL CIRCUIT

**AFFIDAVIT OF INDIGENCY
AND
APPLICATION FOR COUNSEL**
(Defense of Indigency Act, Form No.2)

CRIMINAL CHARGING DOCUMENT NO.

NAME OF APPLICANT	Malik Al-Shabazz		
ADDRESS	355 Hickory St Ruby S.C. 29741		
TELEPHONE NUMBER(S)	843-634-2475		
CONTACT PERSON	Name: Pat Linby	Number: 843-634-3128	
MARITAL STATUS (PLEASE CIRCLE)	<input checked="" type="radio"/> Single Married Divorced Separated		
DATE OF BIRTH	2-19-76		
SOCIAL SECURITY NO.	247-71-6842		
NAMES OF CO-DEFENDANTS			
RACE (PLEASE CIRCLE)	<input checked="" type="radio"/> Male Female		
GENDER (PLEASE CIRCLE)	Caucasian	<input checked="" type="radio"/> African American	Hispanic Other: _____

1. Are you presently employed? Yes No
- a. If "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If "no", state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month.

WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

2. Include employment information for the spouse, if applicable.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If the spouse is not currently employed, state the name and address of last employment, date of termination of employment, and amount of salary or wages per month

WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

3. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support.

NAME	AGE	RELATIONSHIP	AMOUNT OF SUPPORT

4. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes No
- b. Rent payments, interest or dividends? Yes No
- c. Pensions, annuities or life insurance payments? Yes No
- d. Gifts or inheritances? Yes No
- e. Any other sources? Yes No

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

SOURCE OF MONEY	AMOUNT

5. Do you own cash, or do you have any money in a checking or savings account?

Yes No

If the answer is "yes", state the total amount of the cash owned. _____

6. Do you own any real estate, stocks, bonds, notes, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No

If the answer is "yes", describe the property and state the appropriate value of the items owned.

7. What kind of motor vehicle do you own? _____

Is it paid for? Yes No

If not, what are the payments? _____

8. How much do you owe (on liens, mortgages, other encumbrances or debts)?

I do solemnly swear that the account by me delivered into this court with my application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was, in any respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the court, part of all of such claim is reduced to judgment by appropriate order of the court after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that, pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Clerk of Court for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This 5th day of June, 2017

Melvin Al. Shivers
Defendant or Parent/Guardian of Defendant if applicable

Subscribed and sworn to before me this
7 day of June, 2017
Harriet B. White (L.S.)
Notary Public for South Carolina
My Commission Expires: 5-29-2025

The applicant's request for court-appointed counsel is hereby granted / denied.

Dated: _____

Judge/Clerk or Deputy Clerk

South Carolina

A True Copy Attest

Wanda C. Miles

STATE OF SOUTH CAROLINA
COUNTY OF CHESTERFIELD

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C. THE COURT OF GENERAL SESSIONS
FOURTH JUDICIAL CIRCUIT

2017 JUL -6 } PH 3:02 2017A1310400226

STATE OF SOUTH CAROLINA

Wanda C. Miles
CLERK OF COURT

VS.

CHESTERFIELD COUNTY, S.C. MOTION FOR DISCOVERY
SCRCrimP RULE 5 AND BRADY

BILLY LIENBY,

DEFENDANT.

PLEASE TAKE NOTICE that Defendant, by and through undersigned, hereby requests and moves that Prosecutor produce or otherwise make available to Defense any and all documents, evidence and other information subject to disclosure pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. Defendant further requests Prosecutor produce or otherwise make available any and all evidence favorable to Defendant, subject to disclosure pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

1. Any written or recorded statements made by Defendant.
2. The substance of any oral statements made by Defendant.
3. A copy of Defendant's prior criminal record.
4. Any and all physical or tangible items in the possession, custody or control of, the Solicitor's office, and/or any state, federal or local law enforcement agency.
5. All papers, documents, photographs or tangible objects, which are in the possession, custody or control of the government and are material and relevant to this case, including:
 - a. Any handwritten notes taken by any investigating agent and any reports generated by any agency related to this investigation.
 - b. Any tape recordings of telephone conversations or radio communications engaged in by Prosecutor for the State of South Carolina, or other law enforcement agencies, which may pertain to this case.
 - c. Any latent, partial or smudged finger or palm prints recovered by agents of the Prosecutor or any other law enforcement agencies, which may pertain to this case.
 - d. Any objects from which such prints were obtained and any objects allegedly handled by Defendant.
 - e. Photographs of victim, area where crime alleged to have occurred and any photographs made in connection with this case.
 - f. Any and all photographs taken of Defendant on any portion of Defendant's body.
 - g. Any and all photographs taken at scene of alleged crime, alleged victim, and prosecuting witness.
6. Any audio or video recordings made by State of any and all statements made by any proposed witnesses in this case.
7. Names and current addresses of any expert witnesses State used to assist in the investigation of its case or any witnesses that State propose to use as witnesses at trial.
8. Results of any photo identification procedures employed in this case together with any photographs so employed.
9. Any scientific or medical report which tends to establish Defendant's innocence, to mitigate punishment or to impeach, discredit, or contradict the testimony of any witness whom

the State will or may call at trial. Ashley vs. Texas, 219 F2d 80 (5th Circ.), cert. den. 375 U.S. 931, 84 S.Ct. 331 (1963). This request shall include any reports by or to State Law Enforcement Division (SLED) criminalistic laboratory, Federal Bureau of Investigation laboratory, County Sheriff's Department laboratory or any other law enforcement laboratory concerning examinations made by said laboratories and/or personnel thereof of any physical, photographic, oral or written evidence concerning the investigation of this case.

10. All notes or memoranda prepared by psychiatrists or other medical or mental health examiners regarding their conversations with Defendant
11. Names and present addresses of persons who have knowledge of the existence of evidence relevant to the acts charged in this case, including all persons who will be called as witnesses for State at trial of this case and those who will not be called as witnesses for State.
12. Whether any witness called before the Grand Jury who has or will give testimony to any investigative agency or at trial has ever been psychiatrically hospitalized or undergone psychiatric treatment, examination, mental status examination or care, and if so, list of names and addresses of psychiatrists and hospitals as well as copies of any and all relevant records or reports regarding such examination, treatment, or care.
13. All information relevant to the credibility of any government witness concerning such witnesses conduct, character and reputation.
14. Criminal records, either juvenile or adult, of any government witnesses.
15. Substance of any agreement or proposed agreement made between State, its agents, and any potential witness in this case dealing with reward, favored treatments, or leniency in return for information or favorable testimony.
16. Substance of any such agreements entered into in the past between State, its agents, and any potential witnesses in this case with reference to other criminal cases or investigations.
17. All materials of any nature and witnesses names and addresses that may be exculpatory.

FURTHER, Defendant will specifically move that said Order requiring production, inspection, copying and/or photographing specifically require compliance by prosecution within thirty (30) days of receipt of this Motion. This production is specifically sought so that information discoverable pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure will be meaningful for the proper preparation for the defense of Billy Lee Lisenby.

FOURTH CIRCUIT PUBLIC DEFENDER



Patricia Rivers
Assistant Public Defender

June 26, 2017

**4th Circuit Defender
Case File Detail**

RELATED PEOPLE

Vaughn, Spence	Approving Officer	(843) 623-2101	
Sikes, Clay B	Affiant	() -	Reporting Officer
King, Carolyn	Affiant	() -	
Jordan, Timothy	Affiant	() -	
Kahan, Carrie	Victim	() -	# 2
Mitchell, Tracy	Victim	() -	Complainant
Wilson, Frankin	Victim	() -	

CASE NOTES

Sandy Morgan	08/23/2017 08:31 AM	Scanned in Inmate Letter and mailed him a copy of Tonya Little's letter of Rep to CCDC
Patricia Rivers	08/15/2017 12:52 PM	...since the new charge was added I spoke with Billy's girlfriendI am no longer his attorney.....Tonya Little now represents him....
Sheena Grimsley	08/08/2017 11:22 AM	Conflict letters done
Susan Nessell	08/08/2017 09:59 AM	Sheena please contract out this case and his domestic case to Tonya Little please. any questions give me a call. thanks, sweetie
Sheena Grimsley	08/08/2017 07:49 AM	Charge added
Patricia Rivers	08/03/2017 01:50 PM	August 3....Spoke with jail and asked them see that the nurse visits Billy and that he gets the medications she prescribes....I was told they will look into it and also read the order from Judge Burch revoking his bond wherein this was ordered....
Patricia Rivers	08/03/2017 01:46 PM	August 2, 2017....Received call from girlfriend in re Billy hasn't met with Mental Health nurse yet to review medications.....I haven't seen the revocation paperwork yet but am told it was ordered that nurse visit him....I'll call jail and remind them of the order....
Patricia Rivers	08/03/2017 01:44 PM	Spoke with Billy's mother while on vacation in San Francisco.....he's back in jail for breaking conditions of his bond...curfew violated
Susan Nessell	08/03/2017 06:51 AM	Discovery in M Folder along w/3 CD's
Susan Nessell	07/25/2017 10:03 AM	Will be seeing Billy in Court in Chesterfield on September 11, 2017
A C Michael Stephens	07/25/2017 09:17 AM	Client brought to Marlboro for a bond revocation in front of Burch.. MTJL. Hattie Gordon. ACC at court. Mr. Lisenby said he wa at store getting gas because he was either going to work or coming from work. Judge Burch revoked bond and will review on September 11, 2017 when Mrs. Rivers returns
Susan Nessell	07/11/2017 10:06 AM	\$20,000 PR Bond by Judge Burch today.
Susan Nessell	07/10/2017 05:10 PM	Bond Hearing week of 7/10/17
Patricia Rivers	06/29/2017 05:21 PM	6/29 Read file
Patricia Rivers	06/29/2017 05:20 PM	6/28 Discussed case with Mary Thomas Johnson-Lee
Sheena Grimsley	06/27/2017 07:30 AM	Opened New Case,Assigned to Patricia

**OFFICE OF THE PUBLIC DEFENDER
FOURTH JUDICIAL CIRCUIT**

**122 North McArthur Avenue
Post Office Box 29
Dillon, South Carolina 29536**

**Telephone: 843.841.1123
Fax: 800.670.6375**

August 08, 2017

Billy Lee Lisenby
CCDC
319 Goodale Rd.
Chesterfield SC 29709

Re: Billy Lee Lisenby
2017A1310400226

Dear Mr. Lisenby :

I send you this letter to advise you that your case has been assigned to Ms. Tonya Copeland Little, a private attorney outside of the Public Defender's office. If you are in jail you should expect to see your new attorney very soon. If you are out of jail you should immediately contact your new attorney. You may contact your attorney at

Tonya Copeland Little
Copeland-Little Law
524 W. Carolina Ave.
Hartsville, SC 29550
(843) 332-3202
(843) 332-3295

Best of luck to you with your case.

Sincerely,
Matt Rivers
Fourth Circuit Public Defender

OFFICE OF THE PUBLIC DEFENDER
FOURTH JUDICIAL CIRCUIT

122 North McArthur Avenue
Post Office Box 29
Dillon, South Carolina 29536

Telephone: 843.841.1123
Fax: 800.670.6375

VIA EMAIL ONLY

August 08, 2017

Ms. Tonya Copeland Little
Copeland-Little Law
524 W. Carolina Ave.
Hartsville, SC 29550

Re: Billy Lee Lisenby
2017A1310400237, 2017A1310100041, 2017A1310400254, 2017A1310400255,
2017A1310300104

Dear Ms. Copeland-Little :

This letter will serve to advise you that, pursuant to the contract entered into between you and the South Carolina Commission on Indigent Defense (SCCID), you are being appointed to represent the above-referenced defendant on the listed charges. Please use this letter in registering your case with SCCID.

Accompanying the email containing this letter are: (1) a copy of the letter notifying your client of your appointment; (2) a copy of the letter to the Clerk of Court, and the Solicitor informing them of your appointment in this matter. A scanned copy of our file in this case will follow.

Per my instructions please respond to the email containing this letter which is only being delivered to you by email. Your response will assure me of that you have received this appointment, and is necessary before I will appoint you on any further cases.

I ask that you also inform me when this case is disposed of, in whatever fashion that occurs. This notice to me will help me assure myself and all the contract attorneys that the cases are being assigned equitably and that no one is getting too swamped with work.

Thanks for your participation in the contract process. Please let me know if you have any questions or problems regarding this appointment, or the process in general.

Sincerely,
Matt Rivers
Fourth Circuit Public Defender

Enc.

OFFICE OF THE PUBLIC DEFENDER
FOURTH JUDICIAL CIRCUIT

122 North McArthur Avenue
Post Office Box 29
Dillon, South Carolina 29536

Telephone: 843.841.1123
Fax: 800.670.6375

VIA EMAIL ONLY

August 08, 2017

Ms. Tonya Copeland Little
Copeland-Little Law
524 W. Carolina Ave.
Hartsville, SC 29550

Re: Billy Lee Lisenby
2017A1310400226

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Sincerely,
Matt Rivers
Fourth Circuit Public Defender

Enc.

STATE OF SOUTH CAROLINA

COUNTY OF CHESTERFIELD

STATE OF SOUTH CAROLINA

vs.

BILLY LEE LISENBY JR.,

Defendant.

IN THE GENERAL SESSIONS COURT
FOURTH JUDICIAL CIRCUIT

Warrant No(s): 2017A1310400226
AM 11:17

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

MOTION FOR DISCOVERY
SCRCrimP Rule 5 and Brady

PLEASE TAKE NOTICE that the Defendant above-named, by and through the undersigned attorney requests and moves that the Prosecutor for the State of South Carolina produce and make available for the Defendant any and all documents, evidence and other information which is subject to disclosure pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. The Defendant further requests the Prosecutor make available any and all evidence favorable to the Defendant, which is subject to disclosure pursuant to the case Brady vs. Maryland, 373 U.S. 83 (1963), and subsequent cases interpreting the doctrine set forth therein. This request shall be interpreted to include any and all information or evidence which is discoverable pursuant to Rule 5, South Carolina Rule of Criminal Procedure or Brady vs. Maryland, and which is in the hands of agents for the prosecution, including police agencies.

1. Any relevant written, recorded or video taped statements made by the Defendant.
2. The substance of any oral statements made by Defendant.
3. The prior criminal record of the Defendant.
4. All papers, documents, photographs or tangible objects, which are in the possession or control of the government, and are material and relevant to this case, including:
 - a. Any handwritten notes taken by any investigation agent and any reports generated by any agency related to this investigation.
 - b. Any tape recordings of telephone conversations or radio communications engaged in by the Prosecutor for the State of South Carolina, or other law enforcement agencies, which may pertain to the case.
 - c. Any latent finger or palm prints, partial finger or palm prints, or smudged finger or palm prints recovered by the agents of the Prosecutor for the State of South Carolina or any other law enforcement agencies, which may pertain to the case.
 - d. Any objects from which such prints were obtained and any objects allegedly handled by the Defendant.
 - e. Photographs of the victim, area where crime alleged to have occurred and any photographs made in connection with this case.

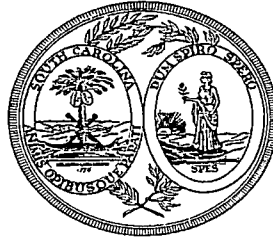
5. Any audio or video recordings made by the State of any and all statements made by any proposed witness in this case.
6. The names and current addresses of any expert witness the State has used to assist in the investigation of its case or 4 any witnesses that the State propose to use as witnesses at the trial.
7. The results of any photo identification procedures employed in this case together with any photographs so employed.
8. The best results of scientific, psychological and/or psychiatric test or experiments conducted in this case.
9. The names and present addresses of person(s) who has knowledge of the existence of evidence relevant to the acts charged in this case, including all persons who will be called as witnesses for the State upon trial of this case and those who will not be called as witnesses for the State.
10. All information relevant to the credibility of any government witness. All information concerning the conduct, character and reputation of such witnesses.
11. The criminal records either of juvenile or adult of such witnesses.
12. The substance of any such agreements entered into in the past between the State, its' agents and any witness in this case dealing with offer of reward, favored treatment, or leniency in return for information or favorable testimony.
13. The substance of any such agreements entered into in the past between the State, its' agents and any potential witness in this case with reference to other criminal cases or investigations.
14. All material of any nature and witnesses names and addresses that may be exculpatory.

FURTHER, The Defendant will specifically move that said Order requiring production, inspection, copying and/or photographing specifically require compliance by the State within thirty (30) days of receipt of this Motion. The production is specifically sought so that the information discoverable pursuant to the Rule 5, South Carolina Rules of Criminal Procedure, will be meaningful for the proper preparation of defense of the Defendant herein.



Copeland-Little Law, LLC
Tonya Copeland-Little
Attorney and Counselor at Law
524 W. Carolina Avenue
Hartsville, South Carolina 29550
Telephone: (843) 332-3202
Facsimile: (843) 332-3295

August 8, 2017



**FOURTH JUDICIAL CIRCUIT
MATT RIVERS
PUBLIC DEFENDER
CHESTERFIELD COUNTY OFFICE**

RECEIVED

SEP 08 2017

SC Court of Appeals

101 W. Main Street
STE B
CHESTERFIELD, SOUTH CAROLINA 29709

TELEPHONE: (843) 623-2286
FAX: (843) 623-2837

September 5, 2017

SC Court of Appeals
Clerk, Jenny Kitchings
PO Box 11629
Columbia, South Carolina 29211

**RE: State vs. Billy Lisenby, Jr.
Appellate Case No. 2017-001639**

Dear Clerk:

Please find enclosed Return To Motion To Appoint Counsel in the above entitled matter. If there is anything else please do not hesitate to contact me.

Sincerely yours,

**Susan P. Nessell for
Patricia C. Rivers
Assistant Public Defender**

Cc: Billy Lisenby, Jr.

**FOURTH CIRCUIT
PUBLIC DEFENDER**
101 WEST MAIN STREET, SUITE B
CHESTERFIELD, SOUTH CAROLINA 29709

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SC Court of Appeals
Clerk, Jenny Kitchings
PO Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

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