

RECEIVED

SEP 28 2017

1 of 1

Keith A. Smyth #363756

S.C. SUPREME COURT

VS. Petitioner

Motion and order

State of S.C.

(Proof of Statement).

Respondent

Appellate case: 2017-000894

Proof up on documents and records,

I Keith A. Smyth 363756, Petitioner to Request by the court, to get all the Charles Lee, of DSM to get a Release forms to be sign by me to Let the court to see the Records of the 2012 evaluation i had did with Charles Lee of their staff,

The Phone Numbers are Mondays-Friday's At 1-800-289-7012 OR 1-803-898-9600.

Respectfully submitted,

*Keith A. Smyth*

*Keith A. Smyth* 363756

Keith A. Smyth 363756

Date: 9-26-17

Sworn to and before me this

Date: Sept 26, 2017

Notary Public (L.S.)

*Lisa Brown-Alston*

LISA BROWN-ALSTON  
Notary Public, State of South Carolina  
My Commission Expires 2/5/2023

MY Commission Expires: 2/5/2023

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 The State of South Carolina )  
 )  
 vs. )  
 )  
 Keith Adger Smyth, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

IN THE COURT OF GENERAL SESSIONS  
 SEVENTH JUDICIAL CIRCUIT SEP 28 2017

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S.C. SUPREME COURT  
 MOTION AND ORDER (For Approval of Indigent Defense Funding Request)


Warrant No(s): M124324, 26, 27, 28, M124910

2017 NOV - 28 PM 4:05  
 M. MOPE FACILEY

Defendant by and through his attorney Timothy M. Ray, hereby moves this court for additional funds so that Defendant may retain the services of a psychologist.

Keith A. Smyth was previously declared indigent by this Court. Pursuant to that Previous order, funds were made available so that Defendant could seek the opinion of a psychiatrist to determine Defendant's competency to stand trial. The present motion is hereby made due to the recommendation of Dr. Salas, after her evaluation of Mr. Smyth. Her report is attached.

Upon due and thoughtful consideration of these matters, and in conformity with the relevant and applicable provisions of law I do hereby make the following findings:

1. The Defendant, Keith A. Smyth, is incarcerated at the Spartanburg County Detention Center and has no independent means of support and is therefore indigent.
2. I also find that there had been several I.Q. test performed on Mr. Smyth resulting in full 
3. I also find that State investigators have found Mr. Smyth competent after two (2) evaluations and incompetent after two (2) other evaluations; all of these evaluations occurring within approximately the last four (4) years.
4. The funding authority requested by Mr. Ray exceeds the \$500 limitation as set forth in S.C. Code Ann. § 17-3-50(B). Payment in excess of that statutory limit is authorized.

*Ray*  
 21

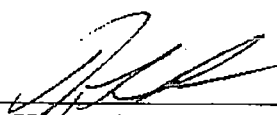
5. The defendant in this case stands accused of sex/criminal sexual conduct with minor or attempt, victim 11 to 14 of age – 1<sup>st</sup> offense (4 counts) and sex/criminal sexual conduct with minor or attempt, victim 11 to 14 of age – 2<sup>nd</sup> offense.
6. The services which the Defendant has requested are both reasonable and necessary to the Defendant's effective defense.
7. In conclusion, the Defendant's attorney has shown that there is a substantial basis for the use of the services and that the services are integral in determining the Defendant's competency to stand trial.

**WHEREFORE, IT IS HEREBY ORDERED THAT:**

- (1) Mr. Ray is authorized to contract with experts for services of up to \$2,000.00, and upon presentation of the appropriate documents to the Office of Indigent Defense, which shall pay the provider; and
- (2) If the State objects to the Defendant's choice of expert then the nature of such objections shall be stated in writing, and a determination shall be made thereafter.

**AND IT IS SO ORDERED.**

Dated: 11/9, 2014.  
Spartanburg, South Carolina

  
\_\_\_\_\_  
**The Honorable Roger L. Couch**  
Seventh Judicial Circuit

2014 NOV -7 PM 4:06  
M. HOPE BLANCHLEY

STATE OF SOUTH CAROLINA )  
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COUNTY OF SPARTANBURG )  
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STATE OF SOUTH CAROLINA, )  
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VS. )  
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**KEITH ADGER SMYTH** )  
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 )  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS

**MOTION AND ORDER**

(APPROVAL OF INDIGENT DEFENSE FUNDING REQUEST)

WARRANT NO(S): M124324,  
M124326-28, M124910

Defendant by and through his attorney Timothy M. Ray, hereby moves this court for additional funds so that Defendant may retain the services of a psychologist.

Keith A, Smyth was previously declared indigent by this court. Pursuant to that Previous order, funds were made available so that Defendant could seek the opinion of a psychiatrist to determine Defendant's competency to stand trial. The present motion is hereby made due to the recommendation of Dr. Salas, after her evaluation of Mr. Smyth. Her report is attached.

Upon due and thoughtful consideration of these matters, and in conformity with the relevant and applicable provisions of law I do hereby make the following findings:

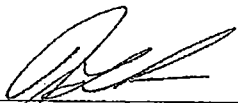
1. The Defendant, Keith A. Smyth, is incarcerated at the Spartanburg County Detention Center and has no independent means of support and is therefore indigent.
2. I also find that there had been several I.Q. tests performed on Mr. Smyth resulting in full scaled I.Q. scores of 75, 61, 64 and most recently in 2012 a 57.
3. I also find that State investigators have found Mr. Smyth competent after two (2) evaluations and incompetent after two (2) other evaluations; all of these evaluations occurring within approximately the last four (4) years.
4. Mr. Ray requests additional funding in the amount of \$3,000.00 in addition to the amount previously ordered. The funding authority requested by Mr. Ray exceeds the \$500 limitation as set forth in S.C. Code Ann. §17-3-50(B). Payment in excess of that statutory limit is authorized.
5. The defendant in this case stands accused of sex/criminal sexual conduct with minor or attempt, victim 11 to 14 age – 1<sup>st</sup> offense (4 counts) and sex/criminal sexual conduct with minor or attempt, victim 11 to 14 of age – 2<sup>nd</sup> offense.
6. The services which the Defendant has requested are both reasonable and necessary to the Defendant's effective defense.
7. The evaluation and report in this matter shall be completed by 12/6/2014. In conclusion, the Defendant's attorney has shown that there is a substantial basis for the use of the services and that the services are integral in determining the Defendant's competency to stand trial.

**WHEREFORE, IT IS HEREBY ORDERED THAT:**

2014 DEC -3 PM 4  
M. HOPE BLACKMILL

- (1) Mr. Ray is authorized to contract with experts for services of up to \$3,000.00, and upon presentation of the appropriate documents to the Office of Indigent Defense, which shall pay the provider; and
- (2) In order to receive payment Dr. Brawley shall produce a report on her evaluation by 12/6/2014. If the State objects to the Defendant's choice of expert then the nature of such objections shall be stated in writing, and a determination shall be made thereafter.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
Judge, Court of General Sessions  
Seventh Judicial Circuit

December 1, 2014

Spartanburg, SC

FILED  
CLERK OF COURT  
2014 DEC -3 PM 4:44  
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
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COUNTY OF SPARTANBURG )  
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STATE OF SOUTH CAROLINA, )  
 )  
VS. )  
 )  
 )  
 )  
KEITH ADGER SMYTH )  
 )  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS

MOTION AND ORDER

(APPROVAL OF INDIGENT DEFENSE FUNDING REQUEST)

WARRANT NO(S): M124324,  
M124326-28, M124910

Defendant by and through his attorney Timothy M. Ray, hereby moves this court for additional funds so that Defendant's witnesses be paid for their services by testifying in a hearing regarding Defendant's competency to stand trial.

Keith A. Smyth was previously declared indigent by this court. Pursuant to that previous order, funds were made available so that Defendant could seek the opinion of a psychiatrist to determine Defendant's competency to stand trial. The present motion is hereby made due to Defendant's need for his expert witnesses to testify on his behalf.

Upon due and thoughtful consideration of these matters, and in conformity with the relevant and applicable provisions of law I do hereby make the following findings:

1. The Defendant, Keith A. Smyth, is incarcerated at the Spartanburg County Detention Center and has no independent means of support and is therefore indigent.
2. I also find that there had been several Intelligence Quotient Tests performed on Mr. Smyth resulting in full scaled I.Q. scores of 75, 61, 64 and most recently in 2012 a score of 57.
3. I also find that State investigators have found Mr. Smyth competent after two (2) evaluations and incompetent after two (2) other evaluations; all of these evaluations occurring within approximately the last four (4) years.
4. The defendant in this case stands accused of sex/criminal sexual conduct with minor or attempt, victim 11 to 14 age – 1<sup>st</sup> offense (4 counts) and sex/criminal sexual conduct with minor or attempt, victim 11 to 14 of age – 2<sup>nd</sup> offense.
5. The services which the Defendant has requested are both reasonable and necessary to the Defendant's effective defense.
6. Defendant's attorney has shown that there is a substantial basis for the use of the services and that the services are integral in determining the Defendant's competency to stand trial.

WHEREFORE, IT IS HEREBY ORDERED THAT:


- (1) Mr. Ray is authorized to contract with Dr. Toria Brawley and Dr. Amanda Salas to secure their appearance in a hearing to testify regarding Defendant's competency and upon presentation of the appropriate documents to the Office of Indigent

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MAY 10 2012 3:28 PM  
CLERK OF COURT  
SPARTANBURG COUNTY

- Defense, such office shall pay the provider: and  
(2) Defendant's experts will be paid according to their normal hourly rate.

AND IT IS SO ORDERED.

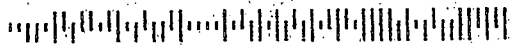
  
\_\_\_\_\_  
J. Derham Cole  
Judge, Court of General Sessions  
Seventh Judicial Circuit

February 9, 2015

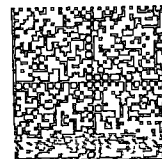
Spartanburg, SC

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FEB 10 PM 3:25  
J. HOPE BLACKLEY



BRCI: MLT 1065B  
4460 Broad River RD,  
Columbia, SC 29210



UNITED STATES POSTAGE



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\$ 001.19<sup>0</sup>

0000879467

SEP 26 2017

MAILED FROM ZIP CODE 29210

9-25-17  
Date

CLerk of court: Daniel E. Shearouse,  
The Supreme Court of S.C.  
1231 Gervais Street,  
Columbia, SC 29201  
P.O. BOX 11330  
Columbia, SC 29211