

2016A0210200841
2016A0210200842
2016A0210200843

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)
STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
SECOND JUDICIAL CIRCUIT

Indictment Numbers: 2016GS0202362;
2016GS0202363; &
2016GS0202364

vs.

Wayne Hankinson,
Defendant.

RECEIVED

FEB 09 2018

SC Court of Appeals

MOTION FOR NEW TRIAL

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Robert J. Harte, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this day of FEBRUARY 2018

Robert J. Harte
C.C.C.P. & G.S., Aiken County, S.C.
Deputy Clerk

A NEW TRIAL SHOULD BE GRANTED, SINCE THE DEFENDANT'S RIGHT TO DUE PROCESS WAS DENIED BY THE LATE ADDITION OF INVESTIGATOR NORWOOD BODIE TO THE VISIBLE PROSECUTION TEAM IN THIS MATTER.

Defendant is entitled to due process of law by the United States Constitution and the Constitution of the State of South Carolina. U.S. Const. am. 5th, 6th, and 14th; S. C. Const. Inherent in due process is the right to a fair and impartial jury. Smith v. State, 375 S.C. 507(2007). The jury in this matter was unlikely to be impartial due to the jury foreman's relationship with the State's investigator in this matter. At the conclusion of the case, the jury foreman was overheard commenting on his personal relationship with Investigator Norwood Bodie of the 2nd Circuit Solicitor's Office. These comments were witnessed by attorney Dereck Bush, attorney David Hayes, Investigator Stuart Graybeal of the Aiken County Sheriff's Department, and Investigator Kirk Owen of the 2nd Circuit Solicitor's Office. The foreman was heard to say he knew Investigator Norwood Bodie from being involved in the same Boy Scout Troop with him, and he had both shot pool and swam at Norwood Bodie's house. It would be contrary to human nature for the jury foreman not to be partial towards the prosecution in this matter, since Investigator Norwood Bodie sat at the prosecution's table in court during the trial not twenty feet away from the jury box and assisted the prosecutors in the handling of evidence during the trial. However, Investigator Bodie was not present during jury selection and was not introduced to the jury during *Voir Dire*. Consequently, even though the Defendant had unused strikes during jury selection and would have struck the jury foreman from the jury pool had the relationship between the foreman and the prosecution been known, at the time of jury selection the jury foreman may not have known his friend would be assisting in this trial, and their relationship was not disclosed to the Court. This situation creates a pall of inherent unfairness over the jury process and the court in equity should grant a new trial in this matter.

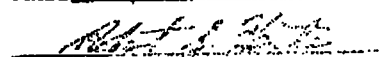
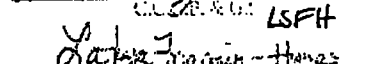
Respectfully Submitted,


Charles D. Hayes

Attorney for Defendant

September 8, 2017
Aiken, South Carolina

FILED Sept. 8 2017


C.C.C.P. & G.S. LSPH

Deputy Clerk

3 Cert. Copies to PD



Public Defender

JAN 31 2018

Received

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 29, 2018

Mr. Charles David Hayes, Esquire
PO Drawer 2247
Aiken SC 29802

Re: The State v. Wayne Hankinson
Appellate Case No. 2017-002603

Dear Counsel:

This is the second letter from the Court attempting to obtain the following documents. Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter, **or this appeal will be dismissed:**

- The notice of appeal is not accompanied by a complete and redacted copy of the order(s) and/or sentencing sheet(s) challenged on appeal. Please provide the Court with the sentencing sheets that have been signed by the sentencing judge, and filed with the Clerk.
- You must provide a copy of the motion for a new trial that was filed on September 8, 2017.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Katelyn Rose Cleveland, Esquire
Robert Michael Dudek, Esquire

Public Defender for the Second Judicial Circuit

410 Barnwell Avenue N.W.
Post Office Drawer 2247
Aiken, South Carolina 29802

De Grant Gibbons, Circuit Public Defender

February 5, 2018

South Carolina Court of Appeals
V. Claire Allen, Deputy Clerk
Post Office Box 11629
Columbia, SC 29211

RECEIVED

FEB 09 2018

SC Court of Appeals

Ref.: State v. Wayne Hankinson
Appellate Case No. 2017-002603

Dear Ms. Allen:

We have received your request for documents that were not included in the original appeal.

Please find enclosed the sentencing sheets and motion for new trial.

Sincerely,



C. David Hayes
Assistant Public Defender

CH/lw

Public Defender
PO 2247
Aiken, SC 29802

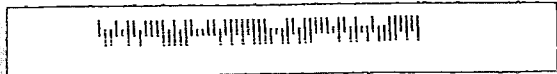
CERTIFIED MAIL



7015 1730 0000 6523 8686

neopost
02/08/2018
FIRST-CLASS MAIL
US POSTAGE \$007.62

ZIP 29801
041M:2251531



RECEIVED
FEB 09 2018
SC Court of Appeals

A. C. Court of Appeals
P. O. Box 11629
Columbia, SC 29211

2/8