VOLUME TWENTY-ONE

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Dorchester County
James E. Lockemy, Circuit Court Judge

RECEIVED
OCT 18 2013
S.C. Supreme Court

MARION BOWMAN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-213468

APPENDIX

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FILED MAY 26, 2009 9436

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FOURTH AMENDED APPLICATION FOR POST-CONVICTION RELIEF
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VOLUME TWENTY-TWO

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

PLAINTIFF'S EXHIBIT #72 (PHOTOGRAPH)
PLAINTIFF'S EXHIBIT #73 (PHOTOGRAPH)

A. I can't, I know, when I went back, when I went to trial I had Marva Hardy. And I believe, when I went back on PCI, I had some dude. I forget the man name. I can't think of his name right now.

Q. Did Marva ever speak to you about the other armed robbery that you still have pending?

A. I mean, she done say a little something about it, but it ain't been nothing. It ain't, they only had one little piece of paper where dude say I armed rob him or whatever.

Q. And that's the one that's still pending?

A. Yeah.

Q. Okay. She talked to you about that case too?

A. Briefly because it ain't been really nothing. One piece of paper where somebody said I armed robbed them or whatever.

Q. Answer any questions they have for you.

CROSS EXAMINATION BY MR. WATERS:

Q. All right. Mr. Davis, let me get this straight. You only Marion Bowman from the time ya'll were at Dorchester County locked up together; is that correct?

A. Uh-huh.

Q. You didn't know him from the neighborhood or the

community or anything like that?
A. He don't stay nowhere near where I stay at?
Q. Okay. And you hadn't had any contact with him here in Lieber?
A. Huh-uh.
Q. Okay. Because he's on death row, right?
A. Yeah.
Q. And you're in general population, correct?
Okay. And you only know James Tywan Gadsen from Dorchester County lock up as well?
A. Uh-huh.
Q. But you subsequently had contact with him at Lieber after ya'll both got here to serve your sentences, correct?
A. Yeah.
Q. Okay. Now, when you wrote that document, Plaintiff's Exhibit One, it was when you went to super max at Dorchester; is that correct?
A. Uh-huh.
Q. And Bowman was in there pretrial as well, correct? And this was before your armed robbery was tried, correct?
A. Yeah.
Q. Say yes. Say out loud.
A. Yeah.

Q. Okay. And you and Bowman were talking through a flap, and he asked you to write that document, is that correct?

A. Yeah.

Q. Okay. And that document is not true.

A. I mean, I couldn't even tell you. Like I told you, certain parts of this, it ain't even been, I don't even think it been this far when we had, when me and him had sit and talked to each other through that flap.

Q. So Bowman asked you to write that as a favor to him to help his case, right?

A. Yeah.

Q. And you agreed to do it? Yes or no?

A. Yeah, yeah, yeah, but like I said, this part about the little shooting incident, it ain't, this ain't, I don't think this the original one we wrote in the beginning because the part about the little shooting incident, that ain't, I don't think that been in there from the beginning.

Q. So ya'll wrote a couple different versions of it?

A. I mean, probably so.

Q. Did Bowman ask you to write it like that? To

put in there that Tywan Gadsen told you that he was the one who shot the girl?

A. I mean, something like that.

Q. Bowman told you to write that? Did Tywan Gadsen ever tell you that he was the one who shot --

A. Like I said, I mean, I talked to him briefly, but it ain't been nothing like, I don't think it been nothing pertaining to the case or nothing like that there.

Q. So he never told you that he was the one who shot the victim? And that the police told him to blame it on Black, on Marion Bowman?

A. I mean, I can't, like I say, this happen like what, six years ago. I can't even remember. I had actually went down now.

Q. Right, but you're saying --

A. I --

Q. You're saying you had nothing to do with this, correct?

A. Yeah.

Q. Okay. Then you recall the court, and Magaret Hardy Thomas asked you about that statement?

A. Uh-huh. I believe so. I can't remember what she asked me. I know that woman, I believe that woman to get on trial or do something. And I

told her, I said, Man, I ain't got nothing to do with that. And that was it. They ain't never show me this paper or nothing like that.

Q. She just asked you if Tywan Gadsen had told you that he shot the victim, and you said you didn't know anything about it; is that correct?

A. Uh-huh.

Q. And so she just turned you back around, and sent you back to lock up, correct?

A. Uh-huh.

Q. Okay. Now when you talked to Gadsen here in Lieber, did ya'll ever talk about this case at all?

A. I can't even remember. I mean, we ain't never been in the same dorm or nothing like that. We just see each other briefly. We keep moving. Might say what's up or whatever.

Q. Right.

A. But I can't even remember what we sat down and actually talked about no, his case, or nothing like that.

Q. You just knew him because he was from the same county, or ya'll just happened --

A. We been lock up together. That the only, in that county together. That's it.

Q. Okay. So you just say what's up, and pass by.
A. Uh-huh.
Q. Okay. So ya'll never discussed in detail this case at any time?
A. Not when --
Q. While you've been in Lieber?
A. No.
Q. And right now you're doing what, twenty years, for armed robbery; is that correct?
A. Uh-huh.
Q. And you're doing another year concurrent for failure to stop; is that right? Do you have a 1997 conviction for possession of a hallucinogenic substance? What substance was that?
A. Mushrooms.
Q. Mushrooms? Okay. Got any other prior record?
A. Probably a little bullshit.
Q. Magistrate court or something like that.
A. Probably. I can't remember. I know this my, this my first felony.
Q. Okay. Now, apparently Mr. Brown was asking you about a prior time when they came and saw you; is that correct? Mr. Brown came and saw you. Got to answer out loud.

A. Yeah.
Q. Okay. And with him was two black gentleman?
A. Yeah. I believe so.
Q. Okay. When was this?
A. I can't, it ain't been too long ago. I think this been last year if I'm not mistaken.
Q. Last year? Okay, and they asked you about that statement then?
A. I believe so.
Q. Okay. Did they show it to you?
A. I can't remember seeing then, no.
Q. Okay, and what, did you tell them that it was true then?
A. I can't, like I say, I can't remember. I mean, ya'll think, well, what do you want me to do, just keep, I ain't even been thinking about this coming this far. So I surely ain't been thinking about this being, you know what I'm saying --
Q. I know. I understand that, but right now we're under oath, and so this does count. And so that's why I need to know. I know if it seems we're asking the same questions, but we need to have a truthful answer. And I want to know what you told them when they came to see you a year

ago.

A. And like I told you, I couldn't remember. When I told, when he asked me that I tell him I couldn't remember. So it, I mean, what do you want me to do?

Q. Okay. So you just don't remember what you told him?

A. Not really, I ain't had that on my mind tell you the truth.

Q. All right. Is there anything else you know about this case?

A. No.

Q. Okay. All right. I don't have anything further.

MR. BROWN: Is that your information. That's a Plaintiff's Exhibit Two. Is that you? It's got Social Security numbers and stuff like that.

A. Yeah.

Q. I'm sorry. Is that your handwriting?

A. No.

Q. That's number two, is not your handwriting?

A. Which one? This one right?

Q. Plaintiff's Two. That's right.

A. No. You could tell that isn't my handwriting

because my name's spelled different in this one.

Q. I just had to ask you though. And Gregory's going to make that part of the record of this deposition for those purposes. Nothing further.

(Deposition concluded at 11:15 o'clock a.m.)

STATE OF SOUTH CAROLINA)
: C-E-R-T-I-F-I-C-A-T-E
COUNTY OF CHARLESTON)

I, Jason Okurowski, Court Reporter and Notary Public, certify that I did have Rick Davis to appear before me at 10:30 o'clock a.m. on Monday, May 19, 2008, at the Leiber Correctional Institute, 136 Wilborn Avenue, Ridgeland, South Carolina; that the witness was sworn and cautioned to tell the truth, the pages constitute a true and accurate transcript of the testimony given at that time and place.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 1st day of July, 2008.

Notary Public for South Carolina
My Commission Expires: 03-06-2011

Augest-6

I Rickie Davis was on A side with Gadson
d he said that he was the one that Shot
[illegible] and gave Bowman back the gun
at was used and He said that it didn't
or because Blak family had got caught
h the gun He also that the police
he got to do is say Blak did it

Rick Davis

Sworn to before this
____ day of ____ 2001

_____
Notary Commission Expires ____

PLAINTIFF'S EXHIBIT
1

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT

JIM HODGES
GOVERNOR

ROBERT M. STEWART
CHIEF

Firearms Department
August 1, 2001
SLED Lab No.: L01-2017
Your Case No.: 01001493
Incident Date: 2/17/01
(V) Martin, Kandee
(S) Bowman, Marion Jr.

EARL ASBELL
DORCHESTER COUNTY SHERIFFS OFFICE
212 DEMING WAY
SUMMERVILLE SC 29483

PLAINTIFF'S EXHIBIT

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:

3 One fired bullet - from container labeled "...#3..."

4 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "...#4..."

5 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "...#5..."

6 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "...#6..."

7 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "...#7..."

8 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "...#8..."

13 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "...#11..."

46 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "2-22-1 1430…"

47 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "2-22-1 1430…"

48 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "2-22-1 1430…"

49 One fired 380 Auto caliber cartridge case, headstamped "WIN 380 AUTO" - from container labeled "2-22-1 1430…"

52 One Hi-Point Model CF semiautomatic pistol, 380 Auto caliber, serial number P703855 (received in water from recovery location and without a magazine).

RESULTS OF EXAMINATION: Item 52 was submitted in water and had to be disassembled, cleaned, oiled, and reassembled before test-firing. This process was also intended to arrest, or slow, any corrosion that may result from the firearm's immersion in water. During the testing process, the firing pin of Item 52 was broken. This part was replaced with a firing pin from the laboratory reference parts collection. Following this replacement, Item 52 was successfully test-fired.

Test specimens fired by Item 52 were compared with the appropriate submitted evidence items. As a result of these comparisons, the following conclusions were reached:

- Based on matching individual identifying characteristics found in the breechface impressions on test cartridge cases fired by Item 52 as well as on Items 4, 6, 7, 8, 13, 46, and 49, it was determined that all of these items were fired by Item 52.
- Comparisons of Items 5, 47, and 48 with test specimens fired by Item 52 were inconclusive. Any or all of these items could have been fired by Item 52, but this could not be positively determined.

Examination of Item 3 revealed it to be a fired bullet most consistent with bullets manufactured by Winchester and loaded into 380 Auto caliber ammunition. Items 4 through 8, 13, and 46 through 49 were all Winchester brand 380 Auto caliber cartridge cases. Comparisons of Item 3 with test bullets fired by Item 52 were inconclusive. It was noted, however, that Item 3 displays general rifling characteristics similar to those found on Item 52 bullets. Item 3 could have been fired by Item 52, or by another firearm with similar rifling characteristics.

Following these tests, the reference firing pin was removed and the original (broken) firing pin was reinstalled in Item 52. The recovered tip of the broken firing pin was packaged with Item 52 and was returned.

These examinations and comparisons were conducted by Senior Agent David J. Collins, Firearms Examiner with this Division.

David J. Collins, Senior Agent

DJC/tsr

BULLET/PROJECTILE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: 3. One fired bullet - tin labeled "#3"

SOURCE: Tin labeled: "... Bullet -#3 021701 1244..."

HOW PACKAGED: Sealed tin → HSP (w/I4-8, 13) → sealed envelope CE 5/31/01

DATE OPENED: 5/30/01 BY: mc

CALIBER: 380 Auto Cby wt., type, diam → ~.354")

LANDS & GROOVES: 8

DIRECTION OF TWIST: Right

LAND IMPRESSION WIDTH: (NOT MEASURED) (same as Item 52)

GROOVE IMPRESSION WIDTH:

MAKE: Consistent w/ winchester or winchester /USA

TYPE: FMJ bullet (fired) - crimped or crenulated base (Cheel)

WEIGHT: 94.7 grains

EXAMINER'S MARKINGS/LOCATION: "I3 mc"

DAMAGE/TRACE: Some distortion, flattened @ nose.

SKETCH:

See Photos

RESULTS: Inconclusive in comparisons w/ test bullets fired by Item 52 (same GRC - could be inc. due to changes that occurred during immersion)

PLAINTIFF'S EXHIBIT

"MICRO" VERIFIED: (YES) NO BY: [signature] 5/31/01

PHOTO: (YES) NO digital

GRC: YES (NO) SEE PAGE same as I-52

DATE SEALED: 5/31/01

9016

AMMUNITION/CARTRIDGE CASE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: 4 One fired 380 Auto C.C. - tin labeled "#4"

SOURCE: Tin labeled: "... Casings #4, 02/7/01 1243 hrs."

HOW PACKAGED: sealed tin → HSP cw/ I3, -5-8,B → Sealed envelope CE159142

DATE OPENED: 5-30-01 BY: mc

CALIBER: 380 AUTO

BULLET WGT/TYPE: UNKNOWN

UNFIRED (FIRED) MISFIRED

CASE CONSTRUCTION: BRASS

BRAND: WINCHESTER OR WINCHESTER/USA

CASE MARKINGS: —

FIRING PIN: hemi EXTRACTOR: —

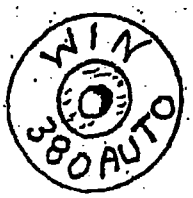
TOR: — BREECHFACE: Parallel

CHAMBER: —

EXAMINER'S MARKINGS/LOCATION: "I4 mc"

CONDITION: Mouth crushed, Soot or black fp present

HEADSTAMP:



RESULTS: Fired by Item 52, based on matching ind. ident. Char. found in b/f impressions. Tests did not mark as well as evidence, possibly due to immersion.

"MICRO" VERIFIED: (YES) NO BY: [signature] 5/30/01

PHOTO: (YES) NO digital

DATE SEALED: 5/31/01

mc

ob Form: 035

AMMUNITION/CARTRIDGE CASE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: 5 One Fired 380 Auto cc - tin labeled "#5"

SOURCE: Tin labeled: "... Casing #5, 02/01 1242 hrs..."

HOW PACKAGED: sealed tin → HSP cw/ I.3, 4, 6-8 → Sealed envelope (E159142)

DATE OPENED: 5-30-01 BY: mc

CALIBER: 380 AUTO

BULLET WGT/TYPE: UNKNOWN

UNFIRED (FIRED) MISFIRED

CASE CONSTRUCTION: BRASS

BRAND: WINCHESTER OR WINCHESTER/USA

CASE MARKINGS: —

ING PIN: hemi EXTRACTOR: -

EJECTOR: - BREECHFACE: Parallel

CHAMBER: -

EXAMINER'S MARKINGS/LOCATION: "I 5 mc"

CONDITION: Mouth crushed; black soot or f.p. present

HEADSTAMP:

RESULTS: Inconclusive in comparisons w/ Test cc's from Item 52, as well as in comparisons w/ Items 4, 6-8, 13, 46-49. Not well marked (immersion?)

"HICRO" VERIFIED: (YES) NO BY: [signature] 5/31/01

PHOTO: (YES) NO digital

DATE SEALED: 5/31/01

22

Lab Form: 035

9018

AMMUNITION/CARTRIDGE CASE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: 6a One fired 380 Auto CC - tin labeled "#6"

SOURCE: Tin labeled: "...Casing #6 021701 1240 hrs..."

HOW PACKAGED: sealed tin → HSP cw/ I3,4,5,7,8 → Sealed envelope CE159142

DATE OPENED: 5-30-01 BY: RC

CALIBER: 380 AUTO

BULLET WGT/TYPE: UNKNOWN

UNFIRED (FIRED) MISFIRED

CASE CONSTRUCTION: BRASS

BRAND: WINCHESTER or WINCHESTER/USA

CASE MARKINGS: —

NG PIN: Semi EXTRACTOR: —

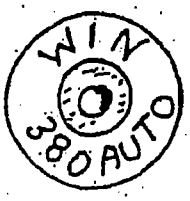
EJECTOR: — BREECHFACE: Parallel

CHAMBER: —

EXAMINER'S MARKINGS/LOCATION: "I6 RC"

CONDITION: Mouth crushed, black FP or soot present

HEADSTAMP:



RESULTS: FIRED by Item 5?
(SEE ITEM 4)

"MICRO" VERIFIED: (YES) NO BY: RC 5/30/01

PHOTO: (YES) NO digital

DATE SEALED: 5/31/01

RC

Lab Form: 035

AMMUNITION/CARTRIDGE CASE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: "T" - One fired 380 Auto CC - tin labeled "#7"

SOURCE: Tin labeled: "... Cartridge casing #7 05/17/01 1247 hrs."

HOW PACKAGED: sealed tin → HSP cw/ I368, 13) → Sealed envelope (E159142)

DATE OPENED: 5-30-01 BY: mc

CALIBER: 380 AUTO

BULLET WGT/TYPE: UNKNOWN

UNFIRED (FIRED) MISFIRED

CASE CONSTRUCTION: BRASS

BRAND: WINCHESTER OR WINCHESTER/USA

CASE MARKINGS: —

ING PIN: semi EXTRACTOR: -

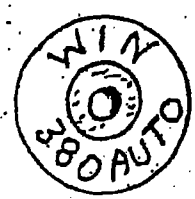
EJECTOR: - BREECHFACE: Parallel

CHAMBER: -

EXAMINER'S MARKINGS/LOCATION: "T 7 mc"

CONDITION: Some denting, otherwise good.

HEADSTAMP:



RESULTS: Fired by Item 52 (SEE Item 4)

Also used as standard to identify Item 49 as having been fired by Item 52. (5/31/01)

"MICRO" VERIFIED: (YES) NO BY: [signature] 5/31/01

PHOTO: (YES) NO digital

DATE SEALED: 5/31/01

mc/mc

9020

AMMUNITION/CARTRIDGE CASE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: 8 One Fired 380 Auto CC - tin labeled "#8"

SOURCE: Tin labeled: "... #8 ... 021701 1245 hrs ..."

HOW PACKAGED: sealed tin → HSP cw/ I3-7,13) → Sealed envelope (E159142)

DATE OPENED: 5-30-01 BY: mc

CALIBER: 380 AUTO

BULLET WGT/TYPE: UNKNOWN

UNFIRED (FIRED) MISFIRED

CASE CONSTRUCTION: BRASS

BRAND: WINCHESTER OR WINCHESTER/USA

CASE MARKINGS: —

HG PIN: Hemi EXTRACTOR: —

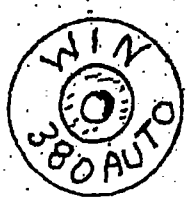
EJECTOR: — BREECHFACE: Parallel.

CHAMBER: —

EXAMINER'S MARKINGS/LOCATION: "I 8 mc"

CONDITION: Some light dents & scratches. Some soot deposition. (Or Possibly f.P.)

HEADSTAMP:



RESULTS: Fired by Item 5?
(SEE ITEM 4)

"MICRO" VERIFIED: (YES) NO BY: [signature] 5/30/01

PHOTO: (YES) NO digital

DATE SEALED: 5/31/01

Lab Form: 035

AMMUNITION/CARTRIDGE CASE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: 13 One Fired 380 Auto CC - tin labeled "#11"

SOURCE: Tin labeled: "... #11 ... 052101 1246 hrs."

HOW PACKAGED: sealed tin → HSP (w/ I 3-8) → Sealed envelope (E159142)

DATE OPENED: 5-30-01 BY: mc

CALIBER: 380 AUTO

BULLET WGT/TYPE: UNKNOWN

UNFIRED (FIRED) MISFIRED

CASE CONSTRUCTION: BRASS

BRAND: WINCHESTER OR WINCHESTER/USA

CASE MARKINGS: —

FIRING PIN: Round EXTRACTOR: —

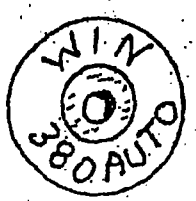
EJECTOR: — BREECHFACE: Parallel

CHAMBER: —

EXAMINER'S MARKINGS/LOCATION: "I 13 mc"

CONDITION: Mouth Crushed

HEADSTAMP:



RESULTS: FIRED by Item 52 (SEE ITEM 4)

"MICRO" VERIFIED: (YES) NO BY: [signature] 5/30/01

PHOTO: (YES) NO digital

DATE SEALED: 5/31/01

mc

Lab Form: 035

9022

AMMUNITION/CARTRIDGE CASE WORKSHEET

SLED LAB NO: L01-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: ~~1~~ 46-49 Four fired 380 Auto caliber CC's

SOURCE: Tin labeled "2-22-1 1430 M.H. 35-01-0090 (?)"

HOW PACKAGED: Sealed tin → sealed envelope CE159983)

DATE OPENED: 5/23/01 BY: RL

CALIBER: 380 AUTO

BULLET WGT/TYPE: UNKNOWN

UNFIRED (FIRED) MISFIRED

CASE CONSTRUCTION: BRASS

BRAND: WINCHESTER OR WINCHESTER/USA

CASE MARKINGS: —

NG PIN: Semi EXTRACTOR: —

EJECTOR: — BREECHFACE: P

CHAMBER: —

EXAMINER'S MARKINGS/LOCATION: "#46 RL" Item "#49 RL"

CONDITION: Good

HEADSTAMP:

X4

RESULTS: Items 46 & 49 were fired by Item 52 (SEE Items 47)

Items 47 & 48 were inconclusive in comparisons w/ I-52 tests, as well as with Items 4-8, 13, 46, & 49 (due to immersion?)

"MICRO" VERIFIED: (YES) NO BY: [illegible] 5/31/01

PHOTO: (YES) NO digital

DATE SEALED: 5/31/01

Lab Form: 035

WEAPON WORKSHEET

SLED LAB NO: 101-2017 AGENCY: Dorchester SO

DATE COMPLETED: 5/31/01 EXAMINER: Collins

ITEM NO: 52 HI-POINT MODEL CF 380 Auto

HOW PACKAGED: ZIPlock [redacted] → HSPCE161758

DATE OPENED: 5/30/01 BY: RL

MANUFACTURER: HI-POINT FIREARMS (BEEMILLER, INC.) MANSFIELD, OH

IMPORTER OR DISTRIBUTOR: —

MODEL: CF

SERIAL NUMBER: P703855

SERIAL NUMBER LOCATION(S): Plate under tunnel

CALIBER/GAUGE: 380 AUTO

WILL ALSO FIRE: —

BARREL LENGTH: 3½" OVERALL LENGTH: 6¾"

OF BARRELS: 1 MUZZLE TO TRIGGER LENGTH: N/A

CHOKE(S): N/A

(PLAIN BBL) RIB BBL OTHER:

METAL FINISH: black enamel

STOCK OR GRIPS: grey & black polymer

SIGHTS: BEAD (OPEN) FIXED ADJ. APER SCOPE

OTHER:

OVERALL CONDITION: Fair - See "Notes" section

ACCESSORIES: N/A

BORE CONDITION: Plugged w/mud, fouled

CYLINDER CONDITION: N/A

(VIEWED FROM REAR) CYLINDER ROTATION: (CW) CCW

gun submitted w/o magazine

WHEN RECEIVED WEAPON WAS: LOADED (UNLOADED)

TYPE MAGAZINE: detachable box

MAG OR CYL CAPACITY: (Nominal)

MAX CAPACITY OF WEAPON: (Nominal)

MAG OR CYL CONTENTS: N/A

ADDITIONAL AMMUNITION RECEIVED WITH WEAPON: N/A

TYPE ACTION: SINGLE-ACTION SEMIAUTOMATIC PISTOL

TRIGGER PULL:		NO. OF TESTS:	
SINGLE ACTION	10 POUNDS	6+	TESTS
DOUBLE ACTION	~~POUNDS~~	~~TESTS~~	

SAFETIES AND POSITIONS AS RECEIVED: Thumb-operated lever mounted in frame - functions ok

HAMMER PUSH OFF? ~~YES~~ ~~NO~~ N/A APPROX. WEIGHT:

SAFETY DEFECTS: NONE ✓

MECHANICAL DEFECTS: NONE

F/P broke - in testing (see "Notes")

NUMBER OF LANDS & GROOVES: 8

DIRECTION OF TWIST: (RIGHT) LEFT

LOCATION/EXAMINER'S MARKS: "101-2017 ISZ Dc"
① SLIDE ② MAG WECC

DID WEAPON FUNCTION AND FIRE DURING TEST FIRING?

(YES) NO IF NO, EXPLAIN

AFTER cleaning & replacement of firing pin.

9024

WEAPON WORKSHEET (CON'T)

ED LAB NO: L01-2017 EXAMINER: Collins

ITEM NO.(con't): 52 DATE SEALED: 5/31/01

TOTAL NUMBER OF TEST FIRINGS: 15 TEST AMMUNITION USED: CAll 380 Auto 90-95-gr FMJ or Silvertip JHP)

WAS AMMO RECEIVED WITH WEAPON USED FOR TEST FIRING? YES ___ NO ✓ ITEM NO. ___

HOW MANY/WHAT TYPE? (NONE REC'D)

TRACE EVIDENCE NOTED: NO ___ YES ✓ COLLECTED: YES ___ NO ✓

DESCRIBE: Mud, organic debris (leaves, litter, etc. from pond) - water

WAS WEAPON PATTERNED: YES ___ NO ✓ AMMUNITION USED: ___

OTHER NOTES: Rec'd in Log-in @ ca 10:30 AM, 5/30/01. Packaged in ziplock containing water from recovery location, which was, in turn, in an ice chest also containing such water. ziplock placed in HSP for submission to f/A - Rec'd HTH from Allyson Penn, Dorchester SO. Removed from H2O-filled bag @ 1640 on that same date by DC, cleaned, & oiled. After reassembly, [redacted] Cocked) to check

SKETCH: function. Replaced w/ ref. coll. f/p for test-firing. Functioned okay after replacement of firing pin. Old (broken) f/p packaged separately [redacted]

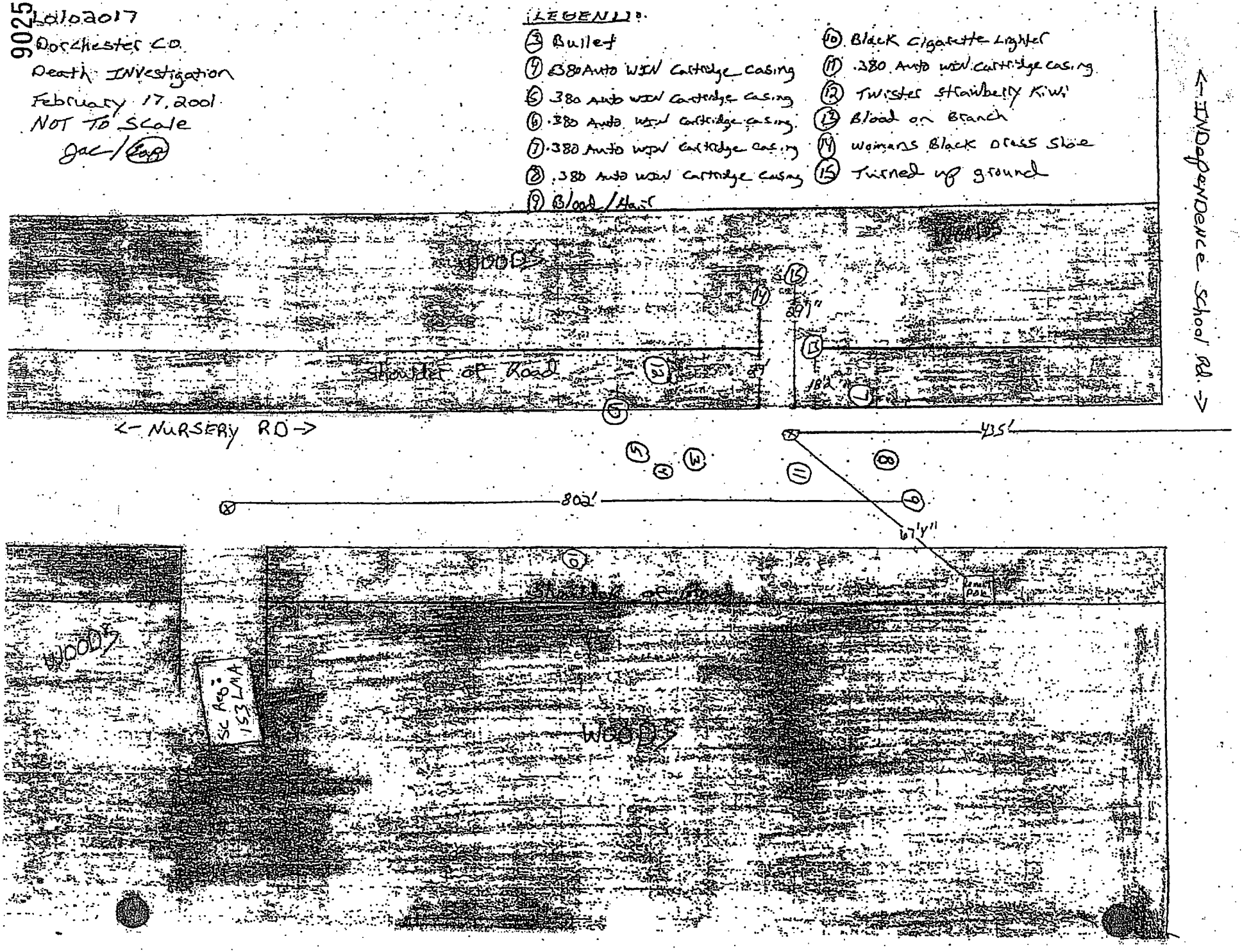
(TIP)
→ original f/p body reinstalled

9025-

2/10/2017
Dorchester Co.
Death Investigation
February 17, 2001
NOT TO SCALE
Jac/Eap

LEGEND:

1. Bullet
2. .380 Auto WIN Cartridge Casing
3. .380 Auto WIN Cartridge Casing
4. .380 Auto WIN Cartridge Casing
5. .380 Auto WIN Cartridge Casing
6. .380 Auto WIN Cartridge Casing
7. Blood / Hair
8. Black Cigarette Lighter
9. .380 Auto WIN Cartridge Casing
10. Twisties Strawberry Kiwi
11. Blood on Branch
12. Womans Black Dress Shoe
13. Turned up ground



BOX 3-1
Association of Firearm and Tool Mark Examiners (AFTE)
Theory of Identification and Range of Conclusions

Theory of Identification as It Relates to Toolmarks

A. The theory of identification as it pertains to the comparison of toolmarks enables opinions of common origin to be made when the unique surface contours of two toolmarks are in "sufficient agreement."
B. This "sufficient agreement" is related to the significant duplication of random toolmarks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. Significance is determined by the comparative examination of two or more sets of surface contour patterns comprised of individual peaks, ridges, and furrows. Specifically, the relative height or depth, width, curvature, and spatial relationship of the individual peaks, ridges, and furrows within one set of surface contours are defined as compared to the corresponding features in the second set of surface contours. Agreement is significant when it exceeds the best agreement demonstrated between toolmarks known to have been produced by different tools and is consistent with the agreement demonstrated by toolmarks known to have been produced by the same tool. The statement that "sufficient agreement" exists between two toolmarks means that the agreement is of a quantity and quality that the likelihood another tool could have made the mark is so remote as to be considered a practical impossibility.
C. Currently, the interpretation of individualization/identification is subjective in nature, founded on scientific principles and based on the examiner's training and experience.

Range of Conclusions Possible When Comparing Toolmarks

The examiner is encouraged to report the objective observations that support the findings of toolmark examinations. The examiner should be conservative when reporting the significance of these observations.

The following represents a spectrum of statements:

A. **IDENTIFICATION:** Agreement of a combination of individual characteristics and all discernible class characteristics where the extent of agreement exceeds that which can occur in the comparison of toolmarks made by different tools and is consistent with the agreement demonstrated by toolmarks known to have been produced by the same tool.
B. **INCONCLUSIVE:**
   a. Some agreement of individual characteristics and all discernible class characteristics, but insufficient for an identification.

continued

PLAINTIFF'S EXHIBIT

BOX 3-1 Continued

b. Agreement of all discernible class characteristics without agreement or disagreement of individual characteristics due to an absence, insufficiency, or lack of reproducibility.
c. Agreement of all discernible class characteristics and disagreement of individual characteristics, but insufficient for an elimination.

C. ELIMINATION: Significant disagreement of discernible class characteristics and/or individual characteristics.

D. UNSUITABLE: Unsuitable for comparison.

SOURCES: Excerpted from AFTE Criteria for Identification Committee (1992) and Grzybowski et al. (2000).

sources. Two examples of carryover of subclass characteristics are described in Box 3-2.

The AFTE theory of identification is rooted in the recognition that "the interpretation of individualization/identification is subjective in nature." However, it melds that recognition with more objective, quasi-quantitative benchmarks—"sufficient agreement," "significance," "likelihood . . . so remote," and agreement in both "quantity and quality"—but no specific empirical definition is given for these terms. Importantly, the AFTE theory does set up two cognitive thresholds that must be crossed in order to arrive at the conclusion that two exhibits share the same source, to the exclusion of all others. In describing the comparison of fingerprints, Stoney (1991; quoted in Moran, 2002:233) wrote of the basic cognitive process:

> When more and more corresponding features are found between two patterns, scientists and lay person alike become subjectively certain that the patterns could not possibly be duplicated by chance. What has happened here is somewhat analogous to a leap of faith.[3] It is a jump, an "extrapolation," based on the observation of highly variable traits among a few characteristics, and then considering the case of many characteristics. Duplication is inconceivable to the rational mind and we conclude that there is absolute identity.

[3]The "leap of faith" involved in extrapolating to all possible sources in the world was echoed, in specific reference to firearms identification by Rowe (1991). Understandably, some firearms examiners have objected to some overtones of the "leap of faith" phrasing; for instance, Miller and McLean (1998:17–18) "respond [to the phrasing] by stating that the published data which does exist, certainly presents enough statistical data to indicate more substance to the identification theory than a 'leap of faith.'"

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Curriculum Vitae (August 25, 2008)

Last name	De Graef
First name	Marc
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Work address	Department of Materials Science and Engineering Roberts Engineering Hall, Room 130 Carnegie Mellon University Pittsburgh, PA 15213-3890 Ph: (412) 268-8527 Fax: (412) 268-7596 email: degraef@cmu.edu URL: http://www.materials.cmu.edu/degraef
Private address	[redacted] Pittsburgh, PA 15229 Ph: (412) [redacted]

University studies

Physics (1979-1983)
"Experimental Solid State Physics : Electron Microscopy"
at the University of Antwerp (RUCA-UIA)

"Licentiaatsthesis" ($\approx$ Masters Thesis) :
High Resolution Electron Microscopy :
- Theoretical Aspects
- Study of $xMnS - yGa_2S_3$
Thesis advisor : Prof. Dr. J. Van Landuyt

Ph. D. Thesis (defended 5/22/89)
Contribution to the study of phase stability before and after martensitic transformation in β-Cu-Zn-Al alloys.
Minor thesis : *Changes in the normal electro-encephalographic patterns during the different stages of a parabolic flight, can be identified by means of Fourier Transform techniques.*
Thesis advisors : Prof. Dr. L. Delaey, Prof. Dr. G. King

PLAINTIFF'S EXHIBIT 2

Scientific activities

- 9/1/83–2/28/84 : Research Assistant at the Laboratory for Solid State Chemistry and Heterogeneous Catalysis of the Rijksuniversiteit at Leiden (The Netherlands); electron microscopy research on sulfides and oxides.
- 3/1/84–8/31/89 : full time scientist at the Department of Metallurgy and Materials Engineering of the Catholic University of Leuven (Belgium); graduate studies.
- 9/1/89–2/28/93 : post-doctoral research stay as Assistant Research Engineer (EMP-14) at the Materials Department of the University of California at Santa Barbara; Temporary Lecturer for a graduate course on Crystallography and Diffraction.
- 10/1/90–10/1/92 : "Bevoegdverklaard Navorser" (Research Associate), a tenured position at the Belgian National Fund for Research (NFWO) and Associate Professor at the Catholic University of Leuven (Belgium).
- 3/1/93–6/30/98 : Assistant Professor in the Department of Materials Science and Engineering, Carnegie Mellon University, Pittsburgh (tenure track)
- 4/1/96–present : Research Associate with the Carnegie Museum of Natural History (Pittsburgh, PA)
- 7/1/98–6/30/02 : Associate Professor in the Department of Materials Science and Engineering, Carnegie Mellon University, Pittsburgh (tenure track)
- 1/1/02–6/30/02: Visiting Professor (sabbatical) at the University of Antwerp (Belgium)
- 7/1/02–present : Full Professor in the Department of Materials Science and Engineering, Carnegie Mellon University, Pittsburgh

Awards

- "Grant" of the Belgian Society for Electron Microscopy for attending the ICOMAT-86 (Nara) and ICEM-86 (Kyoto) conferences in Japan.
- "Kazato Research Award" for contributions at the XIth ICEM at Kyoto (Japan, 1986).
- Invitation from the Japanese Government for a research stay of 3 months at the National Research Institute for Metals (Tokyo), with Dr. S. Kajiwara.
- Second prize in the Poster Competition at the 53rd Meeting of the Microscopy Society of America (Kansas City, 1995).
- George Tallman Ladd Award, College of Engineering, Carnegie Mellon University (1996)
- R.E. Peterson Award of the Society for Experimental Mechanics for the paper "A Simple Method for Measuring Surface Strains around Cracks," Experimental Mechanics Vol. 36, 1996. (1998)
- Philbrook Teaching Award, Department of Materials Science and Engineering, CMU (2005)

Grants and Contracts Awarded to Date or Pending

As Principal Investigator

1. "Representation and Reconstruction of Three-Dimensional Microstructures in Ni-based Superalloys", AFOSR, April 1, 2007 - March 31, 2010, $ 343,028
2. "Phase Reconstruction and Vector Field Electron Tomography", DOE, August 1, 2005 - July 31, 2008, $419,297
3. "Domain walls and twin boundaries in ferromagnetic shape memory alloys," NSF, August 1, 2004 - July 31, 2008, $467,007
4. "Implementation of a new undergraduate curriculum in materials science and engineering at Carnegie Mellon University,", NSF, September 1, 2003 - June 30, 2005, $100,000
5. "Microstructure and properties of the ferromagnetic shape memory alloy Ni_2MnGa," NSF, September 1, 2001 - August 31, 2004, $402,911
6. "Non-interferometric phase reconstruction and its application to materials," DOE, June 1, 2001 - May 31, 2005, $535,809
7. "Travel support for the second Gordon Research Conference on Materials Education," NSF, May 1, 2000 - April 30, 2001, $ 9,000
8. "The second Gordon Conference on Materials Education," TMS Foundation, May 1, 2000 - April 30, 2001, $ 9,500
9. "The second Gordon Conference on Materials Education," ISS Foundation, May 1, 2000 - April 30, 2001, $ 6,000
10. "Development of Multimedia Software for Undergraduate Crystallography," NSF (REU grant), May 1997 - April 1998, $ 7,000
11. "Acquisition of a field emission transmission electron microscope," ALCOA, USX Foundation, PPG, Kennametal, Crucible Research, Ford Motor Company, DSSC, industrial equipment cost sharing, 1997-1999, $ 385,000
12. "The influence of hydrogen on the microstructure and properties of titanium aluminides," NSF (CAREER grant), August 1995 - November 2000, $439,847
13. "Development of an interactive courseware module for the course 27-201, Structure of Materials," CMU (University Courseware Committee), Summer 1995. $13,100
14. "Acquisition of an electron spectroscopic imaging filter for a 400 kilovolt transmission electron microscope," NSF, July 1994 - June 1995, $120,000,
15. "XTEMS, X-windows Transmission Electron Microscopy Software," CMU, Faculty Development Fund, May 1993 - April 1994, $3,700

As Co-Principal Investigator or Co-Investigator

1. "Experimental and Computational Tools for the Digital Representation and Prediction of Microstructures and its Incorporation in the Designer's Knowledge Base", ONR, January 1, 2005 - December 31, 2010, $ 650,000, funded (subcontract to OSU)
2. "Advanced magnets for hard and soft magnetics applications: Task 2 - 3:29 magnets," ABB, May 1, 2001 - April 30, 2002, $ 99,999 (P.I. McHenry)
3. "Local strain development and property variability in B2 intermetallics," U. Michigan, January 1, 2001 - March 31, 2005, $ 179,073 (subcontract, PI T. Pollock, U. Michigan)
4. "Advanced magnets for hard and soft magnetics applications: Task 2 - 3:29 magnets," ABB, May 1, 2000 - April 30, 2001, $ 99,999 (P.I. McHenry)
5. "Identification of screw dislocation sources in SiC PVT growth," Navy, October 1, 1999 - December 31, 2000, $ 162,971 (P.I. M. Skowronski)
6. "Development of an interactive courseware module for the course 27-201, Structure of Materials," CMU (University Courseware Committee), Summer 1996. $ 18,000
7. "The Mesoscale Interface Mapping Project," National Science Foundation, MRSEC grant, September 1996 - May 2001, $ 3,567,000 (P.I. Brent Adams; I left this program in the Fall of 1998)
8. "Advanced Magnetic Materials for Aircraft Power Applications," AFOSR-MURI, September 1996 - August 2001, $ 2,375,000 (P.I. M. McHenry; although I was an original investigator on the proposal, because of a substantial reduction in the budget I did not actually become a member of this program)
9. "University-Industry Partnership for Research and Transition of Gamma Titanium Aluminides," AFOSR grant, May 1995 - September 2000, funded $ 3,735,106 (P.I.'s T. Pollock and P. Steif)
10. "Transmission electron microscopy of semiconductor heterojunctions; InGaAs quantum wells for pseudomorphic high electron mobility transistors," AFOSR, Summer Research Extension Program, January 1995 - December 1995, $ 25,000 (co-P.I. M. Skowronski)
11. "The CMU Buckyball Project," CMU, Small Undergraduate Research Grant (SURG), Fall 1994, $ 3,000 (co-P.I.s M. McHenry, S. Majetich)

List of Publications

[1] M. De Graef, "Hoge resolutie elektronenmicroscopie : – theoretische aspecten, – studie van het systeem xMnS-yGa_2S_3," M.S. thesis, University of Antwerp, 1983.

[2] M. De Graef, D. Van Dyck, and J. Van Landuyt, "On the symmetry properties of axial high resolution electron micrographs," in *Proc. 8th European Crystallographic Meeting*, 1983, p. 302.

[3] M. De Graef, M. Bakker, J. Van Landuyt, and S. Amelinckx, "High resolution study of the manganese gallium sulfide $MnGa_2S_4$," in *Proc. Joint Meeting on Electron Microscopy*, 1983, p. 132.

[4] M. De Graef, M. Bakker, M. Van Hemert, J. Van Landuyt, and S. Amelinckx, "Structure models for β–$MnGa_2S_4$ as derived from electron diffraction and high resolution electron microscopy," *J. Sol. Stat. Chem.*, vol. 55, pp. 133, 1984.

[5] J. Van Humbeeck & L. Delaey M. De Graef, "Changes at the martensite plate boundaries and stabilisation (TEM observations)," Tech. Rep. R84, KULeuven, 1984.

[6] M. De Graef, P. Seynen, and D.J.W. IJdo, "Electron microscopic study of the system NiO-TiO_2, Part I : $Ni_{2(1+x)}Ti_{1-x}O_4$ compounds," *J. Sol. Stat. Chem.*, vol. 58, pp. 643, 1985.

[7] M. De Graef, M. Andrade, J. Van Humbeeck, and L. Delaey, "The stabilisation of step-quenched Cu-Zn-Al martensite," *Scripta Met.*, vol. 19, pp. 643, 1985.

[8] M. De Graef, J. Van Humbeeck, and L. Delaey, "Tem-observations of stabilised Cu-Zn-Al martensite," in *Proc. Int. Conf. on Martensitic Transformations*, 1986, p. 850.

[9] M. De Graef, D. Broddin, J. Van Humbeeck, and L. Delaey, "Study of long period APB-structures in Cu-Zn-Al alloys," *J. of Electron Microscopy*, vol. 35, pp. 845, 1986.

[10] M. De Graef, "HREM study of $Ni_{2(1+x)}Ti_{1-x}O_4$ spinels," *J. of Electron Microscopy*, vol. 35, pp. 817, 1986.

[11] M. De Graef and J. Ortín, "Hysteresis : a software package," *Scripta Met.*, vol. 21, pp. I, 1987.

[12] D. Broddin, M. De Graef, G. Van Tendeloo, J. Van Landuyt, L. Delaey, and S. Amelinckx, "Long period superstructures in Cu-Al," *Micr. Microsc. Acta*, vol. 18, pp. 239, 1987.

[13] M. De Graef & D. Broddin, "Long period superlattice phases in Cu-Al-Zn alloys," in *Alloy Phase Stability*, G.M. Stocks and A. Gonis, Eds., 1987, vol. 163 of *NATO ASI series*, p. 119.

[14] M. De Graef, D. Broddin, J. Van Humbeeck, and L. Delaey, "Phase transformations during stabilisation of Cu-Zn-Al martensite," in *Proc. Int. Conf. Solid-solid Phase Transformations*, G.W. Lorimer, Ed., 1988, p. 86.

[15] M. De Graef and L. Delaey, "A new empirical two-body interaction potential fitted to second and third order elastic moduli," *phys. stat. sol. (b)*, vol. 146, pp. 427, 1988.

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[22] M. De Graef, B. Verlinden, and L. Delaey, "Numerical simulations of the lattice stability of β-phase Hume-Rothery alloys," in *Mat. Res. Soc. Symp. Proc.*, 1989, vol. 141, p. 189.

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9046

SLED 002 5/95

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

803-[redacted]

I, Margaret Hawkins am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to S/A Helms. I understand I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 35 years of age, and I live at [redacted] Branchville S.C.

I (can) ~~cannot~~ read and write and completed the 15th grade in school. DOB: [redacted]

M.H. Appx. 2 weeks ago on a Friday or Saturday night I was in my apartment and around midnight I heard more than four gunshots coming from outside between my apartment and apartment 17. I then heard two car doors slam and a car speed away. Appx. 15 minutes later I looked out the door and saw Meika walking down the sidewalk with her cousin. The next morning around 10:30 or 11:00 am I picked up four shell casings from the area and put them in my kitchen drawer. I called Ms. Jean Robinson 1-800-[redacted]-5504 at housing and told her what I had found. On 2-27-1 at appx. 2130 p.m. I turned the shell casings over to S/A Helms with SLED. I asked Tasha Scriven in apt. 19 who it was that shot the gun and she told me their name but I have forgotten who she said. M.H. I did not hear anymore gunshots during that night and I did not leave the apartment during that time. M.H.

PLAINTIFF'S EXHIBIT

I have read each page of this statement consisting of one page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

This statement was completed at 2145 P M. on the 27 day of February 2001.

Margaret Hawkins
Signature of person giving voluntary statement

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS _____ DAY OF _____, 19 ___

_____
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: _____

WITNESS: [signature]

WITNESS: _____

I certify that I have been given a copy of this statement consisting of 1 pages. Margaret Hawkins

CFO02 5/95

VOLUNTARY STATEMENT (NOT UNDER ARREST)

803-531-5181
803-274-9993

I, Tiara Coleman, am not under arrest for, nor am I being c
any criminal offenses concerning the events I am about to make known to S/A Helms
I understand I am free to walk away without saying anything, and I volun the following information of my own free
whatever purposes it may serve.

I am 16 years of age, and I live at [redacted] Orangeb.
I can ~~cannot~~ read and write and completed the 9 grade in school. DOB: [redacted]

TC: Appx. two weeks ago Tawan Gadsen and myself were walking on the sidewalk. A friend of mine, Benjim Jefferson, came to the Villas and ~~I am Em~~ argued wit Benjimen. We were up by the pine tree when Tawan to a gun out and shot up in the air several times to s Benjimen. Marion Bowman was with Tawan and gave him a black colored gun to shoot up in the air. They then go into a car and leave. I am not sure of what time of night it was. TC.

T.C. On 2/17-01 Tawan came to Apt. [redacted] around 3:00 Pm and spent the night. He did not have a gun with him when he came over. I think he was wearing blue jeans an a burgandy and yellow shirt Hawaiin shirt on. T.C.

PLAINTIFF'S EXHIBIT 3-2 9-12-01 KT

I have read each page of this statement consisting of one page(s), each page of wh my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.
This statement was completed at 4:25 P.M. on the 22 day of February 2001

X Tiara Coleman
Signature of person giving voluntary statemer

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS _____ DAY OF _____, 19 ___

_____
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: _____

WITNESS: _____
WITNESS: _____

I certify that I have been given a copy of this statement consisting of 1 pages

X Tiara Coleman

C-LINE #62029 RECYCLED TOPPER

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER
THE STATE
vs.
GADSON, JAMES TAWAIN
CH1000-1106
Defendant

IN THE COURT OF GENERAL SESSIONS
REPORT OF FINDINGS

TO: THE SOLICITOR/ASSISTANT SOLICITOR

THE UNDERSIGNED RESPECTFULLY REPORTS TO THE COURT:

1. That the above-named defendant was evaluated on **August 20, 2001** to determine the defendant's capacity to stand trial pursuant to Section 44-23-410, et sequential, Code of Laws of South Carolina, 1976. The evaluation was conducted under the supervision of **Dr. Richard L. Frierson.**

2. That after study and observation, the hospital staff submits the following report:

   a. That the above-named defendant is diagnosed with **Cannabis Dependence; History of Seizure Disorder.**

   b. That the above-named defendant is capable of understanding the nature of the charges, and is capable of assisting counsel in his own defense.

   c. That the above-named defendant **did** have the ability to differentiate right from wrong at the time of the alleged offense, on or about February 17, 2001.

   d. That the above-named defendant **did** have the capacity to conform his/her conduct to the requirements of the law.

3. It is recommended that the above-named defendant be returned to the jurisdiction of the court.

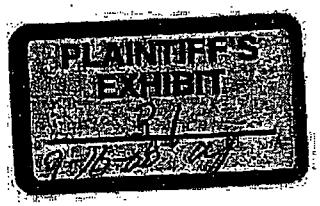
C, Gene Dukes, Attorney at Law, P.O. Box 622, St. George, SC 29477

Columbia, South Carolina
September 10, 2001

mab

P. Crawford

Pamela M. Crawford, M.D.
Director
WSHPI-Forensic Division



EVALUATION SERVICE OF FORENSIC DIVISION

DATE OF EVALUATION: August 20, 2001

PRESIDING: Richard L. Frierson, M.D.

OTHERS PRESENT: Tora Brawley, Ph.D.

DIAGNOSES:
AXIS I: Cannabis Dependence.
AXIS II: No Diagnosis.
AXIS III: History of Seizure Disorder.

COMPETENCY TO STAND TRIAL: Yes.

CRIMINAL RESPONSIBILITY: Yes.

CAPACITY TO CONFORM: Yes.

DISPOSITION: Mr. Gadson has been returned to Dorchester County to await disposition of his charge.

PERTINENT STATEMENTS: James Tawain Gadson is a 22-year-old African American male who was seen at our hospital pursuant to a court order from the Dorchester County Court of General Sessions. This court order requests an evaluation of his competency to stand trial, his criminal responsibility pursuant to the McNaughten test for his actions on or about February 17, 2001, and if responsible, a determination of his capacity to conform his conduct to the requirements of the law. He is currently charged with Murder.

This evaluation consisted of the following:

1) Review of the court order requesting the evaluation.
2) Review of the arrest warrant related to the alleged offense.
3) Review of the investigative report.
4) Review of the defendant's prior criminal record.
5) Review of four statements given by Marion Bowman, Jr.
6) Review of statements given by the defendant.
7) Review of a statement given by Hiram Johnson.
8) Review of a statement given by Charles Fralix.
9) Review of a statement given by Edward Waters.
10) Review of a statement given by Troy Robinson.
11) Review of a statement given by Albert Judy.
12) Review of a statement given by Michael Hughes.

13) Review of a statement given by Ryan Reeves.
14) Review of a statement given by James Fender.
15) Review of a statement given by Dwayne Beane.
16) Review of a statement given by Perry Chinners.
17) Review of a statement given by Bryan Newhouse.
18) Review of a statement given by Terry Kelley.
19) Review of a statement given by Valorna Smith.
20) Review of a statement given by Vametra Gadson.
21) Review of a statement given by Margaret Hawkins.
22) Review of a statement given by Tiara Coleman.
23) Review of a statement given by Katrina West.
24) Review of a statement given by Darian Williams.
25) Review of the autopsy related to the deceased.
26) Review of a social history obtained from this patient's family.
27) Psychological evaluation by Dr. Tora Brawley.
28) Neurological consultation.
29) An electroencephalogram (EEG).
30) A Magnetic Resonance Imaging (MRI scan) of the head.
31) A 1 hour and 20 minute clinical Forensic interview.

Mr. Gadson has no prior history of mental health or substance abuse treatment. He is currently on no medications in the jail. The jail reports that he is in the general population and has not displayed any behavioral challenges or concerns that would be indicative of or suggestive of mental illness. The patient's mother denies any known history of mental illness.

The patient allegedly began having seizures-like episodes around age 21, and has had three of them. During the first episode, he reports that he "just blacked out", and is unsure if he had any convulsions or other symptoms associated with this. He did not seek medical treatment at that time. The second episode occurred when he was smoking marijuana and he states that he fell down, and when he "came back", felt somewhat dizzy. He states that there were no convulsions or other symptoms associated with this episode, and he did not seek medical treatment. The last episode occurred approximately eight months ago. He states that he had not eaten all day. He reports that he had been using marijuana that day. He states that his cousin was present and observed him "shake and pass out". He reveals that there was also incontinence during this episode. He did go to the hospital following this event, and was told that he probably had a "light seizure". He also described a post-ictal state which would be consistent with seizure activity. The etiology of these seizures-like episodes remains unclear. He was prescribed Dilantin for them in the past. He is not currently taking medication, and has not received any since his incarceration. He left school in the 9th grade. There is no family history of mental illness. He has no history of symptoms consistent with conduct disorder. Despite the history of seizures, MRI scan, EEG, and neurological evaluations were normal and did not demonstrate evidence of central nervous system pathology.

Mr. Gadson reports that he smokes large quantities of cannabis. He reported that he had consumed up to six olunts of cannabis on a daily basis. He has had occupational difficulties due to positive urine drug screens at work. He has made unsuccessful attempts to quit using cannabis and it is our opinion that he meets criteria for a diagnosis of Cannabis Dependence.

MENTAL STATUS EXAM: Mr. Gadson was alert and oriented to person, place, day, date, and time. He was neatly groomed and cooperative with the interview. He made good eye contact. He was able to register three objects and he recalled two of them after five minutes. He recalled the third object with a prompt. He was able to recall significant past personal information. We found no evidence of long or short-term memory impairment. He demonstrated the capacity for abstract reasoning as evidenced by his interpretation of a proverb and a similarity. His fund of knowledge was in the average range and his intelligence was also judged to be in the average range. His judgment to a hypothetical situation was fair. His ability to concentrate was good. He gave an approximate answer to a calculation question. He described his mood as "not right since this happened." He denied suicidal or homicidal ideas. He denied a sleep or appetite disturbance. He denied delusions. Specifically, there was no evidence of paranoia, grandiosity, or ideas of reference. He does report that he hears a voice and "a little beeping noise." His description of this hallucination is atypical for mental illness. His thinking was logical and goal directed without loosening of associations or flight of ideas and there was no evidence of grossly disturbed thought processes or thought content. He did not display subtle negative symptoms of psychotic mental illness

PSYCHOLOGICAL EVALUATION: Mr. Gadson was administered psychological and cognitive tests. During the evaluation, he was alert, fully oriented and cooperative. On the Repeatable Battery for the Assessment of Neuropsychological Status, he exhibited some mild impairment of verbal memory, but verbal learning was good. Other areas of cognition that were assessed were adequate. On the SIRS, there was no evidence of malingering of psychotic symptoms. Overall, Mr. Gadson did not evidence significant levels of cognitive dysfunction on this evaluation.

CONCLUSION REGARDING COMPETENCY TO STAND TRIAL: Mr. Gadson was able to read his Miranda Warnings and restate them in his own words. He understood their meaning. He elected to call his attorney prior to participating in the evaluation. He was aware of the charge against him and he appreciates its seriousness, including the maximum potential sentence he could receive if convicted. He understands the role of his attorney in assisting him with a defense. He states that he could tell his attorney everything he knows about the allegations against him. He states that he has met his attorney on three occasions. He required some education regarding the role of the solicitor. He states that the judge "sits there and listens and then gives you time." He understands the role of a jury. He is aware of the pleas available to him. He states that a plea bargain is when "they offer you a certain amount of time to get you to plead guilty." He was able to state a desired outcome in his case. He was able to solve a hypothetical problem involving the courtroom and he appreciates the importance of appropriate courtroom behavior. He was able to discuss potential evidence in his case, including statements given by his codefendant as well as others. He was able to discuss evidence in a hypothetical manner. He was able to discuss potential plea offers he would be willing to accept in this case.

It is our opinion that he has both a factual understanding of the legal system and sufficient present ability to rationally consult with his attorney regarding a defense. Therefore, it is our opinion that he is currently competent to stand trial.

CONCLUSION REGARDING CRIMINAL RESPONSIBILITY: Mr. Gadson's recollection of the alleged offense is self-protective. He does not report symptoms of a mental illness as it relates to the charge in any way. It is our opinion that he would have been able to distinguish legal or moral right from legal or moral wrong on or about February 17, 2001. Therefore, it is our opinion that he would have been criminally responsible pursuant to the McNaughten standard.

CONCLUSION REGARDING CAPACITY TO CONFORM: Likewise, we find no evidence of an irresistible impulse or other mental symptom which would have substantially impaired his ability to conform his conduct to the requirements of the law.

RECOMMENDATIONS: Mr. Gadson would benefit from substance abuse counseling and attendance of Narcotics Anonymous, given the significance of his cannabis dependence. He does not need acute psychiatric hospitalization at the present time.

Richard L. Frierson, M.D.
Director, Forensic Psychiatry Education

Tora Brawley, Ph.D.
Licensed Clinical Psychologist

RLF/khr

D: 08/20/01;08/21/01
RT/EM: 08/22/01
F/EM: 09/10/01 (rlb,tb)

Hiram Johnson

Statement of Miranda Rights

HJ
1. You have the right to remain silent.

HJ
2. Anything you say can and will be used against you in a court of law.

HJ
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.

HJ
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.

HJ
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

Waiver of Rights

I have read the above statement of my rights and I understand each of those rights, and having these rights in mind I waive them and willingly make a statement.

Hiram Johnson

Witnessed By: [signature]

Officer's Name Sgt. A.M. Coker

Officer's Department D.C.S.O.

Date: 04-05, 01

Time: 13:48 PM.

DISCOVERY

PLAINTIFF'S EXHIBIT 29

PAGE 1 OF 1 CASE #010014

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF Hiram Johnson

HOME ADDRESS [redacted] Branchville, SC 29432 HOME PHONE [redacted]

EMPLOYER Simpson's BUSINESS ADDRESS Branchville

BUS. PHONE 274-8212 OCCUPATION Car Wash-/Tires

DATE OF BIRTH [redacted] SOCIAL SECURITY NUMBER [redacted]

THIS STATEMENT IS GIVEN 4-05-01 (DATE) AT 1715 pm (TIME)

Simpson's Used Tire Store, Branchville (LOCATION)

ON THE night of FEBRUARY 16, 2001 I SAW MARION BOWMAN JR. RIDING IN KANDEE MARTINS CAR. IT WAS A GRAY FORD ESCORT. I GOT MY HAIR FIXED EARLY THAT NIGHT. LATER "JR" AND ME WENT TO THE EZ-SHOP IN YOLONDO'S BLUE CAR. WE SAW JAMES GADSON SR. "Bubble Gum", AND "JR" GOT HIM TO GO IN THE STORE AND GET SOME GLOVES. THEN WE WENT BACK TO THE VILLA'S. LATER-AROUND 12:00 - 12:30 AM MARION, TAWAIN GADSON (GAP), DARRIAN WILLIAMS ("POP") AND ME GOT IN KANDEE'S CAR AND WENT TO ALLEN MURRAY'S Club. WE ALL WORE BROWN GLOVES. BECAUSE "JR" SAID HE HAD STOLE THE CAR. "JR" TALKED TO TRAVIS FOLDER AT THE Club AND SAID TRAVIS WAS GOING TO MEET HIM LATER IN BRANCHVILLE. WHILE WE WERE RIDING IN KANDEE'S CAR, "JR" HAD A BLACK PISTOL IN HIS CAP. ON THE WAY TO THE Club "JR" STOPPED THE CAR ON HWY 210, "JR" TOOK THE BABY SEAT OUT OF THE BACK SEAT AND PUT it IN THE TRUNK. WHEN WE LEFT THE Club MARION DROVE US BACK TO BRANCHVILLE. WE DROPPED "POP" off AT THE VILLA APARTMENTS. THEN HE TOOK ME HOME. IT WAS AROUND 2:15 - 2:30 AM. MARION AND TAWAIN LEFT my HOUSE IN KANDEE'S CAR. TRAVIS HAD STOPPED AT THE VILLAS TO put CAROLYN BROWN OUT. THAT WAS THE LAST TIME I SAW HIM.

THIS STATEMENT WRITTEN By Sgt. A. COKER AT My REQUEST.

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: [signature]

PLAINTIFF'S EXHIBIT 33

RULE 5 DISCOVERY

WITNESS: Sgt. A.M. Coker SIGNATURE: Hiram Johnson

Office of the Sheriff
DORCHESTER COUNTY, SOUTH CAROLINA
Roy Nash, Sheriff

DORCHESTER COUNTY SHERIFF'S OFFICE
POLYGRAPH REPORT

Date: February 22, 2001

I have been informed that the results of the polygraph examination administered to _Darian Williams____ by Examiner T.E. Stephenson of the Dorchester County Sheriff's Office are as follows:

( ) NDI – No responses indicative of attempted deception were noted to relevant test questions.

(X) DI – Responses indicative of attempted deception were noted to relevant test question(s).__5,7,10_____

() INCONCLUSIVE – The truthfulness or attempted deception of the examinee could not be determined.

( ) DNT – Did not test examinee. (See Comments)

( ) Re-examination recommended by examiner.

PLAINTIFF'S EXHIBIT 27

COMMENTS/REMARKS
This opinion should be considered a final report; however, all examinations undergo a Quality Control Review. Should this Quality Control Review change the results of this examination, you will be promptly notified by written report.

R5 – Did you move or help move Kandee Martin's body from the woods?
R7 –Last week, did you move or help move Kandee Martin's body from the woods?
R-10 – Are you withholding any information about the death of Kandee Martin?

_____ T E STEPHENSON
Signature of Officer — Signature of Examiner

_____ 2/22/01
Agency — Date

DOCUMENT #4

RULE 5 DISCOVERY

9056 PAGE 1 OF 1 CASE # 01001493

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF WILLIAMS, DARIAN ANTNIO

HOME ADDRESS [redacted] BRANCHVILLE, SC 29432 HOME PHONE [redacted]

EMPLOYER NONE BUSINESS ADDRESS N/A

BUS. PHONE N//A OCCUPATION

DATE OF BIRTH [redacted] SOCIAL SECURITY NUMBER [redacted]

THIS STATEMENT IS GIVEN 02/22/01 (DATE) AT 15:30 (TIME)

BRANCHVILLE POLICE DEPARTMENT (LOCATION)

On Friday night 2/16/01 I went to the Branchville Villa Apartments around 4:00 pm. Around 8:00 pm I saw "GAP" (Tawain Gadson) walk up. He was wearing a Burgundy Hawaiian style shirt with Hawaiian trees on it, blue jeans and a white sweater cap. He walked up to me and Hank Koger. Gap said he was coming from his house and that he had just finished eating. He acted natural. I did not notice his clothes being dirty or soiled and I did not smell anything out of the ordinary about him. Tawain went on to apartment [redacted] where Meeka live A few minutes later Marion Bowman Jr. ("JR" or "BLACK") walked up. He was wearing black jeans and a gray pull over tee shirt. I did n talk to him. He went over to his sister Yolanda Bowman and ask her if he could use her car to go get some beer. He left in Yolanda's blue car and came back about 5 minutes later with some beer. All of us then went to apartment [redacted] where we drank some beer and talked. Mario said he was going to get a car so he could go to Allen Murray's Club. He was gone about 15 minutes and came back. I left walk home, and as I was passing the Highway Department shed, I saw Kandee's car parked there. Marion called out to me and ask if I still wanted to go to the club. I said yes and turned around and started walking back toward him. Marion and Hiram Johnson were standing in front of apartmen [redacted] Tawain came out of apartment [redacted] and started walking toward us. Marion gave me a pair of brown gloves and told me to put them on. I ask why but he never answered me. Marion gave Tawain and Hiram gloves and we all put gloves on. Marion told me that if I mentioned to anyone that he had Kandee's car, that he would blow my brains out. We got in the car and Marion drove us to the club. We got to Allen Murray's around 12:00 midnight. I saw Travis Felder at the club. He had drove his own car, a blue 4 door Mazda 323 to the club. We stayed there until around 2:00 am. We all four came back to Branchville in Kandee's car. We did not stop anywhere between the club and home. We got back to town around 2:30 am. Marion dropped me and Tawain off in front of the apartments. Tawain went inside apartment [redacted] I walked to my house. My mother had to get out of bed to let me inside. Travis had not made it back to Branchville at that time. I last saw Marion and Hiram sitting in Kandee's car, parked in front of the Highway Department at about 2:35 am. I don't know where they went or what they did after that. No one told me what had happened that night and I had no knowledge of what had happened. I did not take part in killing anybody or burning the car. I did not know they were going to burn the car. This is all I know.

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST O MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF M STATEMENT.

PLAINTIFF'S EXHIBIT

RULE 5 DISCOVERY

WITNESS: _____

WITNESS: Sgt. A. M. Cake

SIGNATURE: Darian A. Williams

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF WILLIAMS, DARIAN ANTNIO (AKA: "POP") (SECOND STATEMENT)

HOME ADDRESS [redacted], BRANCHVILLE, SC 29432 HOME PHONE 274-8491

EMPLOYER NONE BUSINESS ADDRESS N/A

BUS. PHONE N//A OCCUPATION

DATE OF BIRTH [redacted] SOCIAL SECURITY NUMBER [redacted]

THIS STATEMENT IS GIVEN 02/23/01 (DATE) AT 01:15 AM (TIME)

DCSO 100 SEARS STREET, ST. GEORGE, SC 29477 (LOCATION)

On Friday night 2/16/01 I went to the Branchville Villa Apartments around 4:00 pm. Around 8:00 pm I saw "GAP" (Tawain Gadson) walk up. He w wearing a Burgundy Hawaiian style shirt with Hawaiian trees on it, blue jeans and a white sweater cap. He walked up to me and Hank Koger. Gap said h was coming from his house and that he had just finished eating. He ask me to go to the store with him. We went to the Horizon EZ Shop and Tawain got gas in a jug or a large 2 or 3 liter soda bottle. He put the gas in the trunk of Kandee's car and we went back to the Villa apartments. Tawain left in Kandee' car and came back a few minutes later then went on to apartment [redacted] where Meeka lives. A few minutes later Marion Bowman Jr. ("JR" or "BLACK") walked up. He was wearing black jeans and a gray pull over tee shirt. He went over to his sister Yolanda Bowman and ask her if he could use her car to g get some beer. Marion, Hiram Johnson and me used Yolanda's blue car to go get the beer. All of us then went to apartment [redacted] where we drank some beer and talked. Marion and Hiram left again to go to the store and came back about 10 minutes later with some gloves. Marion told us to put on the gloves and he to. He that if I told anybody he had Kandee's car that he would blow my brains out. I got scarred but I got in the car any way because I wanted to go to ub. Marion, Tawain, Hiram and me got in Kandee's car and Marion drove to Allen Murray's Club in Bowman. We got to Allen Murray's around 12:00 midnight. When we got out of the car I saw that Marion had a black and silver (or gray) 380 semi-auto pistol in the waist band of his black jeans. I later saw Travis Felder was at the club talking to Marion. He had drove his own car, a blue 4 door Mazda 323 to the club. We stayed there until around 2:00 am. We left the club with Marion driving. Hiram was in the front passenger seat. Me and Tawain were in the back. We went down St. Mark Bowman road near Shady Grove Campground until we came to the caution light in Reevesville. We then went to Nursery road and turned right. We stopped by some woods where Marion and Tawain got out. Travis Felder had followed us from the club to Nursery road. Marion took the baby seat out of the trunk and put it back on the back seat. Tawain stood by the car while Marion and Travis dragged Kandee's body out of the woods and the two of them put her in the trunk. I could see blood on her clothes. I got scarred and wanted to go home. Marion wanted to burn the car then but agreed to take me back to Branchville. We got back to town around 2:45 am. Marion dropped me and Tawain off in front of the apartments. Tawain went inside apartment [redacted] I walked to my house. My mother had to get out of bed to let me inside. Travis was following Marion when I got out of the car. I did not help burn the body or the car. I don't know what they did with the gun.

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST O MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF M STATEMENT.

ESS: [signature] (SIGNATURE)

PLAINTIFF'S EXHIBIT 84

RULE 5 DISCOVERY

WITNESS: Sgt. [signature] SIGNATURE: Darian A. Will

Black was going on nothing here I'am just writing to tell you that the detectives made me write statement I had told them that I didn't know nothing. But they say you and Tawain told them I had something to do with it. My lawyer told me yesterday that they can't make me write statement against you Because the made me write statement I told my lawyer that I don't know nothing, they had no Scars, But my lawyer said don't talk to them any more which I haven't talk to them Sence I been here. Every thing going to be alright love you. I told my mama and my lawyer the truth. I make sure I want lie on you

I Mama say hae
They want let me come to school because they say can't be around you But I wish I could.

P.S. I am just waiting
love to go to court.
you I love you GOD

PLAINTIFF'S EXHIBIT

www.C-LineProducts.com
Style #62029 1-888-860-9120

ARREST WARRANT

G-366579

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of DORCHESTER

THE STATE

against

WILLIAMS, DARIAN ANTONIO

Address: [redacted]

BRANCHVILLE SC 29432-0000

Phone: _____ SSI [redacted]

Sex: M Race: B Height: _____ Weight: 000

DL State: _____ DL #: _____

DOB: [redacted] Agency ORI #: 1800

Prosecuting Agency: DCSD

Prosecuting Officer: COKER, DET. A.M.

Offense: ACCESSORY AFTER THE FACT O F ~~GRAND LARCENY~~ ARSON 3RD (CAR)

Offense Code: _____

Code/Ordinance Sec. 16-1-55

This warrant is CERTIFIED FOR SERVICE in the ☐ County/ ☐ Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

Richard Murray (L.S.)
Signature of Judge

Date: 11-7-2001

RETURN

A copy of this arrest warrant was delivered to defendant Darian Williams on 11-7-2001.

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of DORCHESTER)

Personally appeared before me the affiant COKER, DET. A.M. being duly sworn deposes and says that defendant WILLIAMS, DARIAN ANTONI did within this county and state on 2/17/2001 violate the criminal laws of State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: VIOLATION SECTION 16-1-55 OF SC CODE OF LAWS
Y ACCESSORY AFTER THE FACT OF ~~GRAND LARCENY~~ ARSON

I further state that there is probable cause to believe that the defendant named above did c the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

PLAINTIFF'S EXHIBIT 3

ALL OF WHICH IS AGAINST THE PEACE AND DIGNITY OF ~~THE~~ STATE OF SOUTH CAROLINA AND WILL BE MORE FULLY DESCRIBED IN THE 197 CODE OF LAW.

Sworn to and subscribed before me on 11/25/01

Signature of Issuing Judge (L.S.)

Signature of Affiant

Affiant's Address 100 STARS ST. ST. GEORGE SC 29477

Affiant's Telephone 843-563-0255

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of DORCHESTER)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe on 2/17/2001 defendant WILLIAMS, DARIAN ANTONIO did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: VIOLATION SECTION 16-1-55 OF SC CODE OF LAWS
Y ACCESSORY AFTER THE FACT OF ~~GRAND LARCENY~~ ARSON

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address 101 RIDGE ST.

9059

9060 STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

WARRANT NUMBER: G366579
DCSO CASE NUMBER: 01001493

AFFIDAVIT

Personally appeared before me, a magistrate of this County, one **DETECTIVE SGT. ALVIN COKER**, who, being duly sworn, deposes and says that **DARIAN ANTONIO WILLIAMS (AKA: "POP")**, **B / M / 6'02" / 150 lb. / DOB:** [redacted] **/ SSN:** [redacted] **/ SCDL: 090508441 /** [redacted], **Branchville, SC 29432** did within this County and State on the **17TH** day of **FEBRUARY, 2001**, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

ACCESSORY AFTER THE FACT OF ARSON 3RD DEGREE: **Violation of Section (16-1-55) of the South Carolina Code of Laws, 1976 as Amended.**

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on FEBRUARY 17, 2001, located at NURSARY ROAD, near the Town of Reevesville, within the County and State aforesaid, the Defendant, **DARIAN ANTONIO WILLIAMS (AKA: "POP")**, did commit the offense of **ACCESSORY AFTER THE FACT OF ARSON 3RD DEGREE**, in violation of section **(16-1-55)**, of the South Carolina Code of Law 1976 as amended. In that he did willfully and unlawfully have knowledge of the murder of Kandee Martin and the Arson (Burning) of Kandee Martin's vehicle. Furthermore that on February 16, 2001 Marion Bowman Jr. and Tawain Gadson took Kandee Martin (victim) to Nursery Road, a remote area of Dorchester County, near the Town of Reevesville SC where they shot and killed the victim. Marion Bowman Jr. and Tawain Gadson then drove the victim's car back to Branchville, SC where they picked up the Defendant and other individuals and drove it to Allen Murray nightclub in Bowman SC. After leaving the nightclub, the Defendant rode in the victim's car with other Co-defendants back to the incident location on Nursery Road, where the victim's body was pulled from a wooded area and placed back into the trunk of her car. The vehicle was burned in an attempt to destroy the vehicle and the victim's body. The Defendant has provided two written statements to law enforcement officers as to his involvement in this crime. Since that time in interviews with the Affiant and Solicitor Walter Bailey, the Defendant has gave numerous oral versions as to who was present when the car and body were burned and as to how those involved got back to Branchville SC after the crime was committed. Each time the Defendant repeats his story, the story changes The Defendant originally indicated he was not present, however now repeatedly states that he was present when the body was placed in the vehicle and the car was burned. All is against the Law, Peace and Dignity of the State of South Carolina.

SWORN AND SUBSCRIBED BEFORE ME

THIS 25 DAY OF OCT., 2001

(ISSUING JUDGE)

(SIGNATURE OF AFFIANT)

ADDRESS: 100 SEARS STREET
ST. GEORGE, S.C. 29477
TELEPHONE: (843) 563-0259

Statement of Miranda Rights

DARIAN ANTONIO WILLIAMS
11th GRADE

1. You have the right to remain silent.

AW 2. Anything you say can and will be used against you in a court of law.

AW 3. You have the right to talk to a lawyer and have him present with you while you are being questioned.

AW 4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.

AW 5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

Waiver of Rights

I have read the above statement of my rights and I understand each of those rights, and having these rights in mind I waive them and willingly make a statement.

Darian A. Williams

Witnessed By: [signature]

Officer's Name Sgt. A.M. Coker

Officer's Department Dorchester County S.O.

Date: 11-07, 2001

Time: 14:05 PM.

PLAINTIFF'S EXHIBIT

9062

LEGAL LAWYER

Block was going on nothing here I can just
writing to tell you that the detectives made
me sign a statement I had told them that
I don't know nothing. But they say you
are to main Hope I had something to do
with it. My lawyer told me yesterday that
they can't make me testified against you
Because they made me write statement
I told my lawyer that I don't know
nothing for they had me scare, But
my lawyer said don't talk to them
anymore, which I haven't talk to them
Since I been here. Every thing
going to be alright love you Hope I told
you no lies and I'm telling the truth
I make sure I write you Mama say hey
They won't let me to school because they say
can't be around you cause I wish I could.
I'm just waiting
love to go to court.
Pop I love you GOZ

PLAINTIFF'S EXHIBIT

PROOF OF SERVICE

SERVED	DATE 8/22/08 PLACE Dorchester Co DC	FEES AND MILEAGE TENDERED TO WITNESS ___ YES ✓ NO
SERVED ON (PRINT NAME) Lt. Wanda Taylor		MANNER OF SERVICE In person
SERVED BY (PRINT NAME) Carlisle McMillan		TITLE Investigator

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 8/22/08 DATE

SIGNATURE OF SERVER

1811 Duchess St.

ADDRESS OF SERVER

Cola-SC 29201

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d):

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or the attorney designated in the subpoena written objection to inspection or copying or any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(III) of this rule, such a person may in order to attend the trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

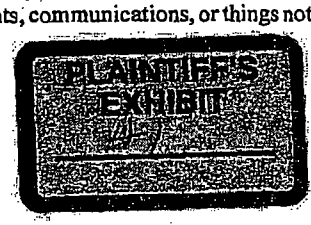
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



Close This Window

No Photo Available

Name	**Davis, Ricky**
Jail ID	**4458**
Arrest Number	**20010894**
Booked	**04/21/01**
Released	**10/23/01**
Date of Birth	
MNI No.	**8842**
Alias	
Age	**21**
Hold_For	
HOLD_LCOATION	
Held_For	
Held_At	
SSN	**000000000**
Caution	
Search Officer	**TILTON, BRUCE**
Book Officer	**TILTON, BRUCE**
Released To	
Arrest_Agency	
Sex	**M**
Race	**B**
Reason_Held_For	
Release_Reason	
Release Officer	**GUEST, ALETHEA (6848)**
Hispanic	

Offense		
Traffic / Failure to stop for a blue light, no injury or death - 1st offens	Warrant No: 80526 BU	$0.00
Robbery / Armed Robbery, robbery while armed or allegedly armed with a dead	Warrant No: G-587667	$0.00
Total Bond: $0.00		

Jail MNI Information

ORace=	**B**
OBirthDate=	**11/05/1979**
OHispanic=	**N**
OSex=	**M**
OHeight=	**507**
OWeight=	**150**
OEyes=	**BRO**
OHair=	**BLK**
OAddress	
OCity	**SUMMERVILLE**
OState	**SC**
OZip	**29485-**
OPhone	**843-**
OCounty	**DORCHESTER**

AO (Jail Record):
Officers-IR Person:

Facility	Cell	Time In	Time Out
St. George		04/21/2001-13:21	10/23/2001-00:00

Close This Window

Name	**Gadson, James Tawain**
Jail ID	**3874**
Arrest Number	**20010409001**
Booked	**02/18/01**
Released	**06/21/02**
Date of Birth	[redacted]
MNI No.	**11556**
Alias	**GAP**
Age	**22**
Hold_For	
HOLD_LCOATION	
Held_For	
Held_At	
SSN	[redacted]
Caution	
Search Officer	**COBBS, JAMES**
Book Officer	**EVERETT, STEPHEN**
Released To	**LIEBER**
Arrest_Agency	**DORCHESTER COUNTY**
Sex	**M**
Race	**B**
Reason_Held_For	
Release_Reason	
Release Officer	**GUEST, ALETHEA (D-8)**
Hispanic	**N**

Offense		
Murder / Murder	Warrant No: G284924	$0.00
Total Bond: $0.00		

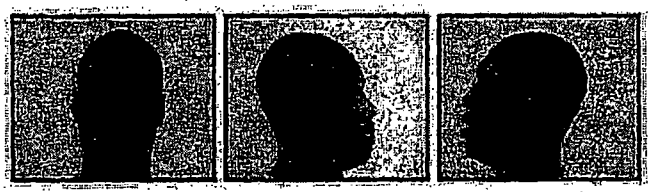
Jail MNI Information

ORace=	**B**
OBirthDate=	[redacted]
OHispanic=	**N**
OSex=	**M**
OHeight=	**510**
OWeight=	**144**
OEyes=	**Brown**
OHair=	**Black**
OAddress	[redacted]
OCity	**BRANCHVILLE**
OState	**SC**
OZip	**29432-**
OPhone	**843**[redacted]
OCounty	**DORCHESTER**

AO (Jail Record):
Officers-IR Person:

Facility	Cell	Time In	Time Out
St. George	A-18	02/18/2001-21:03	06/21/2002-08:47

Close This Window



Name	**Bowman, Marion**
Jail ID	**3886**
Arrest Number	**20010478**
Booked	**02/20/01**
Released	**05/23/02**
Date of Birth	
MNI No.	**11568**
Alias	
Age	**21**
Hold_For	**ORANGEBURG CO.**
HOLD_LCOATION	
Held_For	
Held_At	
SSN	
Caution	**1**
Search Officer	**WADDELL, DEREK**
Book Officer	**BRANCH, SHARON**
Released To	**X-FER TO LIEBER**
Arrest_Agency	
Sex	**M**
Race	**B**
Reason_Held_For	
Release_Reason	
Release Officer	**DICKENS, GEORGIA (D-25)**
Hispanic	**N**

Offense		
Arson / Arson - Third degree	Warrant No: G326979	$0.00
Murder / Murder	Warrant No: G326978	$0.00
Total Bond: $0.00		

Jail MNI Information

ORace=	**B**
OBirthDate=	
OHispanic=	**N**
OSex=	**M**
OHeight=	**603**
OWeight=	**200**
OEyes=	**2**
OHair=	**BLK**
OAddress	
OCity	**BRANCHVILLE**
OState	**SC**
OZip	**29432-**
OPhone	**803**
OCounty	**ORANGEBURG**

AO (Jail Record):
Officers-IR Person:

Facility	Cell	Time In	Time Out
St. George	C-8	02/20/2001-13:33	05/23/2002-17:29

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

INDICTMENT
2001GS18-0355

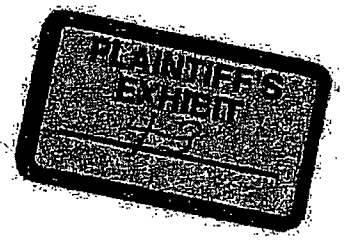
At a Court of General Sessions, convened on June 18, 2001 the Grand Jurors of Dorchester County present upon their oath:

ARSON - 3RD DEGREE

That Travis Dawit Felder, did in Dorchester County, on or about February 16, 2001 and February 17, 2001, willfully, unlawfully and maliciously burn or cause to be burned, with intent to destroy, a car belonging to Cordellia Martin and/or Kandee Martin. This offense being a violation of Section §16-11-100(c) of the South Carolina Code of laws, 1976 as amended.

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

Walter Bailey SOLICITOR



WITNESSES

DET. A. COKER, DCSD

ARREST WARRANT NUMBER

G326981
Arrested: Feb 19, 2001

ACTION OF GRAND JURY

Date 6/14/01 True Bill

Foreperson of Grand Jury
Date: June 14, 2001

VERDICT

Foreperson of Petit Jury
Date:

9068

DOCKET NO. 2001GS18-0355

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

JUNE 18, 2001 TERM

THE STATE
VS.

Travis Dawit Felder

Indictment for

ARSON - 3RD DEGREE

SC Code: 16-11-110(C)
CDR Code: 0008
Class: FEL-E

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 DORCHESTER)

INDICTMENT
2001GS18-0354

At a Court of General Sessions, convened on June 18, 2001 the Grand Jurors of Dorchester County present upon their oath:

ACCESSORY AFTER THE FACT

That Travis Dawit Felder, did in Dorchester County, on or about February 16, 2001 and February 17, 2001, after knowing of the commission and completion of the felony crime of Murder by the principal felon Marion Bowman, Jr., aid, harbor, and assist such felon to escape detection or arrest or otherwise avoid the consequences or prosecution of the crime. This offense in violation of the Common Law of South Carolina.

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

Walter Bailey SOLICITOR

WITNESSES

DET. A. COKER, DCSD

ARREST WARRANT NUMBER

G326980

Arrested: Feb 19, 2001

ACTION OF GRAND JURY

Date True Bill

Foreperson of Grand Jury

Date: June 14, 2001

VERDICT

Foreperson of Petit Jury

Date:

1070

DOCKET # 2001GS18-0354

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

June 18, 2001 TERM

THE STATE

vs.

Travis Dawit Felder

Indictment for

ACCESSORY AFTER THE FACT

SC Code: 17-21-60

CDR Code: 2414

Class: FEL-E

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.

Ricky DAVIS Jr. (843-873-3801 Rebbeca Richardson)
SSN [redacted]
B/M 507 - 150 Blk / Brn
[redacted], Summerville, S.C.
SCDL = 090250049

Armed Robbery
Fled Stop Blue Light.

Was in Cell Block with Tawain Gadson

PLAINTIFF'S EXHIBIT
20

9072

AMC

St George Lee.

2/19/01

Tawain Gadson.

TAWAIN Said he Bought 9mm from Wodyo High Point Black w/Silver Slide sometime 99/2000

It was stolen out of Sister car in Orangeburg while parked at a Night Club - "The Pub", Chestnut St.

Darion Williams was with him at the time.

Has not Bought another gun -

Never Reported the 9mm as stolen.

PLAINTIFF'S EXHIBIT 216

(11)

PLAINTIFF'S
EXHIBIT

ARREST WARRANT

427828

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of
ORANGEBURG COUNTY

THE STATE 2000017992
against

HIRAM EUGENE JOHNSON JR
Address:
BRANCHVILLE, SC 29432
Phone: 2748381 SSN:
Sex: M Race: B Height: 6 1 Weight: 180
DL State: DL #:
DOB: Agency ORI #:
Prosecuting Agency: SHERIFF'S DEPARTMENT
Prosecuting Officer: DET. KENNY KINSEY
Offense: RECEIVING STOLEN GOODS/L
ESS THAN $1000 Offense Code: 133
Code/Ordinance Sec. 16-13-180

This warrant is CERTIFIED FOR SERVICE in the [ ] County/[ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to law.

(L.S.)
Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant HIRAM EUGENE JOHNSON on 5-29-01

Lt D C Nunnally
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
ORANGEBURG MAGISTRATES 1 DAVIS
P.O. BOX 9000
ORANGEBURG SC 29116

FILED
By Cm Date 6-02-01

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
ORANGEBURG COUNTY

AFFIDAVIT

Personally appeared before me the affiant DET. KENNY KINSEY who being duly sworn deposes and says that defendant HIRAM EUGENE JOHNSON did within this county and state on 11/02/00 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/[ ] Municipality of ORANGEBURG COUNTY) in the following particulars:

DESCRIPTION OF OFFENSE: RECEIVING STOLEN GOODS/LESS THAN $1000.
RECEIVING STOLEN GOODS/LESS THAN $1000.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

BASED ON AN INVESTIGATION BY OCSO, THAT ON OR ABOUT 11-2-00, ONE HIRAM EUGENE JOHNSON, JR., DID VIOLATE SECTION 16-13-180 OF SC CODE OF LAWS, IN THAT HE DID HAVE IN HIS POSSESSION 1 SPRINGFIELD 22 RIFLE W/TASCO SCOPE, BELONGING TO ROBERT BROWN, WHICH WAS REPORTED STOLEN FROM HIS RESIDENCE ON 8-12-2000. ALL OF WHICH OCCURRED IN ORANGEBURG COUNTY, STATE OF SOUTH CAROLINA.

Sworn to and subscribed before me on 11/13/00

Peggy D. Davis (L.S.)
Signature of Issuing Judge

Kenny Kinsey
Signature of Affiant

Affiant's Address P. O. BOX 6000
ORANGEBURG, SC 29116

Affiant's Telephone 803 531-4647

01 JUN 12 PM 1:54

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
ORANGEBURG COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 11/02/00 defendant HIRAM EUGENE JOHNSON did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/[ ] Municipality of ORANGEBURG COUNTY) as set forth below:

DESCRIPTION OF OFFENSE: RECEIVING STOLEN GOODS/LESS THAN $1000.
RECEIVING STOLEN GOODS/LESS THAN $1000.

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Peggy D. Davis (L.S.)
Signature of Issuing Judge

Judge Code: 721

Judge's Address P.O. BOX 9000
ORANGEBURG SC 29116

Judge's Telephone

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL

9074

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2003GS38-0877

At a Court of General Sessions, convened on April 14, 2003 the Grand Jurors of Orangeburg County present upon their oath:

RECEIVING STOLEN GOODS <$1000

That Hiram Eugene Johnson, Jr., did in Orangeburg County, on or about November 2, 2000, knowingly and unlawfully buy, or receive or possess certain goods, to wit: ( ) of the value of less than One Thousand Dollars, the said defendant knew or had reason to believe the said goods had been stolen and as a result violated Section 16-13-180(1), 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.

Robert D. Robbins SOLICITOR

WITNESSES

DET. KENNY KINSEY

Arresting Agency:
Orangeburg Co. Sheriff Dept.

ARREST WARRANT NUMBER

G427828
Arrested: May 29, 2001

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: April 17, 2003

VERDICT

Foreperson of Petit Jury
Date:

90766

DOCKET NO. 2003GS38-0877

The State of South Carolina

County of

ORANGEBURG

COURT OF GENERAL SESSIONS

April 14, 2003 TERM

THE STATE
vs.

Hiram Eugene Johnson, Jr.

Indictment for

RECEIVING STOLEN GOODS <$1000

SC Code: 16-13-0180(1)
CDR Code: 0512
Class: MIS-UNC,30D

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.

FILED FOR RECORD
LISA W. MIZELL
CLERK OF COURT
ORANGEBURG, S.C.
03 APR -8 PM 3:48

GENERAL SESSIONS DOCKET REPORT FOR ORANGEBURG COUNTY

REPORT RUN DATE - 04/21/2003

INDICTMENT NUMBER: 2001GS38 3 8 17

DEFENDANT NAME: JOHNSON, HIRAM EUGENE JR AKA:

ADDRESS: [redacted] CITY:BRANCHVILLE STATE:SC ZIP 29432

SOCIAL SECURITY NUMBER: [redacted] SEX:1 MALE RACE:2 BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.:SC / 999999999

MARITAL STATUS:

WARRANT OR TICKET NUMBER:G427828 COUNTS:01 OFFENSE CODE:0133

NO WARRANT? 0 NAME OF OFFENSE:*RSG/RECEIVING

DATE OF ARREST:11/02/2000 DATE RECD BY CLERK:06/21/2001

SUMMARY JUDGE:

DISP DATE: ~~00/00/0000~~ 4/3/03 DISP TYPE: Remand to Mag. Ct.

DISP TYPE EXPLANATION:

Prop. value < $1000

JUDGE CODE/NAME: COURT REPORTER:

CONVICTION: CTS:00 OFFENSE:0000 **********

SENTENCE:

DEFENSE ATTORNEY: John O'Leary

PROSECUTING ATTORNEY: Robert Goldsmith

PLAINTIFF'S EXHIBIT 49

9078 SC0180000 02/19/01 - 1750 0.1.0.1.4.98

DEFENDANT NAME (LAST, FIRST, MIDDLE): FELDER, Travis Dawit | RACE: B | SEX: M | DATE OF BIRTH | DOCKET NUMBER

AGE: 19 | ETH: N | HEIGHT: 503 | WEIGHT: 120 | HAIR: BLK | EYES: BRN | SOCIAL SECURITY NUMBER | VISIBLE SCARS AND MARKS: NONE | NCIC | ID NUMBER

STREET NUMBER AND STREET | CITY: BRANCHVILLE | STATE: SC | ZIP CODE: 29432 | RESIDENT: J S O U | PHONE NUMBER

ALIAS: TRAV | PLACE OF BIRTH: ORANGEBURG | DRIVER'S LICENSE NUMBER: 007742772 | STATE: SC

EMPLOYER OR OCCUPATION: DIESEL MECHANIC | NEXT OF KIN: SINCLAIR FELDER | ADDRESS (CITY AND STATE): Same

BOOKING OFFICER'S NAME: JOYNER, Q. | NUMBER: 708 | ARRESTING OFFICER: JOYNER Q. | AGENCY: DCSO | NUMBER: 708 | 704/205

ARRESTEE ARMED ☐ YES ☒ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☒ CUSTODY

JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED 2. ☐ REFFERED TO OTHER AUTHORITY | J — This Jurisdiction. S — State. O — Out of State. U — Unknown

ADDITIONAL CASE NUMBERS | MORE IN REMARKS ☐

IF HOLDING FOR ANOTHER AGENCY, CIRCLE CHARGE - A, B, C

CHARGE	A	B	C
CHARGE I.D.	G-326981	G-326980	
OFFENSE	ARSON - 3RD Degree	Accessory to Felony (MURDER)	
STATUTE	16-11-110	16-1-40	
BOND AMOUNT			
BOND TYPE			
BOND DATE			
DISPOSITION			

	DAYS	AMOUNT	DAYS	INT
SENTENCE				
TIME SERVED				
GOOD TIME				
BALANCE				
FINE				
RECEIPT NUMBER				

RELEASE DATE | TIME | RELEASING OFFICER

Off Scene
2:56:27 in
2:58:- out

SIGNATURE OF RECEIVING OFFICIAL X _____ BELOW

REMARKS: _____

DEFENDANTS PERSONAL PROPERTY RECEIPT | TOTAL CASH AT TIME OF ARREST → | $

QUANTITY	ITEM	QUANTITY	ITEM
1	GRAY T-SHIRT		
1	GRAY SWEAT PANTS		
1 pr.	BLACK/WHITE SHOES - (JORDANS)		
1	WHITE TEE SHIRT		

I HEREBY STATE THAT THE PROPERTY LISTED ABOVE CONSTITUTES ALL CLAIMS TO PROPERTY ON MY PERSON AT THE TIME OF MY ARREST.

X _____ DEFENDANT'S SIGNATURE AT TIME OF ARREST

_____ OFFICER

I HEREBY STATE, ON THE DATE OF MY RELEASE, THAT THE ABOVE LISTED PROPERTY WAS RETURNED TO ME, IN SATISFACTION OF ALL CLAIMS TO PROPERTY ON MY PERSON AT THE TIME OF MY ARREST.

X _____

Jeff Yungman, MSW, LISW

708 Millenhall Rd.
Mt. Pleasant, SC 29464

Phone 843-723-9477 ext. 14
Fax 843-723-7563
Home Phone 843-849-0853
Email jlyungman@dslvis.com

May 9, 2002

Norbert E. Cummings, Jr., Attorney at Law
100 South Main St. Suite B
Post Office Box 1318
Summerville, SC 29484-1318

RE: State of South Carolina v. Marion Bowman Jr.

Dear Norbert:

I received the Subpoena for the Bowman case and am returning the Acknowledgment of Service today. However, I have two concerns that I must express.

One, the social work mitigation in the Bowman case is very weak. I want to be able to focus what little there is so that the mitigation compliments the guilt phase of the trial and the other expert witnesses. Thus far I have been unable to do this because I have no idea what your strategy is going to be for the trial, especially the penalty phase.

Two, when first contacted about this case I was asked what amount was usually requested from the court for my services. I replied that in other cases the attorneys normally request $7500 to $8000 and have asked as much as $10,000. In the Bowman case only $2500 was requested and with my last visit to see Marion I have exceeded that amount. I certainly intend to see this case through, but I also expect to be compensated for my work.

I would be happy to talk to you about either of these concerns.

Sincerely,

Jeff Yungman, MSW, LISW

PLAINTIFF'S EXHIBIT 67

To: Dale Davis
From: Jeff Yungman
RE: Possible mitigation areas in the Marion Bowman case
Date: 4-2-02

1) abuse/neglect-Marion appears to be very close to his mother and at this point is unwilling to say anything negative about her so any information about abuse or neglect will have to come from other family members. Marion claimed that he was never abused, but we do have some information that indicates otherwise. Is it possible that the broken arm in 1982 was the result of abuse? Do we know what kind of a fracture it was? (spiral as opposed to a clean break) Marion also stated that his mother always provided for him and his sisters. That statement seems unlikely given that she was bedridden for a period of time and Marion's statement that he began dealing drugs in order to provide for the family. Orangeburg DSS should be contacted to see if there is any record of abuse or neglect allegations. If nothing else, with the divorce, constant moves, mother's physical problems, etc., Marion had a fairly chaotic childhood.

2) mental health-More questions than answers at this point. Was he ever diagnosed as hyperactive and if so was medication ever prescribed? Marion stated that he was seen at Dorchester Mental Health when he was 17. However, if he was living in Branchville he should have gone to Orangeburg Mental Health. Either way, it would be good to know what his diagnosis was. The William S. Hall report is not much of a factor one way or the other with the diagnosis they gave. Marion did not present with any delusions or psychosis, although he did state that once when he was driving he saw his dead cousin, Orin, in the road.

3) traumatic events-The two things that seem to have had a significant effect on Marion's life were his parents' divorce and the death of his cousin, Patrick. Marion had nothing positive to say about his father, and it appears Marion wanted more than anything else to have a relationship with his father. The abandonment by his father coupled with the death of his maternal grandfather, and the comings and goings of Joseph Sims left Marion with no consistent male role model. Marion holds himself directly responsible for the death of Patrick and expressed a great deal of guilt about the event. Even though he did not observe the event, it may be worth exploring whether Patrick's death resulted in Marion having PTSD.

PLAINTIFF'S EXHIBIT 52

4) school performance-Marion's school performance indicates that there should have been some intervention such as an IEP and possible consideration of special ed for behavior problems. Very little in the way of intervention seems to have been done. It needs to be determined if the school tried and did not receive cooperation from the mother or if the school made no effort. Marion gave the name of the following teachers to contact: Elementary-Ms. Gibson, Ms. Jones, and Coach Collins; High School-Ms. Butler, Mr. Williams, Ms. Bradham, Coach Porter and Mr. Bowman. It is probably significant that Marion stated he learned how to read during his current incarceration.

5) substance abuse-By Marion's own report, he started drinking at age 13 and as a young adult "drank every day of the week" and had been drinking all day at the projects the day the murder took place. Using his alcoholism as mitigation is risky, but it could demonstrate his inability to cope using more acceptable means and how alcohol use over time could adversely affect his judgment.

6) no history of previous convictions for violent crime-Marion reported any convictions for violent crimes. A printout of his criminal record has not been reviewed. In this regard it would be good to determine whether Marion was a follower or a leader. He contends that he was a leader, but may be just his view of himself. Todd Graham, his probation officer should probably be interviewed. Marion gave the following names of correctional officers at the Dorchester County Detention Center who would speak well of him: Officer Wallace, Lt. Haines, Sgt. Geddes, Sgt. Heyward, and Sgt. Branch, as well as Pastor Ray Harris and Pastor Shawford. Can also include Marion's willingness to help out his relatives, especially Mary Johnson.

7) parenting-Marion insisted that he was a good father who spent "quality time" with his stepchildren. If there is no information to the contrary, it would be could to touch on what effect a death sentence would have on the children.

8) head trauma-Marion reported two head traumas that caused him to lose consciousness and resulted in blurred vision, lightheadedness and headaches. Unfortunately, Marion did not go to a hospital on either occasion.

Two other items:

1) When talking about the death of Patrick, Marion stated that Patrick pointed the gun at "Mond and Pop" who he said were Damon Williams and his brother.

2) Marion also wanted his attorneys to know that there is supposedly a witness who claims he heard Marion talk to "Otis" about his intent to kill while Marion was over Otis' house the day of the crime. Marion contends that he was never at Otis' house that day and, in fact, Otis was in the projects all day.

Otis lives across street

Some white guy is saying that he heard Marion tell Otis that he was going to kill Pendleton. The guy was not at Otis' house that day, Otis was w/ Marion in projects

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	Case No.: 2006-CP-18-569
COUNTY OF DORCHESTER)	
)	
MARION BOWMAN, #6006)	
)	
)	
v.)	
)	AFFIDAVIT OF
)	KENDRA HAIGLER
STATE OF SOUTH CAROLINA)	
)	

I, Kendra Haigler, being duly sworn, do state:

1. I am the sister of Marion Bowman.

2. I live at [redacted]. in Bowman, South Carolina.

3. My son, Dameion, is the nephew of Marion Bowman.

4. My son, Dameion, was about four (4) years old when his uncle, Marion Bowman was incarcerated.

5. Prior to his incarceration, Marion Bowman was like a father to my son, Dameion. He took my son to play football and taught him about being a man. He taught my son to respect me and I had no problems from my son. Marion Bowman would correct Dameion when he misbehaved and Dameion looked up to him like a father. This was important because Dameion's father was not present and was not a part of his life.

6. Dameion is now about nine (9) years old and he still cries for his Uncle Marion because Marion continues to act like a father to Dameion. He sends Dameion holiday wishes and advice in letters to me and tells Dameion that he (Marion) still loves him. When I have trouble with my son, I tell my brother, Marion, and he writes me a letter with advice to Dameion for him to behave correctly. And Dameion will take this advice from his Uncle Marion even when he will not obey me because Dameion continues to view Marion Bowman as a father to him.

7. I have also seen how Marion Bowman acts toward his own daughter, Marissa. He is loving and affectionate toward her and she visits him in prison. Marissa loves her father very much and will listen to him when he gives her advice about how to behave. He writes letters to his wife and sends messages to his daughter, Marissa.

8. Marion Bowman is a father figure to other children in the family, such as my sister Yolanda Quincy's son who we call 'Turk'. Turk was a small child when Marion went to prison but Marion would babysit him, hold Turk in his arms, and do his hair.

9. Marion is like the pied piper in that he looked after all of the children in the family and he even helped children not in our family. No one could ever mistreat a child when Marion was around or when Marion would hear about it. He preached treating children without abusing them.

10. I make this statement of my own free will, absent any coercion or duress.

Kendra Haigler
Kendra Haigler

9-15-08
Date

Lacy Mastin.
eff. 2.3.2013

Moody's Mechanical Heating and A/C Inc.

Yearly Earnings Report

For the Period From Jan 1, 1999 to Dec 31, 1999

Filter Criteria includes: 1) Employee IDs from BOWMAR to BOWMAR. Report order is by Employee ID. Report is printed in Detail Format.

Employee ID / Employee / SS No	Date / Reference	Amount	Gross / State / Chris. Club / K401 / Soc_Sec_ER / K401_ER	Fed_Income / Emp Loan / VAC_Accrue / Auto / Medicare_E	Soc_Sec / Insurance / VAC_Taken / Child Supp. / FUTA_ER	Medicare / Uniforms / VAC_Remain / Clerk Court / SUI_ER
BOWMAR MARION BOWMAN [redacted]	8/5/99 5191	171.43	185.63		-11.51	-2.69
				0.77		0.77
			-11.51	-2.69	-1.49	-8.26
BOWMAR MARION BOWMAN [redacted]	8/12/99 5226	7.51	8.13		-0.50	-0.12
				0.77		0.77
			-0.50	-0.12	-0.07	-0.36
Total 7/1/99 thru 9/30/99		849.34	979.45 -3.25	-2.92 -49.00 4.62	-60.73	-14.21 4.62
			-60.73 16.12	-14.21	-7.85	-43.59
Report Date Total for MARION BOWMAN		1,582.70	1,821.20 -7.24	-2.92 -89.00 7.70	-112.92	-26.42 7.70
			-112.92 16.12	-26.42	-14.58	-81.05
YTD Total for MARION BOWMAN		1,582.70	1,821.20 -7.24	-2.92 -89.00 7.70	-112.92	-26.42 7.70
			-112.92 16.12	-26.42	-14.58	-81.05
Summary Total 4/1/99 thru 6/30/99		733.36	841.75 -3.99	-40.00 3.08	-52.19	-12.21 3.08
			-52.19	-12.21	-6.73	-37.46
Summary Total 7/1/99 thru 9/30/99		849.34	979.45 -3.25	-2.92 -49.00 4.62	-60.73	-14.21 4.62
			-60.73 16.12	-14.21	-7.85	-43.59
Report Date Final Total 1/1/99 thru 12/31/99		1,582.70	1,821.20 -7.24	-2.92 -89.00 7.70	-112.92	-26.42 7.70
			-112.92 16.12	-26.42	-14.58	-81.05
Final YTD Total		1,582.70	1,821.20	-2.92	-112.92	-26.42

PLAINTIFF'S EXHIBIT
55

EMPLOYEE PROFILE

June 07, 1999

Name: MARION EDWARD JR.
Preferred name: MARION
Home phone:
Soc Sec number:

Payroll number: 34
Foreman: CLYDE
Job title: INSTALLER
Drivers Lic#: NONE

ADDRESS

Address1:
City,St,Zip: GEORGETOWN, SC 29440

EMPLOYMENT INFORMATION

Birthday:
Date hired: 05-28-99
Hour rate: 6.50

Date left:
Reason:

BENEFITS

PROGRAM	WAIT* PERIOD	DATE ELIGIBLE	COMMENTS
HEALTH INSURANCE	6 MONTHS	11-28-99	
HOLIDAY PAY	3 MONTHS	08-28-99	
VACATION	1 YEAR	05-28-2000	
401 K PLAN	1 YEAR	05-28-2000	

* Wait period is the number of months between the hire date and the eligibility date.

RAISE INFORMATION

YEAR 1998: Amount:
YEAR 1999: Amount :
YEAR 2000: Amount :

a Control number BOWMAR		OMB No. 1545-0008	INFORMATION R[illegible]RN For State, City or Employer File Copy D
b Employer identification number 58-2329552		1 Wages, tips, other compensation 1821.20	2 Federal income tax withheld 2.92
c Employer's name, address, and ZIP code Moody's Mechanical Heating and A/C Inc. Post Office Box 37 Georgetown, SC 29442		3 Social security wages 1821.20	4 Social security tax withheld 112.92
		5 Medicare wages and tips 1821.20	6 Medicare tax withheld 26.42
		7 Social security tips	8 Allocated tips
d Employee's social security number [redacted]		9 Advance EIC payment	10 Dependent care benefits
e Employee's name, address, and ZIP code MARION BOWMAN [redacted] GEORGETOWN, SC 29440 CLOCK 034		11 Nonqualified plans	12 Benefits included in box 1
		13 See instrs. for box 13	14 Other
		15 Statutory employee / Deceased / Pension plan / Legal rep. / Deferred compensation	

16 State	Employer's state I.D. no.	17 State wages, tips, etc.	18 State income tax	19 Locality name	20 Local wages, tips, etc.	21 Local income tax
SC	25364450-6	1821.20	7.24			

Form W-2 Wage and Tax Statement 1999

Department of the Treasury—Internal Revenue Service

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

10/16/99 at 08:38:21.72 Page: 1

Moody's Mechanical Heating and A/C Inc

Yearly Earnings Report

For the Period From Jan 1, 1999 to Dec 31, 1999

Filter Criteria includes: 1) Employee IDs from BOWMAR to BOWMAR. Report order is by Employee ID. Report is printed in Detail Format.

Employee ID / Employee / SS No	Date / Reference	Amount	Gross / State / Clvis. Club / K401 / Soc_Sec_ER / K401_ER	Fed_Income / Emp Loan / VAC_Accrue / Auto / Medicare_E	Soc_Sec / Insurance / VAC_Taken / Child Supp. / FUTA_ER	Medicare / Uniforms / VAC_Remain / Clerk Court / SUI_ER
BOWMAR MARION BOWMAN [redacted]	6/9/99 4945	238.78	260.00 -1.33	 0.77	-16.12	-3.77 0.77
			-16.12	-3.77	-2.08	-11.57
BOWMAR MARION BOWMAN [redacted]	6/17/99 4947	57.02	61.75	 0.77	-3.83	-0.90 0.77
			-3.83	-0.90	-0.49	-2.75
BOWMAR MARION BOWMAN [redacted]	6/23/99 4972	218.78	260.00 -1.33	 -20.00 0.77	-16.12	-3.77 0.77
			-16.12	-3.77	-2.08	-11.57
BOWMAR MARION BOWMAN [redacted]	6/30/99 5004	218.78	260.00 -1.33	 -20.00 0.77	-16.12	-3.77 0.77
			-16.12	-3.77	-2.08	-11.57
Total 4/1/99 thru 6/30/99		733.36	841.75 -3.99	 -40.00 3.08	-52.19	-12.21 3.08
			-52.19	-12.21	-6.73	-37.46
BOWMAR MARION BOWMAN [redacted]	7/8/99 5039	218.78	260.00 -1.33	 -20.00 0.77	-16.12	-3.77 0.77
			-16.12 16.12	-3.77	-2.08	-11.57
BOWMAR MARION BOWMAN [redacted]	7/15/99 5076	140.06	162.50	 -10.00 0.77	-10.08	-2.36 0.77
			-10.08	-2.36	-1.30	-7.23
BOWMAR MARION BOWMAN [redacted]	7/22/99 5113	56.03	81.25	 -19.00 0.77	-5.04	-1.18 0.77
			-5.04	-1.18	-0.65	-3.62
BOWMAR MARION BOWMAN [redacted]	7/29/99 5154	255.53	281.94 -1.92	-2.92 0.77	-17.48	-4.09 0.77
			-17.48	-4.09	-2.26	-12.55

Moody's Mechanical Heating and A/C Inc

Yearly Earnings Report

For the Period From Jan 1, 1999 to Dec 31, 1999

Filter Criteria includes: 11 Employee IDs from BOWMAR to BOWMAR. Report order is by Employee ID. Report is printed in Detail Format.

Employee ID Employee SS No	Date Reference	Amount	Gross State Chris. Club K401 Soc_Sec_ER K401_ER	Fed_Income Emp Loan VAC_Accrue Auto Medicare_E	Soc_Sec Insurance VAC_Taken Child Supp. FUTA_ER	Medicare Uniforms VAC_Remain Clerk Court SUI_ER
			-7.24	-89.00		
				7.70		7.70
			-112.92	-26.42	-14.58	-81.05
			16.12			

MONTHLY TIME SHEET
MOODY'S MECHANICAL

Employee name	MARION BOWMAN	Job title	INSTALLER	Social security no.	
Month	JUNE 1999				

	05-31	06-01	06-02	06-03	06-04		
WEEK 1	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in	7:30 AM	7:15 AM	7:00 AM	7:30 AM	7:30 AM		
Time out	4:30 PM	4:00 PM	5:30 PM	4:30 PM	4:30 PM		
Subtotal	8.00	8.25	9.50	8.00	8.00	0.00	0.00
TOTAL Regular	8.00	8.25	9.50	8.00	8.00	0.00	0.00

	6-7	6-8	6-9	6-10	6-11	6-5	
WEEK 2	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in	7:30 AM						
Time out	5:00 PM						
Subtotal	8.50					0.00	0.00
TOTAL Regular	8.50	0.00	0.00	0.00	0.00	0.00	0.00

	06-14	06-15	06-16	06-17	06-18	06-12	
WEEK 3	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in	7:30 AM	7:30 AM	7:30 AM	7:30 AM	7:30 AM		
Time out	5:00 PM	5:00 PM	5:00 PM	5:00 PM	4:00 PM		
Subtotal	8.00	8.00	8.00	8.00	7.50	0.00	0.00
TOTAL Regular	8.00	8.00	8.00	8.00	7.50	0.00	0.00

	6-21	6-22	6-23	6-24	6-25	6-19	
WEEK 4	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in	7:30 AM		7:15 AM	7:30 AM	7:30 AM	7:30 AM	
Time out	5:15 PM		5:00 PM	3:15 PM	3:30 PM	4:00 PM	
Subtotal	8.75	0.00	8.50	7.75	8.00	8.00	0.00
TOTAL Regular	8.75	0.00	8.50	7.75	8.00	8.00	0.00

	6-28	6-29	6-30	7-1	7-2	6-26	
WEEK 5	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in	7:30 AM	7:30 AM	7:30 AM	7:30 AM	7:30 AM		
Time out	5:15 PM	5:00 PM	5:15 PM	5:00 PM	3:00 PM		
Subtotal	8.75	8.50	8.75	8.50	7.50	0.00	0.00
TOTAL Regular	8.75	8.50	8.75	8.50	7.50	0.00	0.00
	0.72	0.71	0.72	0.71	0.63		

SUMMARY

	Regular
Pay scale / hour	6.50
Hours	181.00
Wages	1,176.50

Signature _____ Date _____

Signature _____ Date _____

90900 TO 08/03/99 13:43P MC NAIR- GRAHAM MOODY MECHANICAL 08/03/99 13:44 P.04

MONTHLY TIME SHEET
MOODY'S MECHANICAL

Employee name	MARION BOWMAN	Job title	INSTALLER	Social security no.	
Month	JULY				

	7-6	7-6	7-7	7-8	7-9	7-3	
WEEK 1	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in		7:30 AM	7:30 AM	7:45 AM		7:00 AM	
Time out		5:00 PM	4:45 PM	10:00 AM		1:15 PM	
Subtotal		9:00	9:00	2:15	OFF	6:00	9.00
Total Regular		9.00	9.00	2.25		6.00	26.25

	07-12	07-13	07-14	07-15	07-16	07-10	
WEEK 2	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in	7:30 AM	7:30 AM					
Time out	2:00 PM	2:30 PM					
Subtotal	6.00	7.00	0.00	0.00	OFF	0.00	0.00
Total Regular	6.00	7.00	0.00	0.00	OFF	0.00	13.00

	07-19	07-20	07-21	07-22	07-23	07-17	
WEEK 3	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in	7:30 AM	7:30 AM	7:30 AM	7:30 AM	7:30 AM		
Time out	5:00 PM	5:00 PM	5:00 PM	4:15 PM	3:00 PM		
Subtotal	9.00	9.00	9.00	8.25	7.50	0.00	0.00
Total Regular	9.00	9.00	9.00	8.25	7.50	0.00	42.75

	7-26	7-27	7-28	7-29	7-30	7-24	
WEEK 4	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in			7:30 AM	7:30 AM	7:30 AM		
Time out			4:45 PM	5:00 PM	4:15 PM		
Subtotal	0.00	0.00	9.25	9.50	8.75	0.00	0.00
Total Regular	0.00	0.00	9.25	9.50	8.75	0.00	37.00

WEEK 5	MON	TUE	WED	THUR	FRI	SAT	AH
Shift 1 Time in							
Time out							
Subtotal	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Regular	0.00	0.00	0.00	0.00	0.00	0.00	0.00

SUMMARY

	Regular
Pay scale / hour	6.50
Hours	105.00
Wages	682.50

Signature _____ Date _____

Signature _____ Date _____

Sep 10 08 03:42p Mc Nair- Graham 8037652105 p.3 9091

9092

Moody's Mechanical Heating & A/C Inc.
P.O.Box 37 \ 2310 Highmarket Street
Georgetown, SC 29442
843-546-8741 \ Fax 843-527-1632

APPLICATION FOR EMPLOYMENT

Name Marion Bowman Jr. Soc. Sec. No. [redacted]
Date of Birth
City, State, Zip Georgetown S.C. 29442 Telephone # (843)
Do You have a Drivers License no Drivers License #
Employment Desired
Position any Date to Start anytime Salary $6.50
Education
Grammar School Branchville Elem. Did You Graduate Yes
High School Branchville High Did You Graduate Yes
College Did You Graduate
Trade, Business School Did You Graduate
Do you have any Heating and Air Conditioning Experience? no
If so please list
Do you have any tools that would help you in this job? no
Former Employers please list last job first

	Employer Name	Reason for leaving
From 12\98 to 4\13\99	Hood Construction	Job completed
From 5\6\98 to 11\16\98	RCB Decks	Lay-off
From 6\9\97 to 3\9\98	Stacey Decks	Job completed
From 1\3\97 to 6\12\97	Tom Brigham Contractors	Job completed

References--Give 3 names below who are not related to you

Name	Address	Years Known
Dallas Butler		
Vicky Bivette	Georgetown	6
Dearest Mickey Bivette		6

Authorization--I certify that the fact contained in this application are true and complete to the best of my knowledge, and I understand that if employed, falsified statement on this application shall be grounds for dismissal. I authorize investigation of all information contained in this application.

Date 5\24\99 Signature Marion Bowman Jr.

Interviewed by _____ Date \ \

Remarks

Hire Date 05\26\98 Salary Rate $ 6.50
Moody's Mechanical is an equal opportunity employer!!!!!

TRANSACTION REPORT

SEP-10-2008 03:21 PM

FOR: LAW OFFICES OF JIM BROWN 8434700004

RECEIVE

DATE	START	SENDER	PAGES	TIME	NOTE
SEP-10	03:19 PM	8057652105	10	3'02"	OK

9094

F A C S I M I L E

McNair-Graham, Inc.

Private Investigations

Carlisle J. McNair
803-608-5576 cell

1811 Pickens Street
Columbia, South Carolina 29201
(803) 765-2494
* fax (803) 765-2105 *
mcnairgraham@aol.com

Carolyn B. Graham
803-331-8888 cell

Date: September 10, 2008

ATTN: Jerod

Fax#: 843-470-0004

FROM: Carlisle McNair

Re: **Bowman work record**
Moody Mechanical

Number of pages(including cover): **Ten (10)**

9095

CHARLESTON SC 29424
PM
10 JUL
2001

35 pg.

29432/0131

PLAINTIFF'S EXHIBIT

I am with [illegible]
[illegible] this information Due
[illegible]

VERY Important

Dear Russ,

How are you doing. Fine I hope. But I Thank you for keeping it real with me. I glad to know that [illegible] Baby and [illegible] are doing Fine. It important that you tell your lawyer that you found that gun after someone Put that blood in that house. Tell Hiram that if the police ask him what kind of gun he saw in my lap it was a revolver shaped like a 32 cal. or 38 cal. I don't know if you know it or not but they ask me to testify or everybody I told them No, I need you to call Travis 274-8644) tell Travis I need to know what he told the police if he say he didn't tell them Nothing tell he didn't say anything and I sorry he in this mess, but don't worry and stay saying nothing and I will clear him in court, tell him I told my lawyer he don't know Nothing and have Nothing to do with this case so please don't say anything Tell Hiram he might have to say he saw me with a 32 that Nite in

I got you letter abortive party 5377

I Love And Miss Y'all

1-9-02

Hi Bro,

I miss you and my kids very much. How dose you mama and the rest of the family of in-laws doing? Tell them I said Hi. What is Trina up to now who she talk to now. I miss Cricket too tell her I said what up. How is shelton doing. well I decided to write to let you know how much I love you and my children. I hope they still doing good in school and home. you can have them beds anything else you want after all this ours together. Remember we are one and the same Dot that mean what mine is yours and what's yours is mine. I order you a Birthday card to let you know I will always love and cherish you Baby I'm sorry for not being there. when did you get kill at 910 I didn't read it in the papers. Any way I told dot to call because I don't want you end up back in here. IF the police ask you about me and a knife tell them nothing. where do you plan move. I hope you are going to church because when you praise God He will bless you very

much Boo. Take my children to church on sunday please and God will bless my wife sons and daughter and me too. I go to Church sunday and I know God is going to work something out. Oh what boy story to my Mom house that Kendra wanted you to sleep with. Forget about that because I know you love me and YES I glad you tell me before someone else did. I love you very much take care and write back soon.

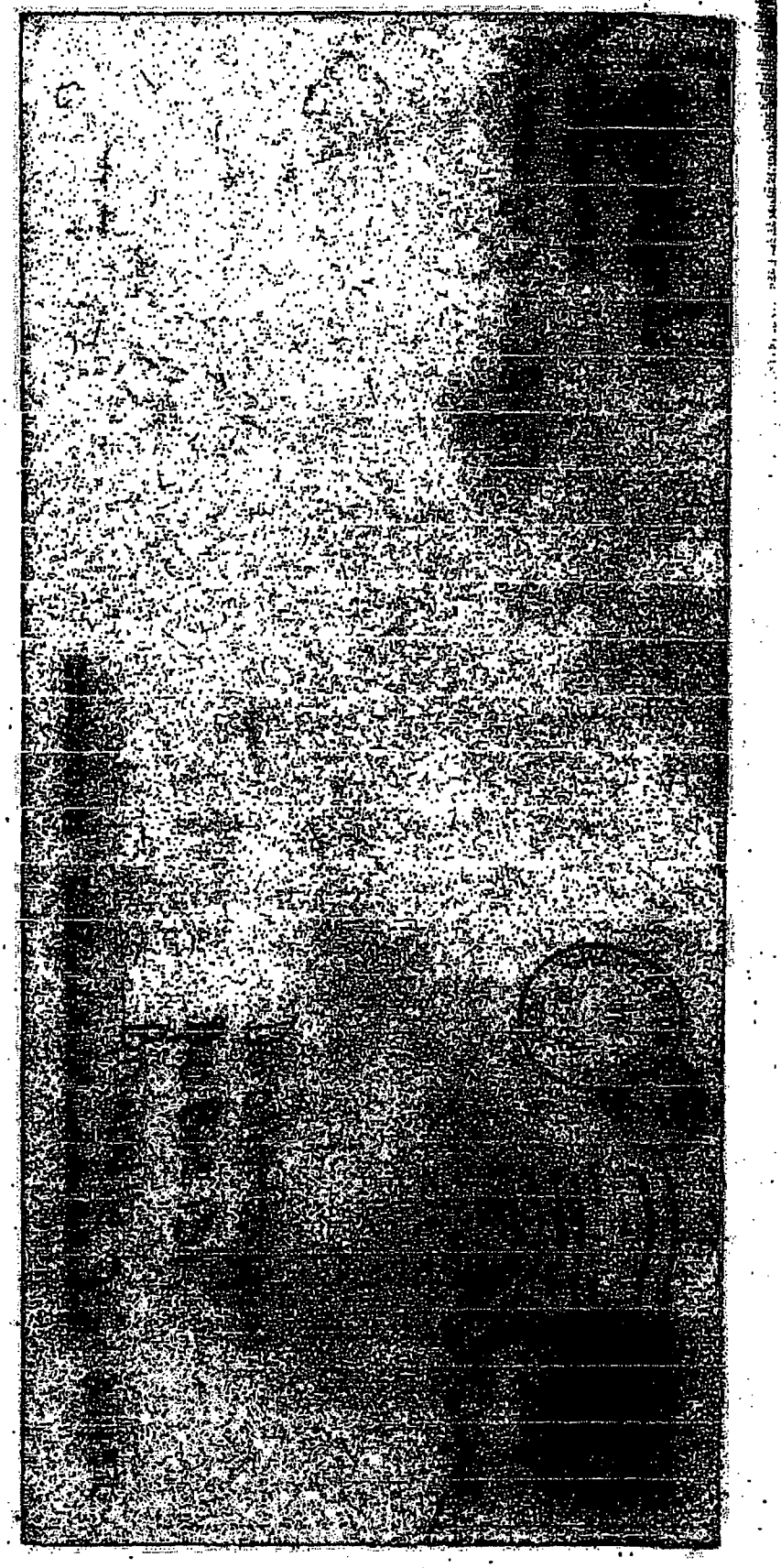
Love

Daddy

Dot / Marissa / Tejon / Corijon / Marion

I Love You

All



I miss you and my kitty
March I will call daddy and
see what he is talking about

I Love You
5380
Dottie MacBook
Blank

Hi Ron,

I miss you very much and
take it easy now. I did not tell
Martin - there are people crazy
into religion with all those gods
don't know. I never messed with or
got my dick sucked by them. Who are
to telling you this is just trying to
break me and you apart. Their Lord
can't do as I get you. I am strong
and they felt if they get you out of me
cause they can't hurt me. But by the
Grace of God I know I'll be alright
for we find all the guns they have
I don't even a gun don't never let
that stop me from being me
and I know. In my two last letters
I did say I was in church & the
Lord is my strength & stay about him and
my sisters they don't come see me
or bring me money. I sent here from
them & the boys. I only hear from
Mimi and my sons so I pray you can
get on the visit me and let me know
what else is money order please do
Girl Mail Money to from no more cash
I don't get letter of just left sends
I send thanks out to [illegible]

9101

5381

3-26-01

With Love

Dear Dot

How Are you and my kids? I Hope you're a doing fine. I miss yall very much. Mom tole me is weekend you were sick I hope you are better no I continue to pray everday for us and I hope you're doing the same. I was waiting on letter to me it has not gotten here yet so I write to let you know I LOVE U very much. And swer your question about my baby in your st always want my child to be by someone I ve and that is you Dorothy mae Bowman. I s ake up in the night wanting to hold you in my m and start crying and praying. I need you bad. Dot. Do not do anything to stupid to jail Dot we dont need that. I hope all are tic to get the NAAN people to he e. Dot when you get some money please. pl to a lawyer and ask them where can (yo ind a ~~law book~~ on Statement and evide uppression and buy it and mail it to me ake sure it is paperback book that you buy Thanks alot Bo.

I hope you eat the right foods and like a list of food mom said you are

Happy
Family
Love
Baby
Dog
Black
with love

9103

5388 ... Shelton doing
4-11-01

Dear Boo

I miss you. How are things going out there? I just want to make sure you and the kids are okay. Thanks for the card you sent. How's the baby. Do you talk to her about her daddy. Was Tre B-Day? Nice I hope. Don't you let thing worry you. If mom ask you for money if you don't have any. When they start bothering tell Jesus about it. He will make every thing right. Dot listen no matter what the police or anyone say don't believe them. I need you to say that you did not tell police to search house and that only thing they said was that they had warrent to arrest me for Receiving stolen Good and that was all they said. My lawyer is not try to help me so I need your help Boo please don't let me down. This is important. I want know what ya'll found out about the statements, I know you are having a hard time out there, but Dot don't let what happen last time happen this time. My letter is short and to the point

I Love you write Bla

P.S. KEEP Praying / Keep Hope #1
two more words to remember then don't give

5386

5-1-01

(Smile remember what we have that's Love)

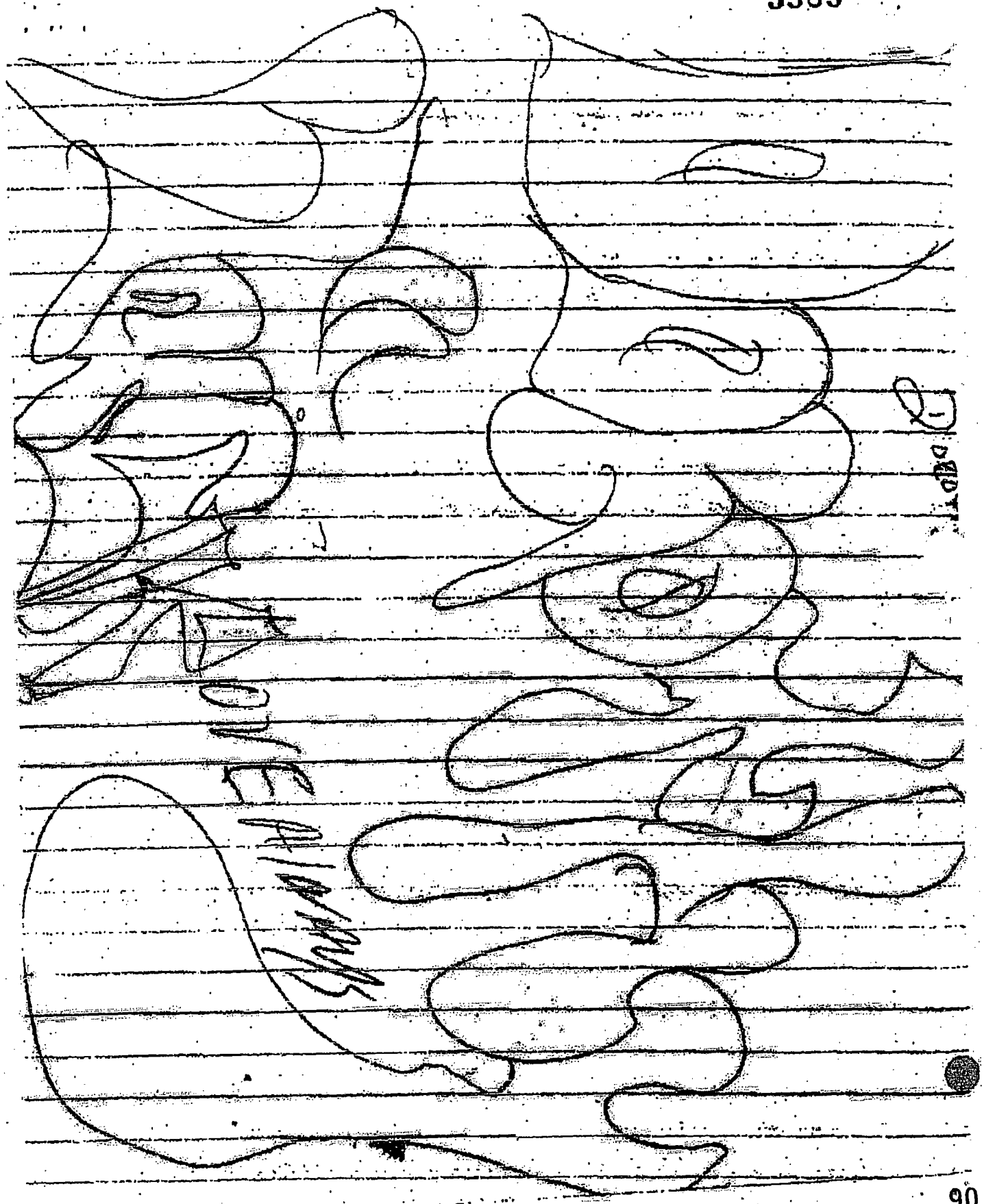
When you love Someone you don't give up. Ever

Dear Boo,

What's going on out there? How are my Kids? How are you feeling I hope you ar Not out there stressing yourself over Nothing. I want my baby Name after me too. So I was ort of hurt when Kenda said yall wanted h ame My baby Dru whole Name. I am scar that you will Not stick by me. I know you w e there and love me forever, but sometimes. et scared. I ask you to open your heart to G nd get saved that's the only way things will K out. I miss you very much and I want o be there with you more than anything in this orld. I read a book about Raising our childr or God and I sometime cry when I rea because all I can thing of is YOU AND MY Os. So stop sayin's I have a child when y know the only Kid I have is Tie/co/and lil Bla o stop plea: You and the Boys are all I have be d. I love you so stop upsetting yourself I can ke it if you worry. you got to be Strong out the o I can be Strong in here. until I can be safe ain rapped in you arms and love. I Love you and my Boy

S/ Tieco/Black/and Me Daddy I Lo

5385



Write me back Dot I miss hearing
voice and looking into you little pretty eyes wh
stare at me and twist your mouth around I
feel's I cry about the baby yet it so what it
I think where they happy. I hope mom is
cried I wrote to her what happen she is to
you do you go around there to her house
hope No NIGGA is coming to see you. Wh
m in here you know that would hurt me
I miss you and the boys so much
Write back soon

I LOVE YOU

Bye
Don
Don

P.S. go to church

Love

ALWAYS

Write BACK

What are the Names you came
with for the Baby?

Marie
Mar 13, 8

Dear Dot,

How are you and my children doing? I hope you'll doing fine. I really miss you very much. I know don't care about me but I couldn't help but wonder if you were using the bathroom alot. Tell Tajiona and Cayla I love them very much. I was waiting on a letter from you, but since I didn't get one at last visit I got worried. There isn't much to say but I am thinking of you and my children and I want to write a few line of hope to you. When I the times you said Black what are you going to do? But all I said was I don't know. I know what you was so worried I need to be there for me Dot I love you very much and pray that you are going to church and God to be there for us. I hope you are eating right foods, and going to the doctor on time. This is our first child and don't want anything to happen this time around. I hope you can come on Sunday. Keep praying and if you have any pictures send them to me please and you will be put money in my account and thank you for that. Did you talk to [redacted] to see if he would be willing to lend hearing between the two of them both.

MEMORANDUM

TO: Norb & Marva

FROM: Dale

RE: Marion Bowman

DATE: May 3, 2002

(Attorney Work Product – Confidential)

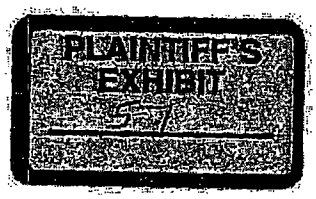
I woke up at 4:00 AM this morning with a feeling of panic rising in me. We have to get together and soon. The trial starts a week from Monday and I have no idea of how you plan to present the penalty phase. I don't know what expert witnesses are being used or what they will be testifying to.

The lay/family witnesses need to be aware of what is needed from them. Their testimony and the expert testimony need to follow the same general theme. We hope that some the expert testimony will support anecdotal information from lay/family witnesses.

Due to the unusual situation of so many family members being charged in the same case, lay/family witnesses are scarce. For that reason, it especially important that the ones we use get across the information we want the jury to have.

Please call me or schedule a meeting so that we may address these issues. I have a meeting tomorrow morning at 10:00 AM and another at 2:00 PM on Monday for the Charleston case beginning on June 3rd; I will adjust my schedule for any other time you select.

Jeff Yungman is presenting at a conference and will be out of town from 5 PM tomorrow (Sat.) until Wednesday evening. If we can meet before that time, Jeff will provide written input.



faxed @ 3:50 PM to both attys

9110

Dale M. Davis
Criminal Mitigation Services

P. O. Box 50944
Summerville, SC 29485
Phone: 843-871-6176
Fax: 843-875-6626
e-mail: dalemdavis@yahoo.com

April 11, 2002

Norbert Cummings, Esquire
Post Office Box 1318
Summerville, SC 29484

Marva Hardee-Thomas, Esquire
130 East Richardson Avenue
Summerville, South Carolina 294

RE: State v. Marion Bowman, Jr.

Dear Norb and Marva:

After the team meeting on May 3, 2002 which was attended by Norb, Marva, Don Girndt, Dr. Donald Morgan, Jeff Yungman and myself, I have some concerns about the use of mitigation in the penalty phase. I had expected that the meeting would be an information sharing or brainstorming type meeting so that we all got an idea of our case strategy as well as a general idea of what the experts would be testifying to. I had hoped to get a better grasp on the direction of the case in order to structure the presentation of mitigation issues. It was more of a presentation than a team meeting and I came away with no more information than I had arrived with. I still have no idea of strategy or theory of the case.

Norb, this is not meant as criticism only as an observation – you seemed to have a "who cares" (for lack of a better term) approach to the mitigation issues presented by Jeff Yungman and myself. For the most part, those are the issues that we have to work with and they will have to be presented in a way that makes them matter to the jury. Some jurors do care about the difficulties, hardships and bad circumstances of a defendant's childhood and adolescence. They agree in voir dire that they will consider those things. These issues must be presented in a way that makes them meaningful to the jury in an attempt to bring some degree of understanding/explanation of what brought the defendant to this particular day in his life and resulted in such a horrible act. It is not an attempt to excuse it but to try to explain the inexplicable. If the attorney seems to be apologetic for giving them this information or trivializes it, the result can be worse that putting up no mitigation at all. This will come across to the jury as an apology for having to represent "this sorry, good for nothing (fill in the blank)."

I was uncertain about the significance of the report from the solicitor's file that you past around. Don Girndt read it but did not comment on it, he passed it to me and I read it but there was no further discussion about it or what it meant to the case. Did I understand you to say that you had discovered it buried in Walter Bailey's file and that it had not been provided previously?

MEMORANDUM

RE: Notes of Dale M. Davis, Mitigation Investigator, re attempts to reach N. Cummings & other aspects of pre-trial

DATE: various

(Attorney Work Product – Confidential)

8/17/01
Went to his office after being informed by Marva's office that he had all of discovery and records and was supposed to be getting copies made. He wasn't available and no one knew where the records were, thought maybe the investigator had them. I left a message and a card re contacting me.

8/20
Call to N. Cummings office, left message re need for records. (Marva said she had called there and told them to give me access.)

8/27
Call to Cummings' office, voice mail answered. Left lengthy message re need to access records and any general idea of trial date b/c trial in Beaufort starting 10/8.

9/24/01
Went to Cummings' office again today and secretary said he was in court, she know nothing about a death penalty case and took written message. I was more insistent that I needed contact from someone about this case-that I had to see the records. I left another card and she said she would call back this afternoon or tomorrow. She said she was the only one there today.

9/26/01
Call to Marva's office after no response from Cummings. Advised being denied access to file and needed to look at it. All I wanted was to be allowed a space in his office to look through it and would copy portions I needed.

9/27
Call to his office, was told that the file was ready to be picked up. Advised that I did not need the entire file but Carol said it was all copied for me. I picked up later that day and the entire discovery from the solicitor was given to me. I had absolutely no need for all of that but the inability to communicate with his office creates additional work for everybody.

10/24
Wrote and faxed letter to both attorneys re need to meet with them regarding this case stating a specific need re neuropsychologist.

10/25
Call to Cummings' office, Carol told me she was sending me a letter and coordinating schedules for a meeting

10/27 Ltr. Received telling me to call his office and schedule a date and time that was "convenient with all parties."

10/29
Call to Cummings' office re date, advised for them to decide and let me know and I'd be there. She said they were getting together to see Marion together. Carol said she would contact me later in the week with a date and time.

11/3
Letter sent confirming the above (10/29)

11/28
Delivered portion of collected information to attorney's offices. Spoke to Carol at Cummings' office re mtg that she was to arrange and contact me. She said he is out of town until Dec. 10th as if that was the only reason we hadn't met. Advised our contact was at beginning of Nov. She told me he can't "close down his office" to meet with me. Response: "I need 15 min., he doesn't need to close down his office. Ask her about non-court week, she said that he is so busy and in so many courts that if she scheduled a meeting with me, he could be contacted at the last minute and not be able to meet. This is unbelievable to me that he is completely inaccessible.

Received a call from Marva's office yesterday re Dr. Morgan needing records. The girl who called said that he has repeatedly called N. Cummings' office and can get no response. He has been trying to obtain these records since he was hired for the case.

12/10
Sent letter re meeting week of Dec. 31st after checking with the courts for their C-mas schedule.

12/14
Letter rec'd dated 12/12 with attached copy of ltr dated 11/28 to Marva setting out his available dates for meeting. Based on this letter and call to his office, meeting scheduled for 1/7/02.

1/7/02
Meeting with Marva, Norbert, Bobby Minter, Don Girndt and myself.

2/26/02
Talked to Bobby Minter, investigator. Hours of his time have been "burned up" going to the jail to try to get Δ to plead guilty. He also spent hours trying to organize the discovery, which was given to him the same as it was given to me – a mixed up unorganized, huge stack of discovery information including multiple duplicates. From what I had seen when I was first hired, Marva had a notebook with all of the information organized in a notebook that at some point early on she gave to Cumming's office. When I tried to get the notebook to copy what I needed, it was never available through Carol and finally I was given the mass of unorganized discovery.

3/12/02
Call to Bobby Minter. Asked if attys had given him any direction on theory of defense for the case. His answer, "Not yet." He said Marva and Norb had been "communicating pretty good lately" so maybe they knew but hadn't told him yet. He has not talked to the witnesses about the accelerant yet. Said he had visited Marion and gotten some things from him (Δ) that he wanted Bobby to do.

4/2/02
Call from MHT asking me to schedule a meeting of "the experts" for tomorrow night 6-8pm. Advised experts would be unlikely to be available on such short notice. She said that Norbert had asked her to do this for Mon, Tues, or Wed. I don't when he made the request but she said she just couldn't get to it yesterday.

5/3/02
Memo faxed re need to meet, no clue what going on. (see memo)

5/8/02
Call to find out if he has seen memo, no call to date. Advised need to speak to him, I am clueless and this will have a bad outcome in this case.
Finally heard from them, (see memo to file). No interest in mitigation, NEC wants to shoot down every area brought up to him. EX: Photos of Marion's baby – NEC: "he doesn't give a damn about that baby." Me: I don't care whether he does or not, for purposes of this trial, he adores her and wants to build a relationship with her even if it has to be from prison. Wife is agreeable to taking her and seeing that baby has the opportunity to know her daddy.

5/13/02
Went to Monck's Corner to Courthouse to be sure they had seen all of the info in the mitigation notebook I prepared. I offered it and NEC wouldn't even touch it much less look at it – neither of them wanted to see the info even though they said they did not have O'burg jail records. Said they'd get them from solicitor. I tried to show photos of baby, wouldn't look at them.
NEC says he wants to let me know what's going on & proceeds to tell me the info he told me on 5/8 as if it's brand new info. (He contacted Jeff Yungman on 5/10 re meeting them on morning of 5/11 about mitigation. I was not contacted, Jeff met with them, Marva ate, NEC talked and essentially has no clue what he intends to do in the PP of trial. Ex: Told Jeff he was going to put Dr. Donald Morgan, Jeff asks what will he say, NEC: "I hope he has some good things to say." I contacted Dr. Morgan this morning and his testimony probably would not be helpful.

MEMORANDUM

TO: File

FROM: Dale

RE: Marion Bowman

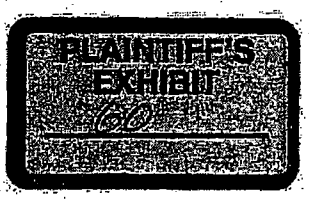
DATE:

(Attorney Work Product – Confidential)

DSS attorney
Richard B. Ness
209 N Main St
Bamberg, SC 29003-1120
Phone: (803)245-5178

I went to DSS in Orangeburg in an attempt to get whatever records, if any, they had related to Marion. They referred me to their attorney, I called & waited at O'burg DSS until he returned my call. After speaking to me, his paralegal researched the information and advised that the last place of service to family was in Dorchester.

Dorchester DSS 821-0444



MEMORANDUM

TO: Carol

FROM: Dale

RE: Marion Bowman

DATE: May 16, 2002

(Attorney Work Product – Confidential)

The following information is for the subpoena we discuss:

To: Dorchester County DSS ATTN: Mary Lematty, Esquire
Old Orangeburg Road
Summerville, SC

Please provide all records related to:

Marion Bowman, Jr.
Date of Birth: [redacted] SS#: [redacted]

Mother: Dorothy Bowman
Date of Birth: [redacted] SS#: [redacted]

Father: Marion Bowman, Sr.

Other children in family: Kendra Bowman (DOB: [redacted]), Yolanda Bowman (DOB: [redacted])

CONFIDENTIAL WORK PRODUCT

STATE V. MARION BOWMAN, JR.

Attorneys: Marva Hardee-Thomas
Norbert Cummings

Mitigation Specialist: Dale M. Davis

8/15/01

Dorothy Williams Bowman, Wife

Dorothy was with Marion in August 2000 when he fell and hit his head while they were in town. They were playing around, splashing water on each other when Marion slipped on the pavement. His feet went out from under him and he fell back and hit his head on a bench and then on concrete. He was unconscious for about five minutes. When he opened his eyes, he kept rubbing them and was very confused. He didn't know what had happened and had to ask. When Dorothy told him, he didn't act like he believed what she said. He didn't remember anything about it. There was a gash in his head and it was bleeding profusely. They got a towel to apply pressure and it took about an hour for the bleeding to stop completely. Marion had bad headaches for about two or three months, he was sleeping "a lot" both day and night. He would fall asleep while sitting up and sometimes wouldn't wake up when they tried to rouse him. During that time, elevated noise levels would make him very upset.

Dorothy said that when they have a disagreement and Marion gets mad, sometimes he just ignores it and other times acts like a spoiled little kid and then leaves for awhile. He cools off and then comes back. He has never hit her or made her feel afraid of him. He doesn't usually let things bother him too much – he just "tunes people out."

Dorothy had two sons from a previous relationship when they married. Marion is good to her kids and they love him.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF Dorchester) INDICTMENT/CASE#:
STATE VS.) 2002 -GS- 18 - 547
Travis D. Felder CERTIFIED COPY) A/W#: 2002Dor13
AKA: 2008 AUG 27 AM 10:23) Date of Offense: 2-16-01
Race: Black Sex: Male Age: 21) S.C. Code §: 17-21-60
Cathy J. Graham) CDR Code #: 2 14 1 1 14
Address: [redacted] CLERK OF COURT DORCHESTER COUNTY ☐ CASE RESTORED
DL#_____ SID#:_____) SENTENCE
☑ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS TO: Accessory After the fact to Arson 3rd Degree in violation of § 17-21-60 of the S.C. Code of Laws, bearing CDR Code # 2 14 1 14

☑ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:
Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☑ **State Department of Corrections,** ☐ **County Detention Center,** for a determinate term of 3 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 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

PLAINTIFF'S EXHIBIT 5

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐Heard, ☐Waived, ☐Ordered
Total: $_____ plus 20% fee: $_____
Payment Terms:_____
☐ set by SCDPPPS_____

Recipient:_____
*Fine: . . . . . $_____
§14-1-206 (Assessments 100%). . . . $_____
§14-1-211(A)(1) (Surcharge) . . . . . $ 100.00
§14-1-211(A)(2) (Surcharge) . . . . . $_____
§56-5-2995 (DUI Assessment). . . . . $_____
3% to County (if paid in installments). . . $ 3.00
TOTAL . . . . . $ 103.00

PTUP_____
40 days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund.
Other: Probation to be supervised in Dorchester County

Clerk of Court/Deputy Clerk
Court Reporter: Kathy Addison
PRESIDING JUDGE Diane S. Goodstein
Judge Code: 1 1 1 2 1
Sentence Date: 7-17-02

White - Clerk Green - Corrections Canary - Probation Pink - Defendant

SCCA/217 (1/2001)

9118

WILLIAMS & WILLIAMS

ATTORNEYS AT LAW

MARSHALL B. WILLIAMS
(1912 - 1995)
CHARLES H. WILLIAMS, P.A.

CHARLES H. WILLIAMS
C. BRADLEY HUTTO
EDGAR W. DICKSON
DELANDRA M. NAVARRO

370 ST. PAUL N.E.
P. O. Box 1084
ORANGEBURG, SOUTH CAROLINA 29116-1084
(803) 534-5218
FAX (803) 536-6544

March 27, 2002

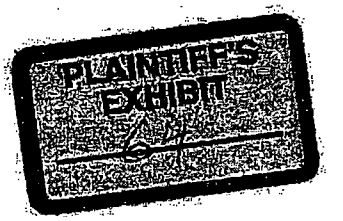
The Honorable Walter M. Bailey
Dorchester County Solicitor
Post Office Box 2520
Summerville, South Carolina 29484-2520

Re: The State -vs- Travis D. Felder

Dear Walter:

In line with our discussion, you asked that I proffer our testimony and it would be as follows:

Some where around midnight, Travis picked up his girlfriend, Velonia Smith, and they went to Alan Murray's club. They were there until somewhere around 3:00. While at the club, he saw Bowman, Gadson, Williams and Johnson. Travis did not see what car they came in and does not know when they left, but believes they were there when he and his girlfriend and another girl left. Travis went back to his girlfriend's apartment and about 15 minutes after he got there, Bowman came by and asked Travis if he would follow him because he needed to park a car. Travis did not think a whole lot about it and got into his car and followed Bowman down the McAlhaney Road. Bowman pulled up into a field, got out and all of a sudden the car was set on fire. Travis did not realize whose car it was. He thought it was Gadson's sister's and thought Bowman was burning it to help them get insurance. When Bowman came up to the car, Travis asked him what was going on. Bowman replied, "Man, I had to get rid of it." Travis asked Bowman, "Why are you getting me in this?" Bowman replied, "Don't worry about anything, just take me home." Travis took Bowman home and then went back to his girlfriend's apartment.



Travis states that he and Bowman went to school together and would hang out on the weekends. He considered Bowman to be a good friend. After you have reviewed this, please give me a call and I will be glad to discuss it with you.

Yours very truly,

Charles H. Williams

CHW/cah

9120

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

NAME	ALIAS	ADDRESS
LEGREE, OCTAVIA		MHP, Cordova, SC Telephone: Unknown
NOTE: STORE CLERK / HORIZON EZ SHOP – 10pm – 6AM shift / Jamaican boyfriend that saw Bowman & others at club & overheard them talking about killing a girl and wanting to burn car.		

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	23		5'05"	200		0111111849 / SC

NAME	ALIAS	ADDRESS
MARTIN, FRANKIE	"FRANKIE"	UNKNOWN, 66 Area, Branchville, SC 29432
NOTE: Marion stated he saw Kandee at this house and had sex with her on afternoon of Murder		

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	50's					

NAME	ALIAS	ADDRESS
MAXEY, CHRISTY		, Orangeburg, SC Telephone: (803) (h) / 534-9918 (w)
NOTE: FRIEND OF KANDEE MARTIN / GREW UP WITH VICTIM / KNOWS ALL OF THE SUSPECTS / HAS SEEN TAWAIN GADSON WITH A GUN ABOUT 1 YEAR PRIOR TO INCIDENT. / WORKS AT DOLLAR GENERAL STORE IN ORANGEBURG NEAR OLD SKY CITY.		

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	F	19		5'08"	155		

NAME	ALIAS	ADDRESS
McCLEAN, BRUCE ADOLPHUS	McCLEAN, HENRY BRUCE	, Cordova, SC Telephone: (803)
NOTE: BOYFRIEND OF OCTAVIA LEGREE (store clerk) / Can be heard on video tape saying something about guy's at gas pump having been at Allen Murray Club bragging about killing someone. TALKS WITH JAMAICAN ACCENT / MAKES REGULAR TRIPS TO FLORIDA		

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	42		U	U	U	U

NAME	ALIAS	ADDRESS
METTS, CLINTON		, Cope, SC 29038 Telephone: (803)
NOTE: CANAAN FIRE DEPARTMENT DIVE TEAM / WEAPON RECOVERY		

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M						

OCTAVIA MONIQUE LEGREE 614-6639

D/F [redacted], Conway, SC

Travis Fielder came in store w/ one girl - came back later w/ 2 girls 12 pc. Natural Lite Beer. - purchased one in his car.

Identified: Beau McClam (Adolphus.) P.D [redacted]

OCTAVIA agreed to Meet w/ R/O AND Holmes at OCSD Tomorrow Along w/ Her Boyfriend - After 3:00 pm.

PLAINTIFF'S EXHIBIT 6

RULE 5 DISCOVERY

RICKY DAVIS INTERVIEW

CONDUCTED BY SAM AT LIEBER CORRECTIONAL INSTITUTION.

RICKY DAVIS STATES THAT HE AND JAMES TAIWAN GADSON ALONG WITH 4 OR 5 OTHERS WERE SITING AT A TABLE ON THE A-SIDE. GADSON WAS TALKING TO THE GROUP WHEN HE SAID SOMETHING ABOUT KILLING A GIRL. HE STATED THAT THEY WERE GOING TO ROB SOMEONE. THEY THOUGHT SHE WAS WIRED AND HE SHOT HER IN THE HEAD WITH A .380.

THIS CONVERSATION OCCURRED ABOUT 3 WEEKS BEFORE HE WROTE THE LETTER. (AUGUST 6, 2001).

AFTERWARDS, DAVIS WAS PLAYING CHESS WITH MARION BOWMAN IN CELL 8. DAVIS TOLD MARION BOWMAN ABOUT THE CONVERSATION HE HAD WITH JAMES GADSON. BOWMAN SAID "IF YOU HEARD ALL THIS, WRITE IT DOWN." BOWMAN SHOWED HIM A PICTURE OF THE DEAD GIRL. HE ALSO SHOWED HIM A FILE FROM HIS ATTORNEY.

BOWMAN SAID HE HAD BEEN SMOKING DOPE THAT DAY. HE SAID IT WAS HIM, JAMES GADSON AND THE GIRL AT THE SCENE. THE GIRL WAS SUPPOSE TO HELP THEM ROB A HOUSE TO GET DRUGS AND MONEY. BOWMAN KNEW THE INTENDED VICTIM.

BOWMAN NEVER ADMITTED HE SHOT ANYONE.

SUBSEQUENT TO THIS, DAVIS TALKED TO JAMES GADSON AGAIN. AT THIS TIME, GADSON SAID THAT BOWMAN SHOT HER.

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

140 N. Main St., Suite 102
Post Office Box 2520
Summerville, S.C. 29484
(843) 871-2640
FAX (843) 871-2643
PTI (843) 873-7842

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

7 MAY 2002

VIA FAX 851-0062

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

VIA FAX 873-4123

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

I previously forwarded to each of you a written statement I received from Rickie Davis. I also interviewed Wayne Mood, although no statement was taken from him. I am attaching herewith notes I had typed from my handwritten notes. In the event James Taiwan Gadson testifies for the State, these notes may provide impeachment information.

Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBjr:jgh

Attachment: As stated

INTERVIEW WITH WAYNE MOOD

HE HAS BEEN TALKING WITH JAMES TAIWAN GADSON AND MARION BOWMAN, JR.

HE FIRST TALKED TO JAMES GADSON IN NOVEMBER.

JAMES GADSON'S FRIEND, LAWRENCE JONES, WAS PRESENT AT THE CONVERSATION.

JAMES GADSON'S STORY WAS ESSENTIALLY THE SAME STORY LATER GIVEN BY MARION BOWMAN EXCEPT THAT GADSON SAID THE GIRL MOVED THE CAR UP A LITTLE BIT AS HE AND BOWMAN WALKED TOWARD HOUSE THEY WERE GOING TO BURGLARIZE. GADSON SAW CARS COMING AND THEY JUMPED IN THE WOODS. AFTER THEY CAME OUT OF THE WOODS, MARION BOWMAN SHOT HER FIRST.

SHORTLY AFTER THAT, HE TALKED TO MARION BOWMAN, JR. WHILE AT THE CHAPEL SERVICE. HE WAS SITTING BEHIND BOWMAN AND IT WAS ABOUT 8:00. POP WILLIAMS WAS PRESENT. BOWMAN SAID "GADSON AND THE GIRL PLANNED TO ROB THE HOUSE. THEY DROVE TOWARD TO THE HOUSE WITH THE GIRL DRIVING. BOWMAN HAD GIVEN HER CRACK. BOWMAN AND GADSON LEFT HER IN THE CAR AND WALKED TOWARD THE HOUSE. THE GIRL BECAME AFRAID AND RAN TOWARD HIM. SHE SAID "BLACK, I'M SCARED." THEY ARGUED AND BLACK FLIPPED.

MARION BOWMAN SAID THE GIRL WAS SUPPOSED TO BE WIRED. HE SAID "WE HAD TO DO WHAT WE HAD TO DO."

GADSON HAD THE .380. HE SHOT HER IN THE BACK. SHE RAN AND THEN STOPPED TO GET HER BREATH. SHE WAS BREATHING FUNNY. GADSON GAVE THE GUN TO BOWMAN. THE GIRL SAID "DON'T SHOOT ME, I HAVE A CHILD "

BOWMAN SHOT HER ONCE AND MISSED AND THEN HE SHOT HER IN THE HEAD. THEY BOTH DRAGGED HER INTO THE WOODS. THEY THEN GOT INTO HER CAR AND DROVE OFF.

BOWMAN TOLD GADSON HE WOULD KILL HIM IF HE TALKED. GADSON WAS SO SCARED HE SHIT HIS PANTS. THEY DROVE TO THE PROJECTS. POP WILLIAMS WAS THERE. GADSON CHANGED HIS CLOTHES AT THE GIRL'S HOUSE AND THEY WENT TO THE CLUB.

AFTER BOWMAN DROPPED POP AND GADSON OFF, BOWMAN AND TRAVIS FELDER THEN WENT BACK TO WHERE THE BODY WAS. THEY PUT THE GIRL IN THE TRUNK AND SET THE CAR ON FIRE.

A DAY OR TWO AFTER TALKING TO BOWMAN, MOOD TALKED TO GADSON AGAIN. GADSON THEN ADMITTED HE SHOT HER FIRST AND BOWMAN SHOT HER SECOND.

BOWMAN SAID HE WAS NOT GOING TO TAKE A DEAL BECAUSE HE WOULD BE ACQUITTED BECAUSE THERE WAS NO EVIDENCE AGAINST HIM. HE SAID HE WAS GOING TO SAY THAT THE MAN WHO TOOK HIS STATEMENT HIT HIM OVER THE HEAD WITH HIS GUN.

MOOD HAS GIVEN A NOTE TO HIS LAWYER SUMMARIZING WHAT HE WAS TOLD. THE NOTE WAS WRITTEN THE DAY HE TALKED TO BOWMAN IN THE CHAPEL.

BOWMAN SAID HE GOT HIS FAMILY TO THROW THE GUN IN THE WATER. HE SAID HIS SISTER THREW IT IN THE WATER.

IN COURT, BOWMAN IS GOING TO SAY THAT THE REPORT SAYS THE GUN WAS NOT FOUND AFTER A THOROUGH SEARCH AND THEREFORE WAS NOT THERE AND WAS PLANTED BY THE POLICE.

BOWMAN ALSO SAID THE GUN WAS SHOT IN THE PROJECTS. IT WAS OVER A GIRL GADSON WAS MESSING WITH. BOWMAN GAVE GADSON THE GUN WHO SHOT IT TO SCARE SOME GUY.

BOWMAN ALSO SAYS HE IS GOING TO ASK FOR A TRIAL BY THE JUDGE.

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

140 N. Main St., Suite 102
Post Office Box 2520
Summerville, S.C. 29484
(843) 871-2640
FAX (843) 871-2643
PTI (843) 873-7842

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

FAX COVER SHEET

DATE: 7 MAY 2002

TO: NORBERT E. CUMMINGS, JR., ESQUIRE

FAX NUMBER: 851-0062

IN RE: STATE VS. MARION BOWMAN, JR.

COMMENTS: PLEASE SEE THE ATTACHED LETTER AND NOTES.

NO. OF PAGES (THIS INCLUDED): 4

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE 871-2640 AS SOON AS POSSIBLE.

TRANSMITTER: JODI FOR SOLICITOR WALTER BAILEY

THE CUMMINGS LAW FIRM
NORBERT E. CUMMINGS, JR.
ATTORNEY AT LAW
100 South Main St. Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318
843-821-9999
Fax 843-851-0062

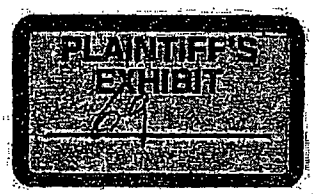
MAY 15, 2002

INVESTIGATOR WALTER MITCHELL

INTERVIEW RICKY DAVIS
INMATE NUMBER 279180
LIEBER CORRECTIONAL FACILITY

RICKY DAVIS GAVE A STATEMENT REGARDING MARION BOWMAN, JR. NEED TO KNOW EVERYTHING THAT HE KNOWS ABOUT MARION BOWMAN, JR., THE DEATH OF KANDEE MARTIN, AND ANY PERSONS REGARDING SAID CASE, IE GADSON, FELDER, ANYONE. NEED TO KNOW ANY PLEA OFFERS THAT HE HAS BEEN OFFERED IN LIEU OF HIS TESTIMONY.

ANY INFORMATION THAT YOU FEEL WOULD BE BENEFICAL REGARDING THE INTERVIEW WITH MR. DAVIS.



THE CUMMINGS LAW FIRM

Attorneys at Law
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

Norbert E. Cummings Jr.

Henry R. Schlein, Associate

Telephone (843) 821-9999
Fax (843) 851-0062
E-mail cumlaw@bellsouth.net

May 8, 2002

VIA FACSIMILE: 795-3990
Mr. Cameron Marshall, Esq.
147 Wappoo Creek Dr., Ste. 205
Charleston, SC 29412

RE **State v. Marion Bowman**
State v. Wayne Mood

Dear Cameron:

Thank you for your kind consideration in this matter.

I was just informed late yesterday afternoon by the Solicitor that he intends to use your client, Wayne Mood, as a witness in the death penalty trial against my client, Marion Bowman. I would like to ask for your permission and for your help in permitting my investigator to interview your client, Mr. Mood, in order to determine exactly how his testimony might impact my client's defense. Please let me know if you can consent to this as soon as possible because our trial is scheduled to begin this coming Monday, May 13th.

Thank you again for your kind courtesy and consideration. Please contact me as soon as you receive this message.

With warm and kind regards I am,

Yours truly,

THE CUMMINGS LAW FIRM

S/ Norb

Norbert E. Cummings, Jr.

cc: file

The information contained in this transmission is PRIVILEGED and CONFIDENTIAL. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby NOTIFIED that any dissemination, distribution, or copy of this communication in error is strictly PROHIBITED, and you are asked to please notify sender immediately by telephone and return the original message to the sender at the above address via the U.S Postal Service. THANK YOU.

9129

WITNESSES

KENNY KINSEY

Arresting Agency:
Orangeburg Co. Sheriff Dept.

ARREST WARRANT NUMBER

E599078
Arrested: May 29, 2001

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: April 17, 2003

APR 17 2003

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2003GS38-0878

The State of South Carolina

County of

ORANGEBURG

COURT OF GENERAL SESSIONS

April 14, 2003 TERM

THE STATE
vs.

Hiram Eugene Johnson, Jr.

Indictment for

BURGLARY - 2ND DEGREE
(DWELLING)

SC Code: 16-11-312(A)
CDR Code: 0080
Class: FEL-D

ATTEST: TRUE COPY
Lisa C. Tyler
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

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.

PLAINTIFF'S EXHIBIT 71

9130

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2003GS38-0878

At a Court of General Sessions, convened on April 14, 2003 the Grand Jurors of Orangeburg County present upon their oath:

BURGLARY - 2ND DEGREE (DWELLING)

That Hiram Eugene Johnson, Jr., did in Orangeburg County, on or about September 26, 2000, willfully and unlawfully enter a dwelling belonging to Jewel Proctor, without consent and with intent to commit a crime therein. This offense being a violation of Section §16-11-312(a) of the South Carolina Code of laws, (1976 as amended).

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

Robert D. Robbins SOLICITOR

GENERAL SESSIONS DOCKET REPORT FOR ORANGEBURG COUNTY

REPORT RUN DATE - 06/21/2001

INDICTMENT NUMBER: 2003GS38-878

DEFENDANT NAME: JOHNSON, HIRAM EUGENE JR AKA:

ADDRESS: [redacted] CITY:BRANCHVILLE STATE:SC ZIP 29432

SOCIAL SECURITY NUMBER [redacted] SEX:1 MALE RACE:2 BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.:SC / 999999999

MARITAL STATUS:

WARRANT OR TICKET NUMBER:E599078 COUNTS:01 OFFENSE CODE:0080

NO WARRANT? 0 NAME OF OFFENSE:BURGLARY/(NON-V

DATE OF ARREST:11/02/2000 DATE RECD BY CLERK:06/21/2001

SUMMARY JUDGE:

DISP DATE: 12/29/04 DISP TYPE: Nolle Prosse

DISP TYPE EXPLANATION:

No credible evidence

JUDGE CODE/NAME: COURT REPORTER:

CONVICTION: CTS:00 OFFENSE:0000

SENTENCE:

DEFENSE ATTORNEY: PROSECUTING ATTORNEY: Robert Madden

ARREST WARRANT

E- 599078

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Orangeburg

THE STATE

against

Hiram Eugene Johnson, Jr.

Address: [redacted] Tk [redacted]

Branchville, SC 29432

Phone: 274 8381 SSN: [redacted]

Sex: M Race B Height: 6'1" Weight: 170

DL State: DL #: ?

DOB: [redacted] Agency ORI#: 380000

Prosecuting Agency: OCSD

Prosecuting Officer: Kenny Kinsey

Offense: BURGLARY SECOND DEGREE

Offense Code: 080

Code/Ordinance Sec. 16-11-312

This warrant is CERTIFIED FOR SERVICE in the [X] County/ [ ] Municipality of Orangeburg. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Hiram Eugene Johnson, Jr. on 5-29-01

Lt Don Hennett

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

9132

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Orangeburg)

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

Personally appeared before me the affiant Kenny Kinsey who being duly sworn deposes and says that defendant Hiram Eugene Johnson, Jr. did within this county and state on 09/26/00 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Orangeburg) in the following particulars:

DESCRIPTION OF OFFENSE: Burglary - SECOND DEGREE

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Based on an investigation by the OCSD, that on Sept. 26, 2000 locate at [redacted] Cope, South Carolina one Hiram Eugene Johnson Jr. alond with Co-defendants commit the crime of Burglary Second Deg in that the defendant did participate in the unlawful forced entry to the residence of Jewel Proctor with the intent to steal personal property of residence owner. This incident took place in Orangeburg County, State of South Carolina.

Sworn to and subscribed before me on 11-6-00

Richard Mann (L.S.)

Signature of Issuing Judge

Kenny Kinsey 01 JUN 17 AM 7:57

Signature of Affiant

Affiant's Address 1520 Ellis Ave Orangeburg SC 29115

Affiant's Telephone 803-533-5815

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Orangebnurg)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 09/26/00 defendant Hiram Eugene Johnson, Jr. did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Orangeburg) as set forth below:

DESCRIPTION OF OFFENSE: BURGLARY _ SECOND DEGREE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Richard Mann (L.S.)

Signature of Issuing Judge

Judge Code: 796

Judge's Address P.O. Box 65 Branchville S.C. 29432

Judge's Telephone 803-274-8620

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORI L

9133

WITNESSES

F.EMORY RUSH

Arresting Agency:

Orangeburg Co. Sheriff Dept.

ARREST WARRANT NUMBER

E599076

Arrested: May 29, 2001

ACTION OF GRAND JURY

TRUE BILL

APR 17 2003

Foreperson of Grand Jury
Date: April 17, 2003

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2003GS38-0876

The State of South Carolina

County of

ORANGEBURG

COURT OF GENERAL SESSIONS

April 14, 2003 TERM

THE STATE
vs.

Hiram Eugene Johnson, Jr.

Indictment for

GRAND LARCENY >$5000

SC Code: 16-13-30
CDR Code: 0479
Class: FEL-E

ATTEST TRUE COPY
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

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.

9134

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2003GS38-0876

At a Court of General Sessions, convened on April 14, 2003 the Grand Jurors of Orangeburg County present upon their oath:

GRAND LARCENY >$5000

That Hiram Eugene Johnson, Jr., did in Orangeburg County, on or about September 26, 2000, feloniously take and carry away, with the intent to permanently deprive the owner of such property, the personal goods of Jewel Proctor, valued at more than five thousand dollars, ($5000.00) and as a result violated Section 16-13-30, 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.

Robert D. Robbins SOLICITOR

(52)

(1)

GENERAL SESSIONS DOCKET REPORT FOR ORANGEBURG COUNTY

REPORT RUN DATE - 06/21/2001

INDICTMENT NUMBER: 2003GS38- 876

DEFENDANT NAME: JOHNSON, HIRAM EUGENE JR AKA:

ADDRESS: [redacted] CITY:BRANCHVILLE STATE:SC ZIP 29432

SOCIAL SECURITY NUMBER [redacted] SEX:1 MALE RACE:E BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.:SC / 999999999

MARITAL STATUS:

WARRANT OR TICKET NUMBER:E599076 COUNTS:01 OFFENSE CODE:0479

NO WARRANT? 0 NAME OF OFFENSE:LARCENY/GRAND.

DATE OF ARREST:11/02/2000 DATE RECD BY CLERK:06/21/2001

SUMMARY JUDGE:

DISP DATE: 12/29/04 DISP TYPE: Nolle Prosse

DISP TYPE EXPLANATION:

No credible evidence

JUDGE CODE/NAME: COURT REPORTER:

CONVICTION: CTS:00 OFFENSE:0000

SENTENCE:

DEFENSE ATTORNEY: PROSECUTING ATTORNEY:

MEMORANDUM

TO: Marva & Norb

FROM: Dale

RE: Marion Bowman

DATE: April 18, 2002

(Attorney Work Product – Confidential)

Dr. Brian West
Neuropsychologist
572-9800, 572-9866

I called Dr. Brian West today and got some interesting information from him regarding Marion's reading ability – too bad nobody called him before the hearing. It seems that we were judging Marion unfairly.

This is a general explanation of what he found and related to me; one of you can speak to him if you want more details. He has not done a report but if you all decide you want him to, please let him (or me) know.

Dr. West performed a battery of test on Marion that did not include an IQ test since one had been done so recently at Hall. He did, however, do an achievement test placing him at about 80, which is consistent with the IQ from Hall.

He states that Marion "clearly has a visual-spatial" problem that is likely "pre-morbid" (it likely had nothing to do with the head injuries but has always been a problem). The posterior area of the brain is where visual processing is done and the blows to the head could have added to the problem but likely did not cause it.

Dr. West states that Marion "clearly has a reading problem" – he is unable to read on a "continuos line." His eyes jump around and he has difficulty staying focused in the way that is necessary to follow along a line while he reads. One example provided: On the test "Reading Items" there are a number of unrelated words printed horizontally across the page. Marion was asked to read the words. He began reading them rather fast at first, then slowed down and then lost his place, West told him to slow down and start again and he did. He started again but dropped down and started reading the next line, then started to speed up again and the same thing happened. In another test called "Judgement of Line Orientation" which Dr. West said is exactly what it sounds like, Marion scored in the fourth percentile (96% of the people who've taken the test did better than him). One word at a time, he's fine.

The visual-spatial problem with reading does not translate into problems with writing.

Dr. West believes that the visual-spatial problem is a long-term issue because his reading ability would not have been affected without other areas being affected if it had been a result of the blows to the back of his head. Dr. West said that Marion struggled with all parts of the testing that related to reading other than identifying single words. Anything of a visual nature "required a lot of work on his part." On the other hand, in the "verbal learning" area he did very well.

On complex task, "he did great" – the best of any area. In the sensory portion of the test, he made no errors at all. His reasoning skills were good. He did poorly – mild to moderate – in one test related to impulsivity and concentration.

Dr. West's likely diagnosis would be:

Attention Deficit Hyperactivity Disorder
Learning Disabled
Reading Disability

According to Dr. West, learning disabilities begin to catch up with kids in the 4th or 5th grade – Marion failed 4th grade and began having lots of problems after that.

Dr. West did not have Marion's school records so I told him I would drop a copy by his office tomorrow so that he can determine if the school records support his findings. His suspicions are similar to the ones that Jeff and I had – Marion was exhibiting all of the signs to trigger his referral for some type of help but nothing was ever done resulting in his behavior and grades getting progressively worse over the years.

Joe Simms leaves

Alcohol use

Grandfather dies

Caring for mother during illness

Cousin, Patrick, killed

School behavior problems

Mother's failure to cooperate with school in holding Marion accountable

Cousin, Orin, died due to med. malpractice

Chaotic, deprived childhood

Physical Abuse

Impulsivity

Poor school performance

Low IQ

Lack of educational intervention by school

Mother's physical problems

Family history of substance abuse

No violent criminal convictions

Poverty

Virtually abandoned by father

Helpful to family members

Witnessed domestic violence

Good to Step-children

Marion's mother parent at age 15

Moody's Mechanical Heating & A/C Inc.
P.O.Box 37 \ 2310 Highmarket Street
Georgetown, SC 29442
843-546-8741 \ Fax 843-527-1632

APPLICATION FOR EMPLOYMENT

Name Marion Bowman Jr. Soc. Sec. No. [redacted]
Date of Birth
City, State, Zip Town S.C. 29442 Telephone # (843) 546-7212
Do You have a Drivers License no Drivers License #
Employment Desired
Position any Date to Start anytime Salary $6.50
Education
Grammar School Branchville Elem. Did You Graduate Yes
High School Branchville High Did You Graduate Yes
College Did You Graduate
Trade, Business School Did You Graduate
Do you have any Heating and Air Conditioning Experience? no
If so please list
Do you have any tools that would help you in this job? no
Former Employers please list last job first

	Employer Name	Reason for leaving
From 12\9\98 to 4\13\99	Hood Constructon	Job Completed
From 5\6\98 to 11\16\98	RCB rebar	Lay-off
From 6\9\97 to 3\9\98	Stacey Rebar	Job completed
From 1\3\97 to 6\2\97	Tom Brigham Contractors	Job completed

References--Give 3 names below who are not related to you

Name	Address	Years Known
Dallas Butler		
Vicky Rivers Reconstruct		6
Deareemickey Mcbrayer		6

Authorization--I certify that the fact contained in this application are true and complete to the best of my knowledge, and I understand that if employed, falsified statement on this application shall be grounds for dismissal. I authorize investigation of all information contained in this application.

Date 5\24\99 Signature Marion Bowman Jr.

Interviewed by Date \ \

Remarks

Hire Date 05\26\98 Salary Rate $ 6.50
Moody's Mechanical is an equal opportunity employer!!!!!

PLAINTIFF'S EXHIBIT 72

9140

(Jail) W/I SCDC

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
COUNTY OF DORCHESTER) FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA ORDER OF APPOINTMENT OF LEGAL

VS. COUNSEL FOR INDIGENT DEFENDANT

James Gadsen
Defendant

Age: 22 Birthdate: [ ] Race/Sex: B/M Date of Arrest 2-01

[ ] Debris, Colter-Gmother
Address Address/Friend or Relative

Branchville SC 29432
City State Zip City State Zip

274-9902 274-8006
Telephone Telephone

*****

Offense: Murder

Magistrate: Stephens Warrant No.: G 284924

Bond: $ Type: Signature Recog Property Bondsman:

*****

Offense:

Magistrate: Warrant No.:

Bond: $ Type: Signature Recog Property Bondsman:

*****

Offense:

Magistrate: Warrant No.:

Bond: $ Type: Signature Recog Property Bondsman:

*****

The defendant contends that he is indigent and in need of services of an attorney as contemplated by law.

THEREFORE, Gene Dukes, Attorney at Law, is appointed as counsel for the defendant.

This 2 day of April, 2001
at (am - pm)

White - Clerk of Court
Green - Attorney
Canary - Criminal Justice Coordinator
Pink - Solicitor
Goldenrod - Defendant

KR
Criminal Justice Coordinator

I hereby certify on 9/4/2008 that the foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☐ electronically filed original filed on
☐ original filed in my office on 4/4/2000
Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts
By: Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL J. PROCHILO,

Defendant.

Criminal No. 96-10321-DPW

PLAINTIFF'S EXHIBIT 78

DEFENDANT'S MOTION *IN LIMINE* TO EXCLUDE BALLISTICS EVIDENCE

The defendant Michael J. Prochilo moves, pursuant to FRE 104(a), 702 and 403, for an order of the Court excluding the government's ballistics evidence to be offered in its case-in-chief under the principles of *Daubert v. Merrill Dow Pharmaceuticals*, 509 U.S. 579, 113 S. Ct. 2786 (1993) and *Kuhmo Tire Co. v. Carmichael*, 526 U.S. 1, 37, 119 S. Ct. 1167 (1999).

As grounds for this motion, the defendant states that he is facing re-trial on a single-count indictment alleging felon in possession of a firearm and ammunition. When the defendant was apprehended by police, neither gun nor ammunition were found on his person. The government expects to offer in its case-in-chief testimony of a ballistics expert that a spent casing and a live round of ammunition, turned over to the police after the defendant's arrest, were fired/cycled through a Raven 25 which the police found on the ground in East Boston near where the defendant had been seen the previous night prior to fleeing from police. The defendant moves to exclude this evidence on the ground that the government's ballistics evidence is not the product of reliable principles and methodology and, therefore, is inadmissible under FRE 702 and 403.

4/28/00 DENIED
William P. Wertlock, U.S.D.J.

83

In support of this motion and for the Court's convenience, the defendant attaches the ballistics report produced by the government prior to the defendant's first trial, attached as Exhibit A, the testimony of Detective Matthews offered in the defendant's first trial, attached as Exhibit B, and the report of the government's new ballistics expert, Carl Washington, produced in March of 2000, attached as Exhibit C.

This motion is also supported by the Affidavit of David J. Lamagna, Forensic Investigator, BScMSc of American Forensic Technologies and the memorandum of law filed herewith.

The defendant requests that the evidence be excluded upon the affidavits or, alternatively, that the Court schedule an evidentiary hearing prior to empanelment of the jury to determine whether the government's evidence meets the *Daubert/Kuhmo Tire* standard.

Dated: April 17, 2000

Respectfully submitted,

MICHAEL J. PROCHILO
By his attorney,

Joan M. Griffin, BBO #549522
CASNER & EDWARDS, LLP
One Federal Street
Boston, MA 02110
(617) 426-5900

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon James F. Lang, Esq. by hand on April 17, 2000.

Joan M. Griffin

151582

BALLISTICIAN'S OFFICE

B.U. CASE# 960798 CC#: 60-489028

I, George P Foley, having testified and been qualified a ballistic expert in Suffolk Superior Court, assisted DET. THOMAS L. MATTHEWS, who examined the following gun :
a .25 RAVEN P25 PISTOL, SEMI-AUTOMATIC
Serial#: 237164
Remarks : (1) one magazine

Submitted to this unit on Friday, September 27, 1996
and having successfully test fired a shot, it is in my opinion a firearm as defined in Chapter 140, Section 121.

Det Thomas L Matthews

(Officer, Boston Police Department)

(Ballistician, Boston Police Department)

Subscribed and sworn to before me on Wednesday, October 02, 1996
I know this subscriber to be a qualified ballistics expert of the Boston Police Department.

Lauren G Toro

(Notary Public) LAUREN G. TORO

My Commission Expires March 20, 2003

My Commission Expires _____

9144

Boston Police — Ballistics Worksheet

BU# 96 798
Page 1 of 1
BU Code 2

RECEIVED
1996 SEP 27 AM 10:46
BOSTON POLICE DEPT
BALLISTICS UNIT

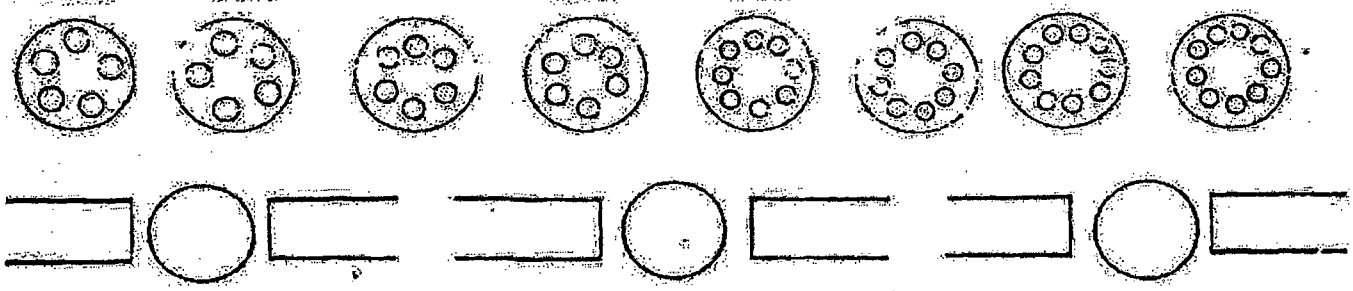
CC# 6648928
Dist/Unit A 7
JD 9/27/96

Loc. of Incident: [redacted]
Defendant(s): Last: Procida First Michael M.I.
Last: First M.I.
Victim(s): Last: [redacted] First: M.I.
P.O. Case # 11423 (If Outside Agency) Name
To: 12m From: Scene ID#: 4529 Of:
Caliber: 25 Make: Raven Model: P-25
Type: PI Serial#: 2371674
Ammo: Loose ___ RDS Mag ___ RDS Cylinder Chambers ___ RDS ___ Total RDS ___
Headstamp:
# of Dis. Ctg. Cases Headstamp:

Spent Bullets ___ Lead ___ Lubaloy ___ Golden ___ Metal Cased ___ Other ___
L Width: G Width: L Width: G Width
Weight Grains Weight Grains

Chamber or Mag. Capacity: ___ Trigger Pull: Single Action 8 Double Action ___
Test Fired: 10-2-96 Clean: Barrel Bore:
Rifling: 6 LT Residue: Cylinder Chambers:
L Width: Rust: Firing Chamber:
G Width: Lint: Fouling Rings: Chambers:
To Spent Bullets Received or Recovered (This Case): Positive Negative
To Dis. Ctg. Cases Received or Recovered (This Case): Positive 1 Negative

Front Rear Front Rear Front Rear Front Rear



Remarks: 1- MAGAZINE
Person to whom item of Test Fire is to be returned: Boston Police Dept.
Location P.D. was found to be a Firearm rated Type I

BPD Form #1722 rev 5/89

9145

Boston Police Ballistics Worksheet

97-798
Page 2 of ____
Code M

RECEIVED
1997 APR 24 AM 8:18
BOSTON POLICE DEPT.
BALLISTICS UNIT

CC# 60-485-028
Dist/Unit A-7
JD 5/27/96

Loc. of Incident: [redacted] E. Boston

Defendant(s): Last: Procilo First Michael M.I. ____
Last: ____ First ____ M.I. ____
Victim(s): Last: ____ First: ____ M.I. ____
P.O. Case # 11423 (If Outside Agency) Name ____
To: GPE From: D.T. James Donlan ID#: 6612 Of: Wakefield PD
Caliber: 25 Make: ____ Model: ____
Type: ____ Serial#: ____
Ammo: Loose 0 RDS Mag ____ RDS Cylinder Chambers ____ RDS ____ Total RDS ____
Headstamp: ____
# of Dis. Ctg. Cases 0 1 Headstamp: FC 25 AUTO

Spent Bullets 0 Lead ____ Lubaloy ____ Golden ____ Metal Cased ____ Other ____
L Width: ____ G Width: ____ L Width: ____ G Width ____
Weight ____ Grains Weight ____ Grains

Chamber or Mag. Capacity: ____ Trigger Pull: Single Action ____ Double Action ____
Test Fired: ____ Clean: ____ Barrel Bore: ____
Rifling: ____ Residue: ____ Cylinder Chambers: ____
L Wdth.: ____ Rust: ____ Firing Chamber: ____
G Wdth.: ____ Lint: ____ Fouling Rings: ____ Chambers: ____
To Spent Bullets Received or Recovered (This Case): Positive ____ Negative ____
To Dis. Ctg. Cases Received or Recovered (This Case): Positive 10/2/96 Negative ____

Front	Rear	Front	Rear	Front	Rear	Front	Rear

Remarks: ____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
96-10321-WGY

* * * * * * * * * * * * * * * * * * * *

UNITED STATES OF AMERICA

v.

MICHAEL J. PROCHILO

* * * * * * * * * * * * * * * * * * * *

TRANSCRIPT OF THE EVIDENCE
(Volume 5)

BEFORE: The Honorable William G. Young, District Judge, and a Jury

APPEARANCES:

JAMES LANG, Assistant United States Attorney, 1003 J. W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109, on behalf of the Government

CHARLES P. McGINTY, ESQ., Federal Defender Office, 125 Pearl Street, 3rd Floor, Boston, Massachusetts 02110, on behalf of Michael J. Prochilo

Post Office & Courthouse
Boston, Massachusetts

May 23, 1997

U.S. Department of Justice

United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

March 16, 2000

Joan M. Griffin
Casner & Edwards
1 Federal Street
Boston, MA 02110

RE: United States v. Michael Prochilo, No. 96-10321-DPW

Dear Joan:

Enclosed are Boston Police Detective Carl Washington's ballistics reports, three in number, regarding: (1) his examination of a .25 caliber cartridge submitted by the Walpole Police; (2) his examination of an intact .25 caliber round submitted by the Walpole Police; and (3) his re-test firing of the handgun the defendant is charged with unlawfully possessing in this case and subsequent comparison of the test firing cartridge with the one submitted by the Walpole Police. Although in the second referenced report Detective Washington notes his predecessor's (i.e., Detective Thomas Matthews') comparison of the intact round with a test round cycled through the gun, he apparently did not undertake such a comparison himself. I am now requesting that he do so and will provide you with a copy of the resulting report as soon as I receive it.

Very truly yours,

DONALD K. STERN
United States Attorney

By: _____
James Lang
Assistant U.S. Attorney

Encl.

BALLISTICIAN'S OFFICE

B.U. CASE# 960798 CC#: 960489028

I, CARL WASHINGTON, having testified and been qualified a ballistic expert in Suffolk Superior Court, examined the following gun :

.25 RAVEN P25 PISTOL, SEMI-AUTOMATIC

Serial#: 237164

Remarks (1) one magazine. 10/02/96 microscopic exam against discharged cartridege case submitted by Det Dolan, Walpole PD. results in a positive match to the firarm. On March 1,00. I retested the above weapon and conpared the test to the discharged cartridge submmitted with this weapon from Det. Dolan, Walpole Pd. And found that the discharged cartridge case was fired in the above .25 caliber Raaven Serial #237164.

Submitted to this unit on Friday, September 27, 1996
and having successfully test fired a shot, it is in my opinion a firearm as defined in Chapter 140, Section 121.

Carl L. Washington

(Ballistician, Boston Police Department)

Subscribed and sworn to before me on Wednesday, March 01, 2000
I know this subscriber to be a qualified ballistics expert of the Boston Police Department.

(Notary Public)

My Commission Expires 1-5-07

MARTIN L. LYDON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 5, 2007

BALLISTICIAN'S OFFICE

B.U. CASE# 960798 - CC#: 960489028

I, CARL WASHINGTON, having testified and been qualified a ballistic expert in Suffolk Superior Court, examined the following evidence :

01, .25 caliber loose rounds of ammunition.

Remarks On 10/30/96 Detective James Donlan of the Walpole P.D. gave the above .25 caliber live round of ammunition to Detective George P. Foley for examination.This ammunition was examined and was determined to have been positively chambered through the submitted by Det T. Matthews, and confirmed by Det. C. Doherty

Submitted to this unit on Friday, September 27, 1996
It is in my opinion AMMUNITION as defined in Chapter 140, Section 121.

Carl Washington

(Ballistician, Boston Police Department)

Subscribed and sworn to before me on Wednesday, March 01, 2000
I know this subscriber to be a qualified ballistics expert of the Boston Police Department.

(Notary Public)

MARTIN L. LYDON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 5, 2007

9150

BALLISTICIAN'S OFFICE

B.U. CASE# 960798 CC#: 960489028

I, CARL WASHINGTON, having testified and been qualified a ballistic expert in Suffolk Superior Court, examined the following evidence :

01, .25 cartridges.

Remarks : The above discharged cartridge case was recieved from Detective James Donlan by Detective George P. Foley on 4/23/97 for reexamination and case preparation.

Submitted to this unit on Friday, September 27, 1996
It is in my opinion AMMUNITION as defined in Chapter 140, Section 121.

Carl Washington

(Ballistician, Boston Police Department)

Subscribed and sworn to before me on Wednesday, March 01, 2000
I know this subscriber to be a qualified ballistics expert of the Boston Police Department.

(Notary Public)

MARTIN L. LYDON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 5, 2007

I hereby certify on 9/4/2008 that the foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☐ electronically filed original filed on
☐ original filed in my office on 4/14/2000
Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts
By:
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No. 96-10321-DPW
	)	
MICHAEL J. PROCHILO,	)	
	)	
Defendant.	)	

MEMORANDUM IN SUPPORT OF DEFENDANT'S
MOTION *IN LIMINE* TO EXCLUDE BALLISTICS EVIDENCE

I. INTRODUCTION.

The government intends to offer in its case-in-chief at trial testimony of a Boston Police Department ballistics expert that particular ammunition was fired from a particular gun, neither of which was found on the defendant. Because the government's expert does not divulge the facts or observations which led him to his conclusion, it is entirely possible that his testimony does not meet even the generally accepted standards of forensic firearms identification. But even if it did, the evidence would be inadmissible. Guns are no longer made of machine-tooled parts, hand-filed and fitted by men who could support a family on a factory job in New Haven, Connecticut or some other northeastern industrialized city. Computerized machinery and molded metal which produce fully interchangeable rather than individually hand-fitted machine-tooled parts have resulted in guns, particularly inexpensive mass-produced guns such as the Raven .25, which leave few if any unique markings on each bullet fired. The assumption, which is all it ever was, that each gun leaves unique marks on each bullet cycled through it, is no

longer warranted, if it ever was. But, more importantly, expert conclusions based on untested assumptions are no longer admissible into evidence in federal court, if they ever were The expert testimony proffered by the government is simply out of date. Like the field of firearms identification, in general it, has failed to keep up with modern manufacturing methods and current evidentiary standards.

II. BACKGROUND.

The defendant is facing re-trial on a single-count indictment alleging felon in possession of a firearm and ammunition. According to the testimony at his first trial, the defendant is alleged to have brandished a gun and shot at a police officer at a used car lot in Walpole. He is then alleged to have escaped from the police, stolen a car and driven to East Boston. The defendant was arrested by the police in East Boston. The gun and ammunition with which the defendant is alleged to have been in possession were not found on his person at the time of his arrest. According to the government's case, the gun was found the morning after the defendant's arrest on the ground in East Boston near where the defendant had been seen prior to fleeing from police. After the stolen car had been returned to its owner, a spent casing was discovered by the owner and delivered to the Walpole police. An unspent round of ammunition was discovered approximately one month later by the occupant of the used car lot on his premises in Walpole.

The government, in its case-in-chief, elected to connect the spent casing and unspent round of ammunition to the gun and, therefore, the gun to the defendant, by means of a ballistics expert. The expert testified to having test-fired the gun and having compared the spent casing found by the owner of the stolen car with the spent casing of the test firing and determining them to be a "match." The ballistics expert also testified

that he ejected an unspent round of ammunition from the gun and compared the markings on that round with the round found in Walpole and determined that they were a "match."

The Boston police expert did not test-fire any other Raven .25 handgun to see whether the marks which he observed would have been left on the casing or cartridge by all Raven .25s instead of just the one found in East Boston. The officer did not describe or quantify the marks that led him to determine that there was a match. The officer did not refer to any external validation studies which would establish that each and every Raven .25 leaves unique marks on a given casing or bullet after it is fired or cycled through the gun. Because the officer did not even describe the location or type of marks which he observed in determining that there was a match, we do not know whether those marks are of the type and placement which are traditionally relied upon by firearms experts in identifying a particular weapon, as opposed to simply identifying the make of gun, from which a cartridge or casing was fired.

III. ARGUMENT.

A. Overview.

The government's ballistics evidence should be excluded because it does not meet the standard of *Daubert v. Merrill Dow Pharmaceuticals*, 509 U.S. 579, 113 S. Ct. 2786 (1993) and *Kuhmo Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 119 S. Ct. 1167 (1999). In *Daubert*, the court held that, "faced with a proffer of expert scientific testimony, then the trial judge must determine at the outset, pursuant to Rule 104(a), whether the expert is proposing to testify to 1) scientific knowledge that 2) will assist the trier of fact to understand or determine a fact in issue." *Daubert*, 509 U.S. at 592, 113 S. Ct. at 2796. The Court must make a preliminary assessment, first, of "whether the reasoning or

methodology underlying the testimony is scientifically valid" and, second, "whether that reasoning or methodology properly can be applied to the facts in issue." *Id.* The gate-keeping obligation imposed upon the trial judge to "ensure that any and all scientific testimony . . . is not only relevant but reliable. . . . applies to all expert testimony regardless of whether the expert testifies or purports to testify on the basis of scientific, technical or other specialized knowledge or whether a witness purports to be qualified by knowledge, skill, experience, training or education." *Kuhmo Tire*, 526 U.S. at 147, 119 S. Ct. at 1174 (quoting *Daubert*, 509 U.S. at 589, 113 S. Ct. at 2786).

In determining that the *Daubert* standard applies to all expert testimony, the Court noted that it is Rule 702's "word 'knowledge,' not the words (like 'scientific') that modify that word, that establishes a standard of evidentiary reliability." *Kuhmo Tire*, 526 U.S. at 147, 119 S. Ct. at 1174 (citing *Daubert*, 509 U.S. at 589-590, 113 S. Ct. at 2786). In reaching its conclusion, the court recognized that there is no line that clearly divides scientific knowledge from technical or other specialized knowledge. The court recognized that "disciplines such as engineering rest upon scientific knowledge." *Kuhmo Tire*, 526 U.S. at 148, 119 S. Ct. at 1174. The court further recognized that "whether the specific expert testimony focuses upon specialized observations, the specialized translation of those observations into theory, a specialized theory itself or the application of such a theory in a particular case, the expert's testimony will often rest 'upon an experience confessedly foreign in kind to [the jury's] own.'" *Kuhmo Tire*, 526 U.S. at 149, 119 S. Ct. at 1174 (quoting Hand, *Historical and Practical Considerations Regarding Expert Testimony*, 15 Harvard Law Review, 40, 54 (1901)). "The trial judge's effort to assure that the specialized testimony is reliable and relevant can help the jury

evaluate that foreign experience whether the testimony reflects scientific, technical or other specialized knowledge." *Kuhmo Tire*, 526 U.S. at 149, 119 S. Ct. 1174-1175.

Proposed changes to the Federal Rules of Evidence reflecting the court's decisions in *Daubert* and *Kuhmo Tire* were approved on September 15, 1999 by the Judicial Conference of the United States and, if approved by the court, will become effective on December 1, 2000 unless Congress intervenes. Giannelli and Imwinkelried, *Scientific Evidence: The Fallout from Supreme Court's Decision in Kuhmo Tire, Criminal Justice Magazine*, published by the Section of Criminal Justice, American Bar Association, Winter 2000, Vol. 14, No. 4, p. 13; Sheard, *Capital Cases; Challenging Junk Science and More - What to Do After Daubert?*; *The Champion*, published by the National Association of Criminal Defense Attorneys, January/February, 2000. Proposed Rule 702 is as follows (new material in italics):

> Rule 702 Testimony By Experts
>
> If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify thereto in the form of an opinion or otherwise, *if (1) the testimony is based on sufficient facts or data (2) the testimony is the product of reliable principles and methods and (3) the witness has applied the principles and methods reliably to the facts of the case.*

B. Burden Of Proof.

The trial court may, in its discretion, determine the procedures to be employed to test an expert's reliability. *Kuhmo Tire*, 526 U.S. at 152, 119 S. Ct. at 1176. The burden is on the proponent of expert testimony to establish a *prima facie* case that the evidence satisfies the requirements of F.R.E. 702. *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 43 F.3d 1311, 1318 and n.10 (9th Cir. 1995). For such a showing to be sufficient, the

experts must explain the methodology they used to reach their conclusions and point to external sources to validate that methodology. *Id.* at 1319. Where the Court is presented "only the experts' qualifications, their conclusions and their assurances of reliability. . . . [u]nder *Daubert* that is not enough." *Id.* If the proponent of the expert testimony makes a *prima facie* showing that the testimony meets the requirements of Rule 702, the opposing party is then entitled to challenge that showing. Where the opposing party raises a material dispute as to the admissibility of expert scientific evidence, the district court will then hold an *in limine* hearing, a so-called "*Daubert* hearing," to consider the conflicting evidence and make findings about the soundness and reliability of the methodology employed by the scientific experts. *Id.* at n.10.

C. The First Part: Reliability.

In determining the reliability of the proffered expert testimony, the focus is on the principles and methodology not on the conclusions they generate. *Daubert*, 509 U.S. at 595, 113 S. Ct. at 2797. "Proposed testimony must be supported by appropriate validation, *i.e.*, "good grounds" based on what is known. *Daubert*, 509 U.S. at 590, 113 S. Ct. at 2795. The over-arching subject is the scientific validity and thus the evidentiary relevance and reliability of the principles that underlie a proposed submission. *Daubert*, 509 U.S. at 594-595, 113 S. Ct. at 2797. "In a case involving scientific evidence, *evidentiary reliability* will be based upon *scientific validity*." *Daubert*, 509 U.S. at 590 and n.9, 113 S. Ct. 2795 and n.9.

In *Daubert*, the Court identified five factors that could be considered by the trial court in determining whether the proffered expert testimony was sufficiently reliable to be put before the jury. The factors listed in *Daubert* include 1) whether a theory or

technique can be and has been tested, 2) whether the theory or technique has been subject to peer review and publication, 3) whether a particular scientific technique has a known or potential rate of error, 4) whether standards controlling the technique's operation exist and are maintained and 5) whether the technique or theory is generally accepted in the relevant scientific community. *Daubert*, 509 U.S. at 593-594, 113 S. Ct. 2796-2797. The Court has emphasized that the inquiry is a flexible one and that this list of factors is not definitive. The *Daubert* factors will not in all cases be relevant. For example, the presence of *Daubert's* general acceptance factor will not "help show that an expert's testimony is reliable where the discipline itself lacks reliability . . . . *Kuhmo Tire*, 526 U.S. at 151, 119 S. Ct. at 1175. In other cases, additional factors not specifically listed in *Daubert* may be appropriately considered. For example, the Ninth Circuit on remand considered whether the expert was testifying based on research he had conducted independent of the litigation, reasoning that independent research would be more likely to comport with the dictates of good science. *Daubert v. Merrill*, 43 F.3d at 1317. Other factors that might be considered include whether the expert has considered alternative explanations and the degree to which the expert's opinions are subjective. *Kuhmo Tire*, 526 U.S. at 155, 119 S. Ct. at 1177 and cases cited therein.

In the second of its trilogy of cases regarding expert testimony, the Supreme Court emphasized that opinion evidence, which is connected to existing data only by the *ipse dixit* of the expert, is not thereby admissible. "A court may conclude that there is simply too great an analytical gap between the data and the opinion proffered." *General Electric Co. v. Joyner*, 522 US 136, 146, 118 S. Ct. 512, 519 (1997). The Court must ensure "that in each step, from initial premise to ultimate conclusion, the expert faithfully followed

valid scientific methodology. In other words, this Court need not accept as scientifically reliable any conclusion that good science does not permit to be drawn from the underlying data but which instead constitutes 'unsupported speculation.'" *Hall v. Baxter Healthcare Corp.*, 947 F. Supp. 1387, 1401 (D.Or.) (quoted in Qwik, *Guarding the Gate: Expert Evidence Admissibility*, published in *Litigation*, a publication of the Litigation Section of the American Bar Association, Summer 1999, Vol. 25, No. 4, p. 10).

Applying these factors, the Ninth Circuit, on remand of *Daubert*, affirmed the district court's decision to exclude the expert testimony of the only one of plaintiff's doctors, Dr. Palmer, who testified that Benedictine caused the limb defects in each of the plaintiff's children. The Ninth Circuit stated that Dr. Palmer had offered no tested or testable theory to explain how he was able to determine either that Benedictine caused the birth defects or to eliminate all other potential causes. Similarly, in *Joyner*, the Supreme Court affirmed the trial court's exclusion of expert testimony that certain chemicals caused cancer, finding that the animal and epidemiological studies upon which the experts based their conclusions failed to provide a sufficiently valid basis for those conclusions.

D. The Second Part: Relevance.

"Rule 702's 'helpfulness' standard requires a valid scientific connection to the pertinent inquiry as a pre-condition to admissibility." *Daubert*, 509 U.S. at 591-592, 113 S. Ct. at 2796. "In elucidating the 'fit' requirement, the Supreme Court noted that scientific expert testimony carries special dangers to the fact-finding process because it 'can be both powerful and quite misleading because of the difficulty in evaluating it.'" *Daubert v. Merrill*, 43 F.3d at 1321, n.17 (9th Cir. 1995) (quoting *Daubert*, 509 U.S. at

595; 113 S. Ct. at 2798). "Federal judges must therefore exclude proffered scientific evidence under Rules 702 and 403 unless they are convinced that it speaks clearly and directly to an issue in dispute in the case and that it will not mislead the jury." *Daubert v. Merrill*, 43 F.3d at 1321, n.17.

In *Daubert*, on remand from the Supreme Court, the Ninth Circuit determined that expert testimony proffered by plaintiff's epidemiologists did not meet the *Daubert* standard of relevancy because, although plaintiffs' experts testified that the use of Benedictine increased the likelihood of birth defects, none of plaintiffs' experts testified, or had done studies to show, that the mother's ingestion of Benedictine more than doubled the likelihood of birth defects, the showing required under California law to show that Benedictine was more likely than not the cause of plaintiffs' injuries. The court explained that "while plaintiff's epidemiologists make vague assertions that there is a statistically significant relationship between Benedictine and birth defects, none states that the relative risk is greater than two. These studies thus would not be helpful and indeed would only serve to confuse the jury if offered to prove, rather than refute, causation." *Daubert v. Merrill*, 43 F.3d at 1321. The Ninth Circuit summed up by showing the relationship between the reliability/relevance/undue prejudice standards of Rules 702 and 403. "Dr. Palmer's testimony [that Benedictine caused birth defects] would easily meet Rule 702's fit requirement were it not rendered inadmissible by the total lack of scientific basis for his conclusions . . . Dr. Palmer's testimony thus illustrates how the two prongs of 702 work in tandem to ensure that junk science is kept out of the federal courtroom." *Daubert v. Merrill*, 43 F.3d at 1321 and n.18.

E. Applicability Of *Daubert/Kuhmo* Standard To Other Forensic Sciences.

In *United States v. Hines*, 55 F. Supp.2d 62, 67 (D.Mass. 1999), Judge Gertner asserted that the Supreme Court's decision in *Kuhmo Tire* "plainly invites a re-examination even of 'generally accepted' venerable technical fields," in that case handwriting analysis. In *Hines*, Judge Gertner excluded the testimony of an FBI document examiner as to the authorship of a "stick-up" note found at the scene of a crime. *Id.* The court found that the expert's testimony met virtually none of *Daubert's* standards for reliability. "There are no meaningful and accepted validity studies in the field. . . . This is a 'field' that has little efficacy outside of a courtroom. There are no peer reviews of it." *Hines*, 55 F. Supp. at 69. The court noted that it had been presented with no information regarding the examiner's error rate, the times she has been right versus the times she has been wrong, nor could anyone compare the opinion reached by the examiner with a standard protocol subject to validity testing since there were no recognized standards. The court noted that there was no agreement as to how many similarities it takes to declare a "match" or how many differences it takes to rule one out. *Id.* at 69. The court compared the proffered testimony to "one on one show-ups," a form of eyewitness identification disfavored as unduly suggestive. The court noted that there was no evidence that the handwriting expert could have selected the defendant's handwriting out of a line-up of similar handwriting exemplars as most similar to the robbery note. Hence, the testimony was inherently unreliable. *Id.* at 70.

The court did permit the expert to testify as to the particular points of comparison between the robbery note and the defendant's handwriting on the ground that both lay

witnesses and jurors would be permitted, based on their own experience, to make comparisons between the handwriting at issue. "The ability of the jury to perform its own visual comparison cut against any danger of undue prejudice" in permitting the expert to point out points of comparison without testifying that there was a "match." *Hines*, 55 F. Supp. at 70, n.21 (citing *United States v. Buck*, 1987 WL 19300 (S.D.N.Y. 1987)).

Similarly, hair comparisons consisting of an expert's testimony that hair samples are "microscopically consistent" fail to meet the *Daubert* standard. In *Williamson v. Reynolds*, 904 F. Supp. 1529 (E.D.Okla. 1995), the court excluded an expert's testimony where "the expert did not explain which of the approximately twenty-five characteristics were consistent, any standards for determining whether the samples were consistent, how many persons could be expected to share the same combination of characteristics or how he arrived at his conclusion." *Williamson*, 904 F. Supp. at 1554. The district court could not find that the expert hair comparison testimony met any of the requirements of *Daubert* and observed that "although the hair expert may have followed procedures accepted in the community of hair experts, the human hair comparison results in this case were nonetheless scientifically unreliable." *Id.* at 1558. *See* Giannelli at p. 17. The district court decision was subsequently reversed on other grounds, *Williamson v. Ward*, 110 F.3d 1508, 1523 (10th Cir. 1997), but the defendant was later exonerated by exculpatory DNA evidence, *i.e.*, the hair match was not a match. In their recent article, Giannelli and Imwinkelried note that a 1996 Department of Justice report discussing the exoneration of twenty-eight convicts through the use of DNA technology showed that, in several of these prosecutions, hair analysis was used to obtain the conviction. In one case, the expert had testified that the crime scene hair sample "was unlikely to match

anyone other than the defendant," but DNA evidence proved otherwise. Giannelli and Imwinkelried, 17-18.

Expert testimony concerning bite-mark comparisons has been subject to the same criticism. In *Howard v. State*, 701 So.2d 274 (Mississippi 1997), an expert purportedly made a positive "match" between a bite mark on the victim and the defendant's teeth. The expert testified that the science of dentistry recognized that teeth are unique and that bite marks can be identified to the perpetrator or biter similar to fingerprint identification. The Mississippi Supreme Court reversed noting that numerous scholarly authorities had criticized the reliability of this method of identifying a suspect and that there was little consensus in the scientific community on the number of points which must match before any positive identification could be announced. *Id.* at 429.

In evaluating the varieties of forensic evidence found wanting under the *Daubert* analysis, Giannelli and Imwinkelried note that "in each area little rigorous systematic research has been done to validate the discipline's basic premises and technique and in each area there is no evident reason why such research would be infeasible. In many of these areas, some courts may demand more by way of validation than the disciplines can presently offer." Giannelli and Imwinkelried at 40.

F. Applicability Of *Daubert/Kuhmo* To The Facts Of This Case.

1) The Government Has Failed to Make a *Prima Facie* Showing that the Proffered Evidence Meets Rule 702.

A review of the expert "reports" provided by the government to the defendant shows that the government has failed to make even a *prima facie* showing that the proffered evidence meets the requirement of Rule 702. Here, the government has

provided nothing more than the officer's bald assertions that the cartridge casing and bullet subsequently delivered to the police "matches" a cartridge casing/bullet resulting from a test firing/cycling of the Raven .25 found in East Boston the morning after the defendant's arrest. *See* Exhibit C to Defendant's Motion *In Limine* to Exclude Ballistics Evidence. The report neither "explain[s] the methodology the expert followed to reach his conclusion nor point[s] to any external source to validate that methodology." *Daubert v. Merrill*, 43 F.3d at 1319. The Court is presented "with only the expert qualifications, his conclusions and his assertions of reliability. . . . Under *Daubert*, that is not enough." *Id.* Because the government has failed to meet its *prima facie* burden, the defendant has no obligation to present evidence that the government's expert employed unsound methodology or failed assiduously to follow an otherwise sound protocol, *Id.* at 1319 and n.10, and the evidence must be excluded.

2) The Officer's Conclusions Are Inadmissible.

In any event, the evidence is inadmissible under Rule 702 because the officer's conclusions were not in fact the product of reliable principles and methodology. First, the testimony offered here by the Boston Police Ballistics Unit does not even meet the standard generally accepted among firearms experts. The government has provided no information as to which type of markings on the casing/bullet the officer used to determine that there was a "match." There is no indication as to whether or to what extent the officer was looking at marks which would be considered class characteristics, marks which all guns of a given type will leave, as opposed to individual characteristics which could possibly be used to identify the specific weapon which fired the shot. *See* Lamagna Affidavit, ¶¶ 6 and 7. Marks left by the ejector/extractor on the casing may be

used to identify the type of gun from which the bullet was fired but not the particular gun of a given make. Lamagna Affidavit, ¶ 6. There is no indication that the officer based his conclusion on the imprint of the firing pin and breach block on the primer cap and cartridge base which, historically at least, have been used by firearms experts to attempt to match the casing to a particular gun as opposed to just a particular make of gun. Lamagna Affidavit, ¶ 8. The government's expert provides no specific description of the marks on which he bases his conclusion much less photographs of those marks which are generally provided to support the expert's testimony. On the contrary, Detective Matthews testified that he could not even remember the marks upon which he based his conclusion. See Exhibit B to Defendant's Motion *In Limine* to Exclude Ballistics Evidence, Vol. 6, p. 10. *See* Lamagna Affidavit, ¶ 13. Thus, the evidence offered in this case does not even meet the standard of general acceptability in the field, wholly apart from whether the field itself meets the standard of *Daubert* and *Kuhmo Tire*.

Second, the testimony offered in this case is strikingly similar to the expert testimony offered to identify handwriting, hair samples or bite marks and which have been rejected by the courts as failing to meet the *Daubert* standard. There are no meaningfully accepted validity studies in the field. The "field" has little efficacy outside of the courtroom. There are no peer reviews of it. There has been no showing of the officer's error rate. No one can compare the opinion reached by an examiner with a standard protocol subject to validity testing since there are no recognized standards. There is no agreement as to how many similarities it takes to declare a "match" or how many differences it takes to rule it out. *Compare Hines*, 55 F. Supp. at 69. In all of these cases, the experts make their identification based solely on a "one on one show-up."

There is absolutely no evidence that any of these experts could pick a "match" if they were given a line-up of similar exemplars and asked to determine which matched the item sought to be identified. *Id.* at 70.

In fact, there has been at least one circumstance in which law enforcement ballistics specialists have not been able to identify the gun from which a bullet was shot under the circumstances of a line-up of similar weapons as opposed to the one-on-one show-up. According to the Firearms Section Manager of the Georgia Bureau of Investigation Crime Laboratory, they were asked to identify the specific weapon which fired a bullet in an officer-involved shooting where an innocent bystander was accidentally shot. The officers, from two different agencies, were all using Glock service weapons. The lab was unable to match the bullet to identify the specific weapon used to fire the shot. Lamagna Affidavit, ¶ 16 and Exhibit D thereto.

As set forth at length in Mr. Lamagna's affidavit, there have been no independent studies conducted to determine whether in fact each gun creates a unique "fingerprint" on any bullet fired. In fact, as manufacturing methods improve and the products are composed more of molded parts than of machine tooled parts, each gun has far fewer unique markings than, for example, a gun manufactured fifty years ago, which might possibly have imparted unique markings on a bullet or cartridge case. *See* Lamagna Affidavit, ¶ 9. After all, these guns are manufactured on assembly lines and are intended to be identical and use fully interchangeable parts. Thus, one cannot begin with the assumption, as one might in the case of fingerprints or DNA, that at some level of detail each one is unique. *Compare U.S. v. Hines*, 55 F. Supp. at 69 ("both defense and government experts agree that, unlike DNA or even fingerprints, one's handwriting is not

at all unique in the sense that it remains the same over time or uniquely separates one individual from another").

The Raven .25, in particular, is known to be manufactured using very little hand-work, which is why the gun is so inexpensive. The principal components of the Raven .25 are not machined, as are guns manufactured using traditional methods, but in fact are made by die-casting, which is a method in which molten metal is injected into a "die" or mold. Because the parts are neither tool-machined nor hand-filled or fitted, there are few, if any, individual marks left on any particular gun. Lamagna Affidavit, ¶ 9 and Exhibit B attached thereto. Moreover, the Raven .25 is a particularly common and inexpensive gun. Over twenty-five years, the Jennings family built approximately 3,000,000 Raven .25s. According to Mr. Jennings, "Very few handguns have ever reached 1,000,000 in production, especially one model without changes." Lamagna Affidavit, ¶ 15 and Exhibit B attached thereto. According to Mr. Jennings, the life expectancy of a firearm is quite long and all 3,000,000 of those guns could be in use today. *Id.*

Even evidence of a DNA "match" is not admitted into evidence without statistical evidence as to the likelihood that the crime sample could be from someone other than the suspect whose profile, using the particular probes involved, happens to match that of the suspect. "Expert testimony concerning the frequency with which the observed alleles are found in the appropriate comparison population is necessary for the finder of fact to make an informed assessment of the incriminating value of this match." *Reference Guide on Forensic DNA Evidence*, Judith A. MacKenna, et al., published by the Judicial Resource Center. "To say that two patterns match without providing any scientifically valid estimate (or at least an upper bound) of the frequency with which such matches might

occur by chance is meaningless." *Id.* at 297, n.55 (citing *People v. Barney*, 8 Cal. App. 4th 798, 817 (Cal. Court Appeal 1992)). "The statistical calculations step is the pivotal element of DNA analysis, for the evidence means nothing without a determination of the statistical significance of a match of DNA pattern." "As a legal matter, a completely unexplained statement of a 'match' should be inadmissible because it is too cryptic to be weighed fairly by the jury." *Id.* at n.55 (citations omitted). In sum, here, as in *Hines*, there is simply too great an analytical leap from the officer's subjective viewing of the two cartridge casings to the officer's testimony that this casing was shot through this particular gun. "That leap may not at all be justified by the underlying data; and in the context of this case is extraordinarily prejudicial." *Hines*, 55 F. Supp. at 70.

3) Evidence of Similarity of Marking Is Inadmissible.

Nor should the government be permitted, if it offers, which so far it has not, to provide evidence as to the particular similarities of the markings on the casing/bullet sought to be identified with the casing/bullet obtained in a test firing/cycle. To admit expert testimony comparing microscopic markings on the ammunition to be identified with the ammunition obtained from a test firing, without any statistical evidence as to the likelihood that those particular markings would appear on another or indeed every cartridge fired from or cycled through any Raven .25, would, as in the case of DNA evidence offered without the statistical probability of an accidental match, be at best meaningless and at worst, unduly prejudicial. The jury will simply assume that, if the Court is taking up its valuable time to allow an "expert" to point out matching marks, they must be significant and, conversely, that a coincidental match is unlikely.

In rejecting any attempt to distinguish between scientific and technical evidence and its effect on the jury, the court in *Kuhmo Tire* recognized that, whether the testimony to be offered was "scientific" or "technical," the expert's testimony would rest upon an experience confessedly foreign in kind to the jury's own. Under those circumstances, the trial judge is required to assure that the specialized testimony is reliable and relevant and can help the jury evaluate that foreign experience. *Kuhmo Tire*, 526 U.S. at 149, 119 S. Ct. 1174-1175. A fact witness may testify that the suspect was blond because the jury knows from its own experience that the defendant is not the only blond out there and, therefore, cannot be identified on the basis of that characteristic alone. Jurors have at least seen a wide variety of handwriting and can, without expert testimony, compare handwriting samples in the context of the varieties of handwriting they come across in daily life. Jurors have no experience, however, with microscopic tool marks on bullets, microscopic hair comparisons or DNA strands. Without scientifically conducted tests to inform a jury of the likelihood that any particular mark or any certain set of marks can uniquely identify a bullet shot from a particular gun (or a sample of hair or DNA), the testimony is both meaningless and misleading and would be unduly prejudicial were it admitted. This is not a case where the ability of jurors to perform the crucial visible comparisons on their own, as in the case of handwriting, cuts against the danger of undue prejudice from the mystique attached to an expert. *Compare U.S. v. Hines*, 55 F. Supp. 70 at n.21. On the contrary, this is rocket science and it ought to be higher math. *Compare U.S. v. Hines*, 55 F.2d at 70.

III. CONCLUSION.

For the foregoing reasons, the defendant requests that the Court issue an order *in limine* prohibiting evidence of, or reference in the arguments of counsel to, the proffered ballistics evidence.

Respectfully submitted,

MICHAEL J. PROCHILO
By his attorney,

Joan M. Griffin
CASNER & EDWARDS, LLP
One Federal Street
Boston, MA 02110
(617) 426-5900
BBO #549522

Dated: April 14, 2000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon James F. Lang, Esq. by hand on April 14, 2000.

Joan M. Griffin

151580

9170

.30 East Richardson Avenue
Summerville, SC 29483

P.O. Box 50503
Summerville, SC 29485

Dorchester County Public Defen
Marva A. Hardee-Thomas

Tel: (843) 873-8622
Fax: (843) 873-4123

S6 | B
D1 | SP
*D2 | SG

November 9, 2001

Chief John Barnes, Administrator
Dorchester County Detention Center
100 Sears Street
St. George, SC 29477

RE: STATE V. BOWMAN

Dear Chief Barnes:

Please allow Marion Bowman, Jr. to make collect calls to my office between 8:45 - 9:00 a.m. He needs to be able to contact my office concerning his capital case. My office has also been made aware of this request.

Even though he may have telephone access, I ask that he is not allowed to contact me on a daily basis. If you have any questions, please contact me.

Sincerely,

Marva Hardee-Thomas Esq / VEH
Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender

MAHT/vgh

cc: Marion Bowman, Jr.

PLAINTIFF'S EXHIBIT 19

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF DORCHESTER	)	INDICTMENT NO. 2001-GS-18-0732
STATE OF SOUTH CAROLINA,	)	
	)	
-versus-	)	**AGREEMENT**
	)	
KENDRA V. BOWMAN,	)	
	)	
Defendant.	)	

THIS AGREEMENT is entered into on the 5th day of Oct., 2001, between and among the State of South Carolina, as represented by the Solicitor of the First Judicial Circuit, Walter M. Bailey, Jr., the Defendant, Kendra V. Bowman, and her attorney, Jim Abrams, Esquire.

IN CONSIDERATION of the mutual promises made and recorded herein, the parties agree as follows:

1. The Defendant, Kendra V. Bowman, has been indicted by the Grand Jury for Dorchester County for the following charge: Accessory After the Fact of Murder. Said defendant will plead guilty as charged to this offense.

2. The Defendant, Kendra V. Bowman, further understands and agrees that she will receive a negotiated sentence of fifteen (15) years, suspended upon the service of five (5) years probation, provided all the terms of this agreement are fully complied with. Said plea to take place after the trial of Marion Bowman, Jr. and the other individuals named in Paragraph 4 herein.

3. The Defendant, Kendra V. Bowman, understands and agrees that she has no right to withdraw her plea. Further, he hereby gives up any and all pretrial, trial and/or post-conviction motions, defenses, objections or requests including any filing made pursuant to Section 17-27-20, et seq. of the Code of Laws of South Carolina (1976) as amended, which she may have made or raised or could assert hereafter, including any motion incident to the proceedings in the trial court, or of any direct review of either the sentence imposed upon her by the Court or the conviction had by the State of South Carolina, and she freely enters a plea of guilty to the aforesaid charge.

4. The Defendant, Kendra V. Bowman, agrees to fully and truthfully cooperate with the Solicitor's Office of the First Judicial Circuit and any and all law enforcement officers, in the prosecution of Marion Bowman, Jr., Travis Felder, Marion Bowman, Sr., James Taiwan Gadson, Dorothy Mae Bowman and Yolanda C. Bowman, and in any and all trials and retrials of the said aforesaid individuals.

5. The Defendant, Kendra V. Bowman, understands and agrees that her cooperation is to include, but is not limited to, a truthful and complete debriefing of her knowledge concerning any and all criminal activity and any related, unlawful activity that she has been involved with or that she has been aware of or knows about. The Defendant further agrees that she will submit to a polygraph examination upon the request of the First Circuit Solicitor's Office; said polygraph examination to be conducted by the Dorchester County Sheriff's Department or SLED.

6. The Defendant, Kendra V. Bowman, understands and agrees that she must provide truthful information to the Dorchester County Sheriff's Department and the First Judicial Circuit Solicitor's Office or their designees.

7. The Defendant, Kendra V. Bowman, agrees to testify fully and truthfully at any and all criminal trials or proceedings if called upon to do so by the First Judicial Circuit Solicitor's Office.

8. The Defendant, Kendra V. Bowman, understands and fully agrees to tell the absolute truth at any trial or proceeding either while being questioned by the attorney for the State of South Carolina or while being cross-examined by any attorney representing a defendant who is being tried.

a. The Defendant, Kendra V. Bowman, fully understands that any failure on his part to so testify will result in the termination of this Agreement at the sole option of the Solicitor for the First Judicial Circuit.

b. The Defendant, Kendra V. Bowman, further understands that she would be fully prosecuted by the State of South Carolina for perjury, in the event that she does not, at any time, testify truthfully.

9. It is expressly agreed that if the Defendant, Kendra V. Bowman, does not at all times tell the absolute and complete truth or at any time fails to cooperate in the investigation and prosecution of Marion Bowman, Jr., Travis Felder, James Tawain Gadson, Marion Bowman, Sr., Dorothy Mae Bowman and Yolanda Bowman, then:

a. The Defendant will not be able to withdraw her plea of guilty without prior consent of the Solicitor for the First Judicial Circuit.

b. The State of South Carolina may in its option move to vacate the Defendant's plea and the Defendant hereby waives any objection to the State's vacation of said plea. In the event the State elects to vacate or refuse to accept the Defendant's plea, the State may, in its option, reinstate the original charge and seek the maximum penalty against the Defendant and the Defendant hereby waives any objection.

c. The State of South Carolina may use any and all information and testimony provided by the Defendant in prosecution of any offenses.

10. The Defendant, Kendra V. Bowman, further understands and agrees that any testimony given by her must be factual and truthful, and that she is not able to omit facts or attempt in any way to give benefit while on the witness stand to either the State of South Carolina or to any other defendant which she may testify about at any future proceeding or trial.

11. Any potential violation of this agreement by the defendant shall be judicially determined. Any allegations that the defendant has failed to fully cooperate in the investigation and prosecution of Marion Bowman, Jr., James Tawain Gadson, Travis Felder, Marion Bowman, Sr., Dorothy Mae Bowman, Yolanda C. Bowman or any allegation that the defendant had not at all times told the complete and absolute truth shall be judicially determined. In any such proceeding, the burden of proof shall be on the State by a preponderance of the evidence.

12. The parties hereby agree that this Agreement supercedes all and any prior promises, representations and statements of the parties; that this Agreement may be modified only in writing signed by all parties; and that any and all other promises, representations and statements, whether made prior to or after this Agreement are null and void.

DATE: 9 Oct., 2001

Kendra Bowman
KENDRA V. BOWMAN
DEFENDANT

WALTER M. BAILEY, JR.
SOLICITOR
FIRST JUDICIAL CIRCUIT

JIM ABRAMS
ATTORNEY FOR DEFENDANT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF DORCHESTER	)	INDICTMENT NO. 2001-GS-18-0731

STATE OF SOUTH CAROLINA,	)	
	)	
-versus-	)	**AGREEMENT**
	)	
DOROTHY MAE BOWMAN,	)	
	)	
Defendant.	)	

THIS AGREEMENT is entered into on the 10th day of Oct, 2001, between and among the State of South Carolina, as represented by the Solicitor of the First Judicial Circuit, Walter M. Bailey, Jr., the Defendant, Dorothy Mae Bowman, and her attorney, John Loy, Esquire.

IN CONSIDERATION of the mutual promises made and recorded herein, the parties agree as follows:

1. The Defendant, Dorothy Mae Bowman, has been indicted by the Grand Jury for Dorchester County for the following charge: Accessory After the Fact of Murder. Said defendant will plead guilty as charged to this offense.

2. The Defendant, Dorothy Mae Bowman, further understands and agrees that she will receive a negotiated sentence of fifteen (15) years, suspended upon the service of five (5) years probation, provided all the terms of this agreement are fully complied with. Said plea to take place after the trial of Marion Bowman, Jr. and the other individuals named in Paragraph 4 herein.

3. The Defendant, Dorothy Mae Bowman, understands and agrees that she has no right to withdraw her plea. Further, he hereby gives up any and all pretrial, trial and/or post-conviction motions, defenses, objections or requests including any filing made pursuant to Section 17-27-20, et seq. of the Code of Laws of South Carolina (1976) as amended, which she may have made or raised or could assert hereafter, including any motion incident to the proceedings in the trial court, or of any direct review of either the sentence imposed upon her by the Court or the conviction had by the State of South Carolina, and she freely enters a plea of guilty to the aforesaid charge.

4. The Defendant, Dorothy Mae Bowman, agrees to fully and truthfully cooperate with the Solicitor's Office of the First Judicial Circuit and any and all law enforcement officers, in the prosecution of Marion Bowman, Jr., Travis Felder, Marion Bowman, Sr., James Taiwan Gadson, Kendra V. Bowman and Yolanda C. Bowman, and in any and all trials and retrials of the said aforesaid individuals.

5. The Defendant, Dorothy Mae Bowman, understands and agrees that her cooperation is to include, but is not limited to, a truthful and complete debriefing of her knowledge concerning any and all criminal activity and any related, unlawful activity that she has been involved with or that she has been aware of or knows about. The Defendant further agrees that she will submit to a polygraph examination upon the request of the First Circuit Solicitor's Office; said polygraph examination to be conducted by the Dorchester County Sheriff's Department or SLED.

6. The Defendant, Dorothy Mae Bowman, understands and agrees that she must provide truthful information to the Dorchester County Sheriff's Department and the First Judicial Circuit Solicitor's Office or their designees.

7. The Defendant, Dorothy Mae Bowman, agrees to testify fully and truthfully at any and all criminal trials or proceedings if called upon to do so by the First Judicial Circuit Solicitor's Office.

8. The Defendant, Dorothy Mae Bowman, understands and fully agrees to tell the absolute truth at any trial or proceeding either while being questioned by the attorney for the State of South Carolina or while being cross-examined by any attorney representing a defendant who is being tried.

a. The Defendant, Dorothy Mae Bowman, fully understands that any failure on his part to so testify will result in the termination of this Agreement at the sole option of the Solicitor for the First Judicial Circuit.

b. The Defendant, Dorothy Mae Bowman, further understands that she would be fully prosecuted by the State of South Carolina for perjury, in the event that she does not, at any time, testify truthfully.

9. It is expressly agreed that if the Defendant, Dorothy Mae Bowman, does not at all times tell the absolute and complete truth or at any time fails to cooperate in the investigation and prosecution of Marion Bowman, Jr., Travis Felder, James Tawain Gadson, Marion Bowman, Sr., Kendra V. Bowman and Yolanda Bowman, then:

a. The Defendant will not be able to withdraw her plea of guilty without prior consent of the Solicitor for the First Judicial Circuit.

b. The State of South Carolina may in its option move to vacate the Defendant's plea and the Defendant hereby waives any objection to the State's vacation of said plea. In the event the State elects to vacate or refuse to accept the Defendant's plea, the State may, in its option, reinstate the original charge and seek the maximum penalty against the Defendant and the Defendant hereby waives any objection.

c. The State of South Carolina may use any and all information and testimony provided by the Defendant in prosecution of any offenses.

10. The Defendant, Dorothy Mae Bowman, further understands and agrees that any testimony given by her must be factual and truthful, and that she is not able to omit facts or attempt in any way to give benefit while on the witness stand to either the State of South Carolina or to any other defendant which she may testify about at any future proceeding or trial.

11. Any potential violation of this agreement by the defendant shall be judicially determined. Any allegations that the defendant has failed to fully cooperate in the investigation and prosecution of Marion Bowman, Jr., James Tawain Gadson, Travis Felder, Marion Bowman, Sr., Kendra V. Bowman, Yolanda C. Bowman or any allegation that the defendant had not at all times told the complete and absolute truth shall be judicially determined. In any such proceeding, the burden of proof shall be on the State by a preponderance of the evidence.

12. The parties hereby agree that this Agreement supercedes all and any prior promises, representations and statements of the parties; that this Agreement may be modified only in writing signed by all parties; and that any and all other promises, representations and statements, whether made prior to or after this Agreement are null and void.

DATE: Oct 10, **2001**

Dorothy G Bowman
DOROTHY MAE BOWMAN
DEFENDANT

Walter M. Bailey Jr.
WALTER M. BAILEY, JR.
SOLICITOR
FIRST JUDICIAL CIRCUIT

JOHN LOY
ATTORNEY FOR DEFENDANT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF DORCHESTER	)	INDICTMENT NO. 2001-GS-18-0733

STATE OF SOUTH CAROLINA,	)	
	)	
-versus-	)	**AGREEMENT**
	)	
YOLANDA C. BOWMAN,	)	
	)	
Defendant.	)	

THIS AGREEMENT is entered into on the _____ day of _____, 2002, between and among the State of South Carolina, as represented by the Solicitor of the First Judicial Circuit, Walter M. Bailey, Jr., the Defendant, Yolanda C. Bowman, and her attorney, Kenneth Cooper, Esquire.

IN CONSIDERATION of the mutual promises made and recorded herein, the parties agree as follows:

1. The Defendant, Yolanda C. Bowman, has been indicted by the Grand Jury for Dorchester County for the following charge: Accessory After the Fact of Murder. Said defendant will plead guilty as charged to this offense.

2. The Defendant, Yolanda C. Bowman, further understands and agrees that she will receive a negotiated sentence of fifteen (15) years, suspended upon the service of five (5) years probation, provided all the terms of this agreement are fully complied with. Said plea to take place after the trial of Marion Bowman, Jr. and the other individuals named in Paragraph 4 herein.

3. The Defendant, Yolanda C. Bowman, understands and agrees that she has no right to withdraw her plea. Further, he hereby gives up any and all pretrial, trial and/or post-conviction motions, defenses, objections or requests including any filing made pursuant to Section 17-27-20, et seq, of the Code of Laws of South Carolina (1976) as amended, which she may have made or raised or could assert hereafter, including any motion incident to the proceedings in the trial court, or of any direct review of either the sentence impbsed upon her by the Court or the conviction had by the State of South Carolina, and she freely enters a plea of guilty to the aforesaid charge.

4. The Defendant, Yolanda C. Bowman, agrees to fully and truthfully cooperate with the Solicitor's Office of the First Judicial Circuit and any and all law enforcement officers, in the prosecution of Marion Bowman, Jr., Travis Felder, Marion Bowman, Sr., James Taiwan Gadson, Dorothy Mae Bowman and Kendra V. Bowman, and in any and all trials and retrials of the said aforesaid individuals.

5. The Defendant, Yolanda C. Bowman, understands and agrees that her cooperation is to include, but is not limited to, a truthful and complete debriefing of her knowledge concerning any and all criminal activity and any related, unlawful activity that she has been involved with or that she has been aware of or knows about. The Defendant further agrees that she will submit to a polygraph examination upon the request of the First Circuit Solicitor's Office; said polygraph examination to be conducted by the Dorchester County Sheriff's Department or SLED.

6. The Defendant, Yolanda C. Bowman, understands and agrees that she must provide truthful information to the Dorchester County Sheriff's Department and the First Judicial Circuit Solicitor's Office or their designees.

7. The Defendant, Yolanda C. Bowman, agrees to testify fully and truthfully at any and all criminal trials or proceedings if called upon to do so by the First Judicial Circuit Solicitor's Office.

8. The Defendant, Yolanda C. Bowman, understands and fully agrees to tell the absolute truth at any trial or proceeding either while being questioned by the attorney for the State of South Carolina or while being cross-examined by any attorney representing a defendant who is being tried.

a. The Defendant, Yolanda C. Bowman, fully understands that any failure on his part to so testify will result in the termination of this Agreement at the sole option of the Solicitor for the First Judicial Circuit.

b. The Defendant, Yolanda C. Bowman, further understands that she would be fully prosecuted by the State of South Carolina for perjury, in the event that she does not, at any time, testify truthfully.

9. It is expressly agreed that if the Defendant, Yolanda C. Bowman, does not at all times tell the absolute and complete truth or at any time fails to cooperate in the investigation and prosecution of Marion Bowman, Jr., Travis Felder, James Tawain Gadson, Marion Bowman, Sr., Dorothy Mae Bowman and Kendra V. Bowman, then:

a. The Defendant will not be able to withdraw her plea of guilty without prior consent of the Solicitor for the First Judicial Circuit.

b. The State of South Carolina may in its option move to vacate the Defendant's plea and the Defendant hereby waives any objection to the State's vacation of said plea. In the event the State elects to vacate or refuse to accept the Defendant's plea, the State may, in its option, reinstate the original charge and seek the maximum penalty against the Defendant and the Defendant hereby waives any objection.

c. The State of South Carolina may use any and all information and testimony provided by the Defendant in prosecution of any offenses.

10. The Defendant, Yolanda C. Bowman, further understands and agrees that any testimony given by her must be factual and truthful, and that she is not able to omit facts or attempt in any way to give benefit while on the witness stand to either the State of South Carolina or to any other defendant which she may testify about at any future proceeding or trial.

11. Any potential violation of this agreement by the defendant shall be judicially determined. Any allegations that the defendant has failed to fully cooperate in the investigation and prosecution of Marion Bowman, Jr., James Tawain Gadson, Travis Felder, Marion Bowman, Sr., Dorothy Mae Bowman, Kendra V. Bowman or any allegation that the defendant had not at all times told the complete and absolute truth shall be judicially determined. In any such proceeding, the burden of proof shall be on the State by a preponderance of the evidence.

12. The parties hereby agree that this Agreement supercedes all and any prior promises, representations and statements of the parties; that this Agreement may be modified only in writing signed by all parties; and that any and all other promises, representations and statements, whether made prior to or after this Agreement are null and void.

DATE:_____, 2002

_____
YOLANDA C. BOWMAN
DEFENDANT

_____
WALTER M. BAILEY, JR.
SOLICITOR
FIRST JUDICIAL CIRCUIT

_____
KENNETH COOPER
ATTORNEY FOR DEFENDANT

STATE OF SOUTH CAROLINA VS. MARION BOWMAN, JR.

PROPOSED TESTIMONY - TRAVIS FELDER

NAME

HOW OLD ARE YOU?

WHERE DO YOU LIVE?

WHERE DO YOU WORK?

WHAT DO YOU DO THERE?

YOU ARE HERE UNDER SUBPOENA, IS THAT CORRECT?

STATE WHETHER OR NOT YOU ARE CHARGED WITH ACCESSORY AFTER THE FACT OF MURDER AND ARSON THIRD DEGREE IN THIS CASE.

STATE WHETHER OR NOT YOU ARE REPRESENTED BY ATTORNEY CHARLES WILLIAMS WITH REGARD TO THESE CHARGES.

THROUGH YOUR LAWYER, STATE WHETHER OR NOT YOU ENTERED INTO A PLEA AGREEMENT WITH THE STATE.

PURSUANT TO THIS AGREEMENT, STATE WHETHER OR NOT IT IS YOUR UNDERSTANDING THAT YOU ARE TO PLEAD GUILTY TO ACCESSORY AFTER THE FACT OF ARSON ~~AND RECEIVE A PROBATIONARY SENTENCE PROVIDED YOU TESTIFY TRUTHFULLY.~~ AM I SURE YOU'RE PLEAD AT TO ACCESSORY OF YOUR TRUTHFUL CONDITIONS'

YOU HAVE TAKEN AN OATH TO TELL THE TRUTH TODAY, IF I ASK YOU SOME QUESTIONS, ARE YOU GOING TO TELL THE TRUTH?

DO YOU KNOW THE DEFENDANT, MARION BOWMAN?

(HAVE WITNESS IDENTIFY DEFENDANT)

HOW LONG HAVE YOU KNOWN HIM?

DO YOU KNOW JAMES TAIWAN GADSON?

HOW LONG HAVE YOU KNOWN HIM?

DO YOU KNOW HIRAM JOHNSON?

DO YOU KNOW DARIAN WILLIAMS?

DID YOU KNOW KANDEE MARTIN?

I WANT TO CALL YOUR ATTENTION TO FRIDAY, FEBRUARY 16, 2001, WHAT DID YOU DO THAT DAY?

(WENT TO WORK IN CHARLESTON)

WHAT TIME DID YOU GET HOME FROM WORK?

(6:30 P.M.)

WHAT DID YOU DO WHEN YOU GOT HOME?

(I TOOK A NAP UNTIL ABOUT 8:30 P.M.)

DID YOU HAVE ANYTHING TO DRINK?

(SOME BEER)

CALLING YOUR ATTENTION TO APPROXIMATELY 10:30 THAT NIGHT, STATE WHETHER OR NOT YOU SAW MARION BOWMAN, JR..

(YES, HE CAME BY IN YOLANDA BOWMAN'S CAR. DARIAN WILLIAMS AND JAMES GADSON WERE WITH HIM.)

STATE WHETHER OR NOT YOU HAD ANY CONVERSATION.

(HE ASKED ME IF I WAS GOING TO THE CLUB AND THEN SAID WE WOULD MEET LATER AT THE PROJECTS.)

WHAT DID YOU DO THEN?

(I WENT WITH A FRIEND TO A CLUB IN BAMBERG. THERE WAS NOTHING GOING ON SO I WENT BACK TO BRANCHVILLE VILLAS. I THEN DECIDED TO GO ALLEN MURRAY'S CLUB.)

WHAT TIME DID YOU LEAVE TO GO TO THE CLUB?

(AROUND MIDNIGHT.)

DID YOU TAKE ANYONE WITH YOU?

(CAROLINE BROWN)

STATE WHETHER OR NOT YOU SAW ANYONE YOU KNEW WHEN YOU GOT TO ALLEN MURRAY'S CLUB.

(JAMES GADSON, DARIAN WILLIAMS, HIRAM JOHNSON AND MARION BOWMAN, JR. WERE OUTSIDE.)

WHAT DID YOU DO?

(I SPOKE TO THEM AND WENT IN THE CLUB.)

DID ANYONE FROM THAT GROUP COME IN?

(JAMES GADSON AND DARIAN WILLIAMS CAME IN. HIRAM JOHNSON AND BOWMAN STAYED OUT.)

HOW LONG DID YOU STAY AT THE CLUB?

(A COUPLE OF HOURS)

WHO WENT WITH YOU WHEN YOU LEFT THE CLUB?

(VALORNA SMITH AND CAROLINE BROWN)

WHERE DID YOU GO WHEN YOU LEFT THE CLUB?

(BRANCHVILLE)

DID YOU MAKE ANY STOPS?

(WE STOPPED AT THE EZ SHOP AND BOUGHT CHIPS AND DIP AND THEN WENT TO BRANCHVILLE VILLAS TO CAROLINE BROWN'S APARTMENT.)

WHAT, IF ANYTHING, HAPPENED AFTER YOU GOT TO CAROLINE BROWN'S APARTMENT?

(THERE WAS A KNOCK ON THE DOOR. MARION BOWMAN, JR. STUCK HIS HEAD IN AND SAID "T COME HERE, LET ME HOLLER AT YOU QUICK LIKE.")

3:00

WHAT DID YOU DO?

(I WENT OUT TO THE SIDEWALK TO TALK TO HIM.)

DO YOU RECALL HOW MARION BOWMAN WAS DRESSED AT THIS TIME?

(BLACK JEANS)

WHAT DID MARION BOWMAN SAY TO YOU?

(HE SAID "I NEED YOU TO FOLLOW ME SO I CAN GO PARK A CAR.")

DID YOU SEE THE CAR OUTSIDE?

PLEASE DESCRIBE THE CAR.

(HAVE WITNESS IDENTIFY PICTURE OF KANDEE'S CAR)

WAS THE CAR PARKED WHERE YOU COULD SEE IT FROM THE APARTMENT WINDOW?

(NO)

STATE WHETHER OR NOT YOU FOLLOWED THE CAR WITH MARION BOWMAN DRIVING IT.

WHERE DID YOU GO?

(MCALVANEY ROAD ONTO NURSERY ROAD. WHEN BOWMAN STOPPED, I STOPPED BEHIND HIM.)

PLEASE INDICATE ON SKETCH WHERE YOU AND MARION BOWMAN STOPPED.

DID MARION BOWMAN CUT THE LIGHTS OFF ON THE CAR HE WAS DRIVING?

(YES)

DID YOU CUT THE LIGHTS OFF ON YOUR CAR?

(I HAD THE PARKING LIGHTS ON.)

WHAT HAPPENED NEXT?

(BOWMAN WENT INTO THE WOODS. HE WAS GONE A FEW MINUTES. I SAW HIM DRAG A BODY OUT OF THE WOODS BY THE FEET.)

WAS THERE ENOUGH LIGHT FOR YOU TO SEE?

(I COULD SEE HE WAS DRAGGING A WHITE FEMALE FACE UP. I RECOGNIZED HER AS KANDEE MARTIN BY THE COLOR OF HER HAIR. BOWMAN OPENED UP THE TRUNK OF THE CAR AND THE LIGHT CAME ON. HE PICKED HER UP AND PUT HER IN THE TRUNK AND CLOSED IT.)

DID YOU REMAIN IN YOUR CAR WHILE MARION BOWMAN DID THIS?

WHAT, IF ANYTHING, DID MARION BOWMAN SAY TO YOU?

(HE SAID "YOU DIDN'T THINK I WOULD DO IT.")

WHAT DID YOU DO?

(I SAID "WHAT ARE YOU TALKING ABOUT?")

WHAT DID MARION BOWMAN SAY?

(HE SAID "I KILLED KANDEE")

WHAT DID YOU SAY IN RESPONSE TO THAT?

(I SAID "FUCK, YOU ARE CRAZY.")

DID YOU NOTICE ANYTHING ABOUT MARION BOWMAN WHEN HE PUT KANDEE MARTIN'S BODY IN THE CAR?

(HE HAD A GUN IN HIS WAISTBAND.)

WHAT HAPPENED NEXT?

(BOWMAN TOLD ME TO TURN THE CAR AROUND.)

PLEASE INDICATE ON THE MAP.

WHEN YOU PARKED THE CAR WERE YOUR LIGHTS ON?

WHAT, IF ANYTHING, DID MARION BOWMAN DO?

(HE TURNED THE HEADLIGHTS ON IN KANDEE'S CAR. I SAW HIM LIGHT SOMETHING AND THROW IT IN THE CAR AND HE RAN TO MY CAR.)

DID YOU SEE WHAT HAPPENED NEXT?

(KANDEE'S CR BURST INTO FLAMES.)

WHERE DID YOU GO THEN?

(BRANCHVILLE, I DROPPED BOWMAN OFF AT HIS WIFE'S HOUSE AND I WENT BACK TO THE APARTMENT WHERE THE GIRLS WERE AT.)

APPROXIMATELY, HOW LONG DID ALL OF THIS TAKE?

(30 TO 45 MINUTES)

YOU DID NOT REPORT THIS TO THE AUTHORITIES, IS THAT CORRECT?

WHY NOT?

CALLING YOUR ATTENTION NOW TO SEVERAL WEEKS BEFORE THIS HAPPENED. DO YOU RECALL GOING TO ORANGEBURG WITH MARION BOWMAN, JR.?

WHAT, IF ANYTHING, DID BOWMAN DO?

(WE MET WITH MELVIN SWEAT AND BOWMAN BOUGHT A .380 CALIBER PISTOL.)

(SHOW WITNESS THE PISTOL AND HAVE HIM IDENTIFY IT)

DOES THIS APPEAR TO BE THE SAME PISTOL YOU SAW IN MARION BOWMAN'S WAISTBAND THAT NIGHT HE BURNED KANDEE MARTIN'S BODY AND CAR AND THE GUN HE BOUGHT IN ORANGEBURG FROM MELVIN SWEAT?

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

140 N. Main St., Suite 102
Post Office Box 2520
Summerville, S.C. 29484
(843) 871-2640
FAX (843) 871-2643
PTI (843) 873-7842

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

4 OCTOBER 2001

Ms. Melody Barton
271A Pike Pond Road
Chipley, Florida 32428

IN RE: **STATE OF SOUTH CAROLINA VS. MARION BOWMAN, JR.**

Dear Ms. Barton:

Pursuant to our recent telephone conversation, I am enclosing herewith a copy of the Horizon Easy Shop tape for February 16 and 17, 2001. The two parts of the tape that I am interested in are as follows:

1) Approximately 11:34 p.m. on February 16, 2001, James Gadson, Sr. purchased four pairs of gloves; and

2) Approximately 2:56 a.m. Travis Felder makes a purchase. At about the same time, a man with a Jamaican accent says something about a girl.

I would greatly appreciate it if you would watch and listen to the tape on your VCR. If it appears to be an accurate copy, please sign your name to the tape with the date you reviewed it and return it to me in the enclosed self-addressed stamped envelope. At trial, I would like you to identify and authenticate the tape and testify the times shown on the screen are reasonably accurate and to also identify the clerk.

Please do not hesitate to call me at 1-800-776-3009 if you have any questions.

Thanking you, I remain,

Sincerely,

Walter M. Bailey, Jr.

MBJR:jgh

Enclosures: As stated

The State of South Carolina

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WALTER BAILEY
Solicitor

25 MARCH 2002

Gene W. Dukes, Esquire
100 Ridge Street
Post Office Box 622
St. George, South Carolina, 29477

IN RE: **State of South Carolina vs. James Taiwan Gadson**

Dear Gene:

I am making the following plea offer in exchange for your client's truthful testimony in the trial of Marion Bowman, Jr. and any other defendants who may be charged in this case. Due to the extent of your client's admitted involvement, I cannot reduce the murder charge. However, I will not seek the death penalty and can schedule his plea in front of Judge Goodstein after completion of Bowman's trial. She would then be in a position to know his involvement and assistance to the State and he would have a chance at a thirty (30) year sentence. Please let me know something as soon as possible since Bowman's trial is scheduled to commence May 13, 2002.

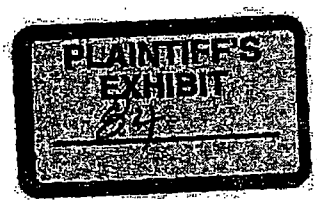
Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBjr:jgh



9/14/01

INTERVIEW NOTES - DARIAN WILLIAMS

DOB: [redacted] SSN: [redacted]

HE IS FIRST COUSIN'S WITH MARION BOWMAN, JR. AND JAMES TAIWAN GADSON.

HE WILL PROBABLY MAKE A GOOD WITNESS.

HE STATES HE LIED IN HIS FIRST STATEMENT BECAUSE HE WAS SCARED. HE THEN TOLD THE TRUTH BECAUSE IT WAS THE RIGHT THING TO DO.

HIS INTERVIEW IS CONSISTENT WITH HIS SECOND STATEMENT.

WHEN HE RODE TO THE HORIZON EASY SHOP WITH JAMES TAIWAN GADSON, GADSON PUT GAS IN A COKE BOTTLE. IT WAS JUST THE TWO OF THEM. HE DID NOT PUT GAS IN THE CAR.

HE STATES THAT JAMES GADSON SAID HE BOUGHT THE GAS SO THEY WOULD NOT RUN OUT OF GAS ON THE WAY TO THE CLUB.

LATER, HE, MARION BOWMAN, JR. AND HIRAM JOHNSON WENT BACK TO THE SHOP TO GET BEER.

LATER WHEN MARION BOWMAN, JR. RETURNED WITH THE GLOVES, HE HAD FOUR PAIRS IN HIS HAND. THE THREAT WHICH IS MENTIONED IN HIS STATEMENT WAS MADE DIRECT TO HIM AND DONE IN FRONT OF THE APARTMENTS.

HE STATES THAT HE HAD BEEN DRINKING ALL AFTERNOON AND WAS DRUNK.

DURING THE RIDE TO THE CLUB, ALL FOUR OF THEM (HE, BOWMAN, GADSON AND HIRAM JOHNSON) WORE GLOVES.

HE FIRST SAW MARION BOWMAN, JR. WITH THE PISTOL TUCKED IN HIS FRONT WAISTBAND WHEN THEY GOT OUT OF KANDEE'S CAR AT THE CLUB.

TRAVIS FELDER WAS AT THE CLUB AND FOLLOWED THEM IN HIS CAR WHEN THEY LEFT THE CLUB.

WHEN THEY LEFT THE CLUB, HE SAYS HE DID NOT KNOW WHERE BOWMAN WAS GOING. WHEN THEY DROVE TO NURSERY ROAD, HE RODE IN THE BACK SEAT AND REMAINED THERE. THERE WAS NOT TOO MUCH LIGHT, BUT HE COULD SEE BOWMAN AND FELDER DRAGGING KANDEE'S BODY OUT OF THE WOODS AND PUTTING IT IN THE CAR. THEY WERE EACH DRAGGING HER BY ONE OF HER HANDS.

WHEN HE GOT UPSET OVER IT, BOWMAN CALLED HIM A PUNK.

HE STATES THAT HIRAM JOHNSON DID NOT GET OUT OF THE CAR EITHER.

WHEN HE INSISTED THAT BOWMAN TAKE HIM HOME, BOWMAN DROVE HIM TO THE APARTMENT COMPLEX IN KANDEE'S CAR WITH KANDEE'S BODY IN THE TRUNK. BOWMAN WAS DRIVING WITH GADSON IN THE FRONT AND HE AND JOHNSON IN THE BACK. FELDER FOLLOWED THEM BACK IN HIS CAR TO THE APARTMENT COMPLEX. FELDER WAS BY HIMSELF. WHEN THEY GOT TO THE APARTMENT COMPLEX, GADSON ALSO GOT OUT OF THE CAR.

HE HAS NOT HAD ANY FURTHER CONTACT WITH ANYONE ELSE INVOLVED IN THIS CRIME.

FRI. FEB 10 - MURDER
FR FEB 17 - ARSON

PROPOSED OFFERS:

Gadson:

Charged with Murder

Offer plea to Accessory Before the Fact to Arson based on Darian Williams' anticipated testimony and plea to Accessory After the Fact to Murder based on lying to investigators in first statement

15 years - Accessory After the Fact to Murder
10 years (concurrent) - Accessory Before the Fact or Arson

Felder:

Charged with Arson, 3rd, and Accessory After the Fact of Murder

No offer without proffer of helpful evidence
Hold case open until death penalty trial ended

Marion Bowman, Sr.:

Charged with Accessory After the Fact of Murder

No offer without proffer of helpful evidence
Hold case open until death penalty trial ended

Kendra Bowman:

Charged with Accessory After the Fact of Murder

Offer 15 years, suspended, 5 years probation

Yolanda Bowman:

Charged with Accessory After the Fact of Murder

Offer 15 years, suspended, 5 years probation PROVIDED she comes clean on Marion Bowman's statement in car of February 16

Dorothy Bowman:

Charged with Accessory After the Fact of Murder

Offer 15 years, suspended, 5 years probation

TAIWAN GADSON

Statement concedes no prior knowledge of murder
No involvement in burning car or body
Can implicate Felder based on conversation of February 17

MARION BOWMAN, JR.

Final statement - he and Gadson shot victim
Implicates Felder in picking him up after the burning of the car
Bowman alleges that he did not know victim's body was in car
States Felder had no knowledge of the murder
States that Gadson was not present when car was burned

HIRAM JOHNSON

Statement denies presence at burning and knowledge of murder
Cannot implicate Felder

DARIAN WILLIAMS

Rode in victim's car to club - Bowman driving
In second statement, says Gadson put gas in coke bottle which he put in victim's car trunk
States that Bowman and Felder pulled victim's body out of woods and put it in the trunk but Bowman took him and Gadson back to Branchville before the burning

FELDER

Denies any involvement whatsoever

SEQUENCE OF PLEA NEGOTIATIONS

Darian Williams	No charges yet
Taiwan Gadson	
Yolanda Bowman	
Kendra Bowman	
Dorothy Bowman	

REPRESENTATION

Marion Bowman, Jr.	Cummings and Hardee-Thomas
Taiwan Gadson	Gene Dukes
Kendra Bowman	Jim Abrams
Yolanda Bowman	– Ken Cooper 871-2118
Dorothy Bowman	John Loy 875-6111
Marion Bowman, Sr.	Glenn Walters

9200

The State of South Carolina

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First Judicial Circuit

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WALTER BAILEY
Solicitor

7 MAY 2002

VIA FAX 875-5300

Andrew D. Grimes, Esquire
128 S. Main Street, Suite 6
Summerville, SC 29483

IN RE: STATE OF SOUTH CAROLINA VS. DARIAN WILLIAMS

Dear Andrew:

I am rapidly running out of time to offer your client anything since I start jury selection on Monday. Unless you advise me that he is willing to cooperate by noon on Thursday, May 9, 2002, I am withdrawing any potential plea negotiations and he will go to trial as charged. I also intend to seek an indictment for Misprision of a Felony.

Please let me hear from you as soon as possible.

With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBJR:jgh

PLAINTIFF'S EXHIBIT
57

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

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WALTER BAILEY
Solicitor

4 OCTOBER 2001

VIA FAX 875-5300

Kenneth G. Cooper, Esquire
128 South Main Street, Suite 5
Summerville, South Carolina 29483

IN RE: STATE OF SOUTH CAROLINA VS. YOLANDA BOWMAN

Dear Ken:

This is to follow-up on my letter to you of September 18, 2001, in which I offered to allow your client to plead as charged with a negotiated sentence of fifteen (15) years suspended upon service of five (5) years probation provided she agrees to testify truthfully with regard to the circumstances surrounding the disposal of the murder weapon as well as the conversation in the automobile in the above matter.

I must get your client's response immediately. This offer will be withdrawn unless she enters into a written agreement no later than 5:00 p.m. on October 5, 2001.

Sincerely,

Walter M. Bailey, Jr.

WMBJR:jgh

Office of the Sheriff
DORCHESTER COUNTY, SOUTH CAROLINA
Ray Nash, Sheriff

DORCHESTER COUNTY SHERIFF'S OFFICE
POLYGRAPH REPORT

DEFENDANT'S EXHIBIT 1

Date: February 18, 2001

I have been informed that the results of the polygraph examination administered to **_Terry Kelly____** by Examiner **T.E. Stephenson** of the Dorchester County Sheriff's Office are as follows:

(X) NDI – No responses indicative of attempted deception were noted to relevant test questions.

( ) DI – Responses indicative of attempted deception were noted to relevant test question(s)._____

() INCONCLUSIVE – The truthfulness or attempted deception of the examinee could not be determined.

( ) DNT – Did not test examinee. (See Comments)

( ) Re-examination recommended by examiner.

COMMENTS/REMARKS
This opinion should be considered a final report; however, all examinations undergo a Quality Control Review. Should this Quality Control Review change the results of this examination, you will be promptly notified by written report.

R5 –Are you lying about not being in Kandee Martin's car?
R7 –Are you lying about not being in Kandee Martin's car Friday night?
R-10 – Are you withholding any information about the death of Kandee Martin?

_____
Signature of Officer

T E Stephenson
Signature of Examiner

_____
Agency

2/18/01
Date

DOCUMENT #4

Office of the Sheriff
DORCHESTER COUNTY, SOUTH CAROLINA
Ray Nash, Sheriff

DORCHESTER COUNTY SHERIFF'S OFFICE
POLYGRAPH REPORT

DEFENDANT'S EXHIBIT 2

Date: February 17, 2001

I have been informed that the results of the polygraph examination administered to **_Marion Bowman____** by Examiner **T.E. Stephenson** of the Dorchester County Sheriff's Office are as follows:

( ) NDI – No responses indicative of attempted deception were noted to relevant test questions.

(X) DI – Responses indicative of attempted deception were noted to relevant test question(s).__5,7,10_____

() INCONCLUSIVE – The truthfulness or attempted deception of the examinee could not be determined.

( ) DNT – Did not test examinee. (See Comments)

( ) Re-examination recommended by examiner.

COMMENTS/REMARKS
This opinion should be considered a final report; however, all examinations undergo a Quality Control Review. Should this Quality Control Review change the results of this examination, you will be promptly notified by written report.

R5 – Did you lie on your statement to police?
R7 –Did you lie on your statement to police about what you know about Kandee Martin?
R-10 – Are you withholding any information about the death of Kandee Martin?

_____ _____
Signature of Officer **Signature of Examiner**

_____ 2/17/01
Agency **Date**

DOCUMENT #4

POLYGRAPH REPORT

TESTING DATE 4 / 16 / 02 CASE NO. 02-012-TAV

NO POST TEST ALLOWED

SUBJECT: Felder, Travis N D I ____ D I ✓ CONF ____ INC. ____ D N T ____

N D I ____ D I ____ CONF ____ INC. ____ D N T ____

VICTIM: Martin, Kandee QUALITY CONTROL TES

AUTHORIZING OFFICIAL T A Vanderlaan

D.O.C. 02 / ____ / 02

TYPE OF CASE: Homicide / STATEMENT VER.

AGENCY REQUESTING: Dorchester Co. Sol. Office

Solicitor Bailey

DEFENDANT'S EXHIBIT

9204

DORCHESTER COUNTY SHERIFF'S OFFICE
POLYGRAPH CASE FOLDER

TABLE OF CONTENTS

Case # 02-072-MV Date: 4/16-02 Examiner: TA Van Dorn

DOCUMENT	DESCRIPTION
1	Table of Contents
2	Pre-Polygraph Information
3	Question List
4	Report
5	Rights Waiver
6	Pre-test Interview Sheet
7	Consent to Interview Form
8	Score Sheet
9	Chart
10	_____
11	_____
12	_____

DOCUMENT #1

9206

Dorchester County Sheriff's Office

PRE-POLYGRAPH INFORMATION FORM

Investigating Officer Sgt. W. Bailey

Officer Present at Exam NO

Department Solicitors Off Telephone ( )

Address _____
Street or P.O. Box City

County State Zip

Subject is being tested is the: (Check one)
Suspect ✓ Witness ___
Victim ___ Applicant ___

TYPE OF CRIMINAL CASE
Administration ___ Forgery ___
Arson ___ Larceny ___
Assault ___ Robbery ___
Burglary ___ Sex Crime ___
Death Investigation ___
Drug Investigation ___
Statement Verification ___
Other ___

SUBJECT INFORMATION

Last Name	First Name	Middle	(Nick Name)	
Felder	Travis	Dawitt	TRAV	
Date of Birth	Age	Place of Birth	Height	Weight
	21	SC	503	130
Social Security Number or Drivers License Number		Sex (M or F)	Race (W, B, other)	
		M	B	

NAME OF VICTIM OR PLACE: MARTIN, CANDY

INCIDENT DATE: FEB 2001

Have we examined anyone on this case before? Yes ✓ No ___
Have we scheduled anyone on this case before? Yes ___ No ✓
Is Examinee presently under arrest for this offense? Yes ✓ No ___
Is Examinee presently under arrest for another offense? Yes ___ No ✓

D.C.S.O. Case = 02-00274V Date: 4-16-02 Examiner: TA VanLiew

DOCUMENT #2

Office of the Sheriff
DORCHESTER COUNTY, SOUTH CAROLINA
Ray Nash, Sheriff

CONSENT TO INTERVIEW WITH POLYGRAPH

Place: DCSO

Date: 4-16-02

Time: 2:22 PM.

Before we begin an examination by means of the polygraph concerning:

Whether or not you saw Cathy Mastin's body placed in the trunk of her car.

You must understand your rights.

YOUR RIGHTS

TF You have the right to refuse to take the polygraph test.

TF If you agree to take the polygraph test, you have the right to stop the test at anytime.

TF If you agree to take the polygraph test, you have the right to refuse to answer any individual questions.

WAIVER AND CONSENT

I have read this statement of my rights and I understand what my rights are. I voluntarily agree to be examined by means of the polygraph during this interview. I understand and know what I am doing. No threats or promises have been used against me to obtain my consent to the use of the polygraph. I understand the examination room (does _____ does not XXX) contain an observation device and the examination may be monitored or ~~recorded.~~

SIGNED: _____
Examinee

_____
Witness

Case = 02-072-TAV Date: 4-16-02 Examiner: _____

DOCUMENT = "

D	ER	Text	Exam Type: Zone
1	Y	IS YOUR LAST NAME FELDER?	
2	Y	CONCERNING WHETHER OR NOT YOU SAW OR HELPED PUT CANDY MARTIN'S BODY IN THE TRUNK OF HER CAR, DO YOU INTEND TO ANSWER MY QUESTIONS TRUTHFULLY	
3	Y	DO YOU BELIEVE I WILL NOT ASK YOU A SUPPRIZE QUESTION	
C4	N	BEFORE YOU WERE 19 DID YOU EVER HARM SOMEONE IN A FIT OF ANGER?	
R5	N	DID YOU SEE CANDY MARTIN'S BODY PLACED INTO THE TRUNK OF HER CAR?	
C6	N	BEFORE YOU WERE 19 DID YOUEVER LIE TO THE POLICE?	
R7	N	IN FEBRUARY OF 2001, DID YOU SEE CANDY MARTIN'S BODY PLACED INTO THE TRUNK OF HER CAR?	
C9	N	BETWEEN 13 AND 19 DID YOU EVER LIE TO GET SOMEONE ELSE IN TROUBLE?	
C10	N	BEFORE 2000 DID YOU EVER THREATEN ANYONE WITH A WEAPON?	

Office of the Sheriff
DORCHESTER COUNTY, SOUTH CAROLINA
Ray Nash, Sheriff

YOUR RIGHTS

DATE: 4-16-02 TIME: 2:26 PM.

Before we ask you any questions, you must understand your rights.

ATTORNEY PRESENT OUTSIDE ROOM

You have the right to remain silent. —

Anything you say, can and will be used against you in a court of law. —

You have the right to talk to a lawyer for advice before we ask you any questions and to have him or her present with you during questioning. —

If you have no money for lawyer's fees, the court will appoint one to represent you without cost to you if you wish. ✓

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering questions at anytime until you talk with a lawyer. ✓

I have read this statement of my rights and I understand what my rights are.

Signed: X Ivan Tebo

I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressures or coercion of any kind has been used against me.

Signed: X Ivan Tebo

Witness: T.A. VanRavan

Witness: _____

Case #: 02-072 TAV Date: 4-16-02 Examiner: T.A. VanRavan

DOCUMENT #5

9210

Office of the Sheriff

DORCHESTER COUNTY, SOUTH CAROLINA

Ray Nash, Sheriff

POLYGRAPH EXAMINATION PRE-TEST WORKSHEET

Name Felder, Travis Occupation Laborer

Education 12/14 Place of Birth SC

Previous Address _____

Marital Status
Mar ___ Sin ✓
Div ___ Sep ___
Wid ___

Children 0
Boy(s) Girl(s)

Previous Polygraph Yes ___ No ✓

This Case, Yes ___ No ___

MEDICAL PROBLEMS

Heart Disease	Yes ___ No ✓	Drug or Alcohol Use	Yes ✓ (Alcohol) No ___
Neurological Disorder	Yes ___ No ✓	Pregnant	Yes ___ No ✓
Past Psychiatric Care	Yes ___ No ✓	Other Medical Prob.	Yes ___ No ✓
Current Medication	Yes ✓ (Asthma Meds) No ___	# of Hours Sleep	2:30am 11:30 8 hrs

If any questions are answered yes, please explain below:

_____

_____

_____

NOTES: _____

Case = 02-012 Date: 4-16-02 Examiner: TH Van Ness

DOCUMENT =

212 Deming Way, Summerville, South Carolina 29483 (843) 832-0300
100 Sears Street, St. George, South Carolina 294[illegible] (843) 563-0[illegible]

Office of the Sheriff
DORCHESTER COUNTY, SOUTH CAROLINA
Ray Nash, Sheriff

DORCHESTER COUNTY SHERIFF'S OFFICE
POLYGRAPH REPORT

I have been informed that the results of the polygraph examination administered to Mr. Travis Dawit Felder by examiner Detective Sgt. T. A. Van Doran, on 16 April, 2002, of the Dorchester County Sheriff's Office are as follows:

( ) **NDI - No response indicative of attempted deception were noted to relevant test questions.**

(XX) **DI - Responses indicative of attempted deception were noted to relevant test questions. R-5, R-7**

( ) **NDR – The truthfulness or attempted deception of the examinee could not be determined.**

( ) **DNT - Did not test examinee. (see comments)**

( ) **Re-examination recommended by examiner.**

COMMENTS / REMARKS:
The opinion should be considered a final report; however, all examinations undergo a Quality Control Review. Should this Quality Control Review change the results of this examination, you will be promptly notified by written report.

R-5 DID YOU SEE CANDY MARTIN'S BODY PLACED INTO THE TRUNK OF HER CAR? A: NO

R-7 IN FEBRUARY OF 2001, DID YOU SEE CANDY MARTIN'S BODY PLACED INTO THE TRUNK OF HER CAR? A: NO

Signature

T A Van Doran
Terrance A. Van Doran
Signature of Examiner

17 April, 2002

9212

Office of the Sheriff
DORCHESTER COUNTY, SOUTH CAROLINA
Ray Nash, Sheriff

DORCHESTER COUNTY SHERIFF'S OFFICE
POLYGRAPH REPORT

I have been informed that the results of the polygraph examination administered to **Mr. Travis Dawit Felder** by examiner **Detective Sgt. T. A. Van Doran,** on 16 April, 2002, of the Dorchester County Sheriff's Office are as follows:

( ) NDI - No response indicative of attempted deception were noted to relevant test questions.

(XX) DI - Responses indicative of attempted deception were noted to relevant test questions. R-5, R-7

( ) NDR – The truthfulness or attempted deception of the examinee could not be determined.

( ) DNT - Did not test examinee. (see comments)

( ) Re-examination recommended by examiner.

COMMENTS / REMARKS:
The opinion should be considered a final report; however, all examinations undergo a Quality Control Review. Should this Quality Control Review change the results of this examination, you will be promptly notified by written report.

R-5 DID YOU SEE CANDY MARTIN'S BODY PLACED INTO THE TRUNK OF HER CAR? A: NO

R-7 IN FEBRUARY OF 2001, DID YOU SEE CANDY MARTIN'S BODY PLACED INTO THE TRUNK OF HER CAR? A: NO

Russell A

Signature

T.A. VanDoran

Terrance A. Van Doran
Signature of Examiner

Received 4/17/02

17 April, 2002

212 Deming Way ◆ Summerville, South Carolina 29483 ◆ (843) 832-0300
100 Sears Street ◆ St. George, South Carolina 29477 ◆ (843) 563-0259

NUMERICAL ANALYSIS FORM

Examinee TRAVIS DAVIT FELDER Type of Test BZ

Chart 1	PNEUMO	-1	-1 (0)			
	GSR	-1	+1			
	CARDIO	-1	-1			
	SUB-TOTAL	-3	-2			TOTAL
Chart 2	PNEUMO	-1	-1			
	GSR	+1	-1			
	CARDIO	-1	-1			
	SUB-TOTAL	-1	-3			TOTAL
Chart 3	PNEUMO	0	0			
	GSR	-1	-1			
	CARDIO	-1	-1			
	SUB-TOTAL	-2	-2			TOTAL
Chart 4	PNEUMO	0	0			
	GSR	-1 (0)	+1			
	CARDIO	-1	-1			
	SUB-TOTAL	-2	0			TOTAL
	SPOT TOTALS	-8	-1			GRAND TOTAL -15

Case = 02-002 TAU Date: 4-16-02 Examiner: T A Vandiver

DOCUMENT =

CASE # _____

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF Marion Bowman Jr

HOME ADDRESS _____ HOME PHONE 803

EMPLOYER Unemployed BUSINESS ADDRESS _____

BUS. PHONE _____ OCCUPATION _____

DATE OF BIRTH _____ SOCIAL SECURITY NUMBER _____

THIS STATEMENT IS GIVEN 2-17-21 (DATE) AT 2:10 P.M. (TIME)

Summerville Police Dept (LOCATION)

I Detective T.A. Van Dam am writing this statement at the request of Marion Bowman Jr. at his request. He states the following:

While I was working last the patrol at the Villa Apartments on Summerville. We received a call from Kenny Rogers to go to Sonic because the manager had called in reference to a disturbance that had occurred. I arrived on scene at approximately 2:30pm and met with Kenny Rogers and he advised that he had been approached by a male subject who was identified as Marion Bowman Jr. Kenny advised that Marion had come to the drive thru window and ordered food. He then pulled around to the side of the restaurant and parked his vehicle. He then walked back to the window and asked for a refund. Kenny advised that he refused to do so and told him that he would have to pull around and park his vehicle. Marion then walked back to his vehicle and retrieved a knife. He then walked back to the window and began to yell at Kenny. Kenny advised that Marion was yelling that he was going to kill him. Kenny advised that he was in fear for his life and closed the window. Marion then walked back to his vehicle and left the scene. Kenny advised that Marion was driving a white Chevrolet Impala with a black hood. Kenny advised that he was able to get a partial tag number for the vehicle. I then left the scene and attempted to locate Marion. I was unable to locate him. I then returned to the restaurant and spoke with Kenny. Kenny advised that he was in fear for his life and that he would sign a warrant for Marion's arrest. I then left the scene and returned to the station where I completed the warrant for Marion's arrest.

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

DEFENDANT'S EXHIBIT

WITNESS: T.A. Van Dam

WITNESS: J.E. Stokes

SIGNATURE: Marion Bowman Jr.

shirt and Timberland boots. I said what's that on your shoes and he said "blood." I said man don't just get that car around here - I'm already hot. At that point he got back into the car and left. About 15 minutes later he parked by Circuit City check and I saw him come walking back up to the club. He said Chuck man - Chuck me. I waved, figured him and he said I need some shoes. I said you can't wear my shoes there too big for you. He said I just need some shoes long enough to get home. I went and borrowed my sisters car and got a pair of Reebok shoes and I gave Tony Kelly a pair of Reebok [illegible] I gave Tony Kelly said that I'll meet him at Mulligan's Club. They went and got their cars and I followed them. I saw Tony speed about 70 mph at 1:30am at Mulligan's Club - he was riding on the passenger's side in a red Corvett with a black [illegible] top. He got out - took off his boots - put the shoes and went into the club and got me a beer. I asked him where he had been - he said nowhere and Doug (Tonya's ex) just left us.

Q. When Tony Kelly said "I had to do what I had to do" what did you think he meant?

A. I thought he stole her car. MBJ

(cont.)

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: TA Van Hoose

WITNESS: TR Forbes

SIGNATURE: Marion Barnes Jr

9216 PAGE 3 OF 3

— STATEMENT CONTINUATION —

CASE # _____

2. When Terry Kelly showed you the gun and you saw the blood on his boots what did you think then?

A. I thought he had pistol whipped her. MBJ

3. Why did you think Terry Kelly was talking about Kandee Martin?

A. It was her car and she left and went to St. George in it. MBJ

4. Did Terry Kelly tell you what he did with his bloodied boots or the gun?

A. No, at first he said I'm going to get the gun and the car in the river. MBJ

5. At what point did you think Terry Kelly had killed Kandee Martin?

A. When he came back w. that b.s shoes I thought something was bad wrong. MBJ

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: TA Chamberlain

WITNESS: TE Forrest

SIGNATURE: Marion Brooks

PAGE 1 OF 2 CASE # 01-0217

DORCHESTER COUNTY SHERIFF'S OFFICE II

STATEMENT

STATEMENT OF Marion Brown Jr.

HOME ADDRESS [redacted] HOME PHONE 803 274-8963

EMPLOYER Unemployed BUSINESS ADDRESS

BUS. PHONE OCCUPATION

DATE OF BIRTH [redacted] SOCIAL SECURITY NUMBER [redacted]

THIS STATEMENT IS GIVEN 2-17-01 (DATE) AT 6:40 PM (TIME)

Branchville Police Dept. (LOCATION)

I Detective T.A. Van Doran am writing this STATEMENT AT the REQUEST OF Marion Brown JR he STATES I. M.C. I SAW her car AGAIN - Perrot (Tony Kelly) he WAS driving Kendra Martin's car. He was driving her grey Ford escort. He parked in front of the Highway Department on Hy 78 in Branchville near the Cities. When I first SAW him I THOUGHT he WAS someone else. I then realized it was Tony Kelly. We met on the side of the building and I asked him where Kendra was. Tony said she's in Reynolds. I asked him why he had her car? He said "SHE GOT my SHIT (crack cocaine). I looked down AT his feet and I said what is that on your shoe? He said blood I said who you been fighting - he said that bitch we fucked her up. I need to get rid of her car and this gun and he showed me A Chrome and grey with black hand guns semi-automatic pistol. He said he was going to take them to the river. I told him no that Reynolds was already hot and I was running from the man down here - don't (cont)

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: T A Van Doran

DEFENDANT'S EXHIBIT

WITNESS: [redacted] SIGNATURE: Marion Brown Jr

CASE # 01001493

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF Marion Bowman JR

HOME ADDRESS _____ HOME PHONE _____

EMPLOYER _____ BUSINESS ADDRESS _____

BUS. PHONE _____ OCCUPATION _____

DATE OF BIRTH _____ SOCIAL SECURITY NUMBER _____

THIS STATEMENT IS GIVEN _____ (DATE) AT _____ (TIME)

_____ (LOCATION)

being no heat down here. He got MBJ ~~Bowman~~ a plastic gallon jug and a two liter bottle and got back in the car and left. About 15 minutes later he came back walking by the Canaan Baptist Church side. He did not have any shoes on. He told me he needed some shoes, so I went and got my sisters grey Enterprise Rent-A-Car tennis shoes and went to my house and got the Red Tennis shoes and went back to the cities. I took him my old dirty boots and I'll meet you at Murray's Club. I rode to Murray's Club with Jimmie (Smith Blue Cadillac 2dr) about 1:00 or 1:30 AM A Red Corvett with a TOP pulled up and Teddy Kelly got out. He gave me my boots back, (Tyrone, Ryan, Ken, and him) give me my boots back) he gave me 5 dollars. He then said he and Ryan (Tyrone Hunt) had just got up and that night is crazy - "he wanted to fuck that dead girl." They then said we fucked her up, we shot her. He said I'll be right back - went into the club and brought Ryan

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: T A Van Dorn

WITNESS: Sgt. Amick SIGNATURE: Marion Bowman

CASE # 01-8219

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF Marion Bowman Jr.

HOME ADDRESS _____ HOME PHONE _____

EMPLOYER _____ BUSINESS ADDRESS _____

BUS. PHONE _____ OCCUPATION _____

DATE OF BIRTH _____ SOCIAL SECURITY NUMBER _____

THIS STATEMENT IS GIVEN _____ (DATE) AT _____ (TIME)

_____ (LOCATION)

A beer for me. (Before, I got the shoes, and he came back to the v. Mart, when I gave him my boots I remember he smelled like gas.) I ask him what Time it was and he said Almost two - He was pushing a button on a watch that gave off a green light. He said do you want this shit and he gave me the watch. Tracy went into the club and I did not see him again. After I got home (Travis Felder - Grey Mazda 323) gave me a ride I went to see what time it was - I looked close at the watch and that is when I realized it was Kaddee's watch.

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: TA Van Dorian

WITNESS: Sgt Amick SIGNATURE: Marion Bowman Jr

9220

PAGE 1 OF 1

CASE # _____

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF [redacted]

HOME ADDRESS [redacted] HOME PHONE 843-214-8963

EMPLOYER NONE BUSINESS ADDRESS NONE

BUS. PHONE NONE OCCUPATION NONE

DATE OF BIRTH [redacted] SOCIAL SECURITY NUMBER [redacted]

THIS STATEMENT IS GIVEN [redacted] (DATE) AT [redacted] (TIME)

[redacted] (LOCATION)

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

DEFENDANT'S EXHIBIT C

SWORN: [redacted]

WITNESS: _____ SIGNATURE: [redacted]

— STATEMENT CONTINUATION —

PAGE 2 OF 3 CASE #

So we called him to the car. James got in the car and went to the Watson Station and the both James to pump $10.00 worth of gas so she would pull off and don't pay for the gas. James got back in the car and we went down Hwy 78 to block St. George and turned like going to Baylee Robert house. When I say James Gibson I mean his son Timothy not the Father. I told Bonky to turn around on Taylor Grove school Bonky what he used to be Bonky said nothing. Soon after we did I threw my hand [redacted] card on I believe a 20.00 piece of paper from the trash at the gas station. You will see it in back to you. Then they dropped me off by Bascom church on Hwy 78 and I walked up to Wells Fargo bank. This was around 7:30 or 8:00 pm Trey told he would be back. While I was Pound on Trey shoved back up driving Bonky car. I got in the car and Trey and Pound took off on their bicycle I didn't know where they were going or left the scene me Bonky the [redacted] and Trey shoved on Trey shoved Bonky Bonky in the trunk with blood Bonky was not sick on the ground I did Pound back because he said that Bonky was dead Bonky was wounded sick my side of Face me on [redacted] Pound the Knife I did hit Bonky one time on the Shot her Knife. Pound red home is Dewy Kelly (see Page 3)

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: [redacted] Lawyer's Office

WITNESS: _____ SIGNATURE: Marion Barnes

9222 PAGE 1 OF 1 CASE # 01001493

DORCHESTER COUNTY SHERIFF'S OFFICE

STATEMENT

STATEMENT OF Marion Bowman, Jr. AKA T.B. Black HOME PHONE 843-274-5963

EMPLOYER NONE BUSINESS ADDRESS NONE

BUS. PHONE NONE OCCUPATION NONE

DATE OF BIRTH [redacted] SOCIAL SECURITY NUMB [redacted]

THIS STATEMENT IS GIVEN Feb. 18, 2001 (DATE) AT 7:35 P.M (TIME)

Dorchester County Sheriff's Office (LOCATION)

I Marion Bowman have requested Jerry Williams to write this statement for me I can read and write and fully understand what I am doing.

x Marion Bowman Jr

On Friday me and Sandy and Fran was together in Reynolds I told you about Fran stealing the car but he did I tell you the truth about both of the things in the statement I told you to write but I didn't tell you this I told you to tell you anything but I'll tell you now. Fran had some crack on he gave some to Sandy to get his rocks off Fran don't do crack. He was stealing cars this Feb. then a shot time later I heard a shot and I saw Sandy stab himself on screwdriver don't shot I have a baby Fran ran behind her and shot again Dan! Dan! Dan. (See pg 2)

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

DEFENDANT'S EXHIBIT 1

WITNESS: [signature]

WITNESS: _____ SIGNATURE: Marion Bowman Jr

— STATEMENT CONTINUATION —

CASE # 0100149 P

I while he shot about four times
one time before he got on three times
going down the road. He shot cause
because she wouldn't keep on telling the
truth. I shot her one time because he
gave me the gun to and told me if you
don't do it I'll shoot her and I
knew I had to shoot her because
she knew too much and I knew
that if I took the gun to shoot her
I knew I'd have to keep her with us
for her whole life and I knew
that was going to be too much
trouble for me and I knew
that I was going to do time for
killing a person so I
decided to shoot her
in the head. After
I shot her in the head
I put her in the trunk
of the car and
drove down the road
for a while
and then I
pulled off
on the side
of the road
and I
dragged her
out of the
trunk and
I dragged
her down
the hill
and I
left her
there.

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: _____

WITNESS: _____ SIGNATURE: Marion Bowman Jr.

9224

— STATEMENT CONTINUATION —

PAGE 2 OF 3 CASE # 070493

Back building I stood on top of the car with the gun in his hand when Ron got back he didn't have the gun. At this time I saw my daddy struck with by Ron I got out the car on went home. But I did talk with my daddy this about 9:00 or 9:30 pm I told my daddy I wanted some sausage on pudding. an he told me he didn't have any sausage but he had some pudding an left him it would be by this house to get some. I then went in the house by before I did My daddy Marion Bowman give me two cigarettes I asked my Daddy did he have any money an he said no. A little later I heard a car in the yard an it was Scott Gordon in County car. I got back in the car an Ron take out the county by Lennon Dodge house Ron got back in town an stopped on the side road an told me Ron take the car an we walked to the porch an Ron told you outside the window stay true Ronnie an he told us Will Elder mother fucking. We see in town but I got a white car take I were there I sold a 20.00 rock to my boy came through the porch. I don't recall what time it were but Bourbon Dodge Lynchburg were in the porch because he told the Lady to (5m)

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: _____

WITNESS: _____ SIGNATURE: Marion Bowman Jr.

— STATEMENT CONTINUATION —

CASE # 01001493

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT.

WITNESS: _____

WITNESS: _____ SIGNATURE: Marcos Barraza Jr.

9226

— STATEMENT CONTINUATION —

PAGE 5 OF 6 CASE # 5100149

Travis Felder didn't know anything
about the matter but he picked it
up from the car when I burned the car
because I was worth looking for him.
We found Travis at Delano Smith apartment
and he told us he would give us a ride.
I seen Travis car enter at this trailer
by Fish of Audrey Smith house. But we
got together because we all used to the
club name called Cobb. Mr. Jerry Frost
didn't do any thing but pick me up
after after I set the car on Fire he
just was there to give me a ride.
I make a mistake Mr. Jerry but I didn't
know I was working with me then It was
just me on Travis But I can say is
that I shot her on God shot her on
I burned the car this was after 3:00 AM
that morning when I burned the car
this was Saturday. I didn't want to
get Travis in any trouble but he didn't
know about the matter he was just
there when I burn the car. This is the
truth so help me God - End of Statement.

I fully understand my rights as used to
talk with you.

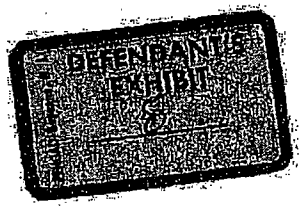
X Marion Bowman Jr. 9:00 P

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST O
MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF M
STATEMENT.

WITNESS: _____

WITNESS: _____ SIGNATURE: Marion Bowman Jr

9227



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P732433/

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.MONTH OF NS 19XX H000356
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. DATE .USER .DOCMENT.
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..... END REPORT .....

9228

FROM: SCCH

ICHS/QH INQUIRY OF SCLED CCH FILES USING:
ATN-COKER, A
ORI-SC0180001 PUR-C
NM-JOHNSON, HIRAM EUGENE
DOC-[redacted] SEX-M RAC-B DOB-[redacted]

DATE-02/26/2001 TIME-13:31 PAGE-01 OF 01
ORI-SC0180001
SCLED IDENT RESPONSE TO ICHS/QH INQUIRY
THIS RESPONSE CONTAINS POSSIBLE HITS ONLY AND DOES NOT IMPLY A POSITIVE MATCH WITH THE INDIVIDUAL IN QUESTION

NAME-JOHNSON, HIRAM E JR SEX-M RACE-B
HEIGHT-508 WEIGHT-160 EYES-BRO HAIR-BLK SKIN- BORN-XX
FPC: HENRY- 7 S 9 U OOO NCIC-071313COCO111216CI08
S 6 U OOI 8
SID-SC01152287 FBI-740157FB0
PLACE OF BIRTH UNKNOWN
PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--
12/23/1997 DATE OF LAST UPDATE--02/09/1998

ALIAS NAMES-JOHNSON, HIRAM

BIRTH DATES-[redacted]

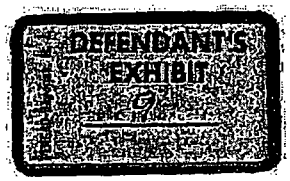
SOC SEC NUMBERS-[redacted]
SCLED CJICS CCH FILE INDICATES SUBJECT HAS NO OUT-OF-STATE ARRESTS

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS. THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS DEFINED BY THE GUN CONTROL ACT OF 1968 (18.USC 922(G)).

** END OF IDENT **

REQUESTED FOR CRIMINAL JUSTICE PURPOSES



FOR COMPLETE CRIMINAL HISTORY, PERFORM I
CHR INQUIRY USING SID NUMBER OR
FBI NUMBER.

REQUEST FORWARDED TO NCIC
ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCIC VIA YOUR TERMINAL
** END OF MESSAGE **

IN FEB 26, 2001 13:31:10 000271530562/3952

TO: DORS002
FROM: NCIC2

7L010MQQ0LBYQ6HP020
SC0180001
THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR INQUIRY ON NAM/JOHNSON,HIRAM EUGENE SEX/M RAC/B DOB/[redacted]
SOC/[redacted] PUR/C

NAME	FBI NO.	INQUIRY DATE
JOHNSON,HIRAM E JR	740157FB0	2001/02/26

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	PHOTO
M	B	[redacted]	508	160	BRO	BLK	UNKNOWN	N

FINGERPRINT CLASS	PATTERN CLASS
07 13 13 CO CO	RS RS RS WU RS LS LS LS WU LS
11 12 16 CI 08	WU LS WU

ALIAS NAMES
JOHNSON,HIRAM

SOCIAL SECURITY

[redacted]

IDENTIFICATION DATA UPDATED 1998/02/09

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:
SOUTH CAROLINA - STATE ID/SC01152287

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

IN FEB 26, 2001 13:31:13 0002715336Ø2/3952
FEB 26, 2001 13:31:14 MSG# 3110 SAN: 0MQQ0LBYQ6HP

DORS002
FROM: SCCH

ICHR REQUEST FOR RAP SHEET
ORI-SC0180001 FBI-740157FB0 PUR-C
ATN-COKER, A

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-02/26/2001 TIME-13:32:11
REQ ORI-SC0180001 ' DORCHESTER CO SO
SID-SC01152287 FBI-740157FB0
NAME-JOHNSON, HIRAM E JR SEX-M RACE-B
HEIGHT-508 WEIGHT-160 EYES-BRO HAIR-BLK SKIN- BORN-XX
FPC-071313COCO111216CI08 HENRY- 7 S 9 U 000
S 6 U 001 8
PLACE OF BIRTH UNKNOWN
PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--12/23/1997 DATE OF LAST UPDATE--02/09/1998

ADDITIONAL IDENTIFIERS NAME	BIRTH DATES	MARKS	SOC SEC	MISC NUM
JOHNSON, HIRAM				

CONTRIBUTOR/SUBJECT	DOA/RCVD	CHARGE/DISPOSITION/ETC
SC040055C R & E CENTER COLA	12/19/1997	CUSTODY STATUS-RECEIVED START DATE-12/19/1997
CASE-246183		
CIT-16-23-30 FELONY		COURT CHARGE 01-UNLAWFUL POSSESSION PISTOL YOA SEC 5C
		COURT DISP-CONVICTED;1-6YRS

BASED ON SEARCH OF SCLED CJICS CCH FILE USING FBI/740157FB0
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJICS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION

INQUIRY WILL BE FORWARDED TO S L E D W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS. THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS DEFINED BY THE GUN CONTROL ACT OF 1968 (18.USC 922(G)).

* 3 C CJICS END OF RECORD **

IN FEB 26, 2001 13:32:16 000271730620/3952
OUT FEB 26, 2001 13:32:18 MSG# 3111 SAN: 0PQQ0LBYQ7KF

TO: DORS002
FROM: SCCH

DORS00
WANTED RECORD ON SLED/CJICS COMPUTER *
FBI - 740157FB0
SOC -

* INQUIRY SENT TO NCIC WANTED*

IN FEB 26, 2001 13:32:16 000271732402/3952
OUT FEB 26, 2001 13:32:19 MSG# 3112 SAN: 0PQQ0LBYQ7KF

TO: DORS002
FROM: NCIC1

10PQQ0LBYQ7KF1L8
SC0180001

NO NCIC WANT FBI/740157FB0
NCIC WANT SOC/

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

On the morning of February 17, 2001 at or about 04:15 hours, R/O was informed of a burned vehicle where a body had been found in the truck. R/O responded to Nursery Road just outside the town of Reevesville, SC with in Dorchester County. Upon R/O's arrival, Deputy Kicklighter informed R/O that he and Deputy Brian Skaggs had responded to the incident location to meet the Reevesville Fire Department about a burning vehicle. They responded believing that the vehicle was probably a stolen vehicle. The fire department had responded rapidly enough so that the vehicle tag had not burned and could still be easily read. When the fire department personnel opened the trunk of the vehicle they discovered the body of what appeared to be a white female. It was then that they had advised dispatch to alert the command staff and investigators. They secured the scene pending arrival of the crime scene units and investigators.

Investigation revealed that the vehicle tag LMA-153 for the state of South Carolina was to be on a 1997 Ford Escort, 4 door, registered to Cordellia or Kandee Martin, [redacted], Branchville, SC 29432-2207.

R/O spoke to Bryan Newhouse, (41), W / M / [redacted], Reevesville, SC Telephone(s): 563-4608 (work) / [redacted] (home) / [redacted] (mobile). Mr. Newhouse lives at the Reevesville Nursery, just a short distance down the road from the incident location. He indicated he was at home around 20:00 hours, when he heard what sounded like 3 or more gun shots. He indicated that they have had problems with night hunters in the area and assumed the shots were those of night hunters. He looked outside but did not see anything at that time. Later in the night he heard what sounded like more shots. He got dressed and drove down the road in the direction of the sounds and found the car on fire. He then called 911 for the fire department to respond.

R/O met with Crime Scene Investigator Lt. Earl Asbell and his assistant, Allyson Penn. R/O viewed the body of what appeared to be a white female in the trunk of the burned vehicle. The body was clothed only in what was left of dark colored short pants that appeared to be only on the victim's left leg.

When Detective T. A. Van Doran arrived on the scene, R/O and Van Doran drove to Orangeburg County, to the Town of Branchville, where we met with Orangeburg County Deputy Wayne W. McAlhaney at the HORIZON EZ-SHOP. We informed Deputy McAlhaney of the current investigation and requested his assistance in locating the victim's address so that we could verify the vehicle and / or victim's identity. Deputy McAlhaney stated he knew Kandee Martin and that her family had recently moved to Orangeburg. He described her as being a white female, early 20's, about 5'04", 120- 125 pounds, with blonde hair and blue eyes. He stated she likes to hang out with the wrong people, such as drug dealers. She is also known to use crack and marijuana.

Officers responded to [redacted], Branchville in an attempt to make contact with anyone at that address. R/O observed the residence to be a singlewide mobile home, approximately 14 x 70 feet, Gray in color, with wooden steps at the front door and a small wooden deck at the rear door. A boat was parked in the yard and dogs were present in a dog pen at the rear of the property. Officers could not get an answer at the doors. Upon looking through the door glass it appeared the residence was partly empty as if the occupants were either moving out of or into the residence. A pampers diaper box was also visible on the interior floor of the living room area. Dirty baby diapers were found in the trashcan on the back porch. Deputy McAlhaney stated that Kandee Martin did have a child.

Detective Van Doran requested additional records check for Kandee Martin through the SC Department of Motor Vehicle Records (10-27). Records showed a recent change of address to [redacted], Orangeburg, SC 29118.

R/O and Van Doran left the Calhoun Street location and met with Branchville Police Chief Boone Walters at the Branchville Police Department. R/O also requested that an Orangeburg County Sheriff's Office Investigator meet with us at the Branchville Police Department.

Chief Walters stated he has known Kandee Martin and her family for years. He indicated that she had been living with her mother and father at the Branchville address, however they had recently moved to Orangeburg. Kandee's brother was in the process of moving back into the mobile home on Calhoun Street, Branchville. Chief Walters stated that Kandee Martin had a boyfriend that lived in town, by the name of Charlie Fralix. Chief Walters agreed to locate Charlie Fralix and bring him back to the Branchville Police Department so that officers could talk to him. Within a few minutes Chief Walters returned to his office with Charlie Fralix.

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REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

02/17/01 08:42 hours: R/O and Detective Van Doran were allowed to use the Departments Court Room to speak with Mr. Fralix. At about the time we began our interview, Dorchester County Sheriff's Office Chaplain, Shelby Weeks arrived at our location and requested to speak to us. He was on his way to Orangeburg SC in an attempt to locate the parents of the victim. While sitting in the courtroom, Charlie Fralix overheard part of our conversation that was taking place in the hallway. Charlie shouted out loudly, "TELL ME SHE'S NOT DEAD, TELL ME KANDEE'S NOT DEAD"! He became extremely upset. Detective Van Doran reentered the room with Charlie Fralix in an attempt to calm him down. R/O reentered the room and obtained the following information from Fralix.

CHARLES LEE FRALIX, W / M / (39) DOB: [redacted] **/ SSN:** [redacted] **/ 6'00" / 190 # / BROWN HAIR / BLUE EYES** [redacted]**, Branchville, SC 29432 /**
Tel. 803- [redacted]

Charlie Fralix indicated he had known Kandee Martin for approximately five (5) years. She is 21 year old born [redacted]. Charlie stated he last saw Kandee on 02-16-01 at or about 5:00 PM. Charlie stated that he was at his house with **Eddie Waters, Chris Robinson, Troy Robinson and Devin Valentine** when Kandee came to his residence looking for money to buy crack cocaine. She left alone and said she was going home to Orangeburg. Charlie said he had seen "BLACK's" coat in Kandee's car earlier that day when she was at his house. The coat was black with a silver stripe on the sleeves and a hood. "BLACK" sells Kandee drugs. He is also known to carry a gun in his pocket, a black 9mm with brown grips. "BLACK" is a black male, 6'00" or taller, about 210-220 pounds, has some facial hair, dark skinned. He lives on the "HILL" in Branchville. His real name is Marion Bowman Jr. Some people call him "JR". Charlie indicated that Kandee owed two black females for some crack that she had got in the past. He only knows them as "BETTY" and "DOMEIKA" and they both live in Bowman, SC. On Wednesday of last week (02/07/01) someone called "LINK" followed the two of them (Charlie and Kandee) from "BETTY'S" house back to Branchville.

Charlie stated that on Wednesday night (2/07/01) he and Kandee had been involved in an argument. When they got to his house, he took her purse and carried it into his house. He still has the purse at his house, However Kandee had gone out and purchased another purse similar to it. He stated that Kandee has a three-year-old son that lives with the grandparents in Orangeburg. The baby's father is a black male that he knows only as "PEE-WEE", who lives somewhere in the Bowman area. He also stated that Kandee likes to hang out with "NAY-NAY" (Renee Simpson), "TAFFANY" (?), and "CLARE" (?) all black females.

He indicated that on 2/16/01 he and Kandee were together when Kandee purchased Crack Cocaine from a man named "CLARENCE" that lives next door to "BLACK". He described "Clarence" as being a black male, 20-25, around 220 pounds, potbellied, short, with a mustache.

Charlie indicated that on the night of 2/16/0$ he and his friends all got drunk and he passed out around 9:00 PM. He did not wake up until Chief Walters came to his house to get him. He later wrote a brief statement as to the above facts.

Chief Boone Walters stated he knew "BLACK". He stated that "BLACKS" real name is Marion Bowman Jr. and he is also known to his friends and around Branchville as "JR". Chief Walters also indicated that the Orangeburg County Sheriff's Office had an outstanding warrant for Marion Bowman Jr. He contacted the Orangeburg County Sheriff's Office and confirmed that warrants were outstanding for Marion Bowman Jr.

Major Mike Turner and Lt. James Nettles had arrived at the Branchville Police Department by this time. Lt. Nettles and R/O transported Charles Fralix home, while Sgt. Van Doran, Major Turner and OCSO Detective M. I. Varnadoe attempted to locate Marion Bowman Jr.

R/O and Lt. Nettles arrived at the residence of Charles Fralix. Fralix agreed for R/O to photograph his residence and also signed a consent to search form for the residence. R/O and Lt. Nettles entered the residence located at [redacted]. The residence was messy, with beer cans and liquor bottles scattered about. A beer can that had been used as a crack pipe was found on the kitchen counter. Fralix readily admitted that he was a crack user. Fralix turned over the purse of Kandee Martin that he had taken from her on and earlier date. No money or jewelry was found in the purse. R/O packaged the purse as evidence and secured it until it was later turned over to Lt. Earl Asbell and his assistant Pfc. Allyson Penn.

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R/O and Lt. Nettles left the Fralix residence and responded to [redacted]ranchville, where we met with Major Turner, Sgt. Van Doran and other officers. Those units had located and arrested Marion Bowman Jr. ("BLACK") at that address. The homeowner had provided a consent to search of the residence and allowed officer's inside. R/O and Sgt. Van Doran entered the residence to search for a weapon and any other items of evidence. R/O photographed a pair of pants (black jeans) that were found to contain a lady's watch (later identified as being Kandee Martins). A through search of the residence was made for any weapon, however no weapon was found. Marion Bowman Jr. was transported to the Branchville Police Department for questioning.

02/17/01 - 11:20 hr. BRANCHVILLE POLICE DEPARTMENT / INTERVIEW

MARION BOWMAN JR. (AKA: "BLACK" – "JR")
B / M / 20 / DOB: [redacted] / 6'02" / 200 lb. / SSN: [redacted]
[redacted], BRANCHVILLE, SC 29432 TELEPHONE: 80[redacted]
UNEMPLOYED / MARIED / 2 CHILDREN & EXPECTING THE THIRD.

11:25 hr. R/O informed Marion Bowman Jr. of his Miranda Rights, orally and in writing. Bowman waived his rights and agreed to talk with officers as was witnessed by Detective Sgt. T. A. Van Doran.

Marion Bowman Jr. stated that he left Mabell Koger's house around 5:00 PM on the afternoon of 2/16/01 with a group, (**Hank Koger, Keith Rivers, Keon Williams, Darian ("POP") Williams**, and an individual named **Maryland**). They all went to Allen Murray's Club around 11:30 PM – 12:00 AM.

He stated that around 10:00 PM he had seen Kandee Martin and that she had told him that either **Bill Bradley or Bill Carmichael** had paid her ten dollars to take him home. She left and said she was going to St. George.

"TORY" had said that Kandee was working for the police and that she had been wearing a police wire.

Travis Felder and **Lamont Smith** went to Club "GET-IT GET-IT" in the MIDWAY community. They came back and said nothing was going on there. Travis Felder later drove his gray Mazda 323 to Allen Murray's Club when they went. Marion stated he rode with individual identified only as "TYRONE", in a blue Cadillac. He state he left the club around 02:30 – 03:00 AM 2/17/01 and rode home with Travis Felder. They left the club and went to St. George and got breakfast from the Huddle House. They got take out and ate it on their way back to Branchville. He got home around 05:30 – 06:30 AM and took a shower. He was drunk.

Marion stated that Kandee was probably going to St. George to see a person named **"DAY-LOW" (David LNU)**, a B / M / Short / "COCKY LOOKING" / who drives a brown Chrysler, New Yorker. DAY-LOW has a brother called **"BLUE"**.

Marion stated he used to carry a 32-caliber revolver, black with pearl handles. He states he gave it back to the gun owner in Orangeburg. He would not provide the name of the owner.

He stated he has known Kandee Martin all his life. She pawns all her jewelry and sells herself of trades herself and use of her car out for drugs.

He stated that around 06:15 PM he and **Joe Fogle** had gone to **Frankie Martin's** house. Kandee Martin arrived at or was already there at Frankie Martin's house. Kandee performed oral intercourse on Marion for a twenty-dollar piece of crack. Marion stated he had got it from **Maurice Seabrooks**. Joe Fogle left Marion there, so Kandee gave Marion a ride back to the Apartments in Branchville. Joe was mad because Marion gave Kandee a "rock" and he did not have anything to smoke.

Marion also stated that Kandee Martin use to date a person named **Jeff Brice** (B / M) from St. George. "DAY-LOW" is the person that kicked in Jeff Brice's door and beat up Jeff with a pistol not too long ago.

Marion later provided the names of **TAURUS GANT** and **TERRY KELLY**. Marion stated that they had driven up to where he was. **Terry Kelly (AKA: "PEANUT"** / the brother of Daryl Cobbs) had blood all over his shirt. He pulled up his shirt and Marion saw a gun under Kelly's shirt. He thought it was a Lorcin 9mm or 380.

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Major Tim Stephenson was contacted and requested to respond to the Branchville Police Department to conduct a polygraph. Meanwhile, R/O left the Branchville Police Department and responded to the Branchville Villa Apartment Complex where other officers had located **Yolanda Bowman, B / F / DOB:** [redacted] **/ 5'09" / SSN:** [redacted] pf [redacted] Turn Key Apartment Complex, Branchville, SC. She is the sister of Marion Bowman Jr. Officers from the SLED Forensics team had located Yolanda's **1988 Volks Wagon FOX, 4 door, blue of gray in color, Bearing VIN: 9BWGA0302JP068113**; parked at the Villa Apartment Complex. **Yolanda Bowman** gave consent to search of the vehicle. SLED agents then photographed the vehicle and processed for any signs of blood.

R/O returned to the Branchville Police Department and met with Detective Sgt. Van Doran and Major Stephenson. R/O was informed that Maj. Stephenson and Sgt. Van Doran had interviewed Marion Bowman Jr. He was then given a polygraph test conducted by Major Stephenson and had failed the polygraph. Bowman had then provided Sgt. Van Doran with a three-page written statement. Sgt. Van Doran was about to begin another interview with Marion Bowman Jr. when R/O arrived, therefore R/O joined him in on the interview.

02/17/01 / 16:40 hr. INTERVIEW / STATEMENT #2: MARION BOWMAN JR.

Sgt. Van Doran informed Marion Bowman Jr. of his Miranda Rights. Bowman indicated that he understood them and agreed to speak freely with officers.

Marion Bowman Jr. stated that he had seen Terry Kelly (AKA: "Peanut") driving Kandee Martins car. Kelly had parked the car near the SC Highway Department Shed next to the Branchville Villa Apartment Complex. Kelly had told Bowman that Kandee had took his crack cocaine, and that he (Kelly) had "FUCKED HER UP". Bowman stated he saw blood on Kelly's shoes. Kelly also had blood on his shirt. Kelly showed Bowman a Gray & Silver & Black semi-automatic hand gun. Kelly had told him that he needed to get rid of the gun and the car and was thinking about putting them in the river near Roseville. Bowman told him not to do that because it would put too much heat on them in that area. Bowman stated that Kelly then got a plastic gallon jug and a two-liter soda bottle. Kelly then got in Kandee's car and drove away. About 15 minutes later he returned to the Villa's walking. He was not wearing any shoes and he smelled like gas. Bowman went home and got Kelly a pair of shoes to wear. Bowman later went to Allen Murray's Club with "TYRONE" in a blue Cadillac. Terry Kelly approached him at the club and gave him his shoes back. Bowman stated the Tyrone, Ryan, and Ron (no last names given) all witnessed Kelly give him the shoes. Terry Kelly then told him that he and Taurus Gant had killed Kandee and that they had both shot her. Then Taurus Gant wanted him (Kelly) to fuck her after they had killed her. Terry Kelly gave Bowman a watch and then went back into the club. Bowman did not see him again that night. Travis Felder gave him (Bowman) a ride home. Bowman looked at the watch to see what time it was and then realized it was Kandee's Watch.

02/17/01 – at or about 21:00 hr. In a later interview conducted by Maj. Stephenson and Orangeburg County Sheriff Larry Williams, Marion Bowman Jr. indicated that James Tawain Gadson and Terry "Peanut" Kelly had told him they had killed Kandee Martin. James Tawain Gadson had shot Kandee Martin once and Terry "Peanut" Kelly had shot Kandee Martin twice with a 380 semi-automatic pistol. They told him (Bowman) that they had removed her clothing and had fondled her after they had shot her. They took him (Bowman) back to a field near McAlhaney Road where they had left Kandee's body. When he saw the body he got sick and threw up. Bowman stated that Tawain Gadson had purchased he gun from Woody's Pawn Shop in Orangeburg. He had later reported it as being stolen to someone or some unknown agency. At some point in the interview Marion Bowman told Officers that James Tawain Gadson had hid his gun in or around an old abandoned building in the town of Branchville. Bowman agreed to show Sheriff Williams where the old building was. Sheriff Williams placed Marion Bowman Jr. in his vehicle and lead the way to an old block house, next to [redacted]. The house had never been completed and all that was present was the walls. There was no flooring and trees and bushes had grown up inside the structure. Officers searched around and inside the building walls, however no weapon was found.

R/O returned to St. George and met with Magistrate Glen Stephens. R/O obtained arrest warrants against James Tawain Gadson and Terry Darnell Kelly for the murder of Kandee Martin. R/O then returned to the

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Branchville Police Department and met again with Officers from the Dorchester and Orangeburg County Sheriff's Offices. Marion Bowman Jr. had been transported to the Orangeburg County Jail Complex for the outstanding Orangeburg County Warrants. A hold was placed on him for this agency.

02/18/01 – 08:00 hrs R/O received a call from Orangeburg County Sheriff Larry Williams. He informed R/O that James Tawain Gadson was to turn himself in at the Branchville Police Department around 09:00 hours. R/O contacted The DCSO command staff and Sgt. Van Doran and requested them to meet R/O in Branchville. R/O responded first to the DCSO St. George Office to retrieve the warrant on Gadson. When R/O picked up the warrant, R/O then realized the warrant read Tyrone Gadson, not Tawain Gadson. R/O contacted Judge Glen Stephens and met with him to correct the name. R/O was contacted by Chief Boone Walters and informed that James Tawain Gadson was in his office and was requesting to take a polygraph. R/O contacted Maj. Stephenson and requested him to respond. Meanwhile Sgt. Van Doran had arrived at the Branchville Police Department and had begun an interview with Gadson. R/O arrived at or about 10:00 hours.

JAMES TAWAIN GADSON, (AKA: "GAP" – "LITTLE GAP") B / M / 22 / DOB: [redacted] / 5'10" / 144 lb. / SSN: [redacted], BRANCHVILLE, SC 29432 / TEL: 803[redacted]

James Tawain Gadson provided officers with a four page written statement, wherein he indicated the following. That on Friday afternoon (2/16/01) around 1:30 PM he was at Dorothy Bowman and Marion Bowman's house. He had just returned from a meat market in Grover, near St. George SC. Marion's sister Yolanda Bowman was there and agreed to give him a ride to the Villa Apartments. Marion came out of the house and was walking kind of stiff legged. When ask why he was walking so funny, he replied that his gun was cold to his skin. Marion pulled a gun from under his shirt and placed it inside a brown paper bag. When they got to the apartments, Marion took the gun and put it in or near a trash barrel. Then they all gathered under a large tree where they hang out and talk. Marion was going to the store so he told "Hank" (Hank Koger) to watch it for him until he got back. While Marion was gone someone moved the bag with the gun in it to another location near the woods. When Marion got back he became angry that someone had moved it. Marion later left walking. At or about 07:00 – 07:30 PM James saw Marion Bowman Jr. riding in the car with Kandee Martin. They approached James and Marion told him to get in the car. Marion said that he had a caper to pull and he wanted James to help him with it. Marion had told James that he was going to rob someone. James stated he got in the car with Marion and Kandee. Kandee was driving and said she needed gas. Marion instructed her to drive to the new Horizon EZ Shop and get her gas. When she had finished pumping ten dollars gas into the car, Marion told her to get in and drive away with paying for the gas. She did as she was told. James stated he did not want his name brought up in any of this and told Kandee to take him home. Kandee took James back and put him out in front of [redacted].

James stated that around 8:00 PM he came back out. He saw Marion and they walked to the Villa Apartments together. After arriving at the Villa's Marion talked to Yolanda and asks her if he could use her car. Darian Williams approached them and ask James if he would get him some beer. James and Marion then drove to the new EZ Shop (Horizon) Store. James talked to his cousin **"SCOTTY HARRISON"**. After they got back to the apartments, he sat under the tree and talked with Hank Koger and finished drinking his beer. Then he went to apartment [redacted] where **"MEEKA"** lives. He stayed there the remainder of the night. On Saturday morning he saw and talked to **Wendy Williams** and **Hank Koger**. They both said that they had seen Marion riding around in Kandee's car around 02:30 AM that morning. Around 10:00 AM he saw Yolanda and she said Marion had just went to jail. Yolanda said something about Marion had been shooting around Reevesville, St. George or Bowman. She also said that Marion's wife (Dorothy) had been trying to get someone to come to her house and get Marion's gun.

After providing the above statement, James Tawain Gadson agreed to take a polygraph based on his statement. Maj. Tim Stephenson administered the polygraph test to which James Gadson failed. The test results showed Deception to questions concerning the shooting of Kandee Martin and as to weather he was withholding any information about the shooting of Kandee Martin.

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Following the polygraph, James Gadson provided Maj. Stephenson with additional information concerning this case. He agreed to provide another statement to R/O and Orangeburg County Detective Jack Coleman with the additional information. Gadson stated that Terry Kelly did not have anything to do with this incident, and in fact was not there at the time of the incident.

R/O informed James Tawain Gadson again of his Miranda Rights by reading the rights from a Pocket card. James indicated that he understood his rights and agreed to provide another statement. R/O produced that statement on a computerized form as it was told by James Tawain Gadson. Once it was completed, R/O printed it out and had Gadson read the statement to assure that it was true and accurate as he had told it. R/O inquired of Gadson as to weather anything needed to be added or deleted from the statement as it was written. He indicated that it was correct and then signed the statement to which he was provided a copy. Detective Jack Coleman witnessed the statement, as did this R/O.

In his second statement, James Tawain Gadson indicated that he and Marion had gone to Grover near St. George with Yolanda to purchase some meat. When they returned to Marion's house, Marion took his package inside and returned to the car with a silver and black 380 semi-auto pistil. They then went to the Villa Apartments. Marion went to apartment [redacted] where **Trina West** lives to help her move some furniture. James did not see Marion again until around 7:00 – 7:30 PM when Marion and Kandee drove up in Kandee's car. Marion told James he was going to pull a caper and wanted James to help him with it. He said he was going to rob someone. James got in the car with them and they went to the EZ Shop where Kandee pumped $10.00 gas and then drove off without paying for it. They drove down Highway 78 toward St. George until they passed the new Branchville High School. They turned right on to a secondary road and followed it to McAlhaney Road. When to got to the stop sign at McAlhaney road, they turned left. Marion kept pointing to different houses and saying that he was going to rob them because they had money. James asks Marion where they were going and he replied that he had a caper to pull. Marion then placed his arm around the back of Kandee's seat and pointed his finger toward Kandee's head as if his hand was a gun, then made a motion as if he was shooting a gun. When they got to the end of McAlhaney road, Kandee turned right and back to the left onto another road. Marion told her to stop near a yellow road sign. Marion then gave Kandee a crack rock to smoke. Marion and James got out of the car and began walking away from the car. Marion told James that he was going to kill Kandee because she had been wearing a police wire when she bought drugs from him. Kandee got out of the car and ran down the road toward then and grabbed Marion by his arm and said she was scarred of the dark and did not want to be left alone. A car was heading toward them so they jumped into the woods until the car or cars could clear the area. Kandee and Marion then came out of the woods and were headed back toward the car when James came out of the woods. Marion fired at least 3 shots in the direction of Kandee. Kandee turned and ran toward James screaming and begging Marion not to shoot her again because she had a child to raise. She stopped about 15-20 feet in front of James and turned to face Marion. Again begging him not to shoot her again. Marion pointed the gun at Kandee and fired two more shots. Kandee fell to the pavement, face down. James stated that he messed (defecated) in his pants. Marion made a comment about how hard she fell. Then he garbed Kandee by her legs and pulled her into the woods. James walked or ran past them and got into Kandee's car on the passenger side. Marion returned to the car a few minutes later and they drove back to Branchville. Marion parked the car in a field next to the old coal plant. They ran down the rail road tracks back to the Villa Apartments. Marion had stated he was going to drive the car to Allen Murray's Club. When they arrived at the Apartments, Marion saw Travis Felder and told him to meet them at the head of McAlhaney road after they left the club. James stated he went to apartment [redacted] where he washed and changed clothes. He spent the night at that apartment. On Saturday morning, he got up and took his soiled clothes home and washed them. He later saw Travis Felder and Travis told him not to worry about Kandee or her car, because they were burned up. Travis told James that when they left the club, he followed Marion back to where Kandee was at and they put her in the car and burned the car with her in it. James stated that he did not shoot Kandee Martin or help burn her body.

At some time while R/O and Detective Coleman were conducting the interview with Gadson, other officers had received information from Orangeburg County Sheriff's Office Major Barbara Walters, that the gun in question was suppose to be hidden in a chair in Marion Bowman's house. Officers responded to that location in an attempt to

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find and recover the weapon. Officers obtained consent to search from Dorothy Bowman, wife of Marion Bowman Jr. They did not find the weapon.

Officers received information that Marion Bowman Jr. was requesting to speak again with Sheriff Williams and other investigators. Sheriff Williams, Maj. Walters, Maj. Stephenson and Sgt. Van Doran responded to the Orangeburg County Jail where they talked with Bowman. Bowman told officers that Terry Kelly was not involved in this case. He did implicate Travis Dawitt Felder as having participated in the moving and burning of the victim's body and car.

Following the interview with James Tawain Gadson, R/O transported Gadson to the DCSO Jail in St. George, where R/O had Deputy Ray Dixon to serve Warrant G-284924 on Gadson for the Charge of Murder. Gadson was then booked into the jail to await a bond hearing.

During this time, Terry Darnell Kelly (AKA: Peanut) had arrived at the DCSO and inquired as to weather DCSO had warrants for him. He indicated he had nothing to do with this case and was willing to provide a statement and take a polygraph. Maj. Tim Stephenson arrived and interviewed Kelly and administered a polygraph. The test results showed that Kelly was being truthful. He did provide a written statement to Detective Mike Miller. Based on the prior statement of James Gadson and the fact that Kelly came to the DCSO with having been summoned, and the polygraph result, R/O was convinced that he (Kelly) had no knowledge of, or took part in the death of Kandee Martin. R/O contacted Dispatch and had him removed from NCIC wanted person file. R/O removed the warrant from the active file. R/O later returned the warrant to Judge Glen Stephens and requested that it be VOIDED due to the recent findings.

After Booking James Tawain Gadson into the jail, R/O and Maj. Stephenson returned to Branchville Police Department where we met with Sheriff Larry Williams, Maj. Walters, Lt. Nettles, Sgt. Van Doran and other officers for a briefing on the case. Following the briefing all units secured for the night.

02/19/01 R/O met with Sgt. T. A. Van Doran at the DCSO St. George Office. R/O produced Warrant Affidavits for the charges of Murder and Arson against Marion Bowman Jr. and Warrant affidavits for the charges of Accessory to Felony (Murder) and Arson against Travis Dawit Felder. R/O and Sgt. Van Doran then traveled to Summerville and met with Magistrate Witt Cummingham, who was the on call magistrate. Magistrate Cummingham issued warrants against the two listed suspects. R/O and Sgt. Van Doran then returned to St. George where we met with Detective Quinton Joyner. The three or us then went to Branchville. Chief Boone Walters contacted Travis Felder, who agreed to meet with R/O at the St. George Office and turn himself in. R/O and other officers returned to St. George.

At or about 17:00 hours, Travis Felder arrived at the St. George LEC with his father. Detective Joyner informed Travis Felder of his Miranda Rights and had him initial the Miranda Rights Form. Travis Felder also indicated he would talk to officers and waived his Rights, signing the rights form. Lt. David Moore witnessed the signing of the rights form.

FELDER, TRAVIS DAWIT / B / M / 19 / DOB: [redacted] / 5'03" / 120 lb. / SSN: [redacted]
[redacted], BRANCHVILLE, SC 29432

Travis Felder indicated that he had no knowledge of the murder and arson. He looked as if he was afraid and stared straightforward during his interview with R/O. He said very little, except that he was not involved. He would not provide a written statement. He declined to take a polygraph concerning the investigation. R/O had Detective Joyner serve the two warrants on Travis Felder and then deliver him to the County Jail to await a bond hearing.

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02/19/01 - 19:10 hrs. R/O and Sgt. Van Doran escorted James Tawain Gadson from the jail back over to R/O's office where we interviewed him. R/O informed Gadson of Miranda Rights from a pocket card. James Tawain Gadson agreed to talk without a lawyer present. He stated that he had purchased a HIGH POINT 9MM pistol, black and silver in color, from Woody's Pawn Shop sometime in 1999 or 2000. He stated that the gun had been stolen out of his sisters car while in Orangeburg a nightclub called "THE PUB", on Chestnut Street. Darian Williams was with him at the time it was stolen. He stated he has not purchased a gun since that time. He has never reported the 9mm as stolen.

R/O received a notice to contact **Marion Bowman Sr.** concerning reports that he had his son's gun. R/O telephoned Marion Bowman Sr. and was given the following information.

That his ex-sister-in-law (**Lillian Gadson Williams**) came to his house prior to the incident and told him he needed to go find "JR" (Marion Bowman Jr.) that he needed to turn himself in to the police. She had had a dream of blood everywhere. About 5 hours later they heard about the murder. Mr. Bowman believes she had prior knowledge of the incident. Mr. Bowman went on to say that Lillian Gadson Williams is the mother of Darian "POP" Williams who hangs around with "JR". Mr. Bowman further stated that there was rumors going around the town of Branchville about him having gone to his son's house and getting the gun that was involved in the murder. He stated that the rumor was not true and that if he had any knowledge of where the gun might be he would inform police of it. R/O offered Marion Bowman Sr. a polygraph concerning the issue of the gun. He declined to take the polygraph.

02/20/01 - 10:00 hrs. R/O and Detective Quinton Joyner, and a DCSO Detention Officer traveled to Orangeburg and picked up Marion Bowman Jr. from the Orangeburg County Jail. R/O and Joyner provided escort for the Detention Officer who transported Marion Bowman Jr. back to the DCSO Jail in St. George. We arrived back in St. George around 12:00 hrs. Upon arrival at the DCSO, Detective Joyner served warrants G-326978 (MURDER) and G-326979 (ARSON 3RD DEGREE) on Bowman. He was booked into the DCSO Jail to await a bond hearing.

02/22/01 R/O received notice from the DCSO Jail that Marion Bowman Jr. had requested to talk with R/O and Sgt. Van Doran. R/O contacted Van Doran and informed him of the request.

02/22/01 - 11:00 hrs. R/O and Sgt. Van Doran escorted Marion Bowman Jr. to R/O's office for his requested interview. R/O informed Marion Bowman Jr. of his Miranda Rights by using a Miranda Rights form. Bowman initialed the form and signed the waiver portion of it. He told officers that "GAP" (James Tawain Gadson) had shot Kandee. That they had purchased four pair of gloves from the EZ Shop and they (James Gadson, Hiram Johnson, Darian "POP" Williams, and himself) had driven Kandee's car to the nightclub. They had worn gloves to keep from leaving any fingerprints. That Darion Williams ("POP") and James Tawain Gadson ("GAP"), had gone to the store and got gas in a one gallon milk jug and a two liter Coke Bottle. They had told Travis Felder to meet them at the head of McAlhaney Road when they left the club. NO WRITTEN STATEMENT WAS DONE AT THIS INTERVIEW.

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INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

02/22/01 - 14:00 hrs. R/O and Detective Michael Miller met with Darian Antonio Williams at the Branchville Police Department and were provided the following information.

WILLIAMS, DARIAN ANTONIO (AKA: "POP")
B / M / DOB: [redacted] **/ 6'02" / 150 lb. / SSN:** [redacted] **/ SCID: 090508441**
[redacted], **BRANCHVILLE SC 29432** **TELEPHONE:** [redacted]

Darian "POP" Williams stated he was at the Branchville Villa Apartments around 4:00 PM on Friday afternoon 2/16/01hanging out with some of his friends. At or about 7:30 – 8:00 PM he saw Tawain Gadson walk up. Tawain had on blue jeans and a burgundy Hawaiian type shirt, and a white cap. Tawain ("GAP") walked up to where Darian and Hank Koger were standing. He had no smell to indicate he had soiled his clothes. He told them that he was coming from home where he had just finished eating. He was not walking funny and appeared to act normal. "GAP" talked for a few minutes and then went into apartment [redacted] Within a few minutes, "JR" (Marion Bowman Jr.) walked up. He was wearing black jeans and a gray pullover shirt. Darian did not talk to "JR". "JR" walked over to his sister Yolanda and ask her about using her car to go to the store for some beer. "JR" left in Yolanda's VW Fox and was gone about five minutes. When he got back to the apartments everyone went inside apartment [redacted] where they sat around and drank the beer. Marion said later that he was going to get a car to drive to Allen Murray's Club. He left and was gone about 15 minutes. He got back around 11:00 PM. Darian stated he had began walking home when he saw Marion driving Kandee's car. Marion parked the car near the Highway Department fence near the apartments. Darian turned around and walked back toward the apartments where he saw "JR" (Marion Bowman Jr.), "GAP" (James Tawain Gadson) and Hiram Johnson walking toward him. Marion ask him if he wanted to go to Allen Murray's Club with them. Darian said yes. Tawain gave Marion the baby seat from off the back seat of Kandee's car and Marion put it in the trunk. Before they all got in the car, Marion gave each one a pair of brown cloth gloves and told them to put the gloves on. When Darian ask Marion why they needed to wear the gloves, Marion did not answer him. After they got in the car and started down the road, Marion told them if anyone said anything about being in Kandee's car, he (Marion) would blow their brains out. They drove to Allen Murray's club where they stayed for a while. They put the gloves back on as they were getting into the car and Marion drove back to Branchville. They got back around 02:30 AM. Darian got out at the Highway Department and walked home. He had to wake his mother up to let him inside his house. He stated that no one ever said how or where they got Kandee's car or what they intended to do with it. Tawain Gadson got out at the same time that Darian did and went into apartment [redacted] Darian last saw Marion Bowman Jr. and Hiram Johnson driving away in Kandee's car.

Darian Williams agreed to take a polygraph based on what he had discussed with R/O and Detective Miller. He agreed to meet with officers at the DCSO in St. George. R/O contacted Maj. Tim Stephenson and set up a polygraph appointment for 19:00 hours.

02/22/01 - 16:27 hours BRANCHVILLE POLICE DEPARTMENT / INTERVIEW

JOHNSON, HIRAM EUGENE
B / M / 19 / DOB: [redacted] **/ 5'07" / 160 lb. / SSN:** [redacted]
[redacted], **BRANCHVILLE, SC 29432** **TELEPHONE:** [redacted]

Chief Boone Walters had located Hiram Johnson and Johnson agreed to accompany Chief Walters to the Branchville Police Department to talk with R/O and Detective Miller.

Prior to beginning the interview with Hiram Johnson, R/O was informed by Chief Walters that Hiram had been shot recently by a member of the Orangeburg County Sheriff's Office. He had undergone surgery to his brain because of the injuries he received. R/O was informed that Hiram might be reluctant to talk with officers due to his experience.

R/O and Detective Miller met with Hiram Johnson in the Court Room located in the Police Department. Hiram agreed to talk with R/O concerning this investigation. R/O observed Hiram to appear somewhat slow to

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respond to questions and /or comments. R/O questioned him concerning his thinking abilities since his shooting incident. He stated he capable to understand what people were talking about. R/O advised Hiram Johnson of his Miranda Rights on a Miranda Rights / Waiver From. He read aloud and initialed each of his rights indicating he under stood them. He them signed the waiver of rights.

Hiram Johnson stated that he had seen Marion Bowman Jr. on the night of February 16, 2001. He stated Marion had on black jeans and a light color shirt. He stated that he had gone to the club with Marion, Tawain and Darian and that he had seen Marion with a gun in his lap while Marion was driving to the club. Hiram also stated that Marion had told Trina West about killing Kandee Martin. He was not clear on his time frame as to when Marion told Trina West, or how he knew Marion told her.

NOTE: THE INTERVIEW WITH HIRAM JOHNSON WAS EXTREMELY DIFFICULT. HIRAM APPEARED TO BE CONFUSED ON SOME POINTS, HOWEVER ON OTHERS HE APPEARED TO KNOW EXACTLY WHAT HE WANTED TO SAY. R/O COULD NOT DETERMINE IF THIS ACTION WAS DUE TO HIS INJURIES HE HAD RECEIVED AS A RESULT OF THE GUN SHOT HE RECEIVED; OR IF HIRAM WAS ACTUALLY ATTEMPTING TO DECEIVE R/O WITH HIS DISABILITY. R/O DID NOT ATTEMPT TO HAVE HIRAM JOHNSON PRODUCE AWRITTEN STATEMENT AT THAT TIME, BUT HE DID AGREE TO TALK WITH R/O AT A LATER TIME.

02/22/01 17:25 hours BRANCHVILLE POLICE DEPARTMENT / INTERVIEW

WEST, KATRINA (AKA: TRINA)
B / F / DOB: / **5'09" / 198 lb. / SSN:**
, **BRANCHVILLE, SC 29432**

Katrina West came to the Branchville Police Department and provided Chief Boone Walters with the following information. She stated that she is the cousin of Yolanda and Marion Bowman. On Friday 02/16/01 she had gone to the drug store with Yolanda and Marion. As they passed Charles Fralix house they saw Kandee sitting in her car in front of Charlie's house. Yolanda stopped and Marion motioned for Kandee to come over to him. Kandee held up her hand as if to say "Wait a Minute". Marion became angry and said "Come night that bitch will die"! He then told Yolanda to drive off. Marion was wearing black jeans and a gray tee shirt. He had a gun stuck in his right back pants pocket. She told R/O that she had no idea that "JR" would kill Kandee, and was shocked when she heard Kandee was dead.

02/22/01 21:00 hours DCSO, ST. GEORGE, SC / INTERVIEW & POLYGRAPH

WILLIAMS, DARIAN ANTONIO was interviewed by Maj. Tim Stephenson and administered a polygraph based on his prior statement to R/O. Darian failed the polygraph.

Following the polygraph, R/O joined Maj. Stephenson in a follow up interview. In that interview, Darian gave the following account of his actions and knowledge of this incident.

Darian Williams stated that around 8:30 – 9:00 PM the night of February 16, 2001 he went to the Horizon EZ Shop in Branchville with Tawain Gadson in Kandee martin's car. Tawain got gas in s 2 or 3 liter Coke bottle and in a larger plastic container. Tawain then put the gas in the trunk of the car. He said he got the gas just in case they ran out. Tawain went inside the store and paid for the gas. He was wearing a white shirt and jeans and a white sweater cap. They left the store and went back to the Villa Apartments and went to MEEKA'S in apartment Around 11:30 PM they left the apartments and went to the club. Marion drove, while Hiram Johnson, Tawain Gadson and Darian were passengers. Marion passed out brown cloth gloves for everyone to wear so they would not leave fingerprints in the car. Marion made a comment that if anyone told about them being in Kandee's car he would blow that person's brain out. When they arrived at Allen Murray's Club, Darian saw that Marion had a black 380 semi-auto pistol tucked in the waist band of his pants, on his left side. Marion was talking to one of his cousins telling him that he needed to sell the car. He could not sell it so around 02:30 AM they left the club and drove down

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Highway 178 toward I-95. They turned onto St. Mark – Bowman Road from Hwy.178 and drove to the caution light in Reevesville. They drove through Reevesville and turned right onto Nursery Road. Marion stopped the car near a road sign, just before the stop sign (near Independent School Road). Travis Felder pulled up a few minutes later. Travis and Marion went into the edge of some woods and pulled Kandee's body out of the woods and put her in the trunk of her car. Marion wanted to burn the car and the body right then and there, but Darian told Marion he did not want any part of what was happening and demanded that they take him home. Marion got mad and took Darian and "GAP" (James Tawain Gadson) back to Branchville. The two of them got out at the Branchville Villa Apartments. Marion Bowman Jr. and Hiram Johnson left again in Kandee's car with Travis Felder following them.

02/27/01 R/O was contacted by DCSO Jail staff and informed that Marion Bowman Jr. was requesting to talk to R/O and Sgt. Van Doran. R/O contacted Sgt. Van Doran of the request.

02/27/01 **12:15 hours** R/O and Sgt. Van Doran met with Marion Bowman Jr. as per his request. R/O informed Bowman of his Miranda Rights to which he initialed and signed a Waiver.

Marion Bowman Jr. stated that he now wanted to tell the truth about what had happened on the night Kandee Martin died. He stated that Charlie Fralix had shot and killed Kandee, and then threatened to kill him if he told anyone anything any different.

R/O and Sgt. Van Doran stopped Bowman and told him of other statements that we already, including his own, wherein he and Tawain Gadson were the only two people present when Kandee Martin died. Bowman once again changed his story and stated that Tawain Gadson had came to him in the jail and instructed him to put the blame on Charlie Fralix. Marion Bowman kept asking R/O to change his charge from that of murder to accessory to murder, so that he would get a lesser sentence if he were convicted. R/O informed him that that was not going to happen. **Marion then wanted to talk about a murder that occurred on Highway 15 North near the Dorchester / Orangeburg County line. He stated that he knew that Elton "PAT" Bryant and Terry Darnell Kelly (AKA: Peanut) had killed a drug dealer while he was sitting in his car along side the roadway.** He also mentioned the name of "DAY-LOW" (David LNU) that was somehow involved in that crime. **NOTE: THIS IS THE MURDER OF ANDREE CUMMINGS THAT IS STILL UNSOLVED AS OF THE DATE OF THIS REPORT.**

Marion had mentioned a burglary during a previous interview wherein some guns and a sword had been taken. He told R/O and Sgt. Van Doran that he had been the lookout and the driver while Jasper Simpson and Duvall Johnson entered the residence, a single wide mobile home, somewhere near the Wire Road area of Reevesville. He stated that they took two or three shotguns and a rifle, along with a sword. He described the interior of the residence in that when they entered the front door, the wall to the right was full of video tapes. and the wall to the left was full of audio tapes and CD's. Duvall and Johnson traded or sold the sword to a man in Orangeburg. Duvall is now in jail awaiting trial for killing that man. **NOTE: THIS IS AN UNSOLVED BURGLARY THAT OCCURRED IN DORCHESTER COUNTY.**

03/02/01 **08:30 hours** R/O met with SLED Arson investigator James Helms at the DCSO St. George LEC. R/O and Agent Helms reviewed the video surveillance tape from the Horizon EZ Shop. In reviewing the tape, R/O noticed that one of the store clerks boyfriend had been in the store talking to the clerk around 02:30 AM on 02/17/01. He had a Jamaican accent to his voice. He told the clerk that the car at the gas pump had been at the club, and that the guys in the car had said they had killed a girl and were going to get rid of the body and the car. Agent Helms had retrieved the original and taken it to SLED Headquarters where it was copied. Agent turned the original and three copies of the tape over to R/O.

We the traveled to Branchville and met with the **manager of the Horizon EZ Shop, Melody Barton** who identified the store clerks on duty for the night of the incident. The clerk with the Jamaican boyfriend was identified as being **OCTAVIA LEGREE, B / F /** [redacted] MOBILE HOME PARK, Cannon Bridge Road, Cordova, SC. The boyfriend was not identified by name. Octavia Legree worked the 9:45 PM – 6 30 AM shift. R/O and Agent traveled to Cordova and attempted to locate Octavia Legree. We located her mobile home, however could not locate her. R/O and Agent Helms made numerous attempts in locating Ms. Legree each time with negative results. R/O

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had left messages on her door requesting that she comact R/O, however she has not done so. She has not returned to work at the EZ Shop.

We also met with **Jennie Dewitt, manager of the Shell EZ Shop** across the street, in an attempt to identify the boyfriend, however met with negative results. NOTE: The two stores are owned by the same company and both bear the name of EZ Shop, However one is under Shell while the other is under Horizon brand gas.

03/02/01 13:00 hours INTERVIEW / STATEMENT

GADSON, JAMES SR.
B / M / 43 / DOB: / 6'03" / 179 lb. / SSN:
, **BRANCHVILLE, SC 29432 TELEPHONE: NONE**

R/O and Agent Helms met with James Gadson Sr. at the Branchville Police Department. James Gadson stated that he had purchased four pair of gloves from the EZ Shop on the night of February 16, 2001 for Marion Bowman Jr. Marion was driving Yolanda's car and Hiram Johnson was riding with him. Gadson had walked to the store to get some been. When he arrived, Marion and Hiram drove up. Marion called him over to the car and ask him to purchase four pair of cloth brown gloves for him. He gave him the money for the gloves and a beer. James stated he is the father of James Tawain Gadson, a co-defendant in this case. He stated that after he purchased the gloves, Marion took him back to a street corner near his house and let him out. James Gadson provided R/O with a written statement as to these facts.

R/O and Agent helms checked the route described by James Tawain Gadson and found it to be as follows. Traveling East on US 78 toward St. George from Branchville Villa Apartments, go past the Branchville High School and turn right onto Secondary Road S38-528 (PERKINS ROAD).
Travel Perkins road to the stop sign at the intersection of McAlhaney Road.
Turn left onto McAlhaney Road and follow it to the stop sign at Durham Corner Road and turn right.
Go to stop sign at Durham Corner and Independent School Road and turn right, then immediately turn left onto Nursery road.

The total mileage from the Branchville Villa Apartment Complex to the incident location is 11.4 miles. It took R/O and Agent helms 13.09 minutes to travel the distance.

03/02/01 15:15 hours R/O and agent Helms met with **Brian Newhouse** and **Wayne Dukes** at the St. George Nursery facility on Nursery Road. (843 - 563 – 4608)

Wayne Dukes owner of the tree nursery indicated that Dennis Judy had seen a car parked along the road side around 20:00 – 21:00 hours on the night of the incident.

Brian Newhouse works for Wayne Dukes and lives in a mobile home on the nursery property. He state he had been surfing through TV channels when he heard what he thought was gun shots around 7:00 – 7:30 PM. He stated that Hollywood Squared was going off at the time. He walked out on his back porch to listen for any more shots. He stated they have a lot of trouble with night hunters in the area. He heard what sounded like three more gun shots. Later in the night or early morning hours, he was awake and heard what again sounded like gun shots. He got dressed and went outside to his vehicle. He drove down the road in the direction of where he had heard the gun shots and discovered the car on fire. He called 911 to report the incident.

03/05/01 R/O and Agent Helms met at the Dorchester County Sheriff's Office in St. George. R/O and Agent Helms traveled to Branchville, SC and met with Orangeburg County Magistrate Richard Murray. R/O obtained a Search Warrant for the residence of Travis Felder and his vehicle, described as being a 1987 MAZDA 323, 4 door, bearing SC tag 462-DNY that was registered to Gadson's parents, Alice or Sinclair Felder. The purpose of the search warrant was to look for the weapon used in the murder. R/O and Agent then had an Orangeburg County Deputy (Hampton) meet with us at the Felder residence where Agent Helms served the search warrant on Mr. Sinclair Felder.

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NAME	ALIAS	ADDRESS
LEGREE, OCTAVIA		, Cordova, SC Telephone: Unknown

NOTE: STORE CLERK / HORIZON EZ SHOP – 10pm – 6AM shift / Jamaican boyfriend that saw Bowman & others at club & overheard them talking about killing a girl and wanting to burn car.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	23		5'05"	200		0111111849 / SC

NAME	ALIAS	ADDRESS
MARTIN, FRANKIE	"FRANKIE"	UNKNOWN, 66 Area, Branchville, SC 29432

NOTE: Marion stated he saw Kandee at this house and had sex with her on afternoon of Murder

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	50's					

NAME	ALIAS	ADDRESS
MAXEY, CHRISTY		, Orangeburg, SC Telephone: (803) (h) / (w)

NOTE: FRIEND OF KANDEE MARTIN / GREW UP WITH VICTIM / KNOWS ALL OF THE SUSPECTS / HAS SEEN TAWAIN GADSON WITH A GUN ABOUT 1 YEAR PRIOR TO INCIDENT. / WORKS AT DOLLAR GENERAL STORE IN ORANGEBURG NEAR OLD SKY CITY.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	F	19		5'08"	155		

NAME	ALIAS	ADDRESS
McCLEAN, BRUCE ADOLPHUS	McCLEAN, HENRY BRUCE	, Cordova, SC Telephone: (803)

NOTE: BOYFRIEND OF OCTAVIA LEGREE (store clerk) / Can be heard on video tape saying something about guy's at gas pump having been at Allen Murray Club bragging about killing someone. TALKS WITH JAMAICAN ACCENT / MAKES REGULAR TRIPS TO FLORIDA

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	42		U	U	U	U

NAME	ALIAS	ADDRESS
METTS, CLINTON		, Cope, SC 29038 Telephone: (803)

NOTE: CANAAN FIRE DEPARTMENT DIVE TEAM / WEAPON RECOVERY

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M						

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NAME	ALIAS	ADDRESS
POLIN, JULIE		, Orangeburg, SC Telephone: (803) MOVED: New address next to her mother

NOTE: SISTER OF KANDEE MARTIN / DAUGHTER OF DEE DEE MARTIN

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	F						

NAME	ALIAS	ADDRESS
RIVERS, KEITH TYRONE		, Branchville, SC 29432 Telephone: (803)

NOTE: OVERHEARD Marion arguing with Tawain Gadson and Hank Koger about gun under tree

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	31					

NAME	ALIAS	ADDRESS
ROBINSON, CHRIS		, Branchville, SC 29432

NOTE: FRIEND OF CHARLES FRALIX / BROTHER OF TROY ROBINSON / Was with Charles Fralix on night of incident.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M	16					

NAME	ALIAS	ADDRESS
ROBINSON, TROY		, Branchville, SC 29432 Telephone: NONE

NOTE: FRIEND OF CHARLIE FRALIX / BROTHER OF CHRIS ROBINSON / Was with Charles Fralix on night of incident.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M						

NAME	ALIAS	ADDRESS
RUTLAND, LISA		, Branchville, SC Telephone: (803)

NOTE: DAVID MARTIN'S GIRLFRIEND / RECENTLY MOVED IN WITH OR NEAR DEE DEE MARTIN IN ORNAGEBURG.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	F						

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NAME	ALIAS	ADDRESS
SALLEY, MISTY		[redacted], Cope, SC 29038 Telephone: (803) [redacted]

NOTE: CANAAN FIRE DEPARTMENT DIVE TEAM / WEAPON RECOVERY
WIFE OF STEVE SALLEY

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	F	25/35					

NAME	ALIAS	ADDRESS
SALLEY, STEVE		[redacted], Cope, SC 29038 Telephone: (803) [redacted]

NOTE: CANAAN FIRE DEPARTMENT DIVE TEAM / WEAPON RECOVERY
HUSBAND OF MISTY SALLEY

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M						

NAME	ALIAS	ADDRESS
SHEETZ, MARK		[redacted], Cope, SC 29038 Telephone: (803) [redacted]

NOTE: CANAAN FIRE DEPARTMENT DIVE TEAM / WEAPON RECOVERY LOCATED AND BAGGED 380 SEMI-AUTOMATIC PISTOL FROM THE NORTH EDISTO RIVER.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M	45/55					

NAME	ALIAS	ADDRESS
SIMPSON, RENE	"NAY-NAY"	Currently incarcerated in SCDC for drugs

NOTE: Associate of "MOSELY" / Was good friend of victim

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F						

NAME	ALIAS	ADDRESS
SIMPSON, CRANE	"CRANE"	UNKNOWN, Branchville, SC

NOTE:

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	25/26					

NAME	ALIAS	ADDRESS
SMITH, LAMONT ROBERT		[redacted], Branchville, SC 29432 Telephone: (803) [redacted]

NOTE: HAS KNOWN MARION BOWMAN JR. 18 – 20 YEARS / KNOWS "TORY" BUTLER / HAS SEEN "JR" WITH 38 REVOLVER IN THE PAST AND WITH A 380 SEMI-AUTO PISTOL (BLACK & GRAY) WITHIN A MONTH PRIOR TO INCIDENT.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	22	[redacted]	5'07"	140	[redacted]	

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NAME	ALIAS	ADDRESS
SUDDLEMEYRE, DAVID		Mathews, SC 29135 Telephone: (803)

NOTE: CANAAN FIRE DEPARTMENT DIVE TEAM / WEAPON RECOVERY

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M						

NAME	ALIAS	ADDRESS
TRUEWELL, THERON		APT. , Orangeburg, SC 29115 Telephone: (803) , Reevesville, SC 29471 Telephone: (843)

NOTE: Lived near Bradley Cooke in Roosevelt Garden Apartment's / Acquaintance of Marshan Williams / The two of them hung out in front of Cooke's apartment where gun was taken.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	24		5'07"	145		

NAME	ALIAS	ADDRESS
UNKNOWN	"BLUE"	UNKNOWN, St. George, SC 29477

NOTE: Marion named him as possibly being involved in this Murder / reported too be a drug dealer that supplied Kandee martin with drugs at times
BROTHER KNOWN AS "DAVID" or "DAY-LOW" / Both live in St. George.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M						

NAME	ALIAS	ADDRESS
UNKNOWN, DAVID	"DAY-LOW"	UNKNOWN, St. George, SC 29477

NOTE: Marion named him as possibly being involved in this Murder / reported too be a drug dealer that supplied Kandee martin with drugs at times
HAS BROTHER KNOWN ONLY AS "BLUE" That also lives in St. George.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M						

NAME	ALIAS	ADDRESS
VALENTINE, DEVIN		UNKNOWN, BRANCHVILLE, SC

NOTE: FRIEND OF CHARLLES FRALIIX / was with Charles Fralix on night of incident

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M						

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Mr. Felder was very cooperative with officers. R/O seized one pair of "TIMBERLAND" brand boots that had what appeared to be blood stains on the soles, from the trunk area of the vehicle. R/O completed an Evidence Chain of Custody report and secured them as evidence until they could be turned over to Lt. Earl Asbell for testing.

03/05/01 R/O and Agent Helms traveled to Cordova, SC in an attempt to locate the Horizon EZ Shop store clerk (Octavia Legree). Officers went to the known residence located at [redacted] Mobile Home Park, Cordova, SC. R/O's failed to establish contact therefore R/O left a business card with a note attached to the front door of the residence.

03/06/01 R/O turned the boots seized from the Felder Search Warrant to Lt. Earl Asbell for testing.

R/O was in route to Branchville to meet with Agent Helms in an attempt to locate and interview additional witnesses in this case, however R/O was called back to St. George to assist in the search for a missing six year old autistic child (Gabriele Britt).

03/08/00 Agent Helms contacted R/O and informed R/O that he had been called out of State on another case he was working from Berkley County. He will contact R/O at his earliest opportunity. Search for the Britt child still active.

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

ON OR ABOUT 03/23/01 R/O and Agent James Helms met with **REX RAST,** [redacted], **Cordova SC; (803)** [redacted] Mr. Rast is the owner of the **"RASTVILLE MOBILE HOME PARK"** where **Octavia Legree** lives. Mr. Rast provided officers with the following information.

Octavia Legree was living at lot 321 with her mother **Lillian Legree.** However she is currently living in a mobile home on lot [redacted] with her boyfriend. There is a PINK CADILLAC vehicle parked in the front yard of the residence, and the mobile home has pink curtains over the windows. The boyfriend has a Jamaican accent. According to Mr. Rast records he gave the name of Henry Bruce McLean. Most people call him "BRUCE". Mr. Rast stated that he thought Henry Bruce McLean was originally from Florida. Octavia Legree is currently working in Orangeburg at the old "AMERICAN YARD PRODUCTS / FRIGIDAIRE" plant.

R/O and Helms visited the residence at lot [redacted] and spoke to one of Octavia Legree's children. We were informed that Octavia was at work at "AYP" / FRIGIDAIRE" and that she was not expected home until later in the afternoon.

04/05/0113:40 hours: SIMPSON'S TIRE / FISH MARKET INTERVIEW / STATEMENT

HIRAM EUGENE JOHNSON
[redacted], **BRANCHVILLE, SC 29432**
TELEPHONE: (803) [redacted]

R/O and Agent Helms met with Hiram Johnson at his fathers business in Branchville, SC (SIMPSON'S USED TIRE'S / SIMPSON'S FISH MARKET (803) 274-8212).

R/O advised Hiram Johnson of his Miranda Rights at 13:48 hours. He agreed to talk with Officers and provide a written statement. Hiram Johnson requested R/O write his statement for him. Hiram Johnson provided the following information.

Hiram Johnson stated that on the night of February 16, 2001 he had gotten his hair fixed by a friend at the Branchville Villa Apartments. He had seen Marion Bowman Jr. riding around in Kandee Martins Gray Ford Escort. Hiram went with Marion Bowman Jr. ("JR") to the Horizon EZ-Shop in Yolanda Bowman's blue car. While at the store they saw James Gadson Sr. (AKA: "BUBBLEGUM"). "JR" got James Gadson Sr. to go inside the store and purchase some gloves. They then returned to the Villa Apartments. Between 24:00 (midnight) and 00:30 AM, Hiram got into Kandee Martins car with Marion Bowman Jr., Tawain ("GAP") Gadson, and Darrian ("POP") Williams. Marion drove them to Allen Murray's Club in Bowman SC. They all wore the brown cloth gloves that "JR" had got James Gadson Sr. to purchase. "JR" had told them they had to wear the gloves because he had stolen the car. Marion had a black pistol in his lap as he drove to the club. He stopped the car on Highway 210 somewhere outside of Branchville and removed the baby car seat from the back seat and put it in the trunk. While at Allen Murray's Club Hiram observed Marion Bowman Jr. and Travis Felder talking. Travis was going to meet Marion later in Branchville. Hiram stated that when they left he club, Marion drove back to Branchville and dropped Darrian ("POP") Williams off at the Villa Apartments. Travis Felder stopped at the Villa's and dropped off Carolyn Brown. That was the last time Hiram saw Travis that night. Marion then took him (Hiram) home. It was around 02:15 –02:30 hours. Marion and Tawain left his house together in Kandee Martin's car.

R/O and Helms traveled to the "American Yard Products" / "FRIGIDAIRE" plant in Orangeburg and was allowed to speak to Octavia Legree. She was reluctant to talk with officers but did provided the following information:

OCTAVIA MONIQUE LEGREE / B / F / [redacted] **/ SSN:** [redacted] **RASTVILLE ROAD, CORDOVA, SC. (803)** [redacted]

Octavia stated that on the night of February 16, 2001 Travis Felder came into the Horizon EZ-Shop with one girl. Later that same night he came back into the store with two different girls. He purchased a 12 pack of Natural Lite beer and gas for his car. She did not identify the three girls / women.

She stated that her boyfriend was in fact "Bruce" McLean (or sometimes spelled McClean). She indicated that his date of birth was [redacted]. She indicated that she did not think "Bruce" would talk to officers.

Octavia did agree to meet with R/O and Helms on the following Monday at the Orangeburg County Sheriff's Office at 17:00 hours. She also stated that she would have her boyfriend accompany her.

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

04/09/01 R/O and Agent Helms traveled to the Orangeburg County Sheriff's Office to meet with Octavia Legree and Henry "Bruce" McLean. They did not show for the meeting and could not be located.

04/09/0114:00 HOURS INTERVIEW:

SAMEEKA PRIOLEAU
B / F / DOB: [redacted] /
[redacted] **Branchville Villa Apartments, Branchville SC 29038**

Agent Helms and R/O met with Sameeka Prioleau at her apartment in the Branchville Villa Apartment Complex. She stated that she left her apartment around 23:00 – 23:30 hours and went to Allen Murray Club with Yolanda Bowman. Tawain Gadson and "JR" were already at the club. Tawain was inside Allen Murray Club and "JR" outside Allen Murray Club. She had heard rumor that "JR" was trying to sell Kandee Martins car but did not hear it first hand. Travis Felder arrived in his car with Carolyn Brown. She also saw Hiram Johnson and "POP" (Darian Williams). "JR" began rushing everyone to leave the club. Sameeka left with Yolanda Bowman, a girl known only as "Kalie" (LNU) and two other females. They all went to the Huddle House in Orangeburg around 02:00 hours.

04/09/0115:10 HOURS INTERVIEW:

NESBERT KEON WILLIAMS
B / M / DOB: [redacted] **SSN:** [redacted]
[redacted] **Branchville, SC 29432**
Telephone: (803) [redacted] **(H) /** [redacted] **(W) (Town of Branchville)**

Keon Williams stated that on Friday February 16, 2001 he got off work around 16:00 hours. He went to the Branchville Villa Apartments and was hanging out under the tree with Hank Koger, Darrian "POP" Williams. Not long after he arrived Tawain ("GAP") Gadson and Marion Bowman Jr. ("JR") came walking up from the direction of the old coal plant on Highway 78. He was not sure of the exact time. Tawain was acting strange, very jittery and nervous. "JR" and Tawain left and Hank Koger told him that the two ("JR" & Tawain) had been arguing earlier that day because someone had moved "JR's" gun out of the trash barrel. Keon stated he has seen "JR" with a gun in the past but did not see him with any gun on that night. When they left from under the tree he did not see either of them any more that night.

TRANSMISSION VERIFICATION REPORT

TIME : 04/10/2001 16:03
NAME : DORCH CO SHERIFF
FAX : 8438320263
TEL : 8438320263

DATE,TIME	04/10 16:02
FAX NO./NAME	9180327487600162
DURATION	00:00:59
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

4/10/01

ATTENTION: CHIEF WALTER'S,
BRANCHVILLE POLICE DEPARTMENT

This is the list of names that we discussed on Monday. I need to locate and interview each of these individuals in regards to the Kandee Martin murder investigation. I would appreciate it if you could contact as many as possible and request them to meet with me and Agent James Helms at your Police Department on Wednesday afternoon beginning at around 15:00 hours if possible. I will call you on Wednesday morning to determine if you could locate any of the individuals listed. Any help you can provide in this matter will be greatly appreciated.

1. Bill Bradley
2. Carolyn Brown
3. Bill Carmichael
4. Joe Fogle
5. Dezzie Koger
6. Hank Koger
7. Merlin Koger
8. Frankie Martin
9. Keith Rivers
10. Lamont Smith
11. Scotty Harrison
12. Yolondo ~~Brown~~ BOWMAN
13. Kendra ~~Brown~~ BOWMAN
14. Benjamin Jefferson
15. Dafney Bingley

Serving The Communities Of:
BOWMAN, BRANCHVILLE,
CANADYS, DORCHESTER,
GROVER, HARLEYVILLE,
REEVESVILLE, ST. GEORGE

DORCHESTER COUNTY SHERIFF's OFFICE

DISTRICT ONE

TO: Chief Boone WALTERS

FROM: Sgt. ALVIN COKER

DATE: 4-10-01

SUBJECT:

MESSAGE:

FAXED TO: 274-8760 PAGE 1 OF 2

RAY NASH, SHERIFF
CLAUDE MAJOR, DISTRICT COMMANDER
873-5111 DISPATCH 563-3511

FAX
(843) 563-0263
) 832-0263

ST. GEORGE LAW ENFORCEMENT CENTER
100 SEARS STREET
SAINT GEORGE, S. C. 29477

OFFICE
(843)563-0259
(843) 832-0259

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

04/10/01 R/O compiled a list of people that needed to be interviewed, and faxed that list to Chief Boone Walters at the Branchville Police Department. R/O requested Chief Walters contact the individuals and have them meet with R/O on 04/11/01. (SEE INSERTED page sent to Solicitor prior to this update. Also note that the page containing the list of names was not dated and was not saved to disc.) The names in question were as follows:

1. Bill Bradley
2. Carolyn Brown
3. Bill Carmichael
4. Joe Fogle
5. Dezzie Koger
6. Hank Koger
7. Merlin Koger
8. Frankie Martin
9. Keith Rivers
10. Lamont Smith
11. Scotty Harrison
12. Yolonda Brown (Typographical error: should have been Bowman)
13. Kendra Brown (Typographical error: should have been Bowman)
14. Benjamin Jefferson
15. Dafney Bingley

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

04/11/01 **15:00 hours** **BRANCHVILLE POLICE DEPARTMENT**

R/O and Agent James Helms met at the Branchville Police Department and conducted the following interviews.

15:10 hours **WILLIAM "HANK" KOGER**
B / M / 6'01" / 250 lb. / DOB: [redacted] / SSN: [redacted]
[redacted], BRANCHVILLE, SC 29432
TELEPHONE: (803) [redacted]

Hank Koger stated that he was at home most of the day on Friday February 16, 2001. He lives in a brick house next to the Branchville Villa Apartment Complex. Marion Bowman Jr. ("JR") and Tawain ("Gap") Gadson had been at his house for a while standing or sitting under the shade of the trees. "JR" left and was gone for a while. When he returned around 1:00 – 2:00 PM he walked over to the trash barrel. Hank stated he had put a lot of paper and trash in the barrel but had not lit it at that time. "JR" started digging through the trash barrel and arguing about where his gun was. Hank did not know what "JR" was talking about. "JR" then turned his attention to Tawain Gadson and began arguing with him, accusing him of taking his gun. Tawain told "JR" that he had not touched his gun. Hiram Johnson then walked back up to where they were and told "JR" that he had moved it across the street and "JR" walked off. "JR" returned around 4:00 PM. Hank left and went to the store shortly after "JR" returned. When Hank got back home, "JR" and Tawain were both gone. Around 8:30 – 9:00 PM "JR" and Tawain came walking up in the yard from the direction of the church (from the direction of the old coal yard or Reevesville). Hank then asks them why they were walking from that direction. Tawian spoke up and said he had gone home and washed and changed clothes. Then he had met with "JR" near the Funeral Home and walked to the Villa Apartments together. They said they were going to wait on Scotty Harrison so he could take them to a nightclub called "CLUB GET IT – GET IT". Scotty Harrison arrived and told "JR" and Tawain that he would not take them to the club. Hank then went inside for the night and did not see them any more that night. On Saturday morning he saw Tawain Gadson after the police arrested Marion Bowman Jr. Tawain kept saying, "He can say anything he wants- but I did not have anything to do with killing Kandee Martin", (He being Marion Bowman Jr.).

04/11/01 **16:20 HOURS** **INTERVIEW / STATEMENT**

DESMOND TRAVON KOGER (AKA: "DESI")
B / M / 5'00" / 130 lb. / DOB: [redacted] / SSN: UNKNOWN
[redacted] BRANCHVILLE, SC 29432
Telephone: (803) [redacted]

Desi Koger stated he is a half brother of Hiram Johnson. On Friday February 16, 2001 he was at his uncle Hank Koger's house from around noon to about 2:00 or 3:00 PM. Marion Bowman Jr., Tawain Gadson and agroup of other people were all sitting around the picnic table in Hank Koger's back yard when he left to take his girlfriend Wendy Williams to the Orangeburg Regional Hospital with stomach pain. Wendy lives in apartment [redacted] of the Villa Apartments. They got back to the apartment about 7:30 or 8:00 PM. He then went to the Branchville High School Basket Ball game to let his mother know he was back and to see if she was ready to go home. He the drove back to Hank Koger's house and parked his car. He saw "JR" and Tawain sitting at Hank's picnic table. He did not stop to talk. He knew that "JR" sometimes carried a gun but has never seen "JR" with one. On Saturday he heard that Kandee Martin had been killed. He further stated that Hiram had not talked to him about the incident.

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

04/11/01 16:00 hours INTERVIEW

SHARLANDA "CARN" SIMPSON
B / F / 5'04" / 180 lb. / DOB / SSN:
BRANCHVILLE, SC 29432
Telephone: (803) (Mother's residence)

Sharlanda Carn Simpson stated that she has known Kandee Martin for several years. They were best friends for about three years. Kandee Martin lived with her for about a year and a half until Kandee's mother made her move out. Kandee's parents did not like her hanging out with black people. Sharlanda stated she had known Marion Bowman Jr. for a long time but never thought he could do anything like this (killing anyone). She went on to say that she had no knowledge of Kandee Martin's death until her mother came and told her about it. She has no knowledge about the incident except what other people have told her. She also indicated that she just moved to Orangeburg with her boyfriend, however she does not know the address, except that they live on Highway 301.
(NO STATEMENT WAS TAKEN)

04/11/01 16:40 hours INTERVIEW / STATEMENT

BILL BRADLEY
B / M / DOB: / SSN:
Branchville, SC 29432
Telephone: (803)

Bill Bradley was interview by Agent James Helms and gave the following statement. Bradley indicated that on Friday February 16, 2001 he never ask Kandee Martin for a ride home and he never gave her ten dollars for anything. He stated he has known Kandee Martin for years as she went to school with his daughters. Marion Bowman Jr. and Tawain Gadson are his cousins.

04/11/01 17:00 hours INTERVIEW / STATEMENT

KEITH TYRONE RIVERS
B / M / DOB SSN:
Branchville SC 29432
Telephone: (803)

Keith Tyrone Rivers met with Agent Helms and provided the following statement. He indicated that on the evening of February 16, 2001 he was at Hank Kogers house. Marion Bowman Jr., Tawain Gadson were there arguing about a gun. Keith left around 5:00 – 5:30 PM and went home. He picked up his wife and they drove to Quincy's Restaurant in Orangeburg where they ate supper. They then went to Bamberg to visit family members at a birthday party. When they left the birthday party they went to Allen Murray's Club in Bowman SC. Keith saw and talked to Marion Bowman Jr. as Marion sat in Yolonda Bowman's blue Volkswagen car. He asks Marion to go inside and get him some beer but Marion would not go inside the club. It was about 12:30 – 01:00 AM Saturday morning at that time. He and his wife left the club and returned home.

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REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

04/11/01 17:00 hours INTERVIEW / STATEMENT

CAROLYN LEVERN BROWN
B / F / 5'04" / 190 lb. / DOB: [redacted] **/ SSN:** [redacted]
[redacted] **Branchville Villa Apartments, Branchville, SC 29432**
NO TELEPHONE

Carolyn Brown stated that on Friday February 16, 2001 she was cleaning chicken for Joe Fogles birthday party. She walked outside and heard Marion Bowman Jr. ("JR") yelling about someone moving his gun. Marion had been around Hank Koger's house most of the day with a group of people. "JR" got up in Tawain Gadson's face accusing Tawain of taking his gun. The two of them argues back and forth for about 10 minutes. Carolyn finally walked back inside the apartment to finish cleaning her chicken. She stated she had seen "JR" with abrown handles revolver in the past but did not see any gun on this particular day. Later in the afternoon / evening hours she was at apartment [redacted] of the Villa apartments with Velona Smith. Velona called Travis Felder on a cellular telephone to get a ride to Allen Murray's Club. Travis told her that he and Tyrone Smith were on their way to Club GET IT – GET IT. Sometime after 11:00 PM Carolyn saw Travis Felder at the Horizon EZ-Shop pumping gas. Travis had another unknown male with him. She ask Travis for a ride to Allen Murray's Club. Travis dropped off his rider and then picked her up from the Villa Apartments. The two of them went to Allen Murray's Club in Bowman. While at the club, she observed Marion Bowman Jr. in a Silver Ford Escort. She never saw him inside the club. Some guys started waving guns around inside the club so she and some other people went outside. Around 2:45 AM Travis left the club accompanied by Carolyn Brown and Velona Smith. Yolonda Bowman got in her car and left just ahead of Travis. Yolonda turned and went toward Orangeburg. Carolyn did not see Marion Bowman Jr. leave the club. Travis drove straight back to Branchville and stopped at the Horizon EZ-Shop where Travis went inside to get some chips and dip. It was around 3:05 – 3:10 AM. They left the store and returned to the Velona's Apartment. Velona started working on Travis's hair while Travis ate his chips. About fifteen (15) minutes later Marion Bowman Jr. knocked on the door. Marion stuck his head inside the door and told Travis that he needed Travis to take him home. Travis and Marion left together. About fifteen or twenty (15-20) minutes later Travis returned to the apartment.

04/11/01 17:35 hours INTERVIEW / STATEMENT

JOSEPH FOGLE
B / M / DOB: [redacted] **/ SSN:** [redacted]
[redacted] **Branchville, SC 29432**
Telephone: (803) [redacted]

Joseph Fogle was interviewed by Agent James Helms and provided the following statement. He indicated that on Friday February 16, 2001 he as at Hank Koger's house. He remembered Marion Bowman Jr. getting very upset that someone had moved his gun. Around 5:00 PM Joseph gave Marion Bowman Jr. ("BLACK") a ride to Frankie Martin's house. Kandee Martin's gray car was at Frankie's house but Joseph did not see Kandee Martin, however he stated she could have been in another room of the house. He stayed there for about 15 – 20 minutes and then left, leaving "BLACK" at Frankie's house. Joseph returned to Hank Koger's house. Marion Bowman Jr. arrived a few minutes later. He had seen "BLACK" earlier that day as he had gone to the meat market.

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

04/11/01 **18:25 hours** **INTERVIEW / STATEMENT**

LAMONT ROBERT SMITH
B /M / 5'07" / 140 lb. / DOB: [redacted] **SSN:** [redacted]
[redacted] **Branchville, SC 29432**
Telephone: (803) [redacted]

Lamont Robert Smith stated that he has known Marion Bowman Jr. for 18 – 20 years. He has no information concerning this case. He stated that he did not go to any club with Travis Felder or any other person on Friday night February 16,2001. (Marion Bowman Jr. had told R/O in an Interview dated 2-17-01 / 11:20 hours, that Lamont Smith had gone with Travis Felder to club Get-It Get It.) He has seen Marion Bowman Jr. with two different handguns in the past. One being a Black .38 Special Revolver the other being a Black and Gray .380 Semi-Automatic. He has seen the .380 within the last month. Lamont also state that he did know an individual named **"TORY" Butler**. Tory is a black male about 20-25 years-of-age/ about 5'06" / 140 lb. / and wears his hair in braids most of the time. Tory lives on the "HILL" area of Branchville. He drives a blue Ford Mustang. Tory is a truck driver and works for "Cheetah" Trucking Company. (**"TORY"** was the name provided by Marion Bowman Jr. as being the person that accused Kandee Martin of wearing a police wire while buying drugs from him.)

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

05/26/01 **10:05 Hours** **INTERVIEW**

YOLANDA C. BOWMAN
B / F / 5'08" / 210 lb. / [redacted] **SSN:** [redacted]
[redacted], **Branchville, SC 29432**

R/O and Detective Quinton Joyner traveled to Branchville SC and met with Yolanda C. Bowman, sister of Marion Bowman Jr. at her apartment located at [redacted], Apartment [redacted], Branchville, SC 29038. This was the first time that R/O had the opportunity to personally interview Yolanda Bowman. Ms. Bowman agreed to talk with officers and provided the following information.

Yolanda C. Bowman stated that on Friday February 16, 2001she was driving her car with "JR" and Katrina West as passengers. They were passing Charlie Fralix's house when they saw Kandee Martin sitting in her car talking to Charlie Fralix. Yolanda backed her car up so that Marion (JR) could talk to Kandee. Marion said that Kandee owed him some money and that he wanted it that day. Just before dark, Marion borrowed Yolanda's car to go to the store for some beer. Tawain Gadson and Darian (POP) Williams went with Marion to the store. They were only gone about 10 minutes before Darian knocked on her door and told her they were back. Later that night around 11:30 PM she went to Allen Murray Club. While at the club she saw her brother Marion, Hiram Johnson, Darian (POP) Williams, and Tawain (GAP) Gadson there but did not know haw they got there. She also saw Travis Felder and Carolyn Brown at the club. Travis drove his own car to the club. Yolanda stated she never saw Marion or Hiram inside the club.

While being interviewed, Yolanda Bowman became nervous, and started fidgeting around in her chair. She began to act uneasy. R/O ask her what was wrong and she stated that if she told me she was going to jail. R/O informed Ms. Bowman that she was not under arrest and that she was not being considered as a suspect in this case. R/O ask Ms. Bowman why she would think she was going to jail. R/O also informed her that if she had pertinent information in this case she needed to be truthful about it. She then began crying and stated she knew where Marion's gun was. She again stated that she was afraid that if she told R/O that R/O was going to take her to jail. R/O assured her that she was not going to jail at that time. She then stated that she and her sister had thrown Marion's gun into the river after being ordered to do so by their father Marion Bowman Sr.. She stated that she would accompany officers to where they had thrown it. Her mother was called and arrived at her apartment. She agreed to watch Yolanda's child while Yolanda accompanied officers. The elder Mrs. Bowman was not told why her daughter was going with officers, other than Yolanda had agreed to assist officers in this investigation.

Yolanda Bowman provided R/O with instructions as to the direction of travel which led officers to the North Edisto River bridge on the "OLD COPE ROAD" now know as "HUDSON ROAD". She informed officers that her sister Kendra had driven across the bridge and turned around. She then stopped the car about half way the bridge where the two of them got out. They took a towel out of the trunk of the car and she (Yolanda) walked to the bridge rail where she held the edge of the towel and sort of flipped it. The towel unrolled and a black and gray pistol came out of the towel and fell into the water below. They then got back into their car and drove back to town. She stated that she had not came forward with the information because she was afraid of what her father would do if she told.

R/O drove back to Branchville and returned Yolanda to her apartment. R/O informed her not to talk to any one about our conversation. R/O also informed her that he and Detective Joyner would be back in contact with her later in the day and that we needed to obtain a thorough written statement from her. She indicated that she was willing to cooperate and that she actually felt better about the incident since she had told someone about what she had done.

R/O then contacted Lt. James Nettles and informed him of the new information. He instructed R/O to contact Crime Scene Officer Allyson Penn and put her on notice. Meanwhile, Lt. Nettles began calling around for DCSO dive team members. R/O contacted Orangeburg County Sheriff's Office and spoke to Major Walters. She in turn had Capt. John Moore call R/O by telephone to discuss the incident. He and Detective Kinsey later met with R/O and Joyner at the Horizon EZ Shop in Branchville. After meeting, we then returned to the North Edisto River to await divers. DCSO Capt. Paul Hartline, contacted R/O and informed R/O that the DCSO dive team could not respond due to other operations in progress. Capt. Moore had called for divers from the Canaan Fire Department

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dive team. OCSO has used them for under water recovery in the past. While R/O and other officers' awaited divers, Crime Scene Investigator Allyson arrived on scene.

Canaan Fire Department divers arrived on scene around 15:30 – 16:00 hours and began searching the water for the weapon. After depleting their air supply the search was called off until a later time. They agreed to contact R/O with a time they could return to continue the search.

R/O and Detective Joyner returned to the Branchville Police Department where we met with Yolanda Bowman.

05/26/01 17:35 hours SECOND INTERVIEW: YOLANDA BOWMAN

Due to the newly acquired information and the possibility of deeper involvement on the behalf of Yolanda Bowman, R/O informed her of her Miranda Rights on a standard Miranda Rights / Waiver of Rights Form. She indicated that she understood her rights and that she was willing to provide officers with a written statement as to her involvement in this case. She provided the following information:

Yolanda Bowman stated that about one or two weeks after the death of Kandee Martin, she was at her mothers (Dorothy Bowman) house when her father Marion Bowman Sr. drove up. He told her and her sister Kendra to follow him. Kendra drove her car and they followed their father to the Zion AME Church cemetery located at Highway 210 and Classic Road just outside of the town of Branchville. Her father went to some trees at the edge of the cemetery and picked up something and wrapped it in a white towel. He took the object and gave it to her and Kendra and instructed them to take it to the North Edisto River on the "OLD COPE ROAD" and to throw the item into the river. He had told them that he did not want to get into any trouble over "JR's" gun. Kendra drove across the bridge where she turned around. She then headed back toward Branchville, stopping on the bridge. They got out of the car and Yolanda threw the gun into the river. Yolanda stated she held the towel in a way that the gun sort of rolled out of the towel and fell into the water. Later that night their father called her and ask if they had got ride of the gun. She told him yes and hung up the telephone.

05/26/01 18:57 hours INTERVIEW

KENDRA VIOLENTHIA BOWMAN
B / F / 5'08" / 230 lb. / [redacted] **/ SSN:** [redacted]
[redacted] **Branchville, SC 29432**

After interviewing Yolanda Bowman, R/O and Detective Joyner met with her sister, Kendra Bowman at the Branchville Police Department. R/O informed Kendra Bowman of her Miranda Rights on a standard Miranda Rights / Waiver of Rights Form. Kendra Bowman agreed to talk with officers concerning this case and provide a written statement. She provided the following information.

Kendra Bowman stated that she lives in the house with her grandmother located at [redacted] Branchville, SC. On Saturday afternoon February 17, 2001 sometime just after dark, 'JR's" (Marion Bowman Jr.) wife Dorothy Bowman came to her residence. Dorothy said she had something to give Kendra. Dorothy went into the bathroom where Kendra was and had a black purse. Dorothy opened the purse and showed Kendra a black semi-automatic handgun that was in the purse. Dorothy told Kendra that she thought the gun was Tawain Gadson's that "JR" was keeping and that the Police had missed it in their search for it. She had later found it in a side pouch of the sofa. Dorothy wanted Kendra to take her and the gun to Kendra's father Marion Bowman Sr., so that he could tell her what to do with the gun. Kendra called her father and had him meet them at a local carwash near the Horizon EZ-Shop at or about 21:00 hours (9:00 PM). Dorothy or either Marion Bowman Sr. wrapped the gun in a white towel or rag from Kendra's car and Marion Bowman Sr. took the gun and left with it. The following day at or about 18:00 hours (6:00 PM) Marion Bowman Sr. contacted Kendra and told her to follow him. Kendra and Yolanda got into Kendra's car and followed their father to the cemetery of Zion AME church located at Highway 210 and Classic Road. They parked in the cemetery and Marion Bowman Sr. exited his vehicle, walked over to some small trees near the edge of the cemetery property and picked up a white towel with something in it. He then gave the item to Kendra and told her that he was not going to jail over it. He told Kendra to open her trunk

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and he placed the gun in the trunk. Marion Bowman Sr. then told his daughter's to take the gun and throw it in the river. Kendra stated that she and her sister (Yolanda) drove to the North Edisto River on the "OLD COPE ROAD" and Yolanda threw the gun into the water.

05/28/01 **08:30 hours** R/O received a call from Capt. John More of the Orangeburg County Sheriff's Office. Capt. Moore informed R/O that the Canaan Fire Department dive team was in route to the North Edisto River to begin searching for the weapon. R/O responded to the Hudson Road location and met with the Dive Team members who were on scene and already searching the water for the weapon. Those dive team members included the following:

1. Mark Sheetz
2. Misty Salley
3. Steve Salley
4. Clinton Metts
5. David Suddlemyre

05/28/01 **11:40 hours** **Diver Mark Sheetz located a High Point, .380 caliber, Model "CF", black & silver (gray), Semi-Automatic pistol, with serial number P703855 at or about midstream of the river. The weapon was found to be approximately 24 feet from the bridge piling which was approximately 70 feet from the end of the bridge railing. This was the same area that both Kendra and Yolanda Bowman had shown to R/O where they had thrown the gun. THIS WAS NOT THE GUN PURCHASED BY TAWAIN GADSON AS PREVIOUSLY THOUGHT.**

R/O lowered a small Igloo Cooler into the water. Misty Salley took the coler over to Mark Sheetz. Misty Salley held the cooler under the water while Mark Sheetz kept the gun under the water and placed it into the cooler of water. R/O then pulled the cooler up to the top of the bridge. R/O then placed a large clear plastic bag into the cooler and filled it with water. R/O slid the weapon into the bag and sealed the bag using caution as to keep the weapon in the water during the entire process. R/O then removed the bag from the cooler in order to see and record the make model and serial number of the weapon. It was noted that there was no magazine in the weapon. In an effort to preserve any additional evidence R/O did not make any attempt to clear the weapon. R/O had the gun ran through the NCIC database to see if it was reported as stolen, however it was clear. Once the weapon was secured, all units secured from the scene. R/O contacted Crime Scene Investigator Allyson and requested that she meet with R/O at the Summerville LEC and take custody of the weapon for later transport to SLED. R/O contacted Lt. James Nettles and SLED Agent James Helms informed them of the recovery. R/O later met with Detective Allyson Penn and turned the weapon over to her until it could be transported to SLED for ballistic testing.

05/31/01 R/O and SLED Agent James Helms requested a gun trace from the SLED Regulatory Division in Columbia, SC for the weapon recovered. Records showed that the 380 recovered from the river had been sold by Woody's Pawn Shop, Orangeburg, SC to an individual named Charmain White on February 17, 2000, one year prior to this incident. Information showed Charmain White to be a B / F / 5'02" / 140 lb. / DOB [redacted] SSN: [redacted] SCID: 09001649. Her address was shown as [redacted], Orangeburg SC.

R/O and Agent Helms traveled to Orangeburg in an attempt to locate Charmain White. We discovered that she had moved from the Amelia Street address. Information obtained from the Orangeburg County Sheriff's Office showed that she currently lived at [redacted] Orangeburg. R/O and Agent Helms located Ms. White at that address.

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05/31/01 **11:40 hours** **INTERVIEW**

CHARMAIN DENISE WHITE
B / F / 5'02" / 140 lb. / [redacted] **/ SSN:** [redacted] **/ SCID: 090016495**
[redacted] **Orangeburg, SC 29115**

Ms. White indicated that she had purchased a 380-caliber handgun from Woody's Pawn Shop in February 2000. He boyfriend Al Irvin Lucas purchased a 9mm handgun the same day. She also stated that in March or April of 2000 she had taken her .380 and Lucas's 9mm back to Woody's Pawn Shop and pawned them to obtain money to get Lucas out of jail. She stated she never got the guns out of pawn. When R/O and Helms informed her that someone had taken the guns out of pawn and the .380 had been used in a homicide, Charmain White insisted she did not know how or who took it out of pawn. She provided officers with names of persons that could have possibly gotten access to the pawn ticket and her identification. Those names were as follows.

Casaundra Lucas; B / F / age 30 / [redacted] / she is Al Lucas's sister.
Patricia Boneparte; B / F / age 19 / she had stolen items from Ms. White in the past.
Raymond Boneparte; B / M / father of Charmain's children.
Byron Williams; B / M / age 23 / Charmain's current boyfriend.
Ms. White would not say why she suspected these people as to possibly being involved

R/O and Agent Helms returned to Woody's Pawn Shop and inquired about the guns being pawned. Records showed that in fact Ms. White had pawned the two guns on 03/27/00 at 08:58 AM for the sum of $100.00. The Woody's Pawn Shop record also revealed that the two handguns had been claimed by Bradley Alexander Cooke on 05/15/00. **Bradley Alexander Cooke is described as a B / M / 5'11" / 165 lb. / DOB:** [redacted] **SSN:** [redacted] **/** [redacted]**, Orangeburg, SC 29115.** Agent Helms obtained a copy of the Firearms Transaction Record Part I – Over- The-Counter document bearing Transferor's Transaction Serial Number P-450 that showed Bradley Alexander Cooke purchased (removed from pawn) two handguns, a Hi-Point Model CF, Serial Number P703855, .380 pistol and a Hi-Point Model C, Serial Number 813885, 9mm pistol on the same transaction report.

R/O and Agent Helms returned to Charmain Whites residence and again spoke to her concerning the transaction with the two guns. When confronted with the new information and the pawn shop record she stated that she had given her pawn ticket to an acquaintance and allowed that person to pick the guns up from the pawn shop. Charmain White identified that person as being Al Lucas brother-in-law Bradley Alexander Cooke. She stated she had been afraid to tell us that information in fear of getting in trouble. Ms. White stated that Bradley had lived in the Roosevelt Garden Apartment Complex at one time but had since moved to a new address out in the county of Orangeburg.

R/O and Helms obtained address information from the Orangeburg County Sheriff's Office and directions to Bradley Alexander Cooke's residence. His last known address was [redacted], Orangeburg, SC. Officers went to Cooke's residence, however could not get any response act the door. Officers left business cards with a note for Cooke to contact us.

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06/01/01 R/O obtained Arrest Warrant Number G-366241 for the arrest of Marion Bowman Sr. for the charge of Accessory After the Fact of Murder.

R/O obtained Arrest Warrant Number G-366242 for the arrest of Dorothy Mae Bowman for the charge of Accessory After the Fact of Murder.

06/04/01 R/O took arrest warrants to Orangeburg County Sheriff's Office and had them counter signed by Orangeburg County Magistrate Willie Robinson.

06/05/01 R/O and Sled Agent James Helms traveled to the SC Department of Public Safety / Highway Maintenance Shop in Orangeburg, SC where we arrested Marion Bowman Sr. R/O informed Marion Bowman Sr. of his Miranda Rights from a pocket card. We then transported Bowman back to the Dorchester County Sheriff's Office St. George Office. Upon arrival at the Sheriff's Office officers escorted Marion Bowman Sr. into R/O's office where R/O again informed Bowman of his Miranda Rights, this time from a standard Miranda Rights / Waiver of Rights Form. Marion Bowman Sr. indicated he understood his rights and signed the Waiver of Rights form.

06/05/01 12:30 hours INTERVIEW

MARION BOWMAN SR.
B / M / 6'00" / 170 LB. / [redacted] / SSN: [redacted]3 / SCDL: 004485991
[redacted] Branchville, SC 29432

After being advised of Miranda Rights and Waiving said rights, Marion Bowman Sr. provided Officers with the following information. Bowman stated that following the arrest of his son (Marion Bowman Jr.) his brother-in-law Peter Green came to him and told him that "JR's" wife (Dorothy Bowman) wanted to see him and that she had a gun. He knew his son had bee accused of killing Kandee Martin and he did not want anything to do with any gun. About two, three or four days later Kendra Bowman called him and ask him to meet her at the Zion AME Church Cemetery. She had a black purse that contained a black and gray pistol. Kendra gave him the gun. He gave the gun back to her and told her to wipe his prints off it. Kendra used a rag to wipe the gun down. She then threw it down on the ground near the edge of the cemetery. Bowman picked the gun up and moved it to a location near a tree at the edge of the cemetery. The next day or a couple days later he called Kendra and told her to meet him at the cemetery to get the gun because he did not want it around him or his property. Kendra met him at the church cemetery. She had Yolanda Bowman with her. He gave them the gun and told Kendra to take it back to where ever she got it from. Kendra and Yolanda took the gun and left with it. He stated he did not tell them what to do with the gun and did not know what they had done it. R/O typed out a computer-generated statement as told by Marion Bowman Sr.. He then read the statement and signed it. R/O provided him with a copy of his statement for his records.

R/O completed a booking report for Marion Bowman Sr. and booked him into the Dorchester County Detention Center to await a bond hearing.

06/05/01 R/O spoke to Bradley Cooke by telephone and requested Cooke meet with R/O and Agent Helms at the Dorchester County Sheriff's Office in St. George on 06/06/01. He agreed to do so.

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06/06/01 09:00 hours R/O received call from Bradley Cooke he could not meet R/O at the predetermined time. He agreed to meet R/O and Helms later in the day.

06/06/01 11:00 hours R/O and SLED Agent James Helms met with Branchville Police Chief Boone Walters at the Branchville Police Department. Officers then responded to [redacted], Branchville, SC where Dorothy Mae Bowman was currently living with her mother Vernell Williams. Officers arrested Dorothy Mae Bowman on arrest warrant number G-366242 without incident. R/O informed her of her Miranda Rights from a pocket card Dorothy Mae Bowman had small children, which she left in the care of her mother. Chief Boone Walters was to contact the SC Department of Social Services to inform them of the arrest and location of the children. R/O and Agent Helms then transported Dorothy Bowman back to the Dorchester County Sheriff's Office Detention Center in St. George. Upon arrival at the Dorchester County Sheriff's Office R/O escorted Mrs. Bowman into R/O's office where R/O informed her of Miranda Rights using a standard Miranda Rights / Waiver of Rights Form. Dorothy Mae Bowman indicated she understood her rights and waived her rights. She provided officers with the following information.

06/06/01 INTERVIEW

DOROTHY MAE BOWMAN
B / F / 5'02" / 135 lb. / [redacted]6 / SSN: [redacted] / SCID: 090466251
[redacted] Branchville, SC 29432

Dorothy Bowman stated that she and Marion Bowman Jr. ("JR") have been married for a little over one year. On the Sunday following "JR's" arrest (02/18/01) she was in her house asleep. She had a dream about Kandee Martin where in she saw and talked with Kandee. Kandee told her she thought she (Kandee) was dead. Kandee told her something about going to Hank Martin's house and Joe Rutland's house to get money. Then Dorothy stated that she and Kandee began walking toward the old school building near her house. Dorothy stated she woke up feeling very cold and felt as if someone was in the room with her. She got up and checked on her children before going back to sleep. She started dreaming again and saw "JR's" face. "JR" looked at her and ask her "What the Fuck You Looking At". She stated that this frightened her to the point that she woke up because she knew that "JR" was in jail. She thought that he might have somehow gotten out of jail so she got out of bed and began looking in the house for him. He was not in the residence. She then began searching through the house for "JR's" gun. She checked the sofa and found the gun down inside the front of the sofa, hidden within a fold of material that formed a pocket. The pistol was black. Dorothy then put the gun in her purse and took it to Kendra Bowman and told her where she had found it. She left the gun and the purse with Kendra and returned home. She stated that she did not know what Kendra did with the gun and she has not seen it since. A few days after she gave Kendra the gun she ask Kendra where her purse was and Kendra told her that she still had the purse. Kendra gave her the purse back but did not say anything about the gun. She stated that she had moved from the mobile home that she and Marion had been living in and that her sister had loaned the sofa and other furniture in the mobile home to her and "JR". The furniture had been returned to her sister Sally Bookhart. Sally Bookhart lives at [redacted], Branchville, SC 29432.

R/O produced a computer-generated statement as Dorothy Mae Bowman told it. She then read the statement and signed it. She was provided a copy of her statement. R/O then completed a booking report and booked her into the Dorchester County Sheriff's Office Detention Center.

06/06/01 R/O and Agent Helms returned to Branchville and met with Sally Bookhart and her residence located at [redacted], Branchville, SC. Mrs. Bookhart stated that she in fact had loaned her sister and brother-in-law the living room furniture and that she now had it in her own living room. She agreed to allow R/O and Agent Helms to inspect the sofa and chair from the Bowman family residence. Agent Helms had Mrs. Bookhart sign consent to search form prior to officers beginning the inspection. We discovered that the sofa was actually a sofa bed. The cloth covering was sewn over thick foam type padding and attached to the front structure boards in two sections. They were attached in a fashion that created a tunnel like cavity between the padding and the boards of the sofa. There was a slit between the two sections of padding at the front center of the sofa that

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allowed access to the cavity behind the padding. Agent Helms felt a hard object on the left end of the sofa behind the padding. R/O reached behind the padding and retrieved a box of .380 caliber ammunition that was believed to be of the same brand found at the murder scene. Agent Helms took custody of the box of ammunition for transport to SLED Evidence Log In to be compared to the crime scene evidence.

Sally Bookhart told R/O and Agent Helms that she had heard a rumor indicating that her brother-in-laws Clarence Bookhart and Sammy Bookhart had talked with Tawain Gadson and told him to take Kandee Martins car because Kandee owed them money. She indicated that it was probably for drugs that Kandee had gotten from the two of them.

After retrieving leaving the Bookhart residence R/O and Agent Helms went to the Branchville Police Department where we met with Bradley Alexander Cooke.

06/06/01 16:15 hours INTERVIEW (BRANCHVILLE POLICE DEPARTMENT)

BRADLEY ALEXANDER COOKE
B / M / 5'11" / 168 lb. / [redacted] SSN: [redacted] / SCID: 009111568
[redacted], Orangeburg, SC 29115 (803) [redacted]

R/O and Agent Helms interviewed Bradley Cooke concerning the purchase of the two weapons from Woody's Pawn Shop, particularly the 380 Hi-Point. Cooke stated that he had been living at Roosevelt Garden Apartments in Orangeburg. His brother-in-law, Al Lucas was dating Charmain White at that time. Al Lucas was arrested and was in the Orangeburg County Jail and in need of money to post bond. Charmain White got him to take her to Woody's Pawn Shop so that she could pawn their guns. She pawned a 9mm and a 380. She only received about $100.00 - $120.00 for both the guns. A month or two later Charmain gave him the pawn ticket and he went to the Woody's Pawn Shop where he got both guns out of pawn. He had to wait two or three days for the records check to be completed before he could pick the guns up. When he went to pick them up the store clerk put both guns on the same form and he signed for them. A month or two later he took the 9mm back to Woody's Pawn Shop where he again pawned it. He never went back for it. He had taken the 380 and put it in the glove box of his vehicle that was parked outside his apartment at Roosevelt Garden Apartment Complex. The car broke down and he did not think about his gun. The door lock on his car was broken and he was not able to secure the car, however the glove box containing the gun was locked. He stated that a group of guys started hanging around outside his apartment during that time period. One individual who he only knew as "KEON" and another he thought was named "MUSHAWN" or "MASHAWN". Cooke indicated that both of the individuals have been in trouble because of gun violations recently. Keon was thought to have family living and possibly lived in or near Branchville himself. About one year ago he moved his family to their new property at his current address. He had a towing company tow his vehicle to the new address from Roosevelt Garden Apartment's. He had not checked to see if his gun was in the vehicle until Charmain White called him concerning this incident. When he went to his car he discovered that the glove box had been forced open at some time, and his gun was missing. He has not reported it. He indicated that he had not given the gun to anyone nor had he sold it to anyone. He indicated that he did not know either of the suspects in this case. He had heard the name of "BLACK" but indicated that he has known several people with that street name in the past. He agreed to contact R/O with the proper names of the two individuals listed herein if he can obtain that information.

06/28/01 R/O received a call from Bradley Cooke who stated that the names of the two people he was trying to identify were "TREON" OR "THRERON" Tredwell a B / M / about 19-20 years of age; and Marshawn Williams a B / M / about 18-19 years of age. Both are believed to live in Roosevelt Garden Apartments in Orangeburg, SC.

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07/05/01 R/O and Agent James Helms traveled to Orangeburg and visited the Orangeburg County Sheriff's Office in an attempt to locate any information on Marshan Williams or Threron Tredwell. Officers did find a prior arrest record for Theron Tredwell, B / M / 5'07" / 145 lb. [redacted] / SSN: [redacted] The address given at the time of his arrest was [redacted], Branchville SC 29432 as of 10/13/99. No record could be located for Marshan Williams.

Agent Helms and R/O then visited the Roosevelt Garden Apartment Complex where we met with the Complex Manager. He indicated that Carletha Truewell lived in apartment [redacted]. Theron Truewell is her brother. He indicated that he had not seen Theron in a while. According to Apartment records Marshan Williams was a B / M / 5'03" / 125 lb. [redacted] / SSN: [redacted] He was currently living in apartment [redacted] with his grandmother Clay Sharperson. Their telephone number was listed as (803) [redacted]

R/O and Agent Helms visited apartment [redacted] and located Marshan Williams. He agreed to talk with R/O and Helms. Williams indicated that he did know Bradley Cooke. He stated he had no knowledge of any gun or who might have removed it from Cooke's vehicle. He stated he did not know Marion Bowman Jr. or anyone from Branchville.

R/O and Agent Helms visited apartment [redacted] where we talked with Carletha Truewell. MS. Truewell stated she was Theron's sister and that he had lived with her for some time in her apartment. They do have family living in the Branchville or surrounding area. She stated however that her brother has a mental disorder and that due to his behavior problems he had moved back to Reevesville SC, where he is currently living with his mother Balley Truewell at [redacted], Reevesville, SC. She provided a telephone number of (843) [redacted] for that address.

07/24/01 R/O contacted Mrs. Balley Truewell at [redacted] in an attempt to set up a meeting with her son Theron Truewell. Mrs. Truewell informed R/O that her son has been in and out of mental hospital facilities recently due to his mental health. He is on a number of different medications for his mental illness. She also stated that Theron is now living back in Orangeburg with his sister Carletha, in Roosevelt Garden Apartments. Mrs. Truewell stated that her son has difficulty remembering what happens from day to day and she did not think he would remember what happened a year ago.

07/25/01 R/O spoke to Agent Helms and informed him of the latest information on Theron Truewell. Due to his mental status R/O and Agent Helms feel that an interview with Theron would be nonproductive.

R/O and Agent Helms have not been successful in locating Bruce McClean, Octavia Legree's boyfriend. Octavia Legree has not contacted R/O or Agent Helms since we last spoke to her at her job sight.

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09/17/01 **10:15 AM** R/O met with DEVIN LARS VALENTINE and was provided the following information. **DEVIN LARS VALENTINE, W / M / DOB:** [redacted] / **SSN:** [redacted], **Branchville, SC.**

Devin Valentine stated that he was at Charlie Fralix house when Kandee Martin drove up. Kandee Martin was asking to borrow five dollars for gas so she could go home. Kandee left but later returned. She again asked to borrow five dollars for gas. Charlie Fralix tried to tell Kandee to go home. While Charlie was talking to Kandee, Marion Bowman Jr. came up in a blue car. A black female drove the car and the car appeared to have four or five people in it, however he was not sure of the number of people. Marion Bowman Jr. was seated in the back seat and was hanging out the driver side rear window calling out to Kandee. Kandee told him to wait a minute or something like that, then Marion made a comment toward Kandee, but Devin could not remember what Marion said.

09/17/01 **10:30 AM** R/O met with EDWARD L. WATERS and was provided the following information. **EDWARD L. WATERS, W / M / DOB:** [redacted] / **SSN:** [redacted] / [redacted], **Roseville, SC 29133**

Edward Waters stated that he was at Charlie Fralix house on Friday, February 16, 2001 around dark. Kandee Martin came by and was asking to borrow money for gas so she could get back home. Edward gave Kandee five dollars and she left. She came back later and ask for another five dollars. While they were standing around, Marion Bowman Jr. and two other people in a car. Marion was in the back seat, on the driver side. Marion called out to Kandee and Kandee told him to hold on a minute. Marion said something back at Kandee. Edward could not remember the exact words, however it was something like "I'll get you" or I'll kill you". Edward Waters provided R/O with a written statement of these facts.

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NAME	ALIAS	ADDRESS
BINGLEY, DAFNEY		Unknown / Lives with Bill Bradley, Branchville

NOTE:

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	22					

NAME	ALIAS	ADDRESS
BOOKHART, CLARENCE	"CLARENCE"	Near Marion Bowman Jr. House

NOTE: Sold crack to victim on date of murder / reportedly sells a great deal of crack and other drugs.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M						

NAME	ALIAS	ADDRESS
BOWMAN, DOROTHY MAE	DOT	[redacted] Branchville, SC 29432 Telephone: none

NOTE: WIFE OF MARION BOWMAN JR. / ASSISTED IN DISPOSING OF GUN

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	25	[redacted]	5'02"	135	[redacted]	090466251

NAME	ALIAS	ADDRESS
BOWMAN, KENDRA V.		[redacted] Branchville, SC 29432 Telephone: (803) [redacted]

NOTE: SISTER OF MARION BOWMAN JR. / ASSISTED IN DISPOSING OF GUN

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	22	[redacted]	5'08"	230	[redacted]	007797914

NAME	ALIAS	ADDRESS
BOWMAN, MARION JR.	"JR" "BLACK"	[redacted] Branchville SC 29432 Telephone: none

NOTE: SHOOTER / Supplied Victim with Drugs / Hid under bed / had victim's watch in his pants pocket / false information about gun / others saw him with gun prior to & after the murder / lied about Terry Kelly involvement. WIFE & MOTHER both named Dorothy / says mother is his best friend & they share everything – keep no secrets from each other.

SID: SC01182185 / FBI: 111004HB1

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	20	[redacted]	6'03"	200	[redacted]	

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NAME	ALIAS	ADDRESS
BOWMAN, MARION SR.		, Branchville, SC 29432 Telephone: (803)

NOTE: FATHER OF MARION BOWMAN Jr. / ASSISTED IN DISPOSING OF HI-POINT 380.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	44		6'00"	170		004485991

NAME	ALIAS	ADDRESS
BOWMAN, YOLAND0 CLINQUE		UNKNOWN,

NOTE: SISTER OF MARION BOWMAN JR. / Owner of blue VW – Fox 4 door / Allegedly called Tawain Gadson & told him to come get Marion's gun.

SID: NONE FOUND / FBI: NONE FOUND

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	19		5'08"	215		007827387 ID: 090458272

NAME	ALIAS	ADDRESS
BRADLEY, WILLIAM	"BILL"	UNKNOWN, Branchville, SC 29432

NOTE:

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	39		5'10"	185		

NAME	ALIAS	ADDRESS
BROWN, CAROLYN LEVERN		Villa Apartments, Branchville, SC 29432 Telephone: none

NOTE: GIRLFRIEND OF TRAVIS FELLDER / WENT TO ALLEN MURRAY CLUB TOGETHER / RETURNED TO BRANCHVILLE AROUND 3:05 – 3:10 AM STOPPED AT HORIZON GAS STATTION / WENT TO APARTMENT / "JR" CAME TO APARTMENT AROUND 3:20 – 3:30 AM GOT TRAVIS TO TAKE HIM HOME.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	25		5'04"	190		

NAME	ALIAS	ADDRESS
CARMICHAEL, WILLIAM	"BILL"	UNKNOWN (66 Area), Branchville, SC 29432

NOTE:

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	56		5'11"	189		

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NAME	ALIAS	ADDRESS
COOKE, BRADLEY ALEXANDER		[redacted], Orangeburg, SC 29115 Telephone: (803) [redacted]

NOTE: Acquaintance of Charmain White / RETRIEVED THE 380 CALIBER PISTOL FROM WOODY'S PAWN SHOP / LAST PERSON KNOWN TO HAVE POSSESSION OF HI-POINT 380 CALIBER PISTOL PRIOR TO MARION BOWMAN JR.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	40	[redacted]	5'11"	168	[redacted]	009111568 / SCID

NAME	ALIAS	ADDRESS
FELDER, TRAVIS DAWIT	"TRAY"	[redacted], Branchville, SC 29432

NOTE: CO-DEFENDANT / FOLLOWED Marion Bowman back to crime scene / assisted Bowman in dragging victim from woods and putting her in car / was present when body and car were burned / provided transportation for Bowman from the crime scene.

SID: NONE FOUND / FBI: NONE FOUND

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	19	[redacted]	5'03"	120	[redacted]	007742772

NAME	ALIAS	ADDRESS
FOGLE, JOE		[redacted], Branchville, SC 29432 Lives in Yellow house

NOTE: Overheard Marion Bowman Jr. threaten woman named "LIZ" with gun at Villa Apt.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	51					

NAME	ALIAS	ADDRESS
FRALIX, CHARLES LEE	CHARLIE	[redacted], Branchville, SC 29432 Telephone: 803-2[redacted]

NOTE: BOYFRIEND OF VICTIM (KANDEE MARTIN)

SID: SC00357210 / FBI: 314912WA6

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M	39	[redacted]	6'00"	190	[redacted]	

NAME	ALIAS	ADDRESS
GADSON, JAMES TAWAIN	"GAP" "LITTLE GAP"	[redacted] Branchville, SC 29432 Telephone: [redacted]

NOTE: CO-DEFENDANT / WAS PRESENT WHEN VICTIM WAS KILLED / Purchased a HIGH-POINT 380 Model CF – Serial Number: P732433 from Woody's Pawn Shop, Orangeburg, SC on 7-31-2000. This gun is believed to be the gun used in Murder./

SID: SC01311314 / FBI: 215924NB5

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	22	[redacted]	5'10"	144	[redacted]	

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

NAME	ALIAS	ADDRESS
JOHNSON, HIRAM EUGENE		[redacted], Branchville, SC 29432 Telephone: [redacted]

NOTE: Went with Marion Bowman Jr. to purchase gloves / Went to Allen Murray Club with Bowman, Gadson & Williams in victim's car / Was present in car when Bowman & Felder put body in car / was last seen by Williams & Gadson in car with Bowman prior to car burning / saw Marion with gun / Prior trouble with Police – was shot in head during U/C gun deal by OCSO / Appears to have some mental disability as result of being shot.

SID: SC01152287 / FBI: 740157FB0

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	19	[redacted]	5'07"	160	[redacted]	

NAME	ALIAS	ADDRESS
KELLY, TERRY DARNELL	"PEANUT" JERRY KELLY	[redacted] St. George, SC 29477 Telephone: unknown

NOTE: Bowman named him as shooter / later cleared / Bowman also implicated him & Elton "PAT" Bryant as having shot or participating in the murder of Andrae Cummings

SID: SC01196095 / FBI: 742971MB5

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	23	[redacted]	5'03"	145	[redacted]	

NAME	ALIAS	ADDRESS
KOGER, DEZZIE		[redacted], Branchville, SC 29432 Telephone: (803) [redacted]

NOTE: HALF BROTHER OF HIRAM JOHNSON

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	19	[redacted]			UNKNOWN	

NAME	ALIAS	ADDRESS
KOGER, MERLIN		Lives on the "HILL", near Marion Bowman Jr.

NOTE: MOTHER OF DEZZIE KOGER

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	F	48/50					

NAME	ALIAS	ADDRESS
KOGER, WILLIAM "HANK"	"HANK"	[redacted], Branchville, SC 29432 Telephone: Unknown

NOTE: Talked with Marion Bowman Jr. under tree at Villa Apartments / reportedly saw his gun prior to murder

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	50	[redacted]	6'00"	250	[redacted]	

DORCHESTER COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

REPORTING OFFICER: Sgt. Alvin M. Coker **CASE NUMBER:** 01001493

NAME	ALIAS	ADDRESS
WALTERS, EDDIE		Branchville, SC 29432 Telephone: 843-829-1822

NOTE: FRIEND OF CHARLES FRALIX / was with Charles on the night of incident / saw Marion Bowman Jr. in car in front of Charles Fralix house when Kandee was there

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
W	M	20					

NAME	ALIAS	ADDRESS
WILLIAMS, DARIAN ANTONIO	"POP"	, Branchville, SC 29432 Telephone:

NOTE: WENT WITH James Tawain Gadson ("GAP") to purchase gas / Went to Allen Murry Club with Bowman, Gadson, & Johnson in victim's car / Saw Marion with gun before & after Murder / watched Marion Bowman Jr. & Travis Felder pull body from woods & put in car.

SID: NONE FOUND / FBI: NONE FOUND

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	19		6'02"	150		090508441

NAME	ALIAS	ADDRESS
WILLIAMS, MARSHAN		APT. Roosevelt Garden Apartments, Orangeburg, SC 29115 Telephone: (803)

NOTE: Lived near Bradley Cooke in Roosevelt Garden Apartment's / Acquaintance of Treron Truewell also of Roosevelt Garden Apartment's / The two of them hung out in front of Cooke's Apartment where Cooke had gun in glove box. Cooke believes that they might have taken his gun but has no evidence to prove it. They both have friends / relatives I Branchville, SC.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	18		5'03"	125		

NAME	ALIAS	ADDRESS
WILLIAMS, NESBERT KEON	KEON	, Branchville, SC 29432 , Branchville, SC 29432 Telephone: (803)

NOTE: Works for the Town of Branchville Water & Sewer Department / BROTHER OF DARIAN "POP" WILLIAMS / SAW "JR" & TAWAIN ("GAP") WALK UP TO HANK KOGERS HOUSE FROM THE DIRECTION OF THE OLD COAL PLANT / "GAP" WAS ACTING STRANGE & JITTERY / HAS SEEN "JR" WITH GUN IN PAST BUT DID NOT SEE A GUN ON DATE OF INCIDENT.

RACE	SEX	AGE	DOB	HGT.	WGT.	SS NUMBER	DL NUMBER
B	M	25		5'09"	175		

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sub abuse 13
school problems
mother disabled
head trauma
- no finish

CONFIDENTIAL-SOCIAL WORKER/ATTORNEY WORK PRODUCT

SUMMARY OF FORENSIC PSYCHO-SOCIAL ASSESSMENT

by Jeff Yungman, MSW, LISW
License No. 772

May 21, 2002

INTRODUCTION

Marion Bowman Jr. is a 21-year-old African American male, currently incarcerated in the Dorchester County Detention Center, who was referred by his attorneys, Norbet Cummings and Marva Hardee-Thomas for a forensic psycho-social assessment.

The purpose of the assessment was to:

1) Determine if there is any evidence that Marion Bowman Jr.'s social and emotional functioning as a child and a young adult was affected by any childhood trauma or family dysfunction.

2) Determine if there is any evidence that Marion Bowman Jr.'s social environment played an adverse role in his level of social and emotional functioning.

3) Determine if there is evidence that Marion Bowman Jr. has a significant history of mental illness or substance abuse.

4) Determine if there is evidence that Marion Bowman Jr. suffered any significant head trauma as a child or young adult.

5) Determine if there is evidence that Marion Bowman Jr. has a significant history of prior criminal convictions involving violence against another person.

The procedure for this forensic psycho-social assessment involved:

1) A complete review of all available records pertaining to Marion Bowman Jr.'s social history including:

   a) school records for Marion Bowman Jr. from Branchville Elementary, Bowman Elementary, P.S. 37 in New York City, and Branchville High School

   b) records from Marion Bowman Jr.'s attendance at the Dawn Center, a program sponsored by the Tri-County Commission on Alcohol and Drug Abuse

   c) medical records for Marion Bowman Jr. from Orangeburg Regional Hospital

   d) group counseling records for Marion Bowman Jr. from the William J. McCord Adolescent Treatment Facility in Orangeburg

   e) Dorchester County Sheriff's Office Investigative reports for the incident of 2-17-01

   f) an evaluation report on Marion Bowman Jr. from William S. Hall Psychiatric Institute dated 5-01

   g) Department of Social Service records for Marion Bowman Jr. and his family 1985-2000

2) Four focused interviews with Marion Bowman Jr. on 3-22-02, 3-26-02, 4-29-02, and 5-11-02

3) Interviews with the following people involved in the life of Marion Bowman Jr.

   a) Dorothy Denise Bowman, mother
   b) Mary Ellen Gadson, grandmother
   c) Kendra Bowman, sister
   d) Lorraine Johnson, aunt
   e) Mary Johnson, aunt
   f) Rev. Jean Lincoln, aunt
   g) Frances Bruce, aunt

h) William E. O'Quinn, family doctor
i) Velma Young, seventh grade teacher
j) Sidney Zemp, principal Branchville High School
k) Jennifer Thompson, sixth grade teacher

4) Development of a chronology of Marion Bowman Jr.'s life events based on the records and interviews

5) Development of the forensic psycho-social assessment summary and interpretation of findings

SOCIAL HISTORY

Marion Bowman Jr. was born on [redacted] in Orangeburg, South Carolina. He weighed 5 lb. 4 oz. at birth and had to stay in the hospital an extra day due to an increase in bilirubin. Other than the bilirubin increase, there were no reported problems with the pregnancy or delivery.

At the time of Marion's birth his mother, Denise Gadson, was married to Marion Bowman Sr. Marion's parents were married in 1978 when his mother was 15 and his father was 20. Marion has an older sister, Kendra, who was born in 1979 and just after his first birthday, Yolanda, Marion's younger sister, was born.

When Marion was approximately three-years-old, his parents separated. He and his mother and sisters moved in with his maternal grandmother, Mary Ellen Gadson. According to all the family members, Mr. Bowman was physically abusive to Marion's mother. They all reported seeing Ms. Bowman with bruises as a result of the beatings. Mr. Bowman also reportedly knocked out his wife's teeth using brass knuckles. Marion's sister, Kendra, reported that there was constant fighting in the house. She stated that her father used to rake the yard when he left so that he could see if her mother left the house without his permission or drive away and then quickly return to check on his wife. When Marion's mother finally had enough, she loaded her children into a little red wagon and left Mr. Bowman with just the clothes on their backs.

After his parents separated, Mr. Bowman reportedly had nothing to do with the family, making it both financially and emotionally difficult on his children, especially Marion. According to Marion and his sister, Mr. Bowman would say he was coming over to see his children and then not come. If they should run into him in town, Mr. Bowman would show his children that he had money, but then not give them any. Mr. Bowman's behavior was particularly disappointing to Marion. Marion stated that he wanted to have a close relationship with his father, but his father would not allow it. Marion believed that all his father did was lie to him.

By the time Marion was five and starting school at Lockett Elementary (now known as Branchville Elementary) his family had moved to the Turnkey Apartments in Branchville. His mother was on welfare and the family experienced financial difficulties. Marion and his sisters were described as deprived, dirty, and wearing tattered clothes. They never had "stuff" like other people. Two years later Mr. Bowman filed for a divorce on the grounds of one year continuous separation. Ms. Bowman did not contest the divorce.

Marion's mother found it difficult, at age 21, to be a single mother with three children age 5 and under. Ms. Bowman was described as "real strict." She "boxed" the children or "beat" them daily. Ms. Bowman disciplined her children by "cutting their behinds" using switches or a belt. According to relatives while raising her children Ms. Bowman was known to drink. She was also suspected of using drugs and was arrested for possession of drugs with the intent to distribute.

In 1986 the palm of Marion's right hand was burned when he reportedly placed it on a kerosene heater. According to hospital records the hand was burned bad enough to blister. This injury was the second childhood injury Marion suffered. When he was 18 months old he broke his right ulna and radius when he reportedly "fell off the porch. Also in 1986 Marion was involved in an automobile accident. According to hospital records he suffered a contusion of the forehead when he flew forward and struck his head on the back of the front seat.

Marion 's school performance in first, second, and third grades was uneventful, although an answer sheet for a standardized test taken in the first grade lists him as "handicapped" and in third grade a letter was sent home notifying his mother that Marion's scores on the Basic Skills Assessment Test were below state standards.

By fourth grade Marion's school problems accelerated. In one incident Marion asked to go to the bathroom but was refused permission because the class had just had a break. He defecated in his pants and the school never contacted his home. He was forced to ride home on the bus "stinking bad" and the other children making fun of him. The next day Ms. Bowman took the dirty pants back to school and put them on the teacher's desk. Ms. Bowman and the teacher had words and the teacher reported that Ms. Bowman had threatened her. This action by Ms. Bowman began a pattern of behavior when dealing with the school. According to school personnel, whenever the school had a problem with Marion, Ms. Bowman always sided with Marion. She was not supportive of the school, she did not make Marion responsible for his actions, and she gave Marion no guidance. A few months later a teacher grabbed Marion around the left arm causing abrasions and an injury. Marion failed the fourth grade. Given Marion's impulsive behavior at school and the description of him as a "move about child," fourth grade may have been the onset of Attention Deficit Hyperactivity Disorder (ADHD) for Marion. However, nothing was done by the school or Marion's mother to explore this possibility.

The same year Ms. Bowman became bed-ridden with back problems for an extended period of time. Her children Kendra, age 10, Marion, age 9, and Yolanda, age 7, had to do everything for her including preparing food, feed her, change her and her bed, and clean her after bowel movements. The children would be late for school or miss school entirely because they were caring for their mother. Other family members helped occasionally, but the majority of the care was provided by Kendra and Marion. It was not until 1991, when Ms. Bowman had back surgery to remove a disk from her back, that she was able to begin caring for herself again.

The next year, 1990, Marion's father remarried and Marion's mother's boyfriend, Joseph Sims, moved in with the family. By all reports Joseph Sims was a stabilizing influence in Marion's life, both financially and emotionally. Mr. Sims intervened when Marion had problems in school. He cooperated with the school and held Marion accountable for his behavior. However, Mr. Sims was a long distance truck driver and was away from the home a great deal. Marion repeated fourth grade and his repeating caused additional problems. He was suspended for five days and was referred to an intervention program for students with chronic behavior problems. The same year Marion began experimenting with alcohol by stealing sips from drinks from his uncles. Marion's use of alcohol is not surprising. Both his mother and father drank and their is a history of alcohol abuse with the men on the maternal side of his family.

During summer break after his second year in fourth grade, Marion and his family, including Joseph Sims, moved to New York City and stayed in a downstairs apartment at Mr. Sims' mother's house. Marion attended P.S. 37, although there is no record at Branchville Elementary that his school records were ever requested from New York. His teacher noted that Marion had problems completing his homework and classroom assignments. He also missed part of his lessons due to daydreaming.

By 1992 Marion and his family moved back to Branchville and returned to Branchville Elementary for the sixth grade. That year his behavior resulted in an expulsion hearing. Reportedly Marion went after another student with a pine limb. The limb had to be forcibly taken from Marion. Rather than be expelled Marion was placed on probation the rest of the school year.

Marion's school problems continued in the seventh grade. He exhibited behavior problems in both the D.A.R.E. program and in class. A letter was sent home advising his mother that Marion was in danger of being suspended. There is no evidence, even with a succession of behavior problems, that the school ever was proactive in addressing Marion's problems or developed an Individualized Educational Plan (IEP) or a 504 accommodation plan to deal with Marion's behavior.

In 1994 Marion entered the eighth grade at Branchville High School. Due to his behavior he was referred to the Dawn Center in Orangeburg for structured group counseling. An assessment was conducted on Marion while he was at the Dawn Center. The records from the Dawn Center indicated that Marion wanted a closer relationship with his father and that he resented his father for his refusal to maintain that relationship. That same year Marion had an encounter with his father, Mr. Bowman, that had a lasting effect on his life. Marion and his sister, Kendra, ran into their father at a store in Orangeburg. They both needed money for a school field trip and asked their father for the money. Mr. Bowman gave $10 to Marion, but told Kendra to get the money from her mother. Marion threw the $10 down on the floor of the store and told his father he did not need his money. Marion stated that it was on that day that he realized that it was up to him to help care for his family.

Later the same year Marion began selling drugs. He mowed lawns and did yard work to earn money which he then used to purchase drugs (marijuana) to sell. The first time he made money he bought cleaning supplies for the home and the second time he bought clothes for his sisters. Also in 1994 Marion, at age 14, began drinking on weekends on a fairly regularly basis.

In the ninth grade Marion's mother was notified twice that his grades were unsatisfactory. In the tenth grade he was referred to the Alternative Learning Environment Program (ALEP) for students who cannot complete their regular classroom assignments. Before Marion finished the tenth grade he dropped out of school. He was failing four courses and his final GPA was 1.50.

While he struggled in school, from 1995 to 1997 Marion experienced a succession of traumatic events that profoundly affected him. In 1995 his cousin Orin, who he was very close to, fell and hurt his arm at school. He was taken to the Orangeburg Medical Center where he was given the wrong medication and he died. Orin's death bothered Marion so that at one point after Orin died Marion was driving a car and thought he saw Orin in the road. Marion stated that he swerved his car and ran off the road in an effort to avoid Orin.

In 1997 Patrick, another cousin Marion was close to shot himself with a gun he had gotten from Marion; a gun Marion had stolen in a burglary the day before. Marion still feels responsible for Patrick's death. Patrick's death "ate up" Marion. His guilt became so bad that Marion's mother insisted he go to mental health. He went once and never returned. Also in 1997 Joseph Sims left Marion's mother becoming the second father figure to abandon Marion. With Mr. Sims leaving, the family moved again making eight moves in 17 years. In addition to these emotional traumas, in 1997 as well, Marion was hit in the head with a small baseball bat and was unconscious for ten to fifteen minutes. Marion was injured trying to stop a man unknown to him from hitting a female.

In 1998 Marion was convicted of third degree burglary and sentenced under the Youthful Offenders Act. He served 104 days shock incarceration and given two years probation. After his release from prison Marion held a succession of construction or rebar jobs, but remained essentially employed until his most recent arrest. His relatives, especially his grandmother, Mary Ellen Gadson, and his "Aunt Mimi," Mary Johnson, reported that Marion was always willing to help them around the house or in the yard as a courtesy.

In 1999 Marion lost another father figure when his maternal grandfather, Robert Gadson Sr., passed away. Marion stated that Mr. Gadson was "his life" and he felt "dead" with his grandfather's passing. Marion also admitted that his alcohol use, which had become a daily thing, got much worse after his grandfather died. Also in 1999 Marion married Dorothy Mae Williams. They are still currently married and Marion was never known to be violent toward his wife. Ms. Williams had two children, Teeijion and Corijion. By all reports Marion treated Ms. Williams children as his own, he had a very good relationship with them, and they loved him. In addition, Marion and Ms. Williams have a daughter, Mirissa, who was born in 2001.

Marion was arrested again in 2000 on charges of 1st degree burglary, two counts of armed robbery, and assault with attempt to kill. In June 2000 Marion was found not guilty on all counts. He had served 150 days in jail awaiting trial. Two months later Marion suffered a second head trauma when he fell back and hit his head on a bench and then on the concrete. He was unconscious for approximately five minutes. Although he had a deep gash on his head and suffered from severe headaches and blurred vision, Marion refused to go to the hospital. He reportedly would not go to the hospital because he feared he would be given the wrong medication like his cousin, Orin. By 2000 Marion's use of alcohol was becoming progressively worse. He drank every day of the week, usually to the point of intoxication with Old English Malt Liquor and gin being his drinks of choice.

CONCLUSIONS

After reviewing all the information obtained through interviewing and records, the following conclusions can be drawn regarding Marion Bowman Jr.

1) There is evidence that Marion Bowman Jr.'s social and emotional functioning as a child and young adult was affected by childhood trauma and family dysfunction.

2) There is evidence that Marion Bowman Jr.'s social environment played an adverse role in his level of social and emotional functioning.

3) There is no evidence that Marion Bowman Jr. has a significant history of mental illness, but there is evidence that he has a significant history of alcohol abuse.

4) There is evidence that Marion Bowman Jr. suffered head trauma at least twice in his life. However, there is no documented medical evidence that the trauma was significant.

5) There is no evidence to indicate that Marion Bowman Jr. has a significant history of prior criminal convictions involving violence against another person.

Assuming that these conclusions are true, how do they impact Marion's decision making process? The idea is to envision a problem as one side of a valley and the options in behavior to solve the problem the opposite side of the valley. The decision making process then is the bridge that spans the valley and helps an individual make the most appropriate choice.

In Marion's case that decision making bridge is supported by such things as he was helpful to other family members, he was good to his step-children, he was able to maintain employment, and he had no criminal convictions for violent crime. At the same time there are things that work to weaken this decision making bridge such as Marion's mother becoming a mother at age 15, his witnessing domestic violence in the home, he was virtually abandoned by his father, the family's financial difficulties, his mother's invalid condition and possible drug use, and a family history of alcohol abuse.

As any individual weighs their options when faced with a decision, factors in their life influence that decision making process. Or in Marion's case, while he is attempting to negotiate the trip from problem to choice, his bridge is weighed down by a number of factors including: his chaotic, deprived childhood, his impulsivity, physical abuse, his poor school performance, his mother's unwillingness to cooperate with the school and hold Marion accountable for his actions, his low IQ, his school behavior problems, the lack of school intervention, having to care for his mother when she was an invalid, his age, the traumas of his cousin Orin dying, his cousin Patrick dying, his grandfather dying, and Joe Sims leaving, and his alcohol abuse. All too frequently for Marion, these factors not only weigh down the bridge, but collapse it entirely, limiting Marion's choice options. As a result, in any given circumstance, Marion is likely to make a poorly thought out, impulsive decision, even when that decision could result in serious consequences to himself or others.

DEFENDANT'S EXHIBIT 12

STATE V. MARION BOWMAN

TIME LOG

Mitigation Specialist: Dale M. Davis

Time from 7/30/01 through 11/28/01

Date	**Time/ Mileage**	**Activity** (See attached Release Tracking for additional information)
7/30/01	2.5 Hours 61 Miles	Travel to Dorchester Jail; No authorization there to see Δ, waited over an hour while jail personnel attempted contact M. Hardee-Thomas; unable to see Δ; Msg later from atty to get letter from her office.
8/7	8 92 Miles	Travel, initial interview with Δ, Branchville HS & copied permanent record, spoke with guidance counselor, went to Δ's grandmother's home & met with mother
8/8	1	Review of school records for additional info & any noted referrals for which records can be obtained, Notes to interview with mom
8/11	2.5	Locate addresses of hospitals, doctor, programs provided in interviews with Δ & family, prep letters & releases for mailing, TCT agencies sending releases, prep report on info from 8/7 meeting with Δ
8/14	1.5	Contact agencies & prep additional ltrs for info release, mailed; Organized school records
8/15	8.75 94 Miles	Summarized school info by year, grade, etc.; Calls to Branchville HS, Dawn Center, O'burg P&P – faxed rel.; Travel Branchville, interviewed mother, sister (Kendra), wife and grandmother; met with principal Branchvl HS; visit Δ at jail; received fax info from Dawn Ctr. re requested info
8/17	.5 8 miles	Travel to Marva's office to look for records of EEG & brain scan, per Lisa records at N. Cummings' office, went there & records were out of office, left card for return call
8/20	.1	TCT N. Cummings' office re records, Left message – no info available
8/25	.5	PO for mail, Rec'd records from several doctors & agencies, brief check to records, log receipt and create file.
8/27	1	TCT Marva's office, Norbert's office; TCT Wm. S. Hall re EEG & scan, referred to neurology, TCT neuro., prep ltr & faxed with release to Dr. Steedman, mailed ltr.
8/28	.25	Ltr re info requested to Marva
8/29	1	Picked up SCDC Med Records, read portion; TCT Orangeburg Hosp
9/25	7 103 Miles	Travel - N. Cummings' office-unable to see file, didn't know if it was there or not, LMsg and card with sec re need to get access to records; visit with Δ at jail; Attempt to visit family friend & mom's old boyfriend in Bowman, no one home; stopped by doctor's office & grandmother's
9/26	.5	Prep list of family members, addresses, #'s & directions to homes; TCT O' Burg Hosp re records; TCT Wm. S. Hall & fax state release to medical records; TCT & TCF Marva re need to see files at N. Cummings' office.
9/27	.5 10 miles	TCF Cummings' office, file ready, picked up records from Cummings office, all discovery copied to me (more than 1000 pages)
9/28	3	Went through portion of documents provided, sorted out portion of multiple copies of same documents, read statements, police reports, forensics

10/22,24	1	TCT's to various relatives re setting up interviews; Prep ltr for lawyers re meeting & faxed (10-24)
10/25	2.5	TCT Carol re bills for copy services previously provided to them & was advised they had no money to pay, I should pay & be reimbd later, wrote check & mailed; Discussion re this case & Beaufort case & Marion's request for info related to that case; Located numbers of additional doctors found in medical records; Went through remainder of discovery
10/27/01	4 102 Miles	Travel Branchville, interviewed three family friends
10/29	4	Transcribe interview with Joseph Sims, mother and sister; TCT Cummings' office re meeting; Review, organize & prep summary chart for medical records obtained to date; TCF Dr. Chin; TCT Dr. Carrone, prep ltr & mail with release; transcribe notes from visits with Δ
10/31	7 149 Miles	Orangeburg-Dawn Center & Family Health Center; Branchville-met with several family members (Mom, sisters, wife, uncle & cousin); St. George-visit Δ at jail.
11/3	1.5	Ltr to N. Cummings & faxed, Combine mom's interviews
11/12	5.5	Interviews with Marion integrated into single report, report for mom & Kendra interviews, Lengthy work on timeline involving review of multiple records for information
11/26	5	Prep info to take to atty's offices, TCT father re meet with him, add to summary of medical info, work on timeline, prep'd reports on wife, uncle, and cousin interviews, outline documents prep'd, TCT family re need to contact wife
11/28	.5	Deliver mitigation information to attorney's offices; spoke with Carol again re need to meet with atty.
		69.1 Hours , 621 Miles

Time from 11/29/01 through 1/24/02

11/29/01	.5	TCT Dr. Morgan
12/5	3 30 miles	Dorchester Health Center re records – Torsha; SCDC Restitution Center – D. Brown P&P; Prep report from notes Director, Dawn Ctr, locate police reports, etc. requested by Dr. Morgan, Prep & print reports and info for Dr. Morgan; TCT Δ's dad, appt to see tomorrow
12/6	6 130 Miles	Travel, O' Burg Ct.House Cl of Ct.. Probate, PD Office, jail for various records related to Δ, met with Marion, Sr. & interviewed
12/10	3 10 Miles	Prep report from interview with dad, Prep ltr & packet for Dr. Morgan - copy multiple records, cc ltr to attys, mail
12/13	6 85 miles	Lengthy visit with Δ, went to Branchville Elementary School and met with teachers separately, left card & message for another
12/17	1	TCT's to both atty's offices re team meeting, sch'd for 1/7, Calls to Don Gimdt & Robert Minter, Ltr to all members re meeting
2002		
1/3/02	.5	Call to teacher, interviewed, review notes and clarify

1/5	2	Review all statements and info for mtg, prep mitigation outline & info needed
1/7	3.25 10 Miles	TCT Dr. Morgan re status & his needs, Meeting with both attys, Don Girndt, & Bobby Minter, appt time for Dr. & lawyers to meet with Δ
1/8	1	TCT's Dr. Morgan, Jail re appt for 1/10, prep ltr to confirm, faxed to jail, Marva, Norbert; TCT Grandmother, Dr. Brian West
1/23/02	.66	TCT GM, Dr. West - faxed State eval and EEG, Scan results to Dr. West
1/24	7.5 102 Miles	TCT Family members, travel; Lockett Elem., principal; Branchvl, met with mom, wife & GM; cousin's house, not home; another cousin, interviewed; jail, visit Δ
		34.41 Hours, 367 Miles

Time from 2/14/02 through 3/5/02
(Previously unsubmitted)

2/14	.1	TCF Marva's office re names of experts for order, provided J. Yungman – Forensic Social Worker and Dr. Brian West – neuropsychologist; advised that other experts were discussed at meeting re forensic evidence but I did not know who they were.
2/16	1.25	TCT Cummings' office re Dr. West expert info, Carol not in; TCT Dr. West office re "did he send info to lawyer?", person in his office related that he the info sent previously had been misplaced, needed it faxed again ; Located police field notes from Fralix & friends, & Katrina statement, reviewed; Prep'd memo re kerosene heater & info obtained from relatives, faxed to both attorneys
2/22	1	TCT Dr. West re info (TCF his office yesterday), he had located previously faxed evaluations, provided detailed information about case to him and advised about arrangements that must be made for him to test Δ, advised need CV & fees, discussed payment & order for payment, provided phone #s of lawyers; TCT Dr. Morgan re evaluation done in Jan.; TCT Marva's office
2/26	5 10 miles	Calls prep'd and faxed ltrs to Branchvl Police Dept, Fire Dept., Orgbrg Jail, Dorchester Jail, Orgbrg Sheriff, Dorchester Sheriff; Calls to Family Health Ctr, DHEC, DJJ, Principal (retired) of Branchvl Elem, & Bobby Minter, investigator; prep info for subps & faxed to Cummings' office, picked up stamped subps from his office.
2/27	8 141 miles	Travel to Branchvl Police Dept. for old files & talked w/ lady there who had worked at old high school when Δ's mother, aunts & uncles went there as well as Δ, contact w/ fire dept., traveled to O'burg: O'burg Sheriff's Office & jail, O'burg DJJ-contacted legal for procedure re old juv file, will obtain from Clba if possible, if archived-have to go to Clba, health dept.; home of principal in Brnchvl, interviewed Mr. Dufford & prep'd report; Back to Branchvl Fire Dept.;Visit with Δ at jail
2/28	.1	TCF Theresa Holland, DJJ – will pick up file from Clba & have in her office tom., Advised will contact next week re meeting her to view file
3/5	.33	TCT Theresa Holland re seeing file; Ltr to MHT re files to Δ at jail, cc: NC
3/6	.2	TCF T. Holland, DJJ, she provided info from file as to Δ's contacts with them so that I did not have to travel back to O'burg – no evals, several chrgs dismissed, one diverted for comm svc & nol prossed
		15.98 Hours , 151 Miles

Date	Time/ Mileage	Activity
3/7/02	1.5	TCF Marva re billing needed for OID, advised I had sent the info to Carol earlier, She needs everything I have done to date, prep'd ltr & packet (current & previous bills with time los, list of all persons interviewed, summaries of sch & med, last list of packet info from 11/01, rel/tracking sheet, out of pocket expenses, timeline) of info with requested info, mailed 3/8
3/12	4	TCT Dr. West, Lmsg; TCT MHT re order for Yungman & West, she called NC's office & lmsg to contact me re Jim Aiken, call from Aiken & he's available partial week of 5/20; Work on mitigation phase topics "good guy," experts & childhood conditions/events; TCF Dr. West office, awaiting confirmaiton of signed order, made notes re behavior after head injuries for Dr. West; prep'd letter for jail re room reqmts for eval & equipmt being brought in; Read & organized old police reports collected 2/27
3/13	.5	Prep'd ltr to Cummings re West & jail, attempted to fax, not successful, faxed 3/14
3/14	3.5	Msg from MHT, funding approved for Jeff Yungman, Dr. West and another expert not involved with mitigation plus need for more info on Jim Aiken; Prep'd ltr to MHT re Jim Aiken; TCT Dr. West's office re making appt. lmsg; TCT Jeff re funds approved & discussed possible mitigation strategy, will meet with Δ at jail and mom at home on 3/19; Faxed ltr to both attys.; Reviewed over school records for test results compared to grades, called special ed educator for standards re referral to special ed or assistance; TCT Ms. Gadson re get in touch with Mom
3/15	2.5 87 Miles	Travel to Branchvl School, teacher left sick; picked up records at jail, met with mother (2.5 hours at court for motions hearing to get idea of case direction & content – no charge)
3/18	1.5	TCT Jeff re seeing mom, etc., TCT Dr. West, made appt., called jail, completed ltr. to jail & faxed to jail, MHT,NEC, & Dr. West; Ltr to NEC re ltr & id in jail file re polygraph, faxed with attchmts to NEC & MHT; TCT Ms. Gadson re contact Kendra, asked to come up & go through her pictures to look for photos of Marion, she said she did & couldn't find any, would not agree to let me come & go through them w/ her
3/20	.25	Started "to do" list; Faxed note to NEC re need to come to his office to copy SCDC & jail records to send to Jim Aiken, TCF Carol & said could come but she had to be there.
3/21	4.66	Extensive review of multiple documents, added additional info to Sch summary, TCT Dufford re letter in file, made list of things need to discuss w/ guidance counselor; constructed comprehensive "to do" list; printed various documents to provide to Jeff Yungman, review to brief him on case while traveling to Branchvl tomorrow; TCT O'burg jail and made arrangements to meet with detention officers from 2000 incarceration; TCT to J. Sims' mother re contact him, attemtped to reach at # provided
3/22	6.25 92 Miles	Branchvl with Jeff, interviewed several family members, went to Branchvl HS, met with Δ at jail.
3/24	.3	TCF Cynthia Sims w/ info on Joseph, TCT Joseph – made arrangements to call again on 3/26 (cld but not in, Lmsg.)

4/2	6.6	TCF Mr. Dufford 3/27 re ltr in school file; Attempts to reach several fam. members & school (closed this week), TCT NEC office re appt, TCF MHT office wanting meeting w/ experts tom. night; TCT NEC office again, lmsg re call from Marva & ? if he wants to change time to see me; Added to mitigation list Calls to Dr. Morgan, Jeff Yungman, Don Girndt, Bobby Minter; Calls T&F attys offices; TCF Dr. West office re directions to jail, faxed timeline for info on head injuries; added to timeline; multiple contacts of witnesses, arrangements to meet with them, internet search for numbers and calls to former employers, Calls DSS, SCDC, lawyer who handled parents divorce; information sheet re psychosocial assessemt & possible areas of mitigation from Jeff Y., reviewed & contacted, contacted dad's family members
4/11	8 69 miles	TCT's to Branchvl School, O'burg Dist office for spec ed, faxed release, former employer – Moody, interviewed & faxed release for employment records; St. George – Jackson v. Deno hearing
4/12	3.5 69 miles	St. George for hearing, cross-examination of Marion by solicitor
		43.06 Hours, 317 Miles

4/13/02	2.5	TCF Norb & Marva re no photos of Δ at jail w/ baby w/o prior approval of admin at jail; discussion of issues related to convincing Δ to accept the plea offer, meetings with family members & mom's lack of concern for situation; typed memo re conversation; Records into notebook, copy records for Jeff, calls to wife, mother & Joe Sims
4/14	2.5	Call to wife, lengthy interview & obtained info needed, reviewed notes for clarification, memo re specifics of info to attys; TCF Jeff re yesterdays meetings, Mom's emotional state & meeting w/ him tom. with copies.
4/15	2 40 Miles	TCT Cumming's office & Marva's, faxed memo to both; TCF solicitor's office requesting resume, referred back to attys, Jeff & Jim Aiken contacted as well per calls rec'd; Insty-print & made copies of multiple records for Jeff Y. & Jim Aiken, delivered records to Jeff; TCT & F Jim Aiken
4/16	1	TCT NEC's office re solicitor's request for expert witness' resumes, TCF NEC re same, info provided re family's position on guilty plea; TCT mom re emotions & difficulties, meeting w/ her & Δ at jail later in week; letter to J. Aiken & prep'd records for mailing
4/17	8 148 Miles	Went to wife's house (O'burg) & took photos of child & few of wife; went to home of v's mother (O'burg) re introduce self from defense & express sympathy - positive results; courthouse, met w/ attys at end of Jxson v. Deno hearing; arrangmts made w/ jail for contact visit w/ mom & some defense team members; TCT Jeff Y. X2 re meeting & no meeting, TCT Mom – unable to reach after messages.
4/18	1.5	TCT to Lt. Green re cancelled meeting, prep'd & faxed letter re same; TCT's to both attys re cancellation & faxed ltr; TCT Dr. West re test results, typed report of info & faxed to both attorneys.
4/19	1.25 16 Miles	TCT mom, repeated tries, no ans; Summary of info from teachers, Insty-print for copy of school records & Dawn Center for Dr. West, delivered records to his office; TCT to Dist office-O'burg; TCT Jeff Y. & faxed list of teachers & contact info

4/24	2.5	TCT SCDC re eval-Dr. Ellison, TCF MHT re Dr. West, Call to Dr. West re meeting w/ lawyers; update "to do" list; calls to multiple family members re photos of Δ; call to mom re meeting with Δ at jail; download & prep photos of Marisa for use in trial, printed.
4/25	7 94 Miles	Brachvl Elem, interviewed coach Marion asked me to see; Brachvl HS library – copied photos of Marion from yearbooks; interviewed neighbor from early childhood; homes of several family members; attempts to locate mom-sd she'd be in Branchvl today; call to district office; Cynthia Sims' house enlist her help with getting Joseph to contact me; Jail visit with Marion, took photos of Marissa to Marion.
4/29	.5	Prep letter re contact with Dr. West and appt. w/ lawyers, faxed to both attys.; prep'd & faxed ltr to Lt. Green at jail & copy to both attys; Msg from MHT saying I was not needed at meeting with Dr. West & attys.
5/1	2	Prep'd reports from notes on interviews with Ms. Martin (v's mom) and meeting with Δ, Jeff, Δ's mom and me re taking plea offer; TCF & return call to Don Girndt
5/2	.1	Faxed reports from 5/1 to both attys.
5/3	7.5	Typed reports from interview notes for Busby, Dufford, Lee, Hendricks, Connor, Thompson, Zemp; prep genogram; completed additions to timeline; Call to Jeff Yungman; Memo to attys re mtg & faxed to both; Call to Dr. West re appt for additional testing; call to jail, prep'd ltr re appt & faxed to jail
		38.35 Hours, 298 Miles

(Includes time for 4/3/02 – not included on Bill #4)

Date	Time/ Mileage	Activity
***4/3	10 120 miles	**~~Travel to Orburg DSS~~ – unable to provide info & referred me to Richard Ness, DSS atty, after lengthy wait & several phone calls, paralegal provided limited info and advised that Dorchester was last provider; visit with Marion; Meeting with attorneys & experts at Marva's office (This time was inadvertently left off of this bill and is recorded on final bill for the case.)**
5/5	4.25 hr.	Prep'd reports from notes on Jean, Sarah, Mary, Frances, Kendra, added alcohol use to genogram, prep'd letter & packet for attys.
5/6	.5	Hand delivered packets to attys' offices, Jaime at NEC's; rec'd fax from Jeff Yungman in event attys call meeting after 5/3 memo faxed
5/7	1	Additional copies, TCT x2 to St. Louis for Jeff, have additional info, will fax tom AM, work on PP witnesses
5/8	4.25	Faxed multiple interviews to Jeff (St. Louis) containing info provided verbally; Call from Sally Aquith re referral from NEC & Dr. West, needs appt to see Marion at jail & wants someone with her, TCT Lt. Heyward, time scheduled, ltr prep'd & faxed to jail, Aquith, & both attys.; TCT both attys & left msg re info on case; TCF attys re recent status of case, prep'd memo re persons Δ allowed to read his "papers" in the jail and faxed; Mitigation notebook prepared with all records, interviews, etc.
5/11	.75	Met with Jeff Yungman re his meeting with attys

5/13	5.5 62 miles	List of non-expert PP witnesses & likely testimony; attempt to reach mom ; TCT Sally Asquith re results of eval, she provided & will fax report; TCT Jeff, Dr. Morgan re any possible "good" testimony – none, anything he could say would be detrimental to the case, memo re same; TCT Dr. West re possible testimony & arranged meeting w/ him & Jeff; Dorchester County CtHse, jury selection began, offered mitigation notebook for lawyers' inspection re making sure they had seen all records collected & other info in notebook, gave Dr. Morgan memo to NEC, talked with Marion; went by Dorch Sheriff's office re getting copy of Denise Bowman's record, can only divulge info from home county
5/14	.5	TCF Jim Aiken re trial time estimate; TCT Dr. West re meeting; TCT Jeff re meeting, info from attys, & trial
5/15	3	Work on photos, scan & reproduce for trial, made display board for photo documentation (trial exhibit) of Δ's life; Calls to DSS re Dorchester records, O'Burg Sheriff's records re any arrest for Mom
5/16	9.25 74 miles	Calls to DSS, O'burg school district office, Ms. Infinger & Ms. Jackson, Lockett Elem re any 504 records; Cl of Ct. O'Burg re Mom's arrest; attempts to reach Betty Rhodes, Brnvl PD; Call to Carol re faxing subp to DSS, Attn. Mary Lematty, prep memo with info & faxed to Carol; Call to Bobby Minter re progress of picking jury; memo to file re mom's record; St. George trial; met with Dr. West & Jeff Y. re PP plan for mitigation
5/20	4	Call on machine re case gone to jury, meeting tom 9 AM, call later re verdict, calls to several experts & final review & prep info for mtg; attempts to reach family members, spoke to several re seeing tomorrow; work on photo presentation exhibit; Call to SW re mitigation order & fam members testimony
5/21	9 121 miles	Meeting with attys, Jeff Yungman, Bobby Minter at MHT's office; travel to Branchvl, met with several family members re testimony; attempt to see Joseph Sims at this house; met with Dr. O'Quinn; DSS office, picked up records for review, reviewed-only info related to financial matters from 1985 to 1999
5/22	10 61 miles	Penalty phase trial
5/23	9 61 miles	Penalty phase trial
		71 Hours, 499 Miles

Correct Tot.

CONFIDENTIAL WORK PRODUCT

STATE V. MARION BOWMAN, JR.

Attorneys: Marva Hardee-Thomas
Norbert Cummings

Mitigation Specialist: Dale M. Davis

RELEASE/SUBPOENA TRACKING

Date Sent	Sent or delivered to:	Returned
8/7/01	Branchville High School 803-274-8875	8/7
8/13/01 8/15	Dawn Center (803)536-4900 TCT J. Rivers	8/24
8/13/01 8/29 9/26 10/8	Orangeburg Hosp. 803-533-2200 (direct 2272) Attempt reach medical records TCT records TCT records, Vernell, will locate Δ's birth & childhood today & check on Mom's	Part 8/20 10/13 Δ
8/13/01	Birth Certificate, Marion	10/8/01
8/13/01	Dr. Wm. O'Quinn 803-274-8400	8/24
8/14/01	SCDC-YOA Joe Mod 803-896-1977	8/21
8/20/01	SCDC-YOA Med. Records 803-896-2053 fax: 896-1221 Donna Curry	8/29
8/14/01 8/15 8/17 12/5	O'burg P&P Agent-Todd Graham (803)533-6288, LMsg Spoke to Stephanie Garrick, faxed release to her 803-533-6293 TCT from agent, Δ had parole arrest warrant outstanding when arrested on current charges, failure to report, pay fees- Restitution Ctr on Leeds, met w/ Derek Brown,	Unable to provide records 1/10 Cdn't locate records
8/15/01	Dorchester County Mental Health 873-5063, faxed rel. 851-2110, Kim Med. Records	8/16-none
8/27/01	Wm. S. Hall – Neurology, Sonya, faxed ltr & release, mailed original	10/01
10/31/01 2/26/02	O'Burg Clinic, Dee Dee Harrison, spoke with her at clinic, records in storage, will mail 803-531-6900 Call to check on records, nvr rec'd	2/26/02 Records destroyed, sd. notified Marva
10/25/01 10/29	Dr. David Chin delivered Marion, 803-534-3894 Rec'd call from Dr. Chin, no longer has records, sd. hosp. should have pre-natal records b/c required prior to birth	10/29 none, too long ago, check hospital
10/29/01	Dr. Cassone (803) 536-5511, ent	None
12/6	O'burg Cl of Ct. 803-533-6260, picked up	12/6/01
12/6	Divorce, Family Court records	12/6/01
12/6	O'Burg Public Defender, went through their records for any psych evals or other information that would be relevant to this case, nothing in file other than nml investigative & trial documents	Nothing relevant in file
12/6	Marriage License for parents, Marion	12/6/01
2/26/02	O'burg Sheriff 803-531-4647 – faxed request ltr to Shalanda at 533-5806	2/27 picked up

2/26/02	O'burg County Jail – Gen & Medical; No medical records, no discipline	2/27 gen, no med
2/26/02	Dorchester Sheriff 832-0300 – faxed request ltr to Anna at 832-0315; Return call from Linda Nino	2/26 Only current charges
2/26/02	Branchville Pol Dept. 803-8000, Betty, will pull police reports on Δ & get fire reports on Fralix (she could not get this)	2/27 picked up
4/2	DSS O'Burg – Last provider of services was Dorchester County -	
4/4	DSS – Dorchester, Call referred to Mary Lematty, DSS Atty	
4/11/02 4/19,4/24,5/3 5/16	O'burg School District – Spec Ed, Tonya Infinger 803-534-8081 Fax: 536-4638 Attempted to follow up, no answer Call to Ms. Infinger re follow up, no records referred me to Dale Jackson, resouce teacher at elem. sch., Cld & she does not remember Marion or any of family	5/16 no records
4/11	Moody Mechanical 843-546-8741, Jim Moody Fax: 527-1632 (Unable to locate other employers provided, called similar contractor names but were not "right" people, they did not know Marion.)	4/15

The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839

July 28, 2003

CERTIFIED COPY
2003 NOV 24 PM 2:30
Cheryl L. Graham
CLERK OF COURT
DORCHESTER COUNTY

REMITTITUR

The Honorable Cheryl L. Graham
101 Ridge Street
St. George, SC 29477

Re: The State v. Davis, Rick
2001-GS-18-00606
2001-GS-18-00642

Dear Ms. Graham:

The above referenced matter is hereby remitted to the trial court. A copy of the judgment of this Court is attached.

Sincerely,

Renee S. Johnson
Administrative Specialist

KAR/rj

cc: Assistant Appellate Defender Aileen P. Clare
Rick Davis #279180
Assistant Deputy Attorney General Charles H. Richardson
Walter M. Bailey, Jr., Esquire

DEFENDANT'S EXHIBIT

9292

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CLERK OF COURT
DORCHESTER COUNTY

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 5/03/2001

20016518-606

INDICTMENT #: 0000GS18 ENTRY DATE: 5/03/2001 LAST UPDATE: 5/03/2001

DEFENDANT NAME: DAVIS, RICK AKA:

ADDRESS: [redacted] CITY: SUMMERVILLE STATE: SC ZIP: 29485

SOCIAL SECURITY NUMBER 888888888 SEX:M MALE RACE:B BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.: SC /9999999999999999999

WARRENT OR TICKET #: G587667 COUNTS: 00001 OFFENSE CODE: 0139

NO WARRANT00001 NAME OF OFFENSE: Robbery / Armed Robbery, robbe

DATE OF ARREST: 4/21/2001 DATE REC BY CLERK: 5/02/2001 SUMMARY JUDGE: 000

RESTORE DATE: 0/00/0000

DISP DATE: 0/00/0000 DISP TYPE: 10/18/01 Nolle Prosse w/ leave to restore

DISP TYPE EXPLANATION: unable to locate victim

JUDGE CODE/NAME: COURT REPORTER:

CONVICTION: CTS: OFFENSE:

SENTENCE:

DEFENSE ATTORNEY: PROSECUTING ATTORNEY:

Kacie Murphy

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2008 NOV 24 PM 2:30
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 12/05/2001

INDICTMENT #: 2001GS1800606 ENTRY DATE: 5/14/2001 LAST UPDATE: 11/08/2001

DEFENDANT NAME: DAVIS, RICK AKA:

ADDRESS: [redacted] CITY: SUMMERVILLE STATE: SC ZIP: 29485

SOCIAL SECURITY NUMBER 888888888 SEX:M MALE RACE:B BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.: SC /999999999

WARRENT OR TICKET #: G587667 COUNTS: 00001 OFFENSE CODE: 0139

NO WARRANT00001 NAME OF OFFENSE: Robbery / Armed Robbery, robbe

DATE OF ARREST: 4/21/2001 DATE REC BY CLERK: 5/02/2001 SUMMARY JUDGE: 000

RESTORE DATE: 0/00/0000

DISP DATE: 10/18/2001 DISP TYPE: 4-DISM/NOL PROS/PROS ENDED

DISP TYPE EXPLANATION:

JUDGE CODE/NAME: MSTR-IN-EQUITY/S0097 COURT REPORTER:

CONVICTION: CTS: OFFENSE:

SENTENCE:

DEFENSE ATTORNEY:

PROSECUTING ATTORNEY:

MAITE MURPHY

ARREST WARRANT

G-587667

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of DORCHESTER

CERTIFIED COPY
2000 NOV 24 PM 2:30
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

THE STATE

against

DAVIS, RICK

Address: SUMMERVILLE SC 29485-0000

Phone: _____ SSN: _____

Sex: M Race: B Height: 5-06 Weight: 140

DL State: SC DL#: U[illegible]G587667

DOB: [illegible] Agency ORI#: 1800

Prosecuting Agency: DCSD

Prosecuting Officer: BLAIR, DET. J.

Offense: ROBBERY WHILE ARMED WITH D EADLY WEAPON Offense Code: _____

Code/Ordinance Sec. 16-11-330 (A)

139

This warrant is **CERTIFIED FOR SERVICE** in the ☐ County/ ☐ Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Rick Davis on 4/21/01.

SGT. R. [illegible]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of DORCHESTER

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

Personally appeared before me the affiant BLAIR, DET. J. who being duly sworn deposes and says that defendant DAVIS, RICK did within this county and state on 11/03/2000 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: VIOLATION SECTION 16-11-330 OF SC CODE OF LAWS ROBBERY WHILE ARMED WITH DEADLY WEAPON

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

SEE ATTACHED AFFIDAVIT

ALL OF WHICH IS AGAINST THE PEACE AND DIGNITY OF THE STATE OF SOUTH CAROLINA AND WILL BE MORE FULLY DESCRIBED IN THE 1976 CODE OF LAWS.

Sworn to and subscribed before me on Nov 19 2000

Julian H. Blair

Signature of Issuing Judge (L.S.)

Signature of Affiant

Affiant's Address 212 Deming Way Summerville SC

Affiant's Telephone (843) 832-0300

STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of DORCHESTER

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 11/03/2000 defendant DAVIS, RICK did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: VIOLATION SECTION 16-11-330 OF SC CODE OF LAWS ROBBERY WHILE ARMED WITH DEADLY WEAPON

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Judge Code: 960

Judge's Address 212 DEMING WAY, BOX 10 SUMMERVILLE SC 29485-0000

Judge's Telephone (843)832-0370

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

9294

G587667 9295

STATE OF SOUTH CAROLINA

CERTIFIED ORIGINAL
2008 NOV 24 PM 2:31
CLERK OF COURT
DORCHESTER COUNTY

AFFIDAVIT

COUNTY OF DORCHESTER

Personally appeared before me a Magistrate of this County, one **DETECTIVE JULIAN H. BLAIR JR.** who, being duly sworn, deposes and says that (name of defendant)

RICK DAVIS

did within this County and State on the 3rd day of NOVEMBER, 2000, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

ARMED ROBBERY IN VIOLATION OF SECTION 16-11-330(A) OF THE SOUTH CAROLINA CODE OF LAWS OF 1976 AS AMENDED

The Affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts: THAT ON NOVEMBER 3,2000, AT OR ABOUT 2:40 P.M., LOCATED ON COMMUNITY ROAD, SUMMERVILLE, IN THE COUNTY AND STATE AFORESAID, THE DEFENDANT, RICK DAVIS, DID COMMIT THE OFFENSE OF ARMED ROBBERY IN VIOLATION OF SECTION 16-11-330(A) OF THE S. C. CODE OF LAWS OF 1976 AS AMENDED. IN THAT HE DID WILLFULLY, UNLAWFULLY AND FELONIOUSLY COMMIT ROBBERY WHILE ARMED WITH A DEADLY WEAPON (PISTOL) AND HE DID UNDER THE PRETENSE OF OBTAINING A RIDE FROM THE VICTIM TO BE TAKEN TO DEFENDANTS HOUSE, DURING THE RIDE DEFENDANT USED VICTIMS CELLULAR TELEPHONE TO CALL A FRIEND. THE DEFENDANT DIRECTED VICTIM TO TURN ONTO COMMUNITY ROAD. AT WHICH TIME CO-DEFENDANTS VEHICLE (SILVER VOLVO) TURNED ONTO COMMUNITY ROAD BEHIND VICTIMS VEHICLE. DEFENDANT ASKED VICTIM TO STOP SO HE COULD TALK TO CO-DEFENDANT. DEFENDANT EXITED VICTIMS VEHICLE AN WENT TO CO-DEFENDANTS VEHICLE. DEFENDANT RETURNED TO VICTIMS VEHICLE AND CO-DEFENDANT APPROACHED VICTIM AND ASKED FOR A CIGARETTE. CO-DEFENDANT POINTED A BLACK IN COLOR PISTOL AT VICTIM AND TOLD VICTIM TO EMPTY HIS POCKETS AND GIVE HIM HIS CELL PHONE. CO-DEFENDANT TOOK APPROXIMATELY $800.00 AND A CELL PHONE FROM VICTIM. DEFENDANT AND CO-DEFENDANT FLED THE AREA IN CO-DEFENDANTS SILVER VOLVO. FACTS TO PROVE THE SAME IS A WRITTEN STATEMENT PROVIDED TO DET BLAIR FROM THE VICTIM THAT IS TRUE AND BELIEVABLE DETAILING THE CIRCUMSTANCES SURROUNDING THE ROBBERY. ALL AGAINST THE LAW, PEACE AND DIGNITY OF THE STATE OF SOUTH CAROLINA. WITNESSES TO PROVE THE SAME ARE MATTHEW DEE BELL (VICTIM) AND DETECTIVE JULIAN H. BLAIR JR. DCSO.

Julian H. Blair Jr.
DET. JULIAN H. BLAIR JR., AFFIANT

Sworn to and subscribed before me this 17th day of NOV., 2000

Signature of Judge (L.S.)

Address: 212 Deming Way
Summerville SC 29483

Phone: (803) 832-0300

9296

Rickie Davis — G-587667
Name of Defendant — Warrant/Ticket Nos.

CERTIFIED COPY
2008 NOV 24 PM 2:31
CLERK OF COURT
DORCHESTER COUNTY

County/Municipality of Dorchester

Charges: Robbery

Trial Court:
[ ] General Sessions
[ ] Magistrate
[ ] Municipal Court

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

DIRECTIONS: Magistrates and municipal court judges must use this checklist for **ALL GENERAL SESSIONS CASES** and for **ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE.** The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections.

[✓] BAIL PROCEEDING
[ ] FIRST APPEARANCE (Non-Bailable Offenses)

1. Form used at bail proceeding
   a. Bond Form I (personal recognizance)
   ✓ b. Bond Form II (surety, cash, percentage)
   c. None (Non-Bailable Offense)

2. For cases in which bond is set, defendant was informed:
   ✓ a. Warrant for arrest will be issued for violation of any condition of bail bond order.
   ✓ b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
   ✓ c. Failure to appear in court as required will result in institution of additional criminal charges. For failure to appear in connection with a felony, additional charge has penalty of fine of not more than $5,000 or imprisonment for not more than five (5) years, or both. For failure to appear in connection with a misdemeanor, additional charge has penalty of fine of not more than $1,000 or imprisonment for not more than one (1) year, or both.

3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
   ✓ a. Orally
   ✓ b. In writing
   [NOTE: Defendant must be informed of right both orally and in writing]

✓ 4. Defendant was informed of the right to trial by jury.

5. In all general sessions cases and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
   ✓ a. Charges against defendant and nature of the charges.
   ✓ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel
   c. [(Optional: Local procedures may require judge to refer defendants to indigency screener. If so, note referral here) Required to appear before _____ on _____ _____, 19___ for appointment of counsel.]

Appearance or Hearing Date: 4/21/01

Judge's Signature

SCCA/507(Rev.11-93)

Ticket or Warrant No.: G-587661

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester

IN THE (X) COURT OF GENERAL SESSIONS
( ) MAGISTRATE'S COURT
( ) MUNICIPAL COURT OF _____

STATE OF SOUTH CAROLINA
v.
Rick Davis CERTIFIED COPY
Name of Defendant

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE
(Bail Proceeding Form 2)

NOV 13 4 PM 2:31

Offense Charged: Robbery deadly Weapon

At a bail proceeding conducted by undersigned judge for the defendant named above, it was determined by the court (check one or both):

☒ The release of the defendant on recognizance will not reasonably assure his appearance as required.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

CLERK OF COURT
DORCHESTER COUNTY

Flight Risk;

[Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits $ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of $ _____, his release to be obtained by payment to the court of _____ (%) of this bond in cash, the amount being $_____. The defendant will be obligated to the State in the full amount of $ _____, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

☒ The defendant will provide good and sufficient surety approved in the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of $ 50,000.00.

3. That the defendant shall appear at (check one):
☒ the term of the court of general sessions beginning on [Date:] May 21, 01 at [Time:] 8:00 o'clock, A .M., at [Place:] _____
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
☐ the session of magistrate/municipal (circle one) court beginning on [Date:] _____ at [Time:] ____:____ o'clock, ____.M., at [Place:] _____. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant [ ]

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

Signature of Judge

4/21/01
Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than $5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

[redacted]
Address

Summerville SC 29484
City/State/Zip

[redacted] 873-3801
Social Security Number/Telephone No.

Signature of Defendant

Date

Attorney Representing Accused (If known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.
Original copy for the Trial Court – Copy for the Defendant

SCCA/511 (3/90)

FORM CONTINUES ON BACK

Ticket or Warrent No.: G-587669

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
STATE OF SOUTH CAROLINA
v.
Rick Davis
Name of Defendant

IN THE (X) COURT OF GENERAL SESSIONS
( ) MAGISTRATE'S COURT
( ) MUNICIPAL COURT OF

CERTIFIED COPY

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE
(Bail Proceeding Form 2)

Offense Charged: 2 counts PWIK 2nd PWIK a deadly weapon

At a bail proceeding conducted by undersigned judge, for the defendant named above, it was determined by the court (check one or both):

☒ The release of the defendant on recognizance will not reasonably assure his appearance as required.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

CLERK OF COURT
DORCHESTER COUNTY

Prior bail;

[Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check one)

CASH IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina deposits $ _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of $ _____, his release to be obtained by payment to the court of _____ (%) of this bond in cash, the amount being $ _____. The defendant will be obligated to the State in the full amount of $ _____, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

☒ The defendant will provide good and sufficient surety approved by the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of $ 50,000.00.

3. That the defendant shall appear at (check one):
☒ the term of the court of general sessions beginning on [Date:] May 21, 01 at [Time:] 8:00 o'clock, A M., at [Place:] _____
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
☐ the session of magistrate/municipal (circle one) court beginning on [Date:] _____ at [Time:] ___:___ o'clock, ___M., at [Place:] _____. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant RD

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

Signature of Judge — 4/21/01 Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than $5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

[redacted]
Address

Summerville SC 29484
City/State/Zip

[redacted] 873-3801
Social Security Number/Telephone No.

Rick Davis
Signature of Defendant

Date

Attorney Representing Accused (if known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.
Original copy for the Trial Court – Copy for the Defendant

SCCA/511 (3/90)

FORM CONTINUES ON BACK

CERTIFIED COPY FILED-RECORDED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
2004 NOV 24 PM 2:20 2005 MAY -7 PM 12:05 THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY
STATE OF SOUTH CAROLINA) Warrant Nos.:
) G 371372 & G 587667
v.)
) **MOTION FOR DISCOVERY**
RICK DAVIS,) **AND INSPECTION**
DEFENDANT.)

NOW COMES the Defendant by and through his undersigned counsel of record, pursuant to Rule 5 of the Rules of Criminal Practice in the Circuit Court, and moves the prosecution to permit Defendant to inspect and copy or photograph, including but not limited to, the following, the expressed provision that the duty of disclosure be a continuing one in the event that any such materials come into existence or become available after the initial disclosures:

(a) Any written or recorded statements made by the Defendant or copies thereof, within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the Attorney for the Prosecution;

(b) The substance of any oral statements which the Prosecution intends to offer into evidence of the trial made by Defendant, whether before or after arrest, in response to interrogation by any person then known by Defendant to be a Prosecution State agent;

(c) A copy of Defendant's prior driving and or criminal record, if any, as is within the possession, custody, or control of the Prosecution, the existence of which is known, or by the exercise of due diligence may become known to the Attorney for the Prosecution;

(d) All books, papers, documents, photographs, tangible objects, buildings or places, or copies of portions thereof, which are in the possession, custody, or control of the Prosecution, and which are material to the defense, or are intended for use by the

Prosecution as evidence in chief at the trial, or were obtained from or belonging to the Defendant;

(e) All results of reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are in the possession, custody, or control of the Prosecution, including any blood alcohol tests or other tests which were conducted by the State, the existence of which are known, or by the exercise of due diligence may become known, to the Attorney for the Prosecution, and which are material to the preparation of the defense or are intended for use by the Prosecution as evidence in chief at the trial; and

(f) The statement of any witness or prospective Prosecution witness, the existence of which is known, or by the exercise of due diligence may become known, to the Attorney for the Prosecution.

Defendant further moves that compliance with the foregoing request be made within ten days from the service of this motion, and upon failure of the Prosecution to so comply, Defendant will move before the Presiding Judge of this Circuit by Notice and Motion, for an Order prohibiting the Prosecution from introducing at trial evidence not disclosed, and if the foregoing is denied, an Order permitting the discovery and inspection requested, or a continuance of the trial, or other such Order as the Court in its discretion deems just under the circumstances. For the purposes of this motion, Defendant asserts that any item requested in paragraphs (a), (b), (c), (d), (e) and (f) above is material to the preparation of the defense in this case.

Respectfully submitted,

Marva A. Hardee-Thomas Esq

MARVA A. HARDEE-THOMAS, ESQUIRE
130 East Richardson Avenue
Summerville, SC 29483
(843) 873-8622 Office
Attorney for Defendant

Summerville, South Carolina
This 2nd day of May, 2001.

CERTIFICATE OF SERVICE

The undersigned certifies that the pleading or paper to which this certificate is affixed was served on the Robert D. Robbins, Assistant Solicitor, First Circuit Solicitor's Office, P.O. Box 2520, Summerville, South Carolina, 29483, by depositing a copy of same, enclosed in a first class, postage paid wrapper, properly addressed, in a post office or official depository under the exclusive care and custody of the United Postal Service this 2nd day of May, 2001.

Marva A. Hardee-Thomas, Esq

MARVA A. HARDEE-THOMAS, ESQUIRE

9302

Jail W/I SCDC

STATE OF SOUTH CAROLINA CERTIFIED COPY IN THE COURT OF GENERAL SESSIONS

COUNTY OF DORCHESTER 2008 NOV 24 PM 2:31 FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA Chas J. Graham ORDER OF APPOINTMENT OF LEGAL

CLERK OF COURT
DORCHESTER COUNTY

VS. COUNSEL FOR INDIGENT DEFENDANT

Rick Davis
Defendant.

Age: 21 Birthdate: Race/Sex: B/m Date of Arrest: 4-22-01

Address

Rebecca Richardson - G'moth
Address/Friend or Relative

Sville SC 29483 SAme
City State Zip City State Zip

Telephone Telephone

*****

Offense: Armed robbery x2

Magistrate: Jay Davis Warrant No.: G 371372

Bond: $150,000 Type: Signature Recog Property Bondsman: G 58 7667

*****

Offense: Fail to stop

Magistrate: Warrant No.:

Bond: $ Type: Signature Recog Property Bondsman:

*****

Offense:

Magistrate: Warrant No.:

Bond: $ Type: Signature Recog Property Bondsman:

*****

The defendant contends that he is indigent and in need of services of an attorney as contemplated by law.

THEREFORE, Maria Harder Thomas Attorney at Law, is appointed as counsel for the defendant.

This 23 day of April, 2001
at (am - pm)

White - Clerk of Court
Green - Attorney
Canary - Criminal Justice Coordinator
Pink - Solicitor
Goldenrod - Defendant

KR
Criminal Justice Coordinator

Preliminary Hearing Notice

CERTIFIED COPY
2001 NOV 24 PM 2:31
CLERK OF COURT
DORCHESTER COUNTY

OF: ☐ Request for Copy of Warrant(s) – Part I

☐ Warrant Dismissal – Part II

STATE vs. Rickie Davis, Jr.

PART I

TO: CLERK OF COURT. A preliminary hearing has been requested by the above named defendant and will be held 12-11-01 2:00pm

300 W. 2nd North St., Summerville SC 29483

DATE / TIME / PLACE

Defendant represented by: Atty. Marva Hardee-Thomas

Please provide a certified copy of the listed criminal warrant(s) for the purpose of a preliminary hearing.

Warrant Number		Warrant Number	
1.	805260BU	4.	
2.	G371372	5.	
3.		6.	

PART II

TO: SOLICITOR. A preliminary hearing was held in the case of the above named defendant. The warrant(s) listed below was dismissed on the date indicated.

Warrant Number	Date Dismissed
1.	
2.	
3.	
4.	
5.	
6.	

Date Transmitted: 5-29-01

101 — Judge Code

Signature

Municipality

DORCHESTER — County

Copies to:

Clerk of Court – White
Summary Court File – Canary
Solicitor – Pink

SCCA/509 (4/91)

9304

CERTIFIED COPY
2008 NOV
DORCHESTER COUNTY

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

FILED-RECORDED
2003 JUL 31 AM 10:43
CLERK OF COURT
DORCHESTER COUNTY

HENRY MCMASTER
ATTORNEY GENERAL

July 29, 2003

The Honorable Walter M. Bailey, Jr.
Solicitor, First Judicial Circuit
140 North Main Street; Suite 102
Summerville SC 29483

RE: The State v. Rick Davis
2001-GS-18-00606; 00642

Dear Solicitor Bailey:

In its Opinion No. 2003-UP-426, filed on June 24, 2003, the South Carolina Court of Appeals Dismissed the above appeal. The Remittitur was subsequently sent to the Dorchester County Clerk of Court. Therefore, with this letter, we are closing our direct appeal file in this matter.

This Office has verified through the South Carolina Department of Corrections' computer that Mr. Davis is presently incarcerated.

Please ensure that the conviction and sentence have been carried out.

Sincerely,

Charles H. Richardson
Assistant Deputy Attorney General

CHR/jacc
Enclosure
cc: The Honorable Cheryl L. Graham
Richard P. Stroker, Esquire
Ms. Trisha Allen, Attorney General's Office

FILED COPY
2003 JUL 29 P 2:31
COURT OF APPEALS
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

RECEIVED
JUL 29 2003
ATTORNEY GENERALS OFFICE

The South Carolina Court of Appeals

KENNETH A. RICHSTAD
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839

July 28, 2003

REMITTITUR

The Honorable Cheryl L. Graham
101 Ridge Street
St. George, SC 29477

Re: The State v. Davis, Rick
2001-GS-18-00606
2001-GS-18-00642

Dear Ms. Graham:

The above referenced matter is hereby remitted to the trial court. A copy of the judgment of this Court is attached.

Sincerely,

Renee S. Johnson
Administrative Specialist

KAR/rj

cc: Assistant Appellate Defender Aileen P. Clare
Rick Davis #279180
Assistant Deputy Attorney General Charles H. Richardson
Walter M. Bailey, Jr., Esquire

9306

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

FILED COPY
2009 NOV 24 PM 2:31
CLERK OF COURT
DORCHESTER COUNTY

APPEAL FROM DORCHESTER COUNTY
Court of General Sessions

Indictment Nos.: 2001 GS 18 642
2001 GS 18 606

The State . . . . . Respondent

v.

Rick Davis . . . . . Appellant

NOTICE OF APPEAL

RICK DAVIS appeals his conviction of 20 years for Armed Robbery consecutive sentence to 1 year for Failure to Stop and these charges to run concurrent to each other. The sentence was imposed by the Honorable Diane S. Goodstein on October 17, 2001. Appellate has received written notice of this Order as of October 18, 2001.

Marva A. Hardee-Thomas Esq

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
130 East Richardson Avenue
Summerville, SC 29483
(843) 873-8622-Office
Attorney for Appellate

Other Counsel of Record:

Maite Murphy, Esquire
First Circuit Solicitor's Office
P.O. Box 2520
Summerville, SC 29484

FILED-RECORDED
10-24-01
Cheryl Graham
Clerk of Court
Dorchester County

CERTIFIED COPY
2006 NOV 24 PM 2:32
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM DORCHESTER COUNTY
Court Of General Sessions

Indictment Nos.: 2001 GS 18 642
2001 GS 18 606

The State .....Respondent

v.

Rick Davis..... Appellate

AFFIDAVIT OF PERSONAL SERVICE

PERSONALLY APPEARED before me, Marva A. Hardee-Thomas, who, first being duly sworn, deposed and says:

That on the 18th day of October, 2001, she served a copy of the Notice of Appeal in the above styled case on Maite Murphy, Esquire, via first class, postage paid wrapper, properly addressed, in a post office or official depository under the exclusive care and custody of the United States Service.

Marva A. Hardee-Thomas, Esq
Marva A. Hardee-Thomas, Esquire

SWORN to before me this
18th day of October, 2001.

Notary Public for South Carolina
My Commission Expires: May 30, 2006

FILED-RECORDED
10-24-01
Cheryl Graham
Clerk of Court
Dorchester County

9308

130 East Richardson Avenue
Summerville, SC 29483

P.O. Box 50503
Summerville, SC 29485

Dorchester County Public Defender
Marva A. Hardee-Thomas

Tel: (843) 873-8622
Fax: (843) 873-4123

CERTIFIED COPY
2008 NOV 24 PM 2:32
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

October 18, 2001

The Honorable Cheryl Graham
Clerk of Court for Dorchester County
101 Ridge Street
St. George, SC 29477

Re: State v. Rick Davis
Indictment Nos .: 2001 GS 18 642
2001 GS 18 606
NOTICE OF APPEAL

Dear Ms. Graham:

Enclosed please find a duplicate copy of the Notice of Appeal in the above-styled case.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Marva A. Hardee-Thomas, Esq

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender

Enclosures

CERTIFIED COPY
2008 NOV 24 PM 2:32
CLERK OF COURT
DORCHESTER COUNTY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

CERTIFIED COPY
2008 NOV 24 PM 2:32
CLERK OF COURT
DORCHESTER COUNTY

FILED - RECORDED
2003 JUL 31 AM 10:43
CLERK OF COURT
DORCHESTER COUNTY

The State,

Respondent,

v.

Rick Davis,

Appellant.

Appeal From Dorchester County
Diane Schafer Goodstein, Circuit Court Judge

Unpublished Opinion No. 2003-UP-426
Submitted April 18, 2003 – Filed June 24, 2003

APPEAL DISMISSED

Assistant Appellate Defender Aileen P. Clare, of Columbia, for Appellant.

Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh and Assistant Deputy Attorney General Charles H. Richardson, all of Columbia; and Solicitor Walter M. Bailey, of Summerville, for Respondent.

CERTIFIED COPY
2008 NOV 24 PM 2:35
RECORDED
CLERK OF COURT
DORCHESTER COUNTY
2003 AH 10:54

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State,

Respondent,

v.

Rick Davis,

Appellant.

Appeal From Dorchester County
Diane Schafer Goodstein, Circuit Court Judge

Unpublished Opinion No. 2003-UP-426
Submitted April 18, 2003 – Filed June 24, 2003

APPEAL DISMISSED

Assistant Appellate Defender Aileen P. Clare, of Columbia, for Appellant.

Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh and Assistant Deputy Attorney General Charles H. Richardson, all of Columbia; and Solicitor Walter M. Bailey, of Summerville, for Respondent.

UNCERTIFIED COPY
2008 NOV 24 PM 2:35
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

INDICTMENT
2001GS18-0606

At a Court of General Sessions convened on June 18, 2001 the Grand Jurors of Dorchester County present upon their oath:

ARMED ROBBERY

That Rick Davis, did in Dorchester County, on or about November 3, 2000, feloniously take goods or monies from the person or presence of the victim, Matthew Bell, by means of force or intimidation and while armed with or while alleging, either by action or words that he was armed with a pistol. Such goods being described as eight hundred dollars in cash, and a cellular phone. This offense being a violation of Section §16-11-330 of the South Carolina Code of Laws, 1976 as amended.

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

Maite' Murphy SOLICITOR

9312

CERTIFIED COPY
2008 NOV 24 PM 2:35
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

State of South Carolina }
COUNTY OF DORCHESTER }

ORDER OF CUSTODY

THE STATE

VS

Rick Davis
Defendant

G-587667

50,000.00 surety

TO Keeper of the jail of Dorchester County.

ORDER You are commanded by this court to immediately receive into custody the following person. Rick Davis

Case # G-587667 Charge Armed Robbery Bond 50,000.00

Case # _____ Charge _____ Bond _____

Case # _____ Charge _____ Bond _____

Case # _____ Charge _____ Bond _____

Comment _____

FURTHER That you are commanded by this court to continue custody of the named person until the person in custody is ordered to be released by due course of law.

Dated 4/21/01

JUDGE Judge T Davis
Court of Magistrate, Dorchester County

SEAL Signature _____

9313

CERTIFIED COPY
2008 NOV 24 PM 2:35
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA

UNIFORM TRAFFIC TICKET

CITY OR COUNTY COURT

VEE 0115

FIRST NAME	MIDDLE NAME	LAST NAME
Richie		Davis Jr.

Summerville SC

STATE LICENSED	DRIVER'S LICENSE NO.	DRL LIC. CLASS
SC	090750449	D

VEH. LIC. NO.	STATE	MAKE OF VEH	YEAR	COMM VEH	AUTO	TRUCK	COMB.
115 LSB	SC	Nissan	87	HAZ MT.	MOPED	MTRCYCL	OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER	STREET AND NO.
T. E. Gray Sr.	300 Westlake Ave.

DATE OF TRIAL	TIME OF TRIAL	CITY	STATE	ZIP CODE
20		Summerville	SC	29483

VIOLATION - COURT APPEARANCE REQUIRED YES NO	VIOLATION SECTION NO.
Failure STOP Blue light	56-5-750

OWNER OF VEHICLE	DATE OF ARREST
Lacresha Dewesse	4 21 2001
ADDRESS OF OWNER	DATE OF VIOLATION
	4 21 2001

BAIL DEPOSITED	NAME OF ARRESTING OFFICER	RANK
	T.M. Moyer	PFC

DESCRIPTION OF ACCUSED

RACE	SEX	BIRTH DATE	HT.	HAIR	WT.	EYES
B	M		5'6"	BLK	150	BRN

COUNTY	NUMBER
Dorchester	18

DATE BAIL RECD	BY	BADGE	DISTRICT
20		L-59	6

DOCKET NO. 01-1-1520

DAY	S	M	T	W	T	F	S
	1	2	3	4	5	6	7

CASE BEFORE: MAGISTRATE ☐ MUN COURT ☐ CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

NAME OF TRIAL OFFICER IF DIFFERENT FROM ABOVE

TIME OF VIOLATION	WEATHER
0302 A.M.-1 P.M.-2	

DEFENDANT: DID NOT APPEAR ☐ APPEARED ☐

DISTANCE IN FEET FROM INTERSECTION OF W. Main AND Hwy 78

DISPOSITION
GUILTY ☐
FORFEITED BOND ☐ PLED: NOLO CONTENDERE ☐

TRIAL BY: TRIAL OFFICER ☐ JURY ☐

VERDICT OF TRIAL IF ANY: GUILTY ☐ NOT GUILTY ☐ DATE OF TRIAL IF ANY 20

MILES	N 1	E 2	S 3	W 4

JAIL	SUSPEND	FINE	AMT COLLECTED	AMT SUSPENDED

HWY. NO.	CITY
	S-Ville

COMMITTED TO:	Arrest as Result of Accident

OFFENSE CODE	B.A. LEVEL
80	

CERTIFIED CORRECT DATE 20

60526 BU

TRIAL OFFICER'S COPY

195

DEFENDANT'S EXHIBIT 4

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	OF THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)	
)	Indictment No. 01-GS-18-642
)	
STATE OF SOUTH CAROLINA,)	
)	
)	VERDICT FORM
vs.)	
)	
)	
RICKIE DAVIS JR.,)	
)	
Defendant.)	
)	

CERTIFIED COPY
2008 NOV 24 PM 2:
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

PLEASE CIRCLE THE APPROPRIATE VERDICT BELOW AND FOLLOW THE ACCOMPANYING INSTRUCTIONS CAREFULLY.

1. AS TO THE CHARGE OF FAILURE TO STOP FOR A BLUE LIGHT, WE THE JURY UNANIMOUSLY FIND THE DEFENDANT

GUILTY **NOT GUILTY**

STOP AND END YOUR DELIBERATIONS

Please sign and date.

Jane M. Clark
Presiding Juror

10/16/01
Date

9315

STATE OF SOUTH CAROLINA)
COUNTY OF Dorchester)
STATE VS.)
Rickie Davis, Jr.)
AKA:)
Race: B Sex: M Age: 22)
DOB [redacted] SS#:)
Address:)
DL# SID#:)

CERTIFIED COPY
2008 NOV 24 PM 2:36
CLERK OF COURT
DORCHESTER COUNTY

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:
2001 -GS- 18 - 642
A/W#: 80526 64
Date of Offense: 4/21/01
S.C. Code §: 56-5-750
CDR Code #: 01016 15
☐ CASE RESTORED
SENTENCE
☐ PLEA ☑ TRIAL

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS TO: FAILURE TO STOP FOR BLUE LIGHT
in violation of § 56-5-750 of the S.C. Code of Laws, bearing CDR Code # 01016 15
☑ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Solicitor | Defendant | Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☑ State Department of Corrections, ☐ County Detention Center, for a determinate term of 1 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.

☐ The Defendant is to be given credit for _____ days/months jail time.
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/16/01

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐Heard, ☐Waived, ☐Ordered
Total: $_____ plus 20% fee: $_____
Payment Terms: _____
☐ set by SCDPPPS _____
Recipient: _____

*Fine:	$
§14-1-206 (Assessments 100%)	$ 100.00
§14-1-211(A)(1) (Surcharge)	$
§14-1-211(A)(2) (Surcharge)	$
§56-5-2995 (DUI Assessment)	$
3% to County (if paid in installments)	$ 3.00
TOTAL	$ 103.00

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund.
Other: _____

Cheryl Graham
Clerk of Court/ Deputy Clerk
Court Reporter: Kirk

PRESIDING JUDGE Diane S. Goodstein
Judge Code: 111121
Sentence Date: October 16, 2001

White - Clerk Green - Corrections Canary - Probation Pink - Defendant

SCCA/217 (1/2001)

9316

OFFICE OF THE SOLICITOR
NINTH JUDICIAL CIRCUIT

INDICTMENT/WARRANT STATUS CHANGE FORM
(One Defendant and One Warrant/Indictment Per Form)

DEFENDANT Parks Rickie Jr.
LAST FIRST MIDDLE

a/k/a _____
LAST FIRST MIDDLE

INDICTMENT NUMBER
-GS-

WARRANT/TICKET NUMBER
8052684

DISPOSITION (Check One) REASON:

4A (___) Dismissal _____

4B (___) Nol Pros _____

5A (___) Diverted _____

5B (___) Judicial Commitment Probate Judge _____
Commitment Date _____

6 (___) Judicial Dismissal Court Administrator's Review _____

7 (X) Remanded Charge FSBL Court Summerville

8A (___) Dismissed at Prelim Judge _____ Date _____ (__Check for return of file if seeking Direct Indictment)

8B (___) No Bill Grand Jury Term _____ (__Check for return of file if seeking Direct Indictment)

9 (___) Failure to Appear Date Bench Warrant Issued _____

10 (___) Other _____

Authorized by: _____ Date 6/13/01
Solicitor

CERTIFIED COPY
2008 NOV 24 PM 2:36
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

CLERK OF COURT'S
DATE/TIME STAMP

FILED
01 JUN 15 AM 11:
CLERK OF COURT
DORCHESTER CO. S.C.

RECEIVED BY: Mary P Brown

DATE: _____

STATE V. QUENTON FORD

WITNESS LIST

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2008 NOV 24 PM 2:36
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

DAVID TWOMBLY

OFFICER D. R. PETERS- SPD

LT. WES MAUPIN- SPD

JACQUELYN DETORO

PTL. J.M. MOYER-SPD

DETECTIVE S. PTAK-SPD

CPL. J. MURRAY- SPD

PTL. DARBY-SPD

RANDY OLSEN-SPD

OFFICER D. BLAIR- SPD

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Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 7/23/2001

2001-642

INDICTMENT #: 0000GS18 ENTRY DATE: 7/19/2001 LAST UPDATE: 7/19/2001

DEFENDANT NAME: DAVIS, RICKIE JR AKA:

ADDRESS: [redacted] CITY: SUMMERVILLE STATE: SC ZIP: 29483

SOCIAL SECURITY NUMBER 888888888 SEX:M MALE RACE:B BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.: SC /09025049

WARRENT OR TICKET #: 80526BU COUNTS: 00001 OFFENSE CODE: 0065

NO WARRANT00001 NAME OF OFFENSE: Traffic / Failure to stop for

DATE OF ARREST: 4/21/2001 DATE REC BY CLERK: 7/19/2001 SUMMARY JUDGE: 000

RESTORE DATE: 0/00/0000

DISP DATE: 10-16-01 0/00/0000 DISP TYPE: Jury trial - Guilty

DISP TYPE EXPLANATION:

JUDGE CODE/NAME: Goodstein COURT REPORTER: Kiel

CONVICTION: CTS: OFFENSE: 65

SENTENCE: 1yr Concurrent

DEFENSE ATTORNEY: PROSECUTING ATTORNEY:

Hardee-Thomas Murphy

CERTIFIED COPY

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER) 2008 NOV 24 PM 2:36
)
STATE OF SOUTH CAROLINA) INDICTMENT NO.: 2001-GS-18-0606
CLERK OF COURT
DORCHESTER COUNTY
Plaintiff,)
)
vs.) DEFENDANT'S REQUESTED
) VOIR DIRE QUESTIONS
RICK DAVIS, JR.,)
)
Defendant.)

To ensure their indifference in the case to be tried, the above-named Defendant requests that the Court examine prospective jurors concerning the following questions, as permitted by South Carolina Code of Laws 1976, §14-7-1020:

1. Is any member of the panel presently employed as a sworn law enforcement officer?
2. Has any member of the panel ever been employed as a police officer, deputy sheriff, detention officer, or correctional officer?
3. Does any member of the panel have a relative, friend, or acquaintance who is presently employed by Dorchester County Sheriff's Office, Summerville Police Department or any law enforcement agency?
4. Has any member of the panel ever been the victim of a violent crime, such as armed robbery or strong arm robbery?

Respectfully Submitted,

Witness

Marva A Hardee-Thomas, Esquire

Marva A. Hardee-Thomas, Esquire
Attorney for the Defendant
Dorchester County Public Defender
130 E. Richardson Avenue
Summerville, SC 29483
(843) 873-8622

This 15th day of October 2001

9320

#1

2001-GS-18-734
2001-GS-18-642

CERTIFIED COPY
2008 NOV 24 PM 2:36
CLERK OF COURT
DORCHESTER COUNTY

THE STATE DATE 10-15-01

VS

Rickie Davis, Jr. Chas. Graham

1- James Shunk #124 foreperson
2- Robert C. Whitten #152
3- Annie Johnson #69
4- Melaney Stevens #130
5- Jennifer Brown #17
6- Barrett Davis #36
7 Linda Reeves #116
8 Willie Reeves #117
9 Wendy Baker #5
10- Leah Johnson #128
11- Lynn Usher #136
12- Samuel Cummings #34

alt 1 Julie Creel #31
alt2 _____ #_____
alt3 _____ #_____

Quests 10-16-01

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2008 NOV 24 PM 2:36

Cheryl Graham

CLERK OF COURT
DORCHESTER COUNTY

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 7/23/2001

INDICTMENT #: 0000GS18 ENTRY DATE: 7/19/2001 LAST UPDATE: 7/19/2001

DEFENDANT NAME: DAVIS, RICKIE JR AKA:

ADDRESS: [redacted] CITY: SUMMERVILLE STATE: SC ZIP: 29483

SOCIAL SECURITY NUMBER 888888888 SEX:M MALE RACE:B BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.: SC /09025049

WARRENT OR TICKET #: 80526BU COUNTS: 00001 OFFENSE CODE: 0065

NO WARRANT00001 NAME OF OFFENSE: Traffic / Failure to stop for

DATE OF ARREST: 4/21/2001 DATE REC BY CLERK: 7/19/2001 SUMMARY JUDGE: 000

RESTORE DATE: 0/00/0000

DISP DATE: 0/00/0000 DISP TYPE:

DISP TYPE EXPLANATION:

JUDGE CODE/NAME: COURT REPORTER:

CONVICTION: CTS: OFFENSE:

SENTENCE:

DEFENSE ATTORNEY: PROSECUTING ATTORNEY:

9322

South Carolina Office of Appellate Defense

CERTIFIED COPY
2008 NOV 24 PM 2:38
CLERK OF COURT
DORCHESTER COUNTY
October 26, 2001

Daniel T. Stacey
Chief Attorney
Joseph L. Savitz, III
Deputy Chief Attorney
Wanda H. Haile
Senior Assistant Appellate Defender

1123 Lady Street, Suite 240
Columbia, SC 29201-3243
Telephone (803) 734-1330
Fax (803) 734-1397

Robert M. Pachak
Robert M. Dudek
Tara S. Taggart
Aileen P. Clare
Katherine Carruth Link
Eleanor Duffy Cleary
Assistant Appellate Defenders

FILED AND RECORDED
2001 OCT 29 AM 11:49
CLERK OF COURT
DORCHESTER COUNTY

Hon. Cheryl Graham
Clerk of Court
101 Ridge Street
St. George, SC 29477

Re: The State v. Rick Davis
Indictment #: 01-GS-18-642 01-GS-18-606

Dear Ms. Graham:

Our office is handling the appeal in this case and we require the following documents to perfect our file.

Document(s) Requested: **Copies of true-billed indictments (front and back), arrest warrants and accompanying affidavits and statements. And sentencing sheets/orders.**

Please send this as soon as possible.

Thank you for your assistance in this matter.

Sincerely,

Warren T. Ferguson

Warren T. Ferguson
Appellate Services Coordinator

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

INDICTMENT
2001GS18-0642

At a Court of General Sessions, convened on August 06, 2001 the Grand Jurors of Dorchester County present upon their oath:

FAILURE TO STOP FOR A BLUE LIGHT OR SIREN

That Rickie Davis, Jr., did in Dorchester County, on or about April 21, 2001, while driving a motor vehicle on a road, street or highway of the state, unlawfully fail to stop for a law enforcement vehicle after being signaled to stop by use of a blue light and/or siren.

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

Maite Murphy

Maite Murphy SOLICITOR

CERTIFIED COPY
2008 NOV 24 PM 2:37
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE - 032498

INDICTMENT NUMBER:00GS18 98-511 ENTRY DATE:032498 LAST UPDATE:032498

DEFENDANT NAME:DAVIS, RICKIE AKA:

ADDRESS [redacted] CITY:SUMMERVILLE STATE:SC ZIP:29483

SOCIAL SECURITY NUMBER: [redacted] SEX:M MALE RACE:B BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.: /

WARRANT OR TICKET NUMBER:F794092 COUNTS:01 OFFENSE CODE:0080

NO WARRANT ? N NAME OF OFFENSE:BURGLARY/(NON-V)(AFTER 1/20/85)-2ND DE

DATE OF ARREST:022598 DATE REC'D BY CLERK:032398 SUMMARY JUDGE:999

RESTORE DATE:

DISP DATE:11-18-98 DISP TYPE: Nolle Pros

DISP TYPE EXPLANATION:

no prosecutorial merit

JUDGE CODE/NAME: COURT REPORTER:

CONVICTION: CTS: OFFENSE:

SENTENCE:

DEFENSE ATTORNEY: PROSECUTING ATTORNEY:

B. Hamm Bell

DEFENDANT'S EXHIBIT

9324

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF DORCHESTER) INDICTMENT NO. 98-0811

CERTIFIED COPY
2008 NOV 24 PM 2:38
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)

-versus-) AFFIDAVIT OF SERVICE

Dickie Davis,)

Defendant.)

98 JUN 15 AM 9:14
CLERK OF COURT
DORCHESTER COUNTY

PERSONALLY appeared before me KRIS BELL, who, being duly sworn, states that she served the ~~SUBPOENA~~ Bond Estreatment IN A CRIMINAL CASE for the above captioned case upon Dickie Davis by delivering to and leaving a copy of the same with Craig at [redacted], Summerville, South Carolina, at 1:08 a.m. (p.m.) on Wednesday, the 3rd day of June, 1998, and that deponent knows the party so served to be the one mentioned and described in the SUBPOENA as _____.

Kris Bell
KRIS BELL, INVESTIGATOR

SWORN to before me this 3
day of June, 1998.
(SEAL) Tracy S. Hunter
Notary Public for South Carolina
My Commission Expires: 3-18-01

THE INTERNATIONAL BONDING COMPANY
DOUGLAS M. MILES AGENT BONDSMAN
1525 WEST 5 th NORTH STREET
SUMMERVILLE, SOUTH CAROLINA 29483

803-873-3888

CERTIFIED COPY
2008 NOV 24 PM 2:38
BK 871 PG 131 AM 8:51
CLERK OF COURT
DORCHESTER COUNTY

AFFIDAVIT

SUBJECT: ACT 179-1989 Amended Portion of Code Section [illegible] requires the Surety to take certain steps when he desires to surrender a Defendant for:

IMMINENT VIOLATION OF SPECIFIC TERMS OF THE BAIL BOND

Surety may surrender defendant to the Jailer, which an affidavit stating the facts to support surrender of the defendant for good cause.

The Surety then takes the defendant before the next available Judge for a hearing and issuance of commitment order, if good cause is shown

I Douglas M. Miles D.B.A. The International Bonding Company, hereby attest that the defendant, Rickie Davis is in violation of the bond and it's terms as set forth, and formerly agrees to by the above named defendant. Thereby, this affidavit, I surrender the above defendant to the Dorchester County Jail, until an appropriate Judge may hold a hearing and issue a commitment and relieves this surety.
Charged with Burglary 2nd + Simple A+B Bond Amount 1,200.00

Violations:

( ) Defendant has departed the jurisdiction of the court without written permission.
( ) Defendant has moved prior to notifying the surety in writing.
( ) Defendant has been arrested for a violation other than a minor traffic violation.
( ) Defendant has committed an act that which constitutes evidence of intent to default.
( ) Defendant has made false statement \ statements in his Bond application \ agreement.
( ) Defendant has not been of good behavior.
( ) Defendant has not called surety \ agent as agreed.
(✓) Defendant has not appeared personally at the court as designated.

Acceptance: _____ Date: 6-30-98 Time 8:30 am
JAILER

BONDSMAN \ AGENT Douglas M. Miles

In State bonds & Out of state bonds

9327

ARREST WARRANT

F- 794092

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

SUMMERVILLE

CERTIFIED COPY
2005 NOV 24 PM 2:38
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

THE STATE

against

DAVIS, RICKIE

Address: [redacted]

SUMMERVILLE, SC 29483

Phone: _____ SSN: _____

Sex: M Race: B Height: 5'05" Weight: 130

DL State: _____ DL #: _____

DOB: [redacted] Agency ORI #: SC0200

Prosecuting Agency: SUMMERVILLE POLICE

Prosecuting Officer: ANY LAWFUL OFFICER

Offense: ALL GENERAL SESSIONS

Offense Code: 699

Code/Ordinance Sec. 16-11-312

This warrant is CERTIFIED FOR SERVICE in the ☐ County/ ☐ Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant DAVIS, RICKIE on 2.25.98

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
TOWN OF SUMMERVILLE POLICE DEPARTMENT
MUNICIPAL COURT
300 WEST 2ND NORTH ST
SUMMERVILLE SC 29483

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

AFFIDAVIT

STATE OF SOUTH CAROLINA)
☐ County/ ☐ Municipality of)
SUMMERVILLE)

Personally appeared before me the affiant OWENS, BRUCE who being duly sworn deposes and says that defendant DAVIS, RICKIE did within this county and state on 02/23/98 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of SUMMERVILLE) in the following particulars:

DESCRIPTION OF OFFENSE: ALL GENERAL SESSIONS
16-11-312 BURGLARY 2ND

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT ON 2-23-98 AT APPROXIMATELY 12:45 AM AT [redacted], LOCATED IN THE TOWN OF SUMMERVILLE, COUNTY OF DORCHESTER, STATE OF SOUTH CAROLINA ONE RICKIE DAVIS DID WILLFULLY AND UNLAWFULLY VIOLATE (16-11-312) STATUE OF THE S.C. CODE OF LAWS, (1976), AS AMENDED, (BURGLARY 2ND) IN THAT THE DEFENDANT DID WILLFULLY, UNLAWFULLY AND WITHOUT PERMISSION ENTER THE ABOVE RESIDENCE WITH FOUR OTHER CO-DEFENDANT AND DID ASSAULT THE VICTIM. THE ABOVE INFORMATION IS BASED ON A STATEMENT BY THE VICTIM AND A WITNESS. ALL OF WHICH IS AGAINST THE PEACE AND DIGNITY OF THE TOWN, COUNTY AND STATE AFORESAID.

Sworn to and subscribed before me on FEBRUARY 25, 1998

_____ (L.S.)
Signature of Issuing Judge

_____
Signature of Affiant

Affiant's Address 300 W. 2ND N. ST.
SUMMERVILLE, SC 29483

Affiant's Telephone 803 871-2463

ARREST WARRANT

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
SUMMERVILLE)

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 02/23/98 defendant DAVIS, RICKIE did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of SUMMERVILLE) as set forth below:

DESCRIPTION OF OFFENSE: ALL GENERAL SESSIONS
16-11-312 BURGLARY 2ND

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

_____ (L.S.)
Signature of Issuing Judge

Judge Code: 003
~~TOM M FINUCAN~~

Judge's Address 300 WEST 2ND NORTH ST
SUMMERVILLE, SC 29483

Judge's Telephone 803 875-2010

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

9328

Ticket or Warrant No.: F794086 / F794092

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
STATE OF SOUTH CAROLINA
v.
Richie Davis
Name of Defendant

IN THE (X) COURT OF GENERAL SESSIONS
( ) MAGISTRATE'S COURT
( ) MUNICIPAL COURT OF Summerville

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE
(Bail Proceeding Form 2)

Offense Charged: Burglary 2nd, Simple A+B

At a bail proceeding conducted by undersigned judge, for the defendant named above, it was determined by the court (check one or both):

☒ The release of the defendant on recognizance will not reasonably assure his appearance as required.
☐ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Flight Risk, Nature of charges

DO NOT BREAK THE LAW
DO NOT LEAVE THE STATE

[Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits $_____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

☐ The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of $_____, his release to be obtained by payment to the court of _____(%) of this bond in cash, this amount being $_____. The defendant will be obligated to the State in the full amount of $ _____, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

☒ The defendant will provide good and sufficient surety approved in the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of $ 1,200.00.

3. That the defendant shall appear at (check one):
☒ the term of the court of general sessions beginning on [Date:] 4/13/98 at [Time:] 8:00 o'clock, A M., at [Place:] St George
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
☐ the session of ~~magistrate/municipal~~ (circle one) court beginning on [Date:] 3/24/98 at [Time:] 2:00 o'clock, P M., at [Place:] Summerville
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant RN

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

Signature of Judge — Date: 2/25/98

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than $5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

Signature of Defendant

Summerville SC 29483
City/State/Zip

2/25/98
Date

[redacted] / 871-2680
Social Security Number/Telephone No.

Attorney Representing Accused (If known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.
Original copy for the Trial Court – Copy for the Defendant

SCCA/511 (3/90)

FORM CONTINUES ON BACK

STATE OF SOUTH CAROLINA)
COUNTY OF: Dorchester

CERTIFIED COPY
2008 NOV 24 PM 2:38
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

THE INTERNATIONAL BONDING COMPANY
P.O. BOX 1177
Summerville, S.C. 29484-1177
Office: 873-3888 Home: 871-1390
Beeper: 740-7841

APPEARANCE RECOGNIZANCE WITH SURETY

Defendant: Richie [redacted] S.S.# [redacted]
D.O.B. 11-5-79 Address: [redacted] City: Summerville
State: S.C. Zip Code: 29483 Phone Number: [redacted]

On the 25 day of Feb, 19 98 personally appeared before the undersigned Judge the surety named below who acknowledged himself indebted to the state of South Carolina, in the sum of $ 1000.00 GS 1000.00 PC20, such sum to be levied on his real and personal property for the use of the State, if the within named defendant shall fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from from execution.

The International Bonding Company — Douglas M. Mabry
Signature of Surety

DEFENDANT _____ — X [redacted]
Signature of Defendant

Judge _____ — _____
Signature of Judge

In the Court of: GS & Dor & Municipal Sville
Court date: 25: 4-13, 98 Muni 4-27, 98 Charges: Burglary 2nd & Simple A & B

AGREEMENT

COUNTY OF: _____

For and in consideration of The International Bonding Company, acting as surety on the within bond, I Tony James co-surety,
ADDRESS: 16 West 3rd North St City Sville Zip 29483
agree that on said bond, then in such an event, The International Bonding Company is ever called upon to be liable on said bond, then in such an event, I Tony James co-surety, will pay unto The International Bonding Company any amount including attorneys fees which the said The International Bonding Company becomes liable therefor.

_____ — _____
Witness — Co-Surety

SWORN TO ME THIS _____ DAY
OF _____, 19 _____ — X [redacted] AS Defendant

_____ — _____ AS Co-Surety
Notary Public

Commission Expires _____ — _____ AS Surety

9330

Robert Davis Jr. — Name of Defendant

I-794092 / I-794086 — Warrant/Ticket Number

CERTIFIED COPY
2008 NOV 24 PM 2:38
CLERK OF COURT
DORCHESTER COUNTY

Charges: [illegible] Chief Graham

County/Municipality of Summerville
Trial Court
(X) General Sessions
( ) Magistrate
(X) Municipal Court

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

DIRECTIONS: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS CASES and for ALL MAGISTRATE AND MUNICIPAL COURT CAES IN WHICH BOND HAS BEEN SET BY A JUDGE. The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections.

(X) BAIL PROCEEDING
( ) FIRST APPEARANCE (Non-Bailable Offenses)

1. Form Used at bail proceeding
   ___a. Bond Form I (personal recognizance)
   ___b. Bond Form II (surety, cash, percentage)
   ___c. None (Non-Bailable Offense)

2. For cases in which bond is set, defendant was informed:
   ___a. Warrant for arrest will be issued for violation of any condition of bail bond order.
   ___b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
   ___c. Failure to appear in court as required will result in institution of additional criminal charges. For Failure to appear in connection with a felony, additional charges has penalty of fine of not more than $5,000 or imprisonment for not more than five (5) years, or both. For failure to appear in connection with a misdemeanor, additional charge has penalty of fine of not more than $1,000 or imprisonment for not more than one (1) year, or both.

3. For cases to be tried in Court of General Sessions, Defendant was informed of right to preliminary hearing if requested within ten (10) days:
   ___a. Orally
   ___b. In writing
   (NOTE: Defendant must be informed of right both orally and in writing)

4. ___ Defendant was informed of the right to a trial by jury.

5. In all general sessions cases and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
   ___a. Charges against defendant and nature of the charges.
   ___b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel
   ___c. [(Optional: Local procedures may require judge to refer defendants to indigency screener. If so, note referral here)
   Required to appear before _____ on _____, 19__ for appointment of counsel.]

6. Victim/Witness notification
   ___a. Victim notified of arrest
   ___b. Victim notified of bond hearing
   ___c. Victim notified of court date

Appearance or Hearing Date: 4/13 KS
3/24/09

[signature]
Judge's signature

0321

CERTIFIED COPY
2008 NOV 24 PM 2:38
CLERK OF COURT
DORCHESTER COUNTY

Preliminary Hearing Notice

OF: ☐ Request for Copy of Warrant(s) – Part I

☐ Warrant Dismissal(s) – Part II

STATE vs. Rickie Davis

PART I

TO: CLERK OF COURT. A preliminary hearing has been requested by the above named defendant and will be held 4/27/98 at 2:00PM Summerville Municipal Court, 300 West 2nd North St., Summerville, SC 29483

DATE / TIME / PLACE

Defendant represented by: Himself

Please provide a certified copy of the listed criminal warrant(s) for the purpose of a preliminary hearing.

	Warrant Number		Warrant Number
1.	F794092	4.	
2.		5.	
3.		6.	

PART II

TO: SOLICITOR. A preliminary hearing was held in the case of the above named defendant. The warrant(s) listed below was dismissed on the date indicated.

	Warrant Number	Date Dismissed
1.		
2.		
3.		
4.		
5.		
6.		

Date Transmitted: 3/18/98

0	0	3

Judge Code

Signature

Copies to:

Clerk of Court – White
Summary Court File – Canary
Solicitor – Pink

~~Summerville~~ Municipality ~~Dorchester~~ County

SCCA/509 (4/91)

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER) INDICTMENT NO.: 98-GS-18-0511

CERTIFIED COPY
2008 NOV 24 PM 2:39
Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA,

-versus-

RICKIE DAVIS,

Defendant.

NOTICE OF FORFEITED RECOGNIZANCE

TO: RICKIE DAVIS AND INTERNATIONAL BONDING COMPANY

You will please take notice that the conditions of a certain Recognizance bond dated February 25, 1998, filed in the Dorchester County Courthouse on or about the 23rd day of March, 1998, have not been complied with for the following reasons:

(He) (She) has failed to appear at General Sessions Court. and that such Recognizance has become forfeit by non-compliance;

You are, therefore, summoned to appear before the next ensuing term of General Sessions Court for this County at 9:30 a.m. on the 19th day of June, 1998, to show cause, if any you can, why judgment should not be confirmed against you in the amount of such bond.

Walt Bag
SOLICITOR

Summerville, South Carolina

June 2, 1998

98 JUN -3 AM 8:44
CLERK OF COURT
DORCHESTER COUNTY
FILED

9333

County of DORCHESTER

THE STATE

vs.

Rickie Davis

FILED-RECORDED
98 JUN -2 AM 8:55
CLERK OF COURT
DORCHESTER COUNTY

Date Served _____

Served by _____

-or-

Date Returned _____

Reason for
Return _____

BENCH WARRANT

Bench Warrant No. _____

Issued May 29 19 98

Court GENERAL SESSIONS

Home Address [redacted]

Summerville, SC, 29483

Business Address _____

Sex M Race B DOB [redacted]

Height _____ Weight _____

Eyes _____ Hair _____

Social Security No. [redacted]

CERTIFIED COPY
2008 NOV 24 PM 2:39
Cindy J. Graham
CLERK OF COURT
DORCHESTER COUNTY

9334

WITNESSES

Lt. Owens

ARREST WARRANT #:

F794092

Arrested on February 25, 1998

ACTION OF GRAND JURY

TRUE BILL

By:

Date

Foreman: _____
Grand Jury

[redacted]

VERDICT

Foreman: _____
Petit Jury

Date: _____

DOCKET #: 98GS18-0511

THE STATE OF SOUTH CAROLINA
County of Dorchester

COURT OF GENERAL SESSIONS

Term: April, 1998

[redacted]

THE STATE

vs.

Rickie Davis

[redacted]

INDICTMENT FOR

0079

BURGLARY IN THE FIRST DEGREE

(DWELLING) 16-11-311

CERTIFIED COPY
2008 NOV 24 PM 2:39
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)
) INDICTMENT #98GS18-0511
County of Dorchester)

At a Court of General Sessions, convened on April 09, 1998, the Grand Jurors of Dorchester County present upon their oath:

COUNT: BURGLARY IN THE FIRST DEGREE (DWELLING) 16-11-311

That Rickie Davis did in Dorchester County on or about February 23, 1998, willfully and unlawfully enter the dwelling of Tonya Johnson without consent and with the intent to commit a crime therein and the defendant did enter in the nighttime.

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

SOLICITOR B. Hamm Bell

CERTIFIED COPY
2008 NOV 24 PM 2:39
Clay Chapman
CLERK OF COURT
DORCHESTER COUNTY

9336.

CERTIFIED COPY

2008 NOV 24 PM 2:37

Cheryl Graham

CLERK OF COURT
DORCHESTER COUNTY

GENERAL SESSIONS DOCKET REPORT FOR DORCHESTER COUNTY

REPORT RUN DATE 7/17/2001

2001-GS18 734

INDICTMENT #: 0000GS18 ENTRY DATE: 7/17/2001 LAST UPDATE: 7/17/2001

DEFENDANT NAME: DAVIS, RICKIE JR AKA:

ADDRESS: [redacted] CITY: SUMMERVILLE STATE: SC ZIP: 29483

SOCIAL SECURITY NUMBER 888888888 SEX:M MALE RACE:B BLACK

DATE OF BIRTH: [redacted] DRIVERS LICENSE STATE / NO.: SC /9999999999999999

WARRENT OR TICKET #: G371372 COUNTS: 00001 OFFENSE CODE: 0139

NO WARRANT00001 NAME OF OFFENSE: Robbery / Armed Robbery, robbe

DATE OF ARREST: 4/22/2001 DATE REC BY CLERK: 7/17/2001 SUMMARY JUDGE: 000

RESTORE DATE: 0/00/0000

DISP DATE: 10-16-01 0/00/0000 DISP TYPE: Jury Trial Guilty

DISP TYPE EXPLANATION:

JUDGE CODE/NAME: Goodstein COURT REPORTER: Keil

CONVICTION: CTS: OFFENSE: 139

SENTENCE: 20yrs Concurrent

DEFENSE ATTORNEY: Hardee-Thomas

PROSECUTING ATTORNEY: Murphy

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	OF THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)	
)	Indictment No. 01-GS-18-734
STATE OF SOUTH CAROLINA,)	
)	VERDICT FORM
vs.)	
)	
RICKIE DAVIS JR.,)	
)	
Defendant.)	

CERTIFIED COPY
2008 NOV 24 PM 2:37
CLERK OF COURT
DORCHESTER COUNTY

PLEASE CIRCLE THE APPROPRIATE VERDICT BELOW AND FOLLOW THE ACCOMPANYING INSTRUCTIONS CAREFULLY.

1. AS TO THE CHARGE OF ARMED ROBBERY, WE THE JURY UNANIMOUSLY FIND THE DEFENDANT

GUILTY **NOT GUILTY**

2. AS TO THE CHARGE OF ROBBERY, WE THE JURY UNANIMOUSLY FIND THE DEFENDANT

GUILTY **NOT GUILTY**

STOP AND END YOUR DELIBERATIONS

Please sign and date.

Presiding Juror

10/16/01
Date

ARREST WARRANT

G-371372

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

01 MAY 25 PM 2:34

CERTIFIED COPY
2008 NOV 24 PM 2:37
MARY BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

THE STATE

against

Davis, Rickie JR. 01/13

Summerville, SC 29483

Phone: _____ SSN: _____

Sex: M Race: B Height: 5'5" Weight: 150

DL State: _____ DL #: _____

DOB: [redacted] Agency ORI #: SC0180200 139

Prosecuting Agency: Summerville P.D.

Prosecuting Officer: _____

Offense: Robbery While Armed With a Deadly Weapon Offense Code: 059A

Code/Ordinance Sec. 16-11-330

This warrant is **CERTIFIED FOR SERVICE** in the ☐ County/ ☐ Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Rickie Davis Jr on 01-1090 4-22-01

David A. Blair
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)
☐ County/ ☐ Municipality of)
_____)

Personally appeared before me the affiant David Blair who being duly sworn deposes and says that defendant Davis, Rickie JR. did within this county and state on 4-21-01 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Summerville) in the following particulars:

DESCRIPTION OF OFFENSE: Robbery While Armed with a deadly Weapon 16-11-330

CLERK OF COURT
DORCHESTER COUNTY

And further, that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

See Attached Affidavit

Sworn to and subscribed before me on 4/22/01

_____ (L.S.)
Signature of Issuing Judge

Dan F. Blair
Signature of Affiant
Affiant's Address _____
Affiant's Telephone _____

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
Summerville)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on _____ defendant _____ did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Summerville) as set forth below:

DESCRIPTION OF OFFENSE: Robbery w/ Armed with a deadly Weapon 16-11-330

Now therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as possible.

_____ (L.S.)
Signature of Issuing Judge
Judge Code: 015

Judge's Address SUMMERVILLE MUNICIPAL COURT 300 W. 2ND
Judge's Telephone SUMMERVILLE, SC 29483
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

AFFIDAVIT

9338.

9339

G-371372

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER) CERTIFIED COPY **AFFIDAVIT**
TOWN OF SUMMERVILLE)

2008 NOV 24 PM 2:37

Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

Personally appeared before me, and says that who, first being duly sworn, deposes

FILED
01 MAY 25 PM 12:34
CLERK OF COURT
BERKELEY COUNTY S.C.

RICKIE DAVIS

did within this town, county and state on violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE
ROBBERY WHILE ARMED WITH A DEADLY WEAPON
16-11-330

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth. Such probable cause is based on the following facts:
That on April 21, 2001 at about 2:50 am while at the Pantry, 207 Old Trolley Road, with the jurisdiction of the Town of Summerville, County of Dorchester, State of South Carolina, the defendant Rickie Davis did willfully, unlawfully and feloniously violate the statue 16-11-330 of the S.C. code of Laws, (1976) as amended, Robbery while armed with a deadly weapon, in that the defendant did, without permission of the owner enter the above business and steal approx. $45 in U.S. Currency from the business while holding an item under his shirt which the victim, David Twombly thought was a weapon. The defendant while holding the item under his shirt demanded money from the register, in which the victim did produce. Victim stated the subject fled in a gray four door Nissan with black tinted windows. Through an investigation by this affiant it was determined that the above Defendant was operating the above vehicle and that he was wearing a blue flowered shirt, which was described y the victim. The Victim was shown a photo lineup of six photos and did positively identify the defendant as the person who robbed him, this occurred at 7:16 am the same day of the incident. Lt. W. Maupin, victim, PFC Peters and Ptl Moyer are witnesses to prove same. All of which is against the law, peace and dignity of the State of South Carolina.

Affiant

Sworn to Subscribed before me

This 24th day of April 2001.

(L.S.)
Signature of Judge

Address: 300 W 2nd Street North
Summerville, SC 29483
Phone: (843) 871-2463

9340

Rickie Davis 80524 G-37372
Name of Defendant Warrant/Ticket Nos.

CERTIFIED COPY
2008 NOV 24 PM 2:37
CLERK OF COURT
DORCHESTER COUNTY

County/Municipality of Summerville

Charges: Armed Robbery Chg/ Graham Trial Court:
Blue Light

[X] General Sessions
[ ] Magistrate
[ ] Municipal Court

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

DIRECTIONS: Magistrates and municipal court judges must use this checklist for **ALL GENERAL SESSIONS CASES** and for **ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND HAS BEEN SET BY A JUDGE.** The judge should attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections.

FILED
01 MAY 25 PM 2:35
CLERK OF COURT
BERKELEY COUNTY, S.C.

[ ] BAIL PROCEEDING
[ ] FIRST APPEARANCE (Non-Bailable Offenses)

1. Form used at bail proceeding
__ a. Bond Form I (personal recognizance)
X b. Bond Form II (surety, cash, percentage)
__ c. None (Non-Bailable Offense)

2. For cases in which bond is set, defendant was informed:
X a. Warrant for arrest will be issued for violation of any condition of bail bond order.
X b. His right and obligation to be present at trial and that trial will proceed in his absence if he fails to attend.
X c. Failure to appear in court as required will result in institution of additional criminal charges. For failure to appear in connection with a felony, additional charge has penalty of fine of not more than $5,000 or imprisonment for not more than five (5) years, or both. For failure to appear in connection with a misdemeanor, additional charge has penalty of fine of not more than $1,000 or imprisonment for not more than one (1) year, or both.

3. For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:
X a. Orally
X b. In writing
[NOTE: Defendant must be informed of right both orally and in writing]

X 4. Defendant was informed of the right to trial by jury.

5. In all general sessions cases and in all magistrate or municipal cases in which a prison sentence is likely to be imposed, defendant was informed of the following:
X a. Charges against defendant and nature of the charges.
X b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel
__ c. [(Optional: Local procedures may require judge to refer defendants to indigency screener. If so, note referral here) Required to appear before _____ on _____ _____, 19___ for appointment of counsel.]

Appearance or Hearing Date: 4/22/01

Judge's Signature

VICTIM NOTIFICATION
NOTIFIED? YES ☐ NO ☒
SHOWED UP? YES ☐ NO ☐

SCCA/507(Rev.11-93)

OFFICE OF THE SOLICITOR
NINTH JUDICIAL CIRCUIT

CERTIFIED COPY

INDICTMENT/WARRANT STATUS CHANGE FORM
(One Defendant and One Warrant/Indictment Per Form)

2008 NOV 24 PM 2:37

DEFENDANT Davis Richard Jr.
LAST FIRST MIDDLE

INDICTMENT NUMBER -GS-

a/k/a _____
LAST FIRST MIDDLE

WARRANT/TICKET NUMBER 037372

DISPOSITION (Check One) REASON:

4A (___) Dismissal _____

4B (___) Nol Pros _____

5A (___) Diverted _____

5B (___) Judicial Commitment Probate Judge _____
Commitment Date _____

6 (___) Judicial Dismissal Court Administrator's Review _____

7 (✓) Remanded Charge Armed Robbery Court Summerville

8A (___) Dismissed at Prelim Judge _____ Date _____ (___Check for return of file if seeking Direct Indictment)

8B (___) No Bill Grand Jury Term _____ (___Check for return of file if seeking Direct Indictment)

9 (___) Failure to Appear Date Bench Warrant Issued _____

10 (___) Other _____

Authorized by: _____ Date 6/13/01
Solicitor

==========

CLERK OF COURT'S
DATE/TIME STAMP

RECEIVED BY: Mary P Brown

DATE: _____

FILED
2008 NOV 15 AM 10:
CLERK OF COURT
BERKELEY COUNTY, S.C.

9342

Ticket or Warrant No.: 80526 6-371372

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
STATE OF SOUTH CAROLINA

IN THE ( ) COURT OF GENERAL SESSIONS
( ) MAGISTRATE'S COURT
(X) MUNICIPAL COURT OF Summerville

Rick Davis
Name of Defendant

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE
(Bail Proceeding Form 2)

Offense Charged: Armed Robbery / Blue Light

At a bail proceeding conducted by undersigned judge, for the defendant named above, it was determined by the court (check one or both):

[X] The release of the defendant on recognizance will not reasonably assure his appearance as required.
[X] The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

Fled Scene / Nature of Charges

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2000 NOV 27 PM 4:37
CLERK OF COURT
DORCHESTER COUNTY

[Considerations: Nature and circumstances of the offense charged, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check one):

CASH IN LIEU OF BOND

[ ] The defendant, acknowledging himself to be indebted to the State of South Carolina, deposits $_____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

[ ] The defendant acknowledges himself to be indebted to the State of South Carolina in the sum of $_____, his release to be obtained by payment to the court of _____(%) of this bond in cash, this amount being $_____. The defendant will be obligated to the State in the full amount of $_____, such sum to be levied on his real and personal property for the use of the State, should he fail to perform the conditions of this Order.

APPEARANCE RECOGNIZANCE WITH SURETY

[X] The defendant will provide good and sufficient surety approved in the court, in the form set forth on the reverse side, acknowledging an indebtedness to the State in the amount of $ 150,000.

3. That the defendant shall appear at (check one):
[X] the term of the court of general sessions beginning on [Date:] 6/18/01 at [Time:] 8:30 o'clock, A.M., at [Place:] County Courthouse – St. George and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
[ ] the session of magistrate/municipal (circle one) court beginning on [Date:]_____ at [Time:]___:___ o'clock, ___.M., at [Place:]_____. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Initials of Defendant RD

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described on the reverse side, which are marked.

Signature of Judge

4-22-01
Date

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, including any conditions included on the reverse side of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than $5,000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both.

I acknowledge the receipt of a copy of this Order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the Order or fail to appear as required.

[redacted]
Address

Summerville S.C
City/State/Zip

[redacted]
Social Security Number/Telephone No.

Rick Davis
Signature of Defendant

4-22-01
Date

Attorney Representing Accused (If known)

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED.
Original copy for the Trial Court – Copy for the Defendant

SCCA/511 (3/90)

FORM CONTINUES ON BACK

9343

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF Dorchester)
) INDICTMENT/CASE#:
STATE VS.)
Rickie Davis, Jr) 2001 -GS- 18 - 734
) A/W#: G371372
AKA:) CERTIFIED COPY Date of Offense: 4/21/01
Race: B Sex: M Age: 21 2008 NOV 24 PM 2:37) Code §: 16-11-330
DOB: SS#:) CDR Code #: 01131 9
Address: Cheryl Graham ☐ CASE RESTORED
CLERK OF COURT
DORCHESTER COUNTY
DL# SID#:) SENTENCE
☐ PLEA ☑ TRIAL

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS TO: ARMED ROBBERY
in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 01131 9

☐ NON-VIOLENT ☑ VIOLENT ☐ SERIOUS ☑ MOST SERIOUS ☐ 17-25-45

The charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Solicitor | Defendant | Attorney for Defendant

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.

☐ The Defendant is to be given credit for _____ days/months jail time.
☑ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10-16-01

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐Heard, ☐Waived, ☐Ordered
Total: $_____ plus 20% fee: $_____
Payment Terms: _____
☐ set by SCDPPPS _____
_____
Recipient: _____

*Fine:	$
§14-1-206 (Assessments 100%)	$
§14-1-211(A)(1) (Surcharge)	$ 100.00
§14-1-211(A)(2) (Surcharge)	$
§56-5-2995 (DUI Assessment)	$
3% to County (if paid in installments)	$ 3.00
TOTAL	$ 103.00

Cheryl Graham
Clerk of Court/ Deputy Clerk
Court Reporter: Rene

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund.
Other: _____
_____
_____

PRESIDING JUDGE Diane S. Goodstein
Judge Code: 111121
Sentence Date: Oct. 16 2001

White - Clerk *Green* - Corrections *Canary* - Probation *Pink* - Defendant

WITNESSES

CERTIFIED COPY
2008 NOV 24 PM 3:37
CLERK OF COURT
DORCHESTER COUNTY

OFC. BLAIR - SPD

ARREST WARRANT NUMBER

G371372
Arrested: Apr 22, 2001

ACTION OF GRAND JURY

True Bill
Date

Foreperson of Grand Jury
Date: August 2, 2001

VERDICT

Foreperson of Petit Jury
Date:

0344

DOCKET NO. 2001GS18-0734

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

August 06, 2001 TERM

THE STATE
vs.

Rickie Davis, Jr.

Indictment for

ARMED ROBBERY

SC Code: **16-11-330**
CDR Code: **0139**
Class: **FEL-A(V)**

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.

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

Post Office Box 2520
Summerville, S.C. 29484
(843) 871-2640
FAX (843) 871-2643
PTI (843) 873-7842

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

23 AUGUST 2001

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

Please find enclosed herewith for each of you a copy of the SLED Forensic Services Laboratory Report - Department of Forensic DNA Analysis dated August 15, 2001 (5 pages).

As you know, before Norb was appointed in this case I extended an offer to Marva to let your client plead to a life without parole sentence in lieu of facing the death penalty. I advised Marva that I would hold the offer open until Norb was familiar with the case and we had the SLED reports back as well as the evidence. Now both of you have the psychiatric report, the ballistic report and the DNA results. I am now going to renew my offer to your client to allow him to plead to a life without parole sentence in this matter. I will hold this offer open until the end of the day on Friday, September 7. 2001. This should give you ample opportunity to discuss this offer with your client. In the event he does not agree to the terms, I will ask Court Administration to assign a judge and term for this case, at which time I will irrevocably withdraw the offer.

Please do not hesitate to give me a call if you have any questions.

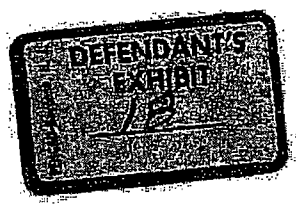
With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBjr:jgh

Enclosures: As stated



The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

140 N. Main St., Suite 102
Post Office Box 2520
Summerville, S.C. 29484
(843) 871-2640
FAX (843) 871-2643
PTI (843) 873-7842

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

6 DECEMBER 2001

VIA FAX 851-0062 AND U.S. MAIL

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

VIA FAX 873-4123 AND U.S. MAIL

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

I am enclosing herewith a copy of the Supplemental DNA Report dated November 26, 2001, showing the results obtained when the SLED Lab conducted further DNA analysis using additional probes. You will note that the odds that the semen found in the victim's vaginal swab belongs to someone other than Marion Bowman, Jr. have increased from 1 in 370 to 1 in 5300.

As I stated in my letter to Marva on July 2, 2001, the evidence that your client murdered Kandee Martin and burned her body is overwhelming and is summarized as follows. Lamont Robert Smith saw your client several weeks before the murder with a .380 pistol. About two weeks before the murder, Tiara Coleman observed Bowman give James Taiwan Gadson a pistol which Gadson fired into the air at an apartment complex in Branchville. Four shell casings were recovered by Margaret Hawkins. These shell casings were recovered by SLED and were fired by the same pistol that fired the shell casings recovered at the scene of Kandee Martin's murder. All of the shell casings were fired by the same .380 pistol which will be discussed later. On the day of the murder, numerous people including Hank Koger, Joseph Fogle and Katrina West saw your client in possession of the murder weapon. After the murder, both Hiram Johnson and Darian Williams saw Bowman in possession of the .380 pistol at Allen Murray's place in Branchville.

On the afternoon before the murder, your client was riding in a car with one of his sisters and Katrina West when they saw Kandee Martin at Charles Fralix's house. Katrina West heard your client state "that bitch is dead darkfall." When he was arrested after the murder on an unrelated charge, deputies found Bowman hiding under a bed after his wife said he was not home. Kandee Martin's watch was found in his pants pocket.

0690

11/2 19 01

PAY TO Robert Winter

FOR Bowman D.P. CASE

DV 1112

16500

AMOUNT THIS CHECK 1,500

HARLAND 2

BALANCE BROUGHT FORWARD 1571

DEPOSITS 16,50

TOTAL 18071

BALANCE 16571

0693

11/82 19 01

PAY TO Cummings Law Firm

Copy costs, phone calls etc

FOR Temp Rec Fee Reimbursement

Bowman CASE: TOTAL

16500 00

AMOUNT THIS CHECK 1000 00

DV 1112

HARLAND 2

BALANCE BROUGHT FORWARD

DEPOSITS

BALANCE 6071 85

X 008805 00 3 1 L4 970220 2-20 9:18

LIST SOURCE OF DEPOSITS AND INFORMATION ABOUT EXPENDITURES ON BACK OF PRECEDING STUB

0691

11/2 19 01

PAY TO Dot Gimlet

FOR Crime Scene Inv.

Bowman DV1112 TOTAL

16500 AMOUNT THIS CHECK 2,500

HARLAND 2

BALANCE BROUGHT FORWARD

DEPOSITS

BALANCE 14071

0692

✓ 11/2 19 01

PAY TO Dale Davis

FOR Mitigation fees

Bowman D.P. TOTAL

DV1112 16500 AMOUNT THIS CHECK 7 000

HARLAND 2

BALANCE BROUGHT FORWARD

DEPOSITS

BALANCE 4071

DEFENDANT'S EXHIBIT 42

9348

0720

10-18-02 19

PAY TO CLF

FOR DV3210 Meeks Mitchell Deeds

TOTAL

AMOUNT THIS CHECK 500.00

BALANCE

DEPOSITS

BALANCE BROUGHT FORWARD

HARLAND 2

0717

10-18 02

PAY TO Cleveland Defense

FOR State v Bowman Motion and Voucher DV2009

TOTAL

AMOUNT THIS CHECK 300

BALANCE

DEPOSITS

HARLAND 2

0721

10-18-02 19

PAY TO Carol LaFebvre

FOR Bowman trans VDV3335

TOTAL

AMOUNT THIS CHECK 125.00

BALANCE

DEPOSITS

BALANCE BROUGHT FORWARD

HARLAND 2

LIST SOURCE OF DEPOSITS AND INFORM OUT EXPENDITURES ON BACK OF PRECEDING STUBS

X 008805 00 3 L L4 970220 2-20 9-18

LIST SOURCE OF DEPOSITS AND INFORMATION ABOUT EXPENDITURES ON BACK OF PRECEDING STUBS

0718

10-18 19 02

PAY TO Jim Aiken

FOR Voucher DV 3225 Bowman

TOTAL

AMOUNT THIS CHECK 50.00

BALANCE

DEPOSITS

BALANCE BROUGHT F

HARLAND 2

0722

7/1 - 19 2002

PAY TO R Keil

FOR M.B. CT. Reporter

TOTAL

AMOUNT THIS CHECK 44.81 25

BALANCE

DEPOSITS

BALANCE BROUGHT FORWARD 44.81 28

HARLAND 2

0719

10-18-02 19

PAY TO Mitchell Bowman case

FOR DV 3210

TOTAL

AMOUNT THIS CHECK 100.00

BALANCE

DEPOSITS

BALANCE BROUGHT F

HARLAND 2

0723

7-18 19 02

PAY TO Jeff Bowman

FOR Bowman Case
partial
Bal = 202290 TOTAL

DEPOSITS

BALANCE BROUGHT FORW 710
1500 a

AMOUNT THIS CHECK 2500 a

HARLAND 2

BALANCE

0724

7-18-02 19

PAY TO Brian West

FOR Bowman Case
part. pay
bal = 417.20 TOTAL

DEPOSITS

BALANCE BROUGHT FORW

AMOUNT THIS CHECK 2500 a

HARLAND 2

BALANCE

LIST SOURCE OF DEPOSITS AND INFORMATION ABOUT EXPENDITURES ON BACK OF PRECEDING STUBS

X 008805 00 3 L L4 970220 2:20 9:18

0725

7-18-02 19

PAY TO Clay Nicholas

FOR Bowman
final payment TOTAL

DEPOSITS

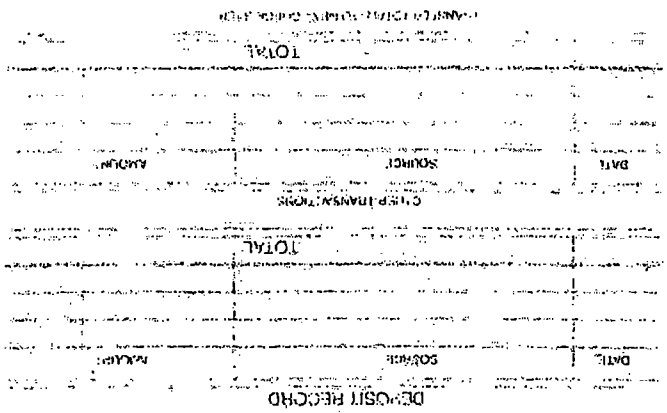
BALANCE BROUGHT FORW

AMOUNT THIS CHECK 1400 a

HARLAND 2

BALANCE

9350



0726

7-18 02

PAY TO SC Indigent Defense

FOR Refund on Voucher 12383902 for Clay Nichols

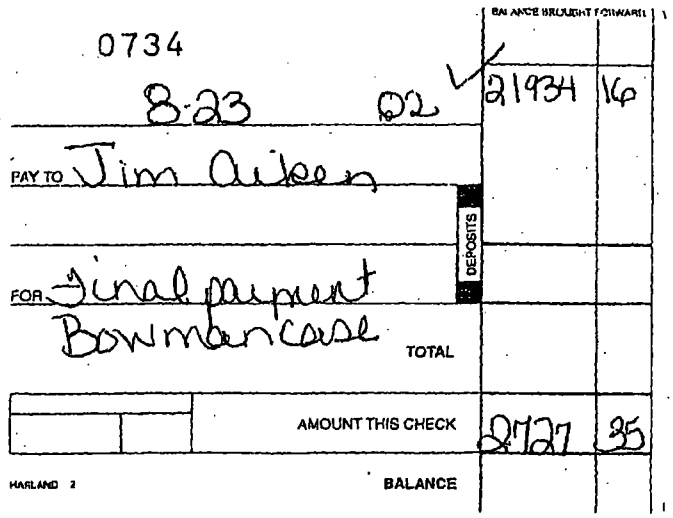
DEPOSITS

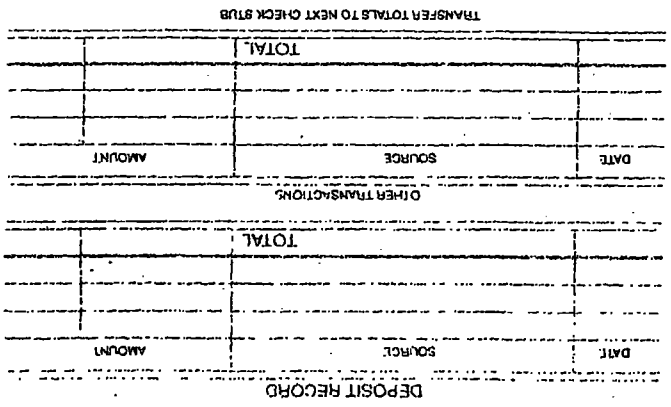
BALANCE BROUGHT FORWARD

TOTAL

AMOUNT THIS CHECK 1100 00

BALANCE


BALANCE BROUGHT FORWARD
0734
8-23
02
21934
16
PAY TO Jim Aiken
DEPOSITS
FOR final payment
Bowman case
TOTAL
AMOUNT THIS CHECK
2127
35
HARLAND 2
BALANCE


TRANSFER TOTALS TO NEXT CHECK STUB
TOTAL
DATE
SOURCE
AMOUNT
OTHER TRANSACTIONS
TOTAL
DATE
SOURCE
AMOUNT
DEPOSIT RECORD

9352

0735

8-22 02

PAY TO Jeffery Jungman

FOR Full + final pay on Bowman

TOTAL

DEPOSITS

BALANCE BROUGHT FORWARD

AMOUNT THIS CHECK 2022 90

HARLAND 2

BALANCE

0738

8-22 02

PAY TO Ronald Ostrowski

FOR Full + final pay on Bowman

TOTAL

DEPOSITS

AMOUNT THIS CHECK 1925

HARLAND 2

BALANCE

0736

8-22 02

PAY TO Brian West

FOR Full + final pay on Bowman

TOTAL

DEPOSITS

BALANCE BROUGHT FORWARD

AMOUNT THIS CHECK 417 20

HARLAND 2

BALANCE

LIST SOURCE OF DEPOSITS ...RMATION ABOUT EXPENDITURES ON BACK OF PRECEDING STUBS

X 008805 00 2 E L4 970220 2-20 9 18

LIST SOURCE OF DEPOSITS AND INFORMATION ABOUT EXPENDITURES ON BACK OF PRECEDING STUBS

0739

8-22 02

PAY TO Dale Davis

FOR Full + final pay Bowman

TOTAL

DEPOSITS

BALANCE BROUGHT F...

AMOUNT THIS CHECK 3459

HARLAND 2

BALANCE

0737

8-22 02

PAY TO Donald Morgan

FOR Full + final pay on Bowman

TOTAL

DEPOSITS

BALANCE BROUGHT FORWARD

AMOUNT THIS CHECK 1800 00

HARLAND 2

BALANCE

0740

8-22 02

PAY TO Walter Mitchell

FOR Full + final pay Bowman

TOTAL

DEPOSITS

BALANCE BROUGHT F...

AMOUNT THIS CHECK 1925

HARLAND 2

BALANCE

0741

8-22 02

PAY TO Robert Minter

FOR Full + final Pay Bohrman

TOTAL

DEPOSITS

AMOUNT THIS CHECK 137 74

BALANCE

HARLAND 2

0744

8-22 02

PAY TO Robert Minter

FOR Paid 6257.41 Bal owed 1620.00

TOTAL

DEPOSITS

AMOUNT THIS CHECK 6257

BALANCE

HARLAND 2

0742

BALANCE BROUGHT FORWARD

8-22 1902

PAY TO Sally Hayden

FOR Full + final Pay on Bowman

TOTAL

DEPOSITS

AMOUNT THIS CHECK 937.50

BALANCE

HARLAND 2

LIST SOURCE OF DEPOSITS AND INFORMATION ABOUT EXPENDITURES ON BACK OF PRECEDING STUBS

X 008806 00 3 E L4 970220 2-20 8-18

0745

BALANCE BROUGHT FO

4 3529

8-23 1902

PAY TO Robin Keil

FOR final pay on Bohrman

TOTAL

DEPOSITS

AMOUNT THIS CHECK 3529

BALANCE

HARLAND 2

0743

BALANCE BROUGHT FORWARD

8-22 02

PAY TO Indigent Defense

FOR Refund on Hayden

TOTAL

DEPOSITS

AMOUNT THIS CHECK 562.50

BALANCE

HARLAND 2

0746

BALANCE BROUGHT FO

9/15 1902

10/4 1620

3.17

PAY TO Richard Woods

FOR

TOTAL

DEPOSITS

AMOUNT THIS CHECK 317

BALANCE

HARLAND 2

Confidential Conclusions L.L.C.

"A Confidential Investigative Service"

P.O. Box 41921
N. Charleston, SC 29423-1921

Office (843) 708-4704
Fax: (843) 744-4042
Email: hombrker2@aol.com

Robert L. Minter
Private Investigator

February 16,2002

Norbert E. Cummings,Jr
Marva A. Hardee-Thomas
Attorneys At Law

Re: Marion Bowman Investigation

Investigative Time and milege:
September 18,2001 I was given authorization to start an investigation into this case

September 23,2001 Norbert Cummings and myself met with Marion Bowman at the Dorchester County Jail to review the case against him 8 hours 110 miles

October 30,2001 Norbert Cummings, Marva Hardee-Thomas, and myself met with Marion Bowman to discuss solicitor's offer and the case 8 hours 110 miles

November 13,2001 worked on Marion Bowman's case file separating statements, evidence documentation,etc and generally getting file in order 5 hours 50 miles

November 14,2001 worked on Marion Bowman's file as stated above 5 hours 50 miles

November 15,2001 worked on Marion Bowman's file as stated above 5 hours 50 miles

December 14,2001 Norbert Cummings and myself met with Marion Bowman at the Dorchester County Jail to discuss case and solicitor's renewed offer 5 hours 110 miles

December 22,2001 Drove to Branchville,S.C. to locate and interview alibi witness Frankie Martin and Joseph Fogle and Hank Koger 5 hours 150 miles

January 5,2002 Met with Hank Koger at the Branchville Police Dept. and Chief Walters. Met with Ed Waters and interviewed him 9 hours 154 Miles

January 6,2002 Coordinated with the Branchville Police Dept to locate Joe Fogle and Charles Fralix 2 hours

January 7,2002 Met with members of the defense team at Norbert Cummins office to discuss the case 3½ hours 50 miles

January 8,2002 Met with Joe Fogle at Dempsey Wood Products on Hgy 21 Rowesville,S.C. 5 hours 164 miles

Total Investigative Time: 60.5 hours@$35.00hr=$2117.50
Total milege:998 miles@$.315 mile=$314.37

Total Due:$2431.87
retainer: 1500.00

Total due: $931.87

INVESTIGATIVE ASSOCIATES OF CHARLESTON, INC.
P. O. BOX 1238
MT. PLEASANT, SC 29465

December 27, 2001

REPORT OF POLYGRAPH EXAMINATION

SUBJECT: Marion BOWMAN, Jr.
ATTORNEY: Norbert E. CUMMINGS, Jr.
EXAMINER: B. Frank BLOOMINGBURG

SYNOPSIS

1. Subject was administered a polygraph examination after he was charged with Murder and Arson, to which he denied. In the opinion of the Examiner, Subject DID ATTEMPT DECEPTION in his responses to relevant issue questions.

DETAILS OF THE POLYGRAPH EXAMINATION

2. Information was provided that Subject was charged with Murder and Arson after the body of a female, identified as Kandee Martin, was found in Dorchester County, SC in February 2001. Martin was shot several times and her body placed in her automobile which was set on fire. Subject denied culpability. Accordingly, the following relevant issue questions, with Subject's responses thereto, were utilized during the examination:

(A) Did you shoot Kandee Martin?.....NO.
(B) Did you set Kandee Martin's car on fire?.....NO.

In the opinion of the Examiner, Subject DID ATTEMPT DECEPTION in his responses to the above relevant issue questions.
During the post-examination interview, Subject continued to deny culpability.

NOTIFICATION OF POLYGRAPH EXAMINATION RESULTS

3. Subject and Attorney have been apprised of the polygraph examination results.

B. Frank Bloomingburg

James Gadson gave a statement saying while he was riding in Kandee Martin's car with Martin and Bowman, Bowman pointed his finger at Martin's head and made a motion like he was going to shoot her. He later told Gadson he was going to kill her because she was wearing a wire during a drug deal. He then observed Bowman shoot her and drag her body into the woods.

James Gadson, Sr. states he bought four pairs of gloves for Bowman. Darian Williams was riding in Martin's car with your client driving after the murder. Your client threatened to blow his brains out if he told. Mr. Williams was also present when Gadson and Bowman dragged Martin's body out of the woods and put it in the car in preparation for burning.

Practically everyone in the Bowman family handled the gun after the murder. Bowman's wife, Dorothy Bowman, located the murder weapon in a cushion of a chair and gave it to Bowman's sister, Kendra. Kendra gave it to her father, Marion Bowman, Sr., who hid the gun in the cemetery. Later, Kendra and Yolanda, also your client's sister, met their father at the cemetery where he gave them the gun and told them to get rid of it. Kendra and Yolanda threw the gun off a bridge into the Edisto River. They told deputies where the gun was and it was recovered by divers. As previously mentioned, ballistics tests show this gun was the murder weapon as well as the weapon that fired the shots at the apartment complex.

During several interviews, Bowman told various lies about who was involved in the murder. First, he stated Martin was killed by Terry Kelly (Peanut) and Taurus Gant. Supposedly, Kelly then had sex with Martin's corpse. Bowman's next version was Terry Kelly and James Gadson murdered Martin and that her body was fondled after she was shot. He stated the murder weapon was hidden in an abandoned building in Branchville which turned out not to be true. His third version stated Gadson shot Martin and then he shot her, presumably after she was already dead. He then stated Gadson had sex with her corpse and that he burned the car with the body in it. He next stated that Charles Fralix had murdered Martin. Inasmuch as your client stated on several occasions that Terry Kelly and James Gadson had sex with Martin's corpse, I believe there is an element of truth to it. However, since SLED forensics has made a DNA match with your client and the semen extracted from Martin's vaginal swabs, I believe he is the one who had post-death sex with Ms. Martin.

There is as much evidence against your client as any case I have ever tried. In view of the fact that the updated DNA report may have some bearing on your client's decision to plead to a no parole life sentence or receive the death penalty, I am going to allow him one final chance to plead guilty. This offer will remain open until noon on December 17, 2001. If it is not accepted by that time, the offer will be permanently withdrawn.

Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

Walter

Walter M. Bailey, Jr.

WMBjr/gh

Enclosures: As stated (Supplemental DNA Report)

cc: The Honorable Diane Schafer Goodstein

130 East Richardson Avenue
Summerville, SC 29483

P.O. Box 50503
Summerville, SC 29485

Dorchester County Public Defender
Marva A. Hardee-Thomas

Tel: (843) 873-8622
Fax: (843) 873-4123

December 5, 2001

Norbert Cummings, Jr., Esquire
Cummings Law Firm
P.O. Box 1318
100 South Main Street, Ste. B
Summerville, SC 29483

RE: STATE V. BOWMAN

Dear Norbert:

Please forward information to the following persons concerning Marion Bowman's case. These experts have been retained by us as part of the defense team, however, they have not received any information concerning the case yet.

Cleon Mauer is the firearms expert. He requests that we send him the bullets and gun that were tested by SLED. In addition, he needs a copy of the SLED report on the bullets and gun, and the police incident report. Mr. Mauer's mailing address is:

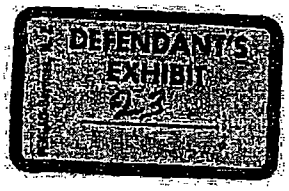
148 Nelsons Drive
Bracey VA, 23919
(434) 636-2453

Dr. Ronald Ostrowski is the DNA expert. He needs a copy of the police incident report, and the SLED DNA lab analysis to begin his work. His address is:

2120 McLean Road, Suite A
Charlotte NC 28213

Dr. Erin McConnell is the forensic pathologist. Please forward her a copy of the police incident report, SLED lab report, and the autopsy report. Her address is:

MUSC Department of Pathology, Forensic Section
165 Ashley Avenue, Suite 309
P.O. Box 250908
Charleston SC 29425



Frank Bloomingburg is the polygraph expert. Please forward him a copy of the police incident report, detective notes, Marion's statements, co-defendants' statements, and witness statements. His address is:

Investigative Associates of Charleston, Inc.
P.O. Box 1238
Mt. Pleasant, SC 29464

Jeff Hollifield is the chemist. Please forward him a copy of the police incident report, all SLED lab reports, to include lab results on gunshot residue and lab results on fibers. His address is:

Micro Analytical
210 West Stone Avenue
Greenville, SC 29609

If you have any questions, please call me. I am,

Sincerely,

Marva A. Hardee-Thomas, Esquire

MAHT/vgh

cc: Marion Bowman

130 East Richardson Avenue
Summerville, SC 29483

P.O. Box 50503
Summerville, SC 29485

Dorchester County Public Defender
Marva A. Hardee-Thomas

Tel: (843) 873-8622
Fax: (843) 873-4123

December 5, 2001

Center for Capital Litigation
Attn: Teresa Norris
P.O. Box 11311
Columbia, SC 29211-1311

RE: State v. Bowman
Death Penalty Case

Dear Teresa:

I represent Marion Bowman, Jr., a public defender client who is being charged with Capital Murder and Arson 3rd Degree. Mr. Bowman's trial is scheduled for Spring 2002. In an effort to properly prepare for his upcoming trial, I am requesting your assistance. Please send me copies of the following information: (a) jury charges; (b) significant South Carolina case law relating to death penalty cases; (c) all motions relating to death penalty cases; (d) voir dire questions; and (e) case law on interrogation procedures.

In addition to the above listed items, please submit anything that will be helpful to me in preparing for his trial. Thank you in advance. I am,

Sincerely,

Marva A. Hardee-Thomas, Esq

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender

MAHT/vgh

Cc: Marion Bowman, Jr.
Norbert Cummings, Esquire

130 East Richardson Avenue
Summerville, SC 29483

P.O. Box 50503
Summerville, SC 29485

Dorchester County Public Defender
Marva A. Hardee-Thomas

Tel: (843) 873-8622
Fax: (843) 873-4123

September 18, 2001

Marion Bowman, Jr.
Dorchester County Detention Center
100 Sears Street
St. George, SC 29477

RE: STATE V. BOWMAN
Case No.: 2001-GS-18-348; 2001-GS-18-349

Dear Marion:

Enclosed is a copy of the court order that Judge Goodstein signed on September 17, 2001. We are seeking services from the following experts below. They should begin working on your case now that they have an order approving funding.

1. Dr. Donald Morgan, forensic psychiatrist
2. Dr. Ronald Ostrowski, DNA expert
3. Dr. S. Erin McConnell, forensic pathologist
4. Cleon Mauer, firearms expert
5. Robert Minter, investigator
6. Dale Davis, mitigation specialist
7. Don Girndt, forensic consultant

Please notify me if you have questions concerning the Order or the experts. Thank you.

Sincerely,

Marva A Hardee-Thomas, Esq

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender

MAHT/vgh

Enclosure

cc: Norbert E. Cummings, Jr., Esquire

DEFENDANT'S EXHIBIT

THE CUMMINGS LAW FIRM
NORBERT E. CUMMINGS, JR.
ATTORNEY AT LAW
100 South Main St. Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318
843-821-9999
Fax 843-851-0062

October 25, 2001

Marva Hardee-Thomas
130 East Richardson Avenue
Summerville, SC 29483

Dale M. Davis
P.O. Box 50944
Summerville, SC 29485

RE: State vs Marion Bowman, Jr.

Dear Ms. Davis and Mrs. Thomas:

I am in receipt of Ms. Davis' letter. Congratulations in regards to the case. Mr. Bowman has requested any information regarding this case that you just completed for his review. If you could please provide him with any reading material from this case. Do you have a copy of the transcript from the trial. This is what he is requesting.

I would like to meet with you and Mrs. Thomas and discuss this case. Please contact this office and schedule a date and time that is convenient with all parties. Thank you for your assistance in this case and I look forward to working with you in this case.

With warm and kind regards, I am

Sincerely,

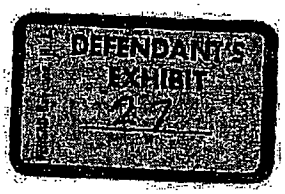
Norbert E. Cummings, Jr.

NEC/scf

THE CUMMINGS LAW FIRM
NORBERT E. CUMMINGS, JR.
ATTORNEY AT LAW
100 South Main St. Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318
843-821-9999
Fax 843-851-0062

December 12, 2001

Marva Hardee-Thomas
130 East Richardson Avenue
Summerville, SC 29483



Dale M. Davis
P.O. Box 50944
Summerville, SC 29485

RE: State vs Marion Bowman, Jr.

Dear Ms. Davis and Mrs. Thomas:

I am in receipt of Ms. Davis' letter. A letter was forwarded to Mrs. Thomas on November 28, 2001 as to dates that I would be available to schedule a meeting and I have not received a response as of today, December 12, 2001. I have another Order of Protection from December 21, 2001 through January 6, 2002 that was planned prior to the appointment of this case and therefore I will not be available during these dates.

Just for information, Family Court and Magistrates Court are only closed for December 24-26 and January 1. I do practice in these Courts for three different circuits also. But again, I will be out until January 6, 2002. Therefore, I would like to meet if possible one of the dates below.

As of today, December 12, 2001, I have the following dates and times available and maybe someone will let me know when it will be convenient for all parties to meet. I can only inform all of my available dates and await a response from others.

I am available on 12/17 after 4:00 p.m., 12/18, after 4:00 p.m., 12/20 after 2:00 p.m., and I will return on January 6, 2002.

Please let me know so I can block the time off before

appointments are scheduled.

With warm and kind regards, I am

Sincerely,

Norbert E. Cummings, Jr.

NEC/scf

THE CUMMINGS LAW FIRM
NORBERT E. CUMMINGS, JR.
ATTORNEY AT LAW
100 South Main St. Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318
843-821-9999
Fax 843-851-0062

January 11, 2002

Marva Hardee-Thomas
130 East Richardson Avenue
Summerville, SC 29483

RE: State vs Marion Bowman, Jr.

Dear Mrs. Thomas:

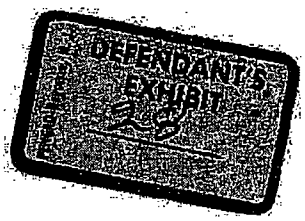
I am in receipt of a fax from Jeff Yungman. Let's get him on board as soon as possible. He is a former cop. WOW. Please prepare the Order for the monies for the Judge and I will complete the voucher once the Order is received. Thank you.

With warm and kind regards, I am

Sincerely,

Norbert E. Cummings, Jr.

NEC/scf



9367

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER
THE STATE
vs.
BOWMAN, JR., MARION
CH211-0136
Defendant

IN THE COURT OF GENERAL SESSIONS
REPORT OF FINDING MENTAL CAPACITY

TO: THE SOLICITOR/ASSISTANT SOLICITOR

THE UNDERSIGNED RESPECTFULLY REPORTS TO THE COURT:

1. That the above-named defendant was evaluated on **May 7, 2001** to determine the defendant's capacity to stand trial pursuant to Section 44-23-410, et sequential, Code of Laws of South Carolina, 1976. The evaluation was conducted under the supervision of **Dr. Pratap Narayan.**

2. That after study and observation, the hospital staff submits the following report:

   a. That the above-named defendant is diagnosed with **Alcohol Abuse; Personality Disorder, Not Otherwise Specified (Antisocial Traits).**

   b. That the above-named defendant is capable of understanding the nature of the charges, and is capable of assisting counsel in his own defense.

   c. That the above-named defendant **did** have the ability to differentiate right from wrong at the time of the alleged offense. on or about February 17, 2001.

   d. That the above-named defendant **did** have the capacity to conform his/her conduct to the requirements of the law.

3. It is recommended that the above-named defendant be returned to the jurisdiction of court.

C, Marva Hardee-Thomas, Attorney at Law, P.O. Box 50503, Summerville, SC 29484

DEFENDANT'S EXHIBIT 49

Columbia, South Carolina
June 28, 2001

Pamela M. Crawford, M.D.
Director
WSHPI-Forensic Division

mab

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To Solicitors Office

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This [illegible] records which [illegible] regulations (42 CFR Part 2) [illegible] This prohibits [illegible] without [illegible] permitted [illegible] or other [illegible] purpose

EVALUATION SERVICE OF FORENSIC DIVISION

DATE OF EVALUATION: May 7, 2001

PRESIDING: Pratap Narayan, M.D.

OTHERS PRESENT: Tora Brawley, Ph.D.
Ed O'Connor, Psychology Student

DIAGNOSES:
AXIS I: Alcohol Abuse.
AXIS II: Personality Disorder, Not Otherwise Specified (Antisocial Traits).
AXIS III: No Diagnosis.

COMPETENCY TO STAND TRIAL: Yes.

CRIMINAL RESPONSIBILITY: Yes.

CAPACITY TO CONFORM: Yes.

DISPOSITION: Mr. Bowman was returned to the Dorchester County Detention Center to await a formal competency determination.

IDENTIFYING DATA: Mr. Bowman is a 20-year-old, African-American male who was seen at our institution on May 7, 2001, pursuant to a court order from the Dorchester County Court of General Sessions. The court order requested that Mr. Bowman be evaluated for his mental capacity to stand trial, whether he was criminally responsible pursuant to the McNaughten Test for his actions on or about February 17, 2001, and if found responsible, whether he lacked sufficient capacity to conform his conduct to the requirements of the law because of a mental disease or defect. Mr. Bowman is currently charged with Murder, and Arson (3rd degree).

This evaluation was based on the following sources of information:

1. Court order from the Dorchester Court of General Sessions dated 03/26/01, requesting this evaluation.
2. Incident report dated 02/18/01, numbering two pages.
3. Supplementary incident report dated 02/21/01, by Officer Alvin Coker, numbering three pages.
4. Supplementary incident report dated 02/18/01 by Officer Miller, numbering one page.
5. Incident report dated 02/19/01,by Officer Hendrick, numbering two pages.

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6. Arrest warrant dated 02/19/01, on charge of Murder, Common-Law.
7. Arrest warrant dated 02/19/01, on charge of Arson 3rd Degree.
8. Arrest warrant dated 12/01/00, on charge of Receiving Stolen Goods.
9. Arrest warrant for James Tawain Gadson dated 02/17/01, on charge of Murder.
10. Affidavit of Officer Alvin Coker executed 02/19/01, on charge of Murder, numbering one page.
11. Affidavit by Detective Alvin Coker on 02/19/01, on charge of Arson 3rd Degree.
12. Affidavit by Sgt. Coker on 02/21/01 for a Search Warrant to search the body and person of Travis Felder.
13. Affidavit by Detective Coker on 02/21/01 for Search Warrant to search the body and person of James Tawain Gadson.
14. Affidavit by Sgt. Coker dated 02/21/01 for search warrant for the body and person of Marion Bowman, Jr.
15. Affidavit by Sgt. Coker on 02/17/01 on charge of Murder for James Tawain Gadson.
16. Investigative report by Sgt. Alvin Coker, numbering one page regarding incident of 02/17/01.
17. Investigative report by Officer Van Doran, numbering six pages on 02/17/01 at approximately 0400 hours.
18. Investigative report by Detective Miller, numbering eight pages.
19. Statement of Miranda Rights signed by Marion Bowman, Jr., dated 02/17/01 at 11:25 a.m.
20. Statement of Miranda Rights signed by Marion Bowman, Jr., dated 02/22/01 at 11:00 a.m.
21. Statement of Miranda Rights dated 02/27/01, signed by Marion Bowman, Jr. at 12:18 p.m.
22. Booking report dated 02/20/01 at 12:00 noon.
23. Copy of Consent to Search signed by Charles Fralix, dated 02/17/01.
24. Copy of Consent to Search form dated 02/18/01, signed by Dorothy Mae Bowman.
25. Copy of Consent to Search dated 02/17/01 by Dorothy Mae Bowman.
26. Copy of Consent to Search dated 02/17/01 by Yolanda Bowman.
27. Voluntary Consent to Search by Darian Williams on 02/22/01 at 16:40 hours.
28. Copy of search warrant dated 02/21/01 issued to Sgt. Alvin Coker, numbering three pages.
29. Search warrant dated 02/21/01 issued to Officer Alvin Coker numbering three pages. Is this the same?
30. Voluntary statement by Perry Chinners dated 02/23/01 at 12:45 p.m., numbering one page.
31. Statement by Marion Bowman, Jr., dated 02/17/01 at 2:10 p.m., numbering three pages.
32. Statement by Marion Bowman, Jr., dated 02/17/01 at 16:40 p.m., numbering three pages.
33. Statement by Marion Bowman, Jr., (a.k.a. Black), dated 02/17/01 at 8:50 p.m., numbering one page.
34. Statement by Marion Bowman, Jr., dated 02/18/01 at 7:35 p.m., numbering five pages.
35. Autopsy report done on 02/17/01 by the Newberry Pathology Associates, Newberry, S.C., on victim Kandee Martin.
36. Statement by James Tawain Gadson dated 02/18/01 at 10:00 a.m., numbering four pages.
37. Statement by James Tawain Gadson (a.k.a. Gap) dated 02/18/01, at time not specified, numbering two pages.
38. Voluntary statement dated 02/18/01 at 6:00 p.m. by Terry Kelley, numbering two pages.
39. Statement by William Darian Antonell on 02/22/01 at 15:30 hours, numbering one page.

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40. Statement by William Darian Antonell (a.k.a. Pop) dated 02/23/01 at 1:15 a.m,. numbering one page.
41. Statement by Dwayne Beane, dated 02/17/01 at 4:35 a.m., numbering one page.
42. Statement by Perry Chinners, dated 02/17/01 at 4:35 a.m., numbering one page.
43. Statement by Tirra Coleman, dated 02/22/01 at 4:25 p.m., numbering one page.
44. Statement by James Fender, Jr. on 02/17/01 at 4:38 (a.m./p.m. not specified), numbering one page.
45. Voluntary statement by Charles Fralix, dated 02/01 (year not specified), numbering one page.
46. Voluntary statement by Vametra Gadson, on 02/18, Sunday (year not specified), numbering one page.
47. Voluntary statement by Vametra Gadson, dated 02/18, Sunday (time and year not specified), numbering one page, regarding Yolanda Bowman.
48. Voluntary statement by Vametra Gadson, dated 02/20, Tuesday (time and year not specified), numbering one page. .
49. Voluntary statement by Margaret Hawkins, dated 02/22/01 at 2:45 p.m., numbering one page.
50. Statement by Michael Jermany Hughes, dated 02/17/01 at 4:35 (a.m./p.m. not specified), numbering one page.
51. Statement by Albert R. Judy, dated 02/17/01 at 4:39 a.m., numbering one page.
52. Voluntary statement by Bryan Newhouse, dated 02/18/01(time not specified), numbering one page.
53. Statement by Ryan S. Reeves, dated 02/17/01 at 4:35 a.m., numbering one page.
54. Statement by Troy L. Robinson (date and time not specified), numbering one page.
55. Voluntary statement by Valorna Rene Smith, dated 02/18/01 (time not specified), numbering one page.
56. Statement by Edward Walters (date and time not specified), numbering one page, transcribed by Detective. Miller.
57. Statement by Katrina West given on 02/22/01 at 17:45 hours, numbering one page.
58. Psychological testing report by Dr. Brawley, dated 05/10/01.
59. Neurological consultation report by Dr. Steedman, dated 05/07/01.
60. Head CT Scan report dated 05/21/01.
61. EEG report dated 05/21/01.
62. 2-1/2 hours clinical forensic interview on 05/7/01.

PERTINENT STATEMENTS: The defendant is a 20-year-old, African-American male who was born in Orangeburg, SC, on [redacted]. He reportedly has two sisters, ages 22 and 19, one half brother age 13 or 14, and one step-sister age 23. His parents reportedly separated when he was 1-1/2 years old, and divorced a few years later. He reportedly lived with mother and sisters, and stated that he got along well with them. He stated that he had no contact with his father until the age of 13 or so, and "all my friends were family." He reported a history of misbehaving in school "a lot", in the form of fighting most of the time, which lead to both in and out of school suspensions, approximately three to four times a year. He denied any expulsions, and denied any problems with teachers. He also denied any legal problems. He stated that he used to fight in the neighborhood, and destroyed property on one occasion, but denied any fire setting, use of weapon in fights, any serious injuries to himself or others, cruelty to animals or other gang activities. He also denied running away from home or truancy in school. He stated he completed the 10th

grade, but did not obtain a GED. He reported that his grades were "pretty good grades when I wanted to make it." He reportedly repeated the fourth grade, because he "wouldn't do my work."

Mr. Bowman got his first legal charge in 1997, when he was charged with burglary. He reportedly went to court, and was sent to boot camp for 104 days, and also got a two-week extension for fighting. After he got out of boot camp, he stated that he started performing air conditioning work, and did not return to school. He reportedly worked at this job for approximately three months, doing duct work, until his grandfather died. After this, he stated he quit his job and remained unemployed until December 1999, when he worked for approximately one or two weeks, putting wheels on tractors. After two weeks, he reportedly quit this job, after an altercation with his supervisor.

He stated he was supported financially by his mother, and was living with his cousin and girlfriend in Georgetown, after boot camp. About three months later, he revealed they moved to Branchville and lived with an aunt. He stated he didn't go back to live with his mother, because he did not like his mother's boyfriend. He reportedly got married on 12/06/99 and went to live with his mother, until his wife got a job in Orangeburg. He was then locked up from January to July 2000 on two charges of Armed Robbery, Assault and Battery with Intent to Kill, and Burglary, and reported he was found not guilty at trial. After his wife obtained a job at Orangeburg, he moved to live with his wife and her sister in August 2000. In October 2000, he reportedly moved back to Branchville, and he and his wife went to live with their respective mothers. In November 2000, he stated he had found a place to stay, and moved there with his wife and two step-children, and was living there until the time of his arrest. At that time, neither he nor his wife were employed. He stated that his wife is currently pregnant (approximately five months), and also reported having several relationships prior to marriage, each of which lasted approximately four to five month..

Mr. Bowman denied any significant medical illnesses in the past, except for trauma of the head on two occasions. He stated that he had loss of consciousness for approximately 15 to 20 minutes the first time, and a "couple of minutes" the second time. He stated that he was hit on the head the first time, and was injured due to a fall on the second occasion. He denies any hospitalizations, seizures, blackouts, or amnesia on both occasions. He denied any known drug allergies and denied any history of psychiatric symptoms or treatment, , except for a visit to a "counselor" on one occasion. He stated this was because he kept "getting in trouble, my cousin had shot himself in the head," and his mother told him he "wasn't acting right". He denied any history of suicidal ideation or attempts. He also denied any other unusual experiences. He reported a family history of diabetes and arthritis in his grandmother , arthritis in his mother, hypertension in his father, as well as alcohol and substance abuse in two uncles.

Mr, Bowman reported a history of using alcohol since the age of 14 and stated that he drinks approximately four to five 40 oz beers per day. He reported being occasionally intoxicated, especially when he drank liquor along with beer, and stated that he sometimes drinks about two 50 oz or so of beer or a liter of Gin. He denied any withdrawal symptoms, DTs, or blackouts. He stated that he tried marijuana at age 15, but didn't continue to abuse it. He also denied any use of cocaine, heroin, acid or other substances. He reportedly smokes approximately 8 to 10 cigarettes per day, since the age of 14.

MENTAL STATUS EXAM: He was a cleanly dressed, somewhat disheveled African-American male, who appeared his stated age. He was cooperative and pleasant, and appeared in no apparent distress. He had

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no abnormal movements, and his psychomotor activity was within normal limits. His speech was normal in rate, rhythm, tone, volume, and inflection. He denied any suicidal or homicidal ideation, intent, or plan. His thinking was logical and goal-directed. He denied any auditory or visual hallucinations, and did not appear to have any delusions. His affect was euthymic, with good reactivity. His attitude, at times, appeared somewhat playful. His immediate and recent memory were intact, with him recalling 3/3 words at the time of presentation, as well as 3/3 after a five to ten minute delay.. His attention and concentration were also adequate. He was able to spell the *world* forwards and backwards, without error. His abstraction on tests of similarities and proverbs was fair to good, and his fund of general information was average. His insight was good, and judgement was fair.

PSYCHOLOGICAL TESTING: Mr. Bowman was administered a battery of psychological and cognitive tests. During the evaluation, he was alert, fully oriented and cooperative. On the Wechsler Abbreviated Scale or Intelligence, he received a Full Scale IQ of 81 (Verbal IQ 86, Performance IQ 80), placing him overall in the Low Average range of intellectual functioning. On the Repeatable Battery for the Assessment of Neuropsychological Status, all cognitive domains assessed were adequate. Overall, Mr. Bowman did not evidence any significant cognitive or psychological dysfunction on this evaluation.

CONDUCT OF INTERVIEW: Mr. Bowman came in willingly for the interview, and was able to read and interpret the Miranda Rights without difficulty. He stated that his attorney was Mrs. Marva Hardy-Thomas, who is a Public Defender, and initially asked why she was not present at the time of the evaluation. He later agreed to participate in the evaluation without her being present. He was offered the opportunity of contacting her on the telephone, but declined. He signed the Miranda Rights Statement Sheet, as well as the Waiver of Rights.

CONCLUSION REGARDING COMPETENCY TO STAND TRIAL: Mr. Bowman was aware that his charges at the present time, were Murder and Arson Third Degree, and stated that these were felonies, which were more serious charges than misdemeanors. He stated that Murder could carry penalties of life in jail or the electric chair. He said that although his lawyer told his mother that the solicitor might seek the death penalty, he had not been served with a notice regarding this. Regarding the charge of Arson Third Degree, he stated he did not know what the penalties could be, but that he could "ask my lawyer when she comes to see me." He repeated that he wasn't very happy with his attorney, because "she never comes to see me, I call her office and she hangs up, I write her letters and she does not answer them back," and stated "she is a nice lady, ... but, first time I met her when I started asking questions, asked her if she can work with the National Legal Professional Associates... she said, 'no they got to wait till I finish'. He stated she refused to work with any additional legal services hired by the defendant, and reportedly did not act on his request for an evidentiary hearing and motion for discovery. He stated he did not trust her, but he trusted the National Legal Professional Associates to prepare a good defense on his behalf. However, he stated he would have no difficulty communicating with his attorney and be willing to work with any attorney that would "work with him". He went on to say, "if they answer my questions, I will be happy."

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He was aware of the pleas of **guilty** ("you did it"), and **not guilty** ("you didn't do it"). He stated that he did not know what the pleas of **NGRI** or **GBMI** were, and that he could "ask my lawyer" to get more information about these. He stated that the principal officers of the court were the solicitor, the jury, the judge, the lawyer, and witnesses. He stated that **the solicitor's** job was to find evidence to say "I did this," and to "put me in jail." He said that **the jury** was a group of 12 people, whose jobs was to listen to all the evidence, and see if the solicitor had enough evidence to find him guilty. He initially thought that the jury decision would depend on the majority, i.e., at least 7 out of 12. However, he was able to understand, when it was explained, that the jury's decision had to be unanimous. He also was able to understand and appreciate the concepts of mistrial and hung jury. He stated that ideally, the jurors should have no prejudice and "shouldn't know me." He stated that the job of **the judge** was to sit back and listen to everybody, and to determine what he would do at sentencing. He stated that the judge would sit on the bench and observe, listen, watch. He was aware that the judge maintains order in the courtroom, and did not take sides, and would ensure that the law was followed at all times so that the defendant could have a fair trial. He also knew that the judge would rule on objections and say "sustained, overruled." He stated that **his lawyer's** job would be to prepare a defense, to question the police, cross examine witnesses, and show that the prosecutors did not have enough evidence ... "try to get me off," and that the defense lawyer would speak for the defendant. He was aware that his attorney would work for him and do what the defendant wanted her to do. He stated that **witnesses** were people that would go on the stand and get up and say, "what they know, ...they had to have been there." He knew that witnesses could be for or against the defendant. He defined **evidence** as "something linking me to the crime," and was able to describe evidence in a hypothetical situation. He stated that the standard of proof that the solicitor would have to meet would be "beyond a reasonable doubt." He appeared to be aware of what constitutes appropriate courtroom behavior and was aware of the concept of contempt of court. He defined a **plea bargain** as where the "solicitor try to make you a deal... a sentence deal... probation or time; he will talk it over with my lawyer ... I got to say I did it". He was aware that the solicitor would offer a plea bargain to save himself time and effort, and the defendant would take a plea in order to get short sentence. However, he stated, "I ain't pleading." He was aware that if he took a plea bargain he would lose the right to trial and to appeal. It is our opinion, with reasonable medical certainty, that the defendant has a rational and factual understanding of the proceedings against him at this time, and has the ability and willingness to assist his attorney in his defense, if he so chooses. He therefore appears to have the mental capacity to stand trial at this time.

CONCLUSION REGARDING CRIMINAL RESPONSIBILITY: Mr. Bowman was aware that the present charges dated back to 02/16/01, when "Kandee Martin got killed." He stated that he was in jail on unrelated charges, and made a statement about this particular incident. On that particular day in question, he stated that he was in the projects with some other people at Branchville, drinking and having a good time. He stated that the victim often came to where they were "to buy crack", and that he first saw the victim on 02/16/01, at approximately 1:00 p.m. He stated that he had no psychiatric problems or symptoms on that day and that it was a usual day for him. The victim reportedly spent $20 on 'crack' and left, and returned at approximately 2:30 p.m. and gave him $10 and a watch, in exchange for more cocaine. At approximately 6:15 p.m., he reportedly went to another person's house, and "she was there, she be smoking dope". He

states that his friend Joe was upset with Kandee because she wanted to trade dope for a "trick". He reported that 'crack' was exchanged with Kandee for oral sex.. He stated that Joe "got mad and Kandee gave me a ride back to town, I gave her another piece." She reportedly wanted to find out who else had cocaine, and he got a friend of his called James Gadson (a.k.a. Gap) to the car. They all reportedly went to the gas station, pumped $10 worth of gas, and pulled out without paying. Gap reportedly asked the defendant for drugs and stated he would pay him back. The defendant reportedly got out of the car near the church in the vicinity, and about 30 to 45 minutes later, Gap returned driving Kandee's car. He reportedly said " him and Peanut been together." He stated that Gap asked him to go with him, and that he would show him something - "I went with him, and he showed Kandee's body in the bushes ... I asked what happened ... he said 'the bitch wouldn't trick' ... her clothes were pulled down, and I asked why, he said he was about to 'f... her, her p....'s still warm'". He went on to say that they saw a car coming and he got in the car with Gap. He stated that later, he reportedly went home with his father. Gap reportedly came back later, and "we went to the projects ... still in Kandee's car ... he put the car in the bushes beside the railroad track". He stated that he and Gap walked back to the projects and got his sister's car, went to the store for some beer, and drove around. Approximately one to two hours later, around 10:00 p.m., he was reportedly waiting for a friend called Travis, to come and take him to the club. He said that Gap got Kandee's car and drove him, Hiram Johnson and Pop to the club. Gap reportedly gave him $10 and asked him to get four pair of gloves and a pack of cigarettes. He stated he did so and he passed out the gloves to the others, but did not wear his gloves. He reportedly offered to, and drove the car to the club. At the club, he stated that he was sitting in his sister's car with his cousin and talking - "I didn't wanna go to the club because the police was looking for me." Gap reportedly returned and dropped them off in the projects "I got Travis to take me back home", and he reportedly didn't see Gap again until he got to jail. He stated that Gap shot the victim. When he was questioned by the police, he stated he told them that he had nothing else to say, then "Larry came up and said, 'Gadson shot the girl, and you did too'." He reportedly denied this, and Larry hit him. He stated that Larry then got a piece of paper and got him to sign it (reportedly threatened to arrest his wife and have his child taken away by DSS, if he did not sign the paper). He stated he did not know anything about the burning of the victim's body, and said "they said Kandee's body got burned up in her car", that the last person who had her car was James Gadson, and that Gap must have set the fire. He empathically denied any part in the crimes and reported the only thing he did was "seen her body in the bushes." He stated he did not report this to the police, because the police were already looking for him on the charge of Stolen Property. He appeared to understand the difference between right and wrong, and said it was wrong that the victim got killed - "Kandee was a nice girl" - and it was wrong for her to get killed. He denied any psychiatric problems either earlier, during or after the incident he reported. It is our opinion, with reasonable medical certainty, that the defendant had the capacity to understand the difference between right and wrong, and to understand the wrongfulness of his behavior at the time of the alleged offenses. He therefore appears to be criminally responsible (if the charges are proven as alleged), pursuant to the McNaughten Test, for his actions on or about February 16, 2001.

CONCLUSION REGARDING CAPACITY TO CONFORM: Mr. Bowman did not appear to be suffering from symptoms of a major mental disorder either before, during, or after the alleged incidents,

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or other information.

and although he reported that he has had problems with disturbed sleep and worrying since the incident, and also was seen to be tearful at times, he did not appear to be lacking sufficient capacity to conform his conduct to the requirements of the law due to a mental disease or defect on February16, 2001.

RECOMMENDATIONS: It is recommended that the defendant be returned to court.

The above opinions are based on information available to us at this time, and are subject to change should new information become available.

Pratap Narayan, M.D.
Attending Psychiatrist

Tora Brawley, Ph.D.
Licensed Clinical Psychologist

PN/rba

D: 05/25/01
RT/EM: 05/29/01
F/EM: 06/11/01

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Augest-6

I Rick Davis was on A side with Carlson and he said that he was the one that shot the girl and gave Bowman back the gun that was used and He said that it didn't matter because Blak Jamile had got caught with the gun He also that the police all he got to do is Say Blak did it

Rick Davis

Sworn to before this
____ day of ____ 2001

_____
Notary Commission Expires _____

DEFENDANT'S EXHIBIT 20

RULE 5
DISCOVERY

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

140 N. Main St., Suite 102
Post Office Box 2520
Summerville, S.C. 29484
(843) 871-2640
FAX (843) 871-2643
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Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

9 MAY 2002

VIA FAX 851-0062

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

VIA FAX 873-4123

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

This will confirm my telephone conversations with each of you in which I advised that the State has reached a verbal agreement with James Taiwan Gadson. I have drafted a proposed plea agreement that I will fax to you so soon as all parties have signed it. Basically, this agreement states that in exchange for his truthful testimony, he will plead guilty to Accessory After the Fact of Murder and Misprision of a Felony for a total negotiated sentence of twenty (20) years.

I am also attaching a proposed form for the three (3) types of jurors.

Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBjr:jgh

Attachments: As stated

DEFENDANT'S EXHIBIT 3

THE CUMMINGS LAW FIRM
NORBERT E. CUMMINGS, JR.
ATTORNEY AT LAW
100 South Main St. Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318
843-821-9999
Fax 843-851-0062

May 10, 2002

Dorchester County
Detention Center
Att: Marion Bowman, Jr.
100 Sears Street
St. George, SC 29477

RE: State vs Bowman

Marion,

Dear Mr. Bowman:

Well when you think things are where they could not get any worse for your legal troubles, guess what, Mr. Bailey has cut a deal with Mr. Felder for his testimony.

As we were told Mr. Felder will plea to accessory after the fact of Arson and be sentenced by Judge Goodstein as she feels appropriate.

Mr. Bailey will provide us with a copy of the Pro-Offered testimony of Mr. Felder. Obviously, the more he says to hurt you the better sentence he will receive based on the Solicitor's position and whether he opposes a probationary sentence.

Marion, everyone has cut a deal to help themselves. Why won't you reconsider and save your life? Marva and I have begged you to help yourself even as of today. When we see you in jail, we specifically tell you to follow our advice and plea. I do not care if it is an Alford plea like we discussed. You have told us you would not take a plea not for life without parole on the two charges of Murder and Arson, 3rd degree, nor would you even accept a plea when we approached you about taking a plea for thirty (30) years which was never offered by the Solicitor this was something I was hoping you would authorize me to take to the Solicitor again you told us NO.

DEFENDANT'S EXHIBIT 32

FROM : CUMMINGS LAW FIRM PHONE NO. : May. 10 2002 09:47AM P2

You have made your decision but we believe you have made a bad choice one that will possibly cost you your young life.

Marva and I will do everything legally possible for you. Marion, as you have stated, this is giving you your day in Court, but I am very concerned for your life.

When we first met I said I did not want to lose you, I just wish you would have listened to your lawyers.

God Bless and we'll pray for you.

Sincerely,

Norbert E. Cummings, Jr.
Marva Hardee-Thomas

NEC/scf

FROM : CUMMINGS LAW FIRM PHONE NO. : May. 10 2002 09:48AM P3

9380

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

140 N. Main St., Suite 102
Post Office Box 2520
Summerville, S.C. 29484
(843) 871-2640
FAX (843) 871-2643
PTI (843) 873-7842

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

24 APRIL 2002

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

Please find enclosed herewith for each of you a copy of the following:

1. Dorchester County Sheriff's Office Polygraph Report dated 4/17/02 for Travis Felder (1 page); and

2. SLED Facsimile dated 4/23/02 and Laboratory Forensic Services Request and Evidence Inventory Sheet and Evidence Transfer Form dated 2/28/01 (4 pages total).

Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBjr:jgh

Enclosures: As stated

THE CUMMINGS LAW FIRM
NORBERT E. CUMMINGS, JR.
ATTORNEY AT LAW
100 SOUTH MAIN STREET, SUITE B
P.O. BOX 1318
SUMMERVILLE, SOUTH CAROLINA 29484-1318
(843) 821-9999
FAX (843) 851-0062
EMAIL CUMLAW@BELSOUTH.NET

September 18, 2001

Dorchester County
Attn: Solicitor Walter Bailey
140 North Main, Suite 102
Summerville, SC 29483

RE: Marion Bowman, JR.
Case #: 2001-GS-18-348; 349

Dear Mr. Bailey:

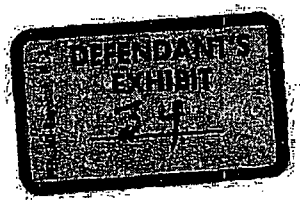
I would like to have this opportunity to Thank-You for meeting with me Monday to discuss the Bowman case in particular obtaining a copy of all the photos and video involved in the case to include the surveillance photos at the gas station. If you have any questions, please do not hesitate to contact this office.

With warm and kind regards, I am

Sincerely,

Norbert E. Cummings, Jr.

NEC/lgr



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WALTER BAILEY
Solicitor

2 OCTOBER 2001

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

Please find enclosed herewith for each of you a copy of additional discovery together with an itemized list of same with regard to the above matter.

Also, for Norb only I am enclosing herewith a copy of the following:

1. Two Videotapes from the Horizon EZ Shop in Branchville; and

2. Nine Autopsy Pictures. These are copies of the autopsy pictures that I ordered for my file. There are additional autopsy pictures which are available by contacting Dr. Janice Ross at Newberry Pathology Associates.

Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

WMB

Walter M. Bailey, Jr.

WMBjr:jgh

Enclosures: As stated

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First Judicial Circuit

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WALTER BAILEY
Solicitor

2 JANUARY 2002

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

Please find enclosed herewith for each of you a copy of the following with regard to the above matter:

1. Statement of Rickie Davis dated 8/6/01;
2. Handwritten Notes - undated/re: Ricky Davis;
3. Letter dated 8/2/01 to Lt. Nettles from Sgt. Gretsch; and
4. Dorchester County Detention Center Policy Number 3795 dated 3/2/98 (3 pages).

Please do not hesitate to give me a call if you have any questions.

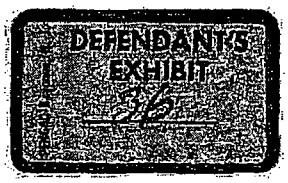
With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBjr jgh

Inclosures: As stated (6 pages)



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WALTER BAILEY
Solicitor

7 MAY 2002

VIA FAX 851-0062

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

VIA FAX 873-4123

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.

Dear Marva and Norb:

I previously forwarded to each of you a written statement I received from Rickie Davis. I also interviewed Wayne Mood, although no statement was taken from him. I am attaching herewith notes I had typed from my handwritten notes. In the event James Taiwan Gadson testifies for the State, these notes may provide impeachment information.

Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

Walter M Bailey, Jr.

WMBjr:jgh

Attachment: As stated

DEFENDANT'S EXHIBIT 21

INTERVIEW WITH WAYNE MOOD

HE HAS BEEN TALKING WITH JAMES TAIWAN GADSON AND MARION BOWMAN, JR.

HE FIRST TALKED TO JAMES GADSON IN NOVEMBER.

JAMES GADSON'S FRIEND, LAWRENCE JONES, WAS PRESENT AT THE CONVERSATION.

JAMES GADSON'S STORY WAS ESSENTIALLY THE SAME STORY LATER GIVEN BY MARION BOWMAN EXCEPT THAT GADSON SAID THE GIRL MOVED THE CAR UP A LITTLE BIT AS HE AND BOWMAN WALKED TOWARD HOUSE THEY WERE GOING TO BURGLARIZE. GADSON SAW CARS COMING AND THEY JUMPED IN THE WOODS. AFTER THEY CAME OUT OF THE WOODS, MARION BOWMAN SHOT HER FIRST.

SHORTLY AFTER THAT, HE TALKED TO MARION BOWMAN, JR. WHILE AT THE CHAPEL SERVICE. HE WAS SITTING BEHIND BOWMAN AND IT WAS ABOUT 8:00. POP WILLIAMS WAS PRESENT. BOWMAN SAID "GADSON AND THE GIRL PLANNED TO ROB THE HOUSE. THEY DROVE TOWARD TO THE HOUSE WITH THE GIRL DRIVING. BOWMAN HAD GIVEN HER CRACK. BOWMAN AND GADSON LEFT HER IN THE CAR AND WALKED TOWARD THE HOUSE. THE GIRL BECAME AFRAID AND RAN TOWARD HIM. SHE SAID "BLACK, I'M SCARED." THEY ARGUED AND BLACK FLIPPED.

MARION BOWMAN SAID THE GIRL WAS SUPPOSED TO BE WIRED. HE SAID "WE HAD TO DO WHAT WE HAD TO DO."

GADSON HAD THE .380. HE SHOT HER IN THE BACK. SHE RAN AND THEN STOPPED TO GET HER BREATH. SHE WAS BREATHING FUNNY. GADSON GAVE THE GUN TO BOWMAN. THE GIRL SAID "DON'T SHOOT ME, I HAVE A CHILD."

BOWMAN SHOT HER ONCE AND MISSED AND THEN HE SHOT HER IN THE HEAD. THEY BOTH DRAGGED HER INTO THE WOODS. THEY THEN GOT INTO HER CAR AND DROVE OFF.

BOWMAN TOLD GADSON HE WOULD KILL HIM IF HE TALKED. GADSON WAS SO SCARED HE SHIT HIS PANTS. THEY DROVE TO THE PROJECTS. POP WILLIAMS WAS THERE. GADSON CHANGED HIS CLOTHES AT THE GIRL'S HOUSE AND THEY WENT TO THE CLUB.

AFTER BOWMAN DROPPED POP AND GADSON OFF, BOWMAN AND TRAVIS FELDER THEN WENT BACK TO WHERE THE BODY WAS. THEY PUT THE GIRL IN THE TRUNK AND SET THE CAR ON FIRE.

A DAY OR TWO AFTER TALKING TO BOWMAN, MOOD TALKED TO GADSON AGAIN. GADSON THEN ADMITTED HE SHOT HER FIRST AND BOWMAN SHOT HER SECOND.

BOWMAN SAID HE WAS NOT GOING TO TAKE A DEAL BECAUSE HE WOULD BE ACQUITTED BECAUSE THERE WAS NO EVIDENCE AGAINST HIM. HE SAID HE WAS GOING TO SAY THAT THE MAN WHO TOOK HIS STATEMENT HIT HIM OVER THE HEAD WITH HIS GUN.

MOOD HAS GIVEN A NOTE TO HIS LAWYER SUMMARIZING WHAT HE WAS TOLD. THE NOTE WAS WRITTEN THE DAY HE TALKED TO BOWMAN IN THE CHAPEL.

BOWMAN SAID HE GOT HIS FAMILY TO THROW THE GUN IN THE WATER. HE SAID HIS SISTER THREW IT IN THE WATER.

IN COURT, BOWMAN IS GOING TO SAY THAT THE REPORT SAYS THE GUN WAS NOT FOUND AFTER A THOROUGH SEARCH AND THEREFORE WAS NOT THERE AND WAS PLANTED BY THE POLICE.

BOWMAN ALSO SAID THE GUN WAS SHOT IN THE PROJECTS. IT WAS OVER A GIRL GADSON WAS MESSING WITH. BOWMAN GAVE GADSON THE GUN WHO SHOT IT TO SCARE SOME GUY.

BOWMAN ALSO SAYS HE IS GOING TO ASK FOR A TRIAL BY THE JUDGE.

130 East Richardson Avenue
Summerville, SC 29483

P.O. Box 50503
Summerville, SC 29485

Dorchester County Public Defender
Marva A. Hardee-Thomas

Tel: (843) 873-8622
Fax: (843) 873-4123

November 9, 2001

Marion Bowman, Jr.
Dorchester County Detention Center
100 Sears Street
St. George, SC 29477

RE: STATE V. BOWMAN

Dear Mr. Bowman:

Enclosed please find a copy of the letter which I have sent to the jail asking them to allow you to call my office collect between the hours of 8:45 and 9:00 a.m. I have also instructed the secretary to accept your calls between that time period.

Concerning your bond hearing request, the Solicitor's Office indicates that you are not eligible for a bond.

Enclosed please find a copy of documents received from Orangeburg Regional Hospital per request of Dale Davis, one of the investigators working on your case.

I hope this answers your question concerning your case. If you have any questions, please contact me.

Sincerely,

Marva Hardee-Thomas, Esq/VGH
Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender

MAHT/vgh

DEFENDANT'S EXHIBIT 38

FILED

OCT 2 8 2003

LARRY W. PROPES, CLERK
COLUMBIA, S.C.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION
Civil Action No: _____

5 03 3433 24

HIRAM EUGENE JOHNSON, JR.
PLAINTIFF

v.

JAMES "POPPA" JOHNSON, individually, and in his official capacity as Sheriff of Orangeburg County; LARRY WILLIAMS, individually, and in his official capacity as a deputy and Sheriff of Orangeburg County; LUTHER CLARK WHETSTONE, individually and in his official capacity; LIN SHIRER, individually, and in his official capacity; TY HAIGLER, individually and in his official capacity; F. EMORY RUSH, individually, and in his official capacity; LATISHA GRANT, individually and in her official capacity; KENNY KINSEY, individually, and in his official capacity; JOHN HALL FISCHER, individually, and in his official capacity; RENE W. WILLIAMS, individually, and in her official capacity; JERRY L. BROWN, individually, and in his official capacity; JOHN MOORE, individually and in his official capacity; RHONDA BAMBERG, individually, and in her official capacity; LEVERN BAKER individually and in his official capacity; TROY LIVINGSTON, individually, and in his official capacity; JACK COLEMAN, individually and in his official capacity; ERNEST WIGFALL, individually, and in his official capacity; JAMES M. BRADLEY, III, individually, and in his official capacity; ORANGEBURG COUNTY SHERIFF'S DEPARTMENT AND ORANGEBURG COUNTY, a body politic.

DEFENDANTS

COMPLAINT
(Jury Trial Demanded)

VIOLATION OF CIVIL RIGHTS
42 U.S. C 1983 et. seq.

The Plaintiff named herein above, complaining of the Defendants would respectfully show unto this Honorable Court and allege as follows:

DEFENDANT'S EXHIBIT 39

(1)

JURISDICTION

This action is brought pursuant to 42 U.S.C. Section 1983. This Court has subject matter jurisdiction over this action under 28 U.S.C. Sections 1331 and 1343 and pendent jurisdiction of the state law causes of action stated herein.

At all times relevant to this action, the defendants were persons as contemplated by 42 U.S.C. § 1983 and accordingly are parties to this action in their individual as well as official capacities.

PARTIES

1. The Plaintiff, Hiram Eugene Johnson, Jr., is a citizen and resident of the County of Orangeburg, South Carolina.

2. The Defendant, Orangeburg County and the Orangeburg County Sheriff's Department, are political subdivisions of the State of South Carolina as defined in 15-78-10, et. seq., Code of Laws of South Carolina, 1976, as amended, and/or constitutional offices.

4. That Defendant Sheriff James C. "Poppa" Johnson, was the duly elected Sheriff of Orangeburg County on and around November 2, 2000, and was a citizen of and resident of the County of Orangeburg, State of South Carolina. Upon information and belief, James "Poppa" Johnson is currently incarcerated at Butner Federal Correctional Institute in Butner, North Carolina.

5. That Defendant Deputy Luther Clark Whetstone, is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

6. That Defendant Deputy Ty Haigler, is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

7. That Defendant F. Emory Rush, was a deputy a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and

resident of the County of Orangeburg, State of South Carolina;

8. That Defendant Latisha Grant is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

9. That Defendant Kenny Kinsey is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

10. That Defendant John Hall Fisher was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

11. That Defendant Rene Williams is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

12. That Defendant Jack Coleman is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

13. That Captain John Moore is and was a deputy and supervisor of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

14. That Defendant Rhonda Bamberg is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

15. That Defendant Troy Livingston is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina

16. That Defendant Levern Baker was a deputy and supervisor of the Orangeburg County

Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina

17. The above Defendants, at all times herein mentioned, were acting within the course, color of law and the scope of their employment and authority as duly sworn deputies of the Orangeburg County Sheriff's Department or duly sworn deputies assigned to work as members of the Multi-Jurisdictional Narcotics Task Force under the direction of the Orangeburg County Sheriff's Department and are sued in their personal and official

18. That Defendant James M. Bradley III, was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Richland, State of South Carolina.

19. That Defendant Ernest Wigfall was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina.

20. That Defendant Jerry Brown was a deputy and supervisor of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina.

21. That upon information and belief, Defendants Deputy Ty Haigler, Deputy Emory Rush, Deputy Latisha Grant, Deputy Kenny Kinsey, Deputy John Hall Fisher Deputy Rene Williams, Deputy Jerry Brown, Deputy John Moore, Deputy Rhonda Bamberg, Deputy Laverne Baker, Deputy Troy Livingston, Deputy Jack Coleman, Deputy Ernest Wigfall and Deputy James Bradley III, all of the Orangeburg County Sheriff's Department at all time relevant herein, specifically on or about November 2, 2000. Defendants all were acting individually and under color of law and were employees of the Orangeburg County Sheriff's Department and the Sheriff of Orangeburg County Sheriff, James "Poppa" Johnson. Further, that all the above named deputies (of the Orangeburg County Sheriff's Department) were acting individually, and in their official capacity on or about November 2, 2000 as a member of or assigned to the Multi-

Jurisdictional Narcotics Task Force.

22. That upon information and belief, Larry Williams was acting individually and in his official capacity as Chief Inspector under color of law for the Town of Branchville, South Carolina.

23. That further, upon information and belief, Deputy Lin Shirer, at all times relevant herein, specifically on or about November 2, 2000, was acting individually and in his official capacity and under color of law and was employed by the Calhoun County Sheriff's Department as a member of the Multi-Jurisdictional Narcotics Task Force as coordinated and supervised by the Orangeburg County Sheriff's Department.

24. That the acts and occurrences that give rise to this action occurred within the County of Orangeburg, State of South Carolina.

FACTS

25. That on or about November 2, 2000, the Plaintiff Hiram Eugene Johnson, Jr., while operating a vehicle in Orangeburg County, became the subject of a "sting operation", conducted by the "Multi-Jurisdictional Narcotic Task Force", under the direction, supervision and control of Sheriff James "Poppa" Johnson, Orangeburg County Sheriff, with immediate supervision delegated to Orangeburg County Sheriff's Captain John Moore. The objective of the sting was to recover allegedly stolen guns. The "sting operation" and takedown site was selected by the members of the Narcotics Task Force and took place at an abandoned elementary school in the Town of Branchville, located in Orangeburg County, South Carolina.

26. The sting operation, as coordinated and conducted, was based largely on information provided by a confidential informant.

27. That the above named Defendants were members of the Multi-Jurisdictional Narcotics Task Force under the direct supervision and control of Director Captain John Moore of the Orangeburg County Sheriff's Department.

28. That the information provided in the "sting", was that stolen guns would be in the

trunk of a car. Agents, employees and members of the Narcotics Task Force selected the location for the "sting operation" directed at the Plaintiff and awaited the arrival of the Plaintiff and a passenger who were driving a white Cadillac. As the Plaintiff arrived at the site selected by law enforcement, an abandoned school, located in Branchville, Orangeburg County, adjacent to the home of the Plaintiff and without plans, guidelines, training, supervision and controls, Captain Moore and his officers moved in to seize the occupants of the vehicle.

30. With the Plaintiff in plain sight and without provocation, Deputy Sheriff Clark Whetstone, an employee and agent of the Orangeburg County Sheriff's Department, supplied with and utilizing what was, upon information and belief, an unauthorized modified weapon, used excessive force in firing at least five shots indiscriminately at the rear of the Plaintiff's vehicle, striking the rear of the vehicle at least three times with at least two shots hitting the Plaintiff in the back of the head.

31. The Plaintiff, Hiram Johnson Jr., was struck by at least one bullet, which entered the rear panel of the vehicle, penetrating the headrest, striking him in the rear of the head, causing severe trauma and life threatening permanent injury. At least two of Deputy Whetstone's bullets struck the Plaintiff in the rear of the head causing permanent brain damage, trauma, partial paralysis, permanent memory loss and disfigurement.

32. Neither Plaintiff, nor his passenger, Keyon Kelly, ever displayed a handgun prior to or during the shooting and no handguns or other weapons were found in the driver-passenger portion of the vehicle. No gun was ever found on the Plaintiff's person, nor was any handgun or other weapon ever located in, or within reach of the passenger compartment of the vehicle.

33. That all of the above mentioned employees, agents and deputies of the Orangeburg County Sheriff's Department and the Multi-Jurisdictional Narcotics Task Force, acting arbitrarily and without plan or design, surrounded the vehicle and participated in the assault and seizure of the Plaintiff.

34. That upon being shot in the rear of the head the Defendant's vehicle crashed into the

woods bordering the school grounds. Emergency response personnel on the scene assumed that the Plaintiff was deceased.

35. That the Plaintiff, Hiram Eugene Johnson, Jr. was transferred from the treatment of Orangeburg County EMS personnel and air evacuated to medical facilities where he was stabilized and treated over a period of months and is still undergoing corrective surgeries and therapy.

36. As a result of this unprovoked shooting and use of excessive and deadly force by the members of the Multi-Jurisdictional Task Force, Plaintiff Hiram Johnson, Jr. has suffered permanent physical injuries to his body and has and will in the future be required to spend monies for medical expenses including therapy, and corrective surgeries, rehabilitative services, medications, and has suffered permanent irreversible trauma-disfigurement and brain damage.

37. Plaintiff has experienced pain, suffering, mental anguish, emotional distress, and loss of enjoyment of life as a result of this incident. The Plaintiff, as a result of the direct and proximate acts and/or omissions on the part of the Defendants with their blatant disregard for the safety and well-being of the Plaintiff suffered physical, as well as mental trauma, both of which is irreversible and uncorrectable. The Defendants had more than sufficient knowledge of the Plaintiff, but the deputies, agents and employees of the Orangeburg County Sheriff's Office and the Multi-Jurisdictional Narcotics Task Force acting under color of law, acted in blatant disregard for the safety of the Plaintiff and his constitutional rights to be free from unauthorized excessive and deadly force by members of the Sheriff's Department a law enforcement agency.

38. The actions of the Defendants violated the following clearly established and well settled Federal Constitutional Principles and Rights of Hiram Eugene Johnson, Jr.;

(A) Freedom from unreasonable seizure of his person;

(B) Freedom from the use of excessive, unreasonable and unjustified force against his person;

(C) Freedom from cruel and unusual punishment;

(D) Freedom from cruel and unusual punishment by the malicious, hostile, unjustified, brutal, excessive and illegal use of force by the Multi-Jurisdictional Narcotics Task Force;

39. The Defendants actions were consciously, recklessly and deliberately indifferent to the Plaintiff; Further, the Defendants were negligent, careless, reckless, grossly negligent, willful and wanton at the time and place above mentioned in the following particulars.

(A) In failing to design and draft policies and procedures for the Orangeburg County Sheriff's Department, and specifically, the Multi-Jurisdictional Narcotics Task Force, with reference to the planning and implementation and control in arrest procedures during sting operations.

(B) In failing to properly select members for the Multi-Jurisdictional Narcotics Task Force by utilizing not only testing procedures, but likewise psychological screening and background checks for persons assigned to this highly sensitive unit.

(C) In failing to implement and train the Orangeburg County Sheriff's personnel in proper policies and procedures as set forth by the South Carolina Law Enforcement Division and the South Carolina Criminal Justice Academy with reference to the proper planning, placement, coordination, supervision and control of officers involved in sting and special operations.

(D) In failing to train members of the Multi-Jurisdictional Narcotics Task Force in the Constitution and law enforcement standards on the use of deadly force.

(E) In failing to implement a selection and training process for officers to be utilized on such special units and operations.

(F) In failing to plan, supervise and control the officers in the implementation of arrest procedures, as to the placement of officers in vehicles used in sting operations

(G) In failing to plan, supervise and control the officers in police weaponry, specifically, types of weapons approved, tested and authorized by the department for duty, specifically sting operations.

(H) In failing to properly control, supervise and maintain control of the incident scene and location, including aerial and back-up chase cars, perimeter control, stop stick and barricades, etc.

(I) In failing to properly train the employees and officers in the continuum of force, the use of force and to properly supervise and control weapons and ammunition as used by individual officers in their assignment in this sting operation.

(J) In failing to properly train and supervise sting personnel with weapons and equipment normally used in the standard course of law enforcement and ensuring that these weapons were not, upon information and belief, modified for automatic and unauthorized use.

(K) In allowing officer to use high powered rifles and ammunition modified or unmodified, not normally used in standard police practice.

(K) In shooting the Plaintiff Hiram Johnson, Jr. through the rear of the vehicle, and through the rear solid rear panel of the vehicle, which Mr. Hiram Johnson, Jr. was driving constituting excessive and deadly force and other further particulars as the evidence will disclose.

40. That the actions of Defendant James "Poppa" Johnson and the Orangeburg County Sheriff's Department, the Multi-Jurisdictional Narcotics Task Force, and Orangeburg County show a deliberate indifference and reckless disregard for the constitutional rights of the citizens of Orangeburg County and further that such actions by the Sheriff James "Poppa" Johnson and his subordinate supervisors, specifically Captain John Moore of the Multi-Jurisdictional Narcotics Task Force show an intentional and deliberate disregard for the safety and security and protection of the constitutional rights of the citizens of Orangeburg County, specifically the Plaintiff in this case, Hiram Eugene Johnson, Jr.

41. The aforementioned Defendants, James "Poppa" Johnson and Captain John Moore were consciously and deliberately indifferent as to the rights, constitutional and other of the Plaintiff on or about November 2, 2000, in the following particulars.

(A) Failing to properly plan, select, supervise, coordinate, control, and execute a sting operation on the Plaintiff, Hiram Eugene Johnson, Jr.;

(B) In failing to properly coordinate, plan and execute written operational guidelines for sting or takedown operatons;

(C) In failing to properly train and or supervise officers to ensure that persons, including the Plaintiff Hiram Eugene Johnson, Jr. And his constitutional right to be free from excessive force by law enforcement during an arrest and seizure.

(D) In failing to draft and/or institute the proper policies and procedures necessary to ensure that the subject of sting operations are treated in a manner consistent with acceptable law enforcement practice and within the parameters of the law and law enforcement's use of force;

(E) If policies and procedures existed, the actions taken by members of the sting operations and the managers or coordinators of the operation on November 2, 2000, failed to follow any acceptable standard allowed under law enforcement policies and practices;

(F) In failing to generate and maintain sufficient records to screen, supervise and control the employees assigned to such unit. To reflect in such documents any prior allegations and history of abuse by members of the sting team;

(G) By failing to supervise and control the weapons and ammunition utilized by the team;

(H) In failing to coordinate, control, plan and place members of the sting unit to avoid the arbitrary and egregious abuses by the sting team on the subject of the takedown seizure and arrest;

(I) In failing to protect the Plaintiff, from excessive force with unauthorized weapons and tactics beyond the acceptable scope of law enforcement practice;

(J) Engaging in a pattern and practice of failing to provide training, selection,

supervision, and control of members of the takedown team or teams;

(K) In failing to correct abuses within the unit, including unauthorized practices and weaponry as used by members of the team;

(L) Engaging in a pattern and practice of abusing and using inappropriate practices of the acceptable standard of law enforcement, contrary to the law.

(M) In failing to investigate and properly record law enforcement shooting incidents and incidents in the use of excessive force.

FOR A FIRST CAUSE OF ACTION
42 U.S.C. 1983 Fourth, Eighth and Fourteenth Amendments
Excessive Force

42. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

43. The Defendant officers were acting individually under their color law, the pretense of state law, customs, practices, uses and policy at all times mentioned herein as Sheriff's Deputies and as other such personnel of the Orangeburg County Sheriff's Department and the Multi-Jurisdictional Narcotics Task Force and had certain duties imposed upon them with regarding to the seizure and treatment of Hiram Johnson, Jr.

44. That the actions of the officers were unreasonable and unjustified through their use of excessive and deadly force in shooting the Plaintiff without provocation.

45. As a direct and proximate result of the Defendants' acts of willful, malicious, conscious and deliberate indifference, jointly, separately, and in combination thereof, the Plaintiff suffered deprivations of his rights secured by the Fourth, Eighth and Fourteenth Amendments of the United States Constitution.

FOR A SECOND CAUSE OF ACTION
42 U.S.C. 1983 Eighth and Fourteenth Amendments
Cruel and Unusual Punishment/Excessive Force

46. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

47. The Defendant officers were individually acting under color or pretense of state law, customs, practices, usage of policy at all times mentioned herein as Sheriff's Deputies and other such personnel or employees and had certain duties imposed upon them with regard to the seizure of Hiram Eugene Johnson, Jr.

48. As a direct and proximate result of the Defendants acts of willful, and malicious acts of deliberate indifference, jointly, separately, and in combination thereof, the Plaintiff suffered deprivation of his rights secured by the Fourth, Eighth and Fourteenth Amendments to the United States Constitution. Further that the arbitrary and unlawful shooting of the Plaintiff by the Defendants constituted cruel and unusual punishment upon the Plaintiff.

49. As a result, the Plaintiff was damaged as set forth below.

FOR A THIRD CAUSE OF ACTION
42 U.S.C. 1983 Fifth and Fourteenth Amendment
Violation of Due Process

50. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

51. The Defendant officers were acting individually and under color or pretense of state law, customs, practices and usage of policy at all times mentioned herein as deputies and other such personnel and employees and had such duties imposed upon them with regard to Hiram Johnson, Jr.

52. As a direct and proximate result of the Defendants' acts of willful and malicious conscious and deliberate indifference separately, jointly or in combination thereof, the Plaintiff, Hiram Eugene Johnson, Jr. has suffered deprivation as secured by the Fifth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of South Carolina. Further that the use of excessive and deadly force violated the Plaintiff's Constitutional rights to due process.

53. As a result, the Plaintiff was damaged as set forth below.

FOR A FOURTH CAUSE OF ACTION
42 U.S.C. 1983, Fourth, Eighth and Fourteenth Amendment
Violation of Federal Civil Rights- Pattern and Practice

54. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

55. The Defendant officers were acting individually under color or pretense of state law, customs, practices, usage of policy at all times mentioned herein as deputies, agents and employees and had certain duties imposed upon them with respect to the Plaintiff Hiram Eugene Johnson, Jr.

56. The Defendant officers and the Multi-Jurisdictional Narcotics Task Force has demonstrated a deliberate and conscious indifference and total disregard of the Constitutional Rights of the citizens of Branchville, Orangeburg County and specifically, the Plaintiff by using unauthorized and excessive force and subjecting persons to unlawful seizure using illegal law enforcement practices.

57. As a direct and proximate result of the Defendant's neglect, grossly negligent, malicious, willful and wanton acts, omissions, reckless and conscious and deliberate indifference, intentional conduct jointly, separately or in a combination thereof, the Plaintiff suffered deprivation of his rights secured by the Fourth, Eighth and Fourteenth Amendments to the United States Constitution. As a result the Plaintiff was damaged as set forth below.

FOR A FIFTH CAUSE OF ACTION
42 U.S.C. 1983 Et. Seq. Fourth, Eighth and Fourteenth
Conspiracy to Violate Civil Rights

58. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

59. The Defendant officers, agents and employees were acting individually, jointly or in combination thereof under color or pretense of state law, customs, practices, usage of policy at all times mentioned herein and did conspire, confederate, and act with the unity of purpose or with consciousness in a deliberate indifference to the Plaintiff on or around November 2, 2000, in the

following particulars:

(A) Engaging in a conspiracy to cover up and or conceal the events surrounding the shooting of the Plaintiff, Hiram Eugene Johnson, Jr.

(B) In conspiring to cover up and/or conceal their pattern and practice in the selection, planning, supervision execution of sting operations conducted by the Multi-Jurisdictional Narcotics Task Force.

(C) In conspiracy to cover up and/or conceal their pattern and practice of using inappropriate excessive and abusive measures in sting operations conducted by the Multi-Jurisdictional Narcotics Task Force Unit.

(D) In conspiring to cover up and/or conceal their practice of physically abusing and or assaulting detainees or arrestees.

(E) In conspiring to cover up and conceal the practice of using unauthorized and or modified weapons and ammunition in sting operations of the Multi-Jurisdictional Task Force.

60. As a direct and proximate result of the Defendant's negligent, grossly negligent, malicious, willful and wanton acts and omissions, recklessness, conscious and deliberate indifference, jointly, separately or in combination thereof the Plaintiff suffered deprivation of his rights secured by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution. As a result the Plaintiff was damaged as set forth below.

DAMAGES

61. As a direct and proximate result of the Defendant's action as set forth above, Plaintiff Hiram Johnson, Jr. suffered severe injuries resulting in permanent brain damage and has been forced to ensure great pain, mental suffering and anguish and has incurred medical and legal expenses and deprived of his physical life and liberty. WHEREFORE, the Plaintiff prays judgement against the Defendants jointly, separately, and in combination therefore for *ACTUAL, CONSEQUENTIAL, AND PUNITIVE* damages in an amount to be determined by the trier of fact,

all costs and reasonable attorney's fees pursuant to 42 United States Code Section 1988, and for such other and further relief as the Court may deem just and proper. The Plaintiff demands trial by jury as provided for in the Seventh Amendment to the United States Constitution.

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Federal Bar # 1280

Dated: Oct 28. 03

FILED

JUN 17 2004

LARRY W. PROPES, CLERK
COLUMBIA, S.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

ENTERED

JUN 18 2004

HIRAM EUGENE JOHNSON, JR.

Plaintiff,

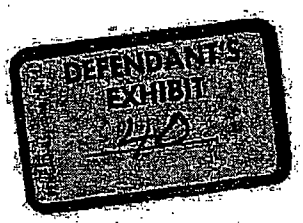
vs.

C. A. 503343324

JAMES "POPPA" JOHNSON, individually and in his official capacity as Sheriff of Orangeburg County; LARRY WILLIAMS, individually, and in his official capacity as a deputy and Sheriff of Orangeburg County; LUTHER CLARK WHETSTONE, individually and in his official capacity; LIN SHIRER, individually, and in his official capacity; TY HAIGLER, individually and in his official capacity; F. EMORY RUSH, individually and in his official capacity; LATISHA GRANT, individually and in her official capacity; KENNY KINSEY, individually and in his official capacity; JOHN HALL FISCHER, individually and in his official capacity; RENE W. WILLIAMS, individually and in her official capacity; JERRY L. BROWN, individually and in his official capacity; JOHN MOORE, individually and in his official capacity; RHONDA BAMBERG, individually and in her official capacity; LAVERN BAKER, individually and in his official capacity; TROY LIVINGSTON, individually and in his official capacity; JACK COLEMAN, individually and in his official capacity; ERNEST WIGFALL, individually and in his official capacity; JAMES M. BRADLEY, III, individually and in his official capacity; ORANGEBURG COUNTY SHERIFF'S DEPARTMENT AND ORANGEBURG COUNTY, a body politic.

Defendants.

CONSENT ORDER OF DISMISSAL WITHOUT PREJUDICE



15

IT APPEARS that this matter is before the Court pursuant to a Joint Motion by the Plaintiff and the Defendants for an Order staying all proceedings in this action until resolution of the underlying criminal case.

IT FURTHER APPEARS that the parties have consented and/or agreed to the dismissal of all Defendants without prejudice with an agreement that any and all Statute of Limitations applicable to the Plaintiff's claims in the above referenced action are tolled until the underlying criminal case has been resolved by way of Final Judgment. Thereafter, the Plaintiff would have sixty(60) days from the date the criminal case is resolved in which to refile and serve on the Defendants involved in this case a Summons and Complaint asserting some or all of the allegations contained in the Complaint in this action, but no additional allegations. Additionally, the attorneys for the Defendants have agreed to accept service of the Summons and Complaint on behalf of the Defendants who can be located within a reasonable time, no longer than thirty(30) days after refiling of the Complaint. Should counsel for the Defendants be unable to locate any Defendant, counsel for the Defendants agree to provide reasonable assistance to the attorneys for the Plaintiff to locate the missing Defendant(s), to include providing Plaintiff with the missing Defendants' last known address. Except for good cause shown, Plaintiff shall serve any missing Defendant within the time periods set forth in Rule 4(m) of the South Carolina Rules of Civil Procedures.

Therefore, it is ORDERED, ADJUDGED and DECREED that this action against the above Defendants is dismissed without prejudice. Additionally, the Statute of Limitations applicable to the Plaintiff's claims in the above referenced action are tolled pending the resolution by Final Judgment of the underlying criminal action against the Plaintiff, Hiram Johnson. Thereafter, the Plaintiff will have sixty(60) days from the date the criminal case is resolved by final judgment to refile and serve on the Defendants involved in this case a Summons and Complaint asserting some or all of the allegations contained in the Complaint in

this action, but no additional allegations. Additionally, the attorneys for the Defendants listed below have agreed to accept service of the new Summons and Complaint on behalf of the Defendants, as provided in the previous paragraph.

Margaret B. Seymour
Honorable Margaret B. Seymour
United States District Court
Orangeburg Division

Columbia, SC
June 16, 2004

WE HEREBY MOVE:

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Counsel for the Plaintiff

WE HEREBY CONSENT:

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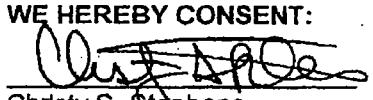
(843) 538-1050

Counsel for the Defendants;
James "Poppa" Johnson, Larry Williams, Luther Clark Whetstone, Lin Shirer, Orangeburg County Sheriff's Department and Orangeburg County

WE HEREBY CONSENT:



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Counsel for the Defendants;
James "Poppa" Johnson, Larry Williams, Luther Clark Whetstone, Lin Shirer, Orangeburg County Sheriff's Department and Orangeburg County

Johnson v. Johnson, et. al.
Civil Action No. 5:03-3433-24
Consent Order of Dismissal without Prejudice
Signature Page

WE HEREBY CONSENT

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Attorneys for Defendants Lin Shirer, Ty Haigler, F. Emory Rush, Latisha Grant, Kenny Kinsey, John Hall Fischer, Rene W. Williams, Jerry L. Brown, John Moore, Rhonda Bamberg, Lavern Baker, Troy Livingston, Jack Coleman, Ernest Wigfall and James M. Bradley, III.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION
Civil Action No: _____

RECEIVED
2005 JUN 28 P 1:40

5 05 1867-MBS

HIRAM EUGENE JOHNSON, JR.
PLAINTIFF

v.

JAMES "POPPA" JOHNSON, individually, and in his official capacity as Sheriff of Orangeburg County; LARRY WILLIAMS, individually, and in his official capacity as a deputy and Sheriff of Orangeburg County; LUTHER CLARK WHETSTONE, individually and in his official capacity; LIN SHIRER, individually, and in his official capacity; TY HAIGLER, individually and in his official capacity; F. EMORY RUSH, individually, and in his official capacity; LATISHA GRANT, individually and in her official capacity; KENNY KINSEY, individually, and in his official capacity; JOHN HALL FISCHER, individually, and in his official capacity; RENE W. WILLIAMS, individually, and in her official capacity; JERRY L. BROWN, individually, and in his official capacity; JOHN MOORE, individually and in his official capacity; RHONDA BAMBERG, individually, and in her official capacity; LEVERN BAKER individually and in his official capacity; TROY LIVINGSTON, individually, and in his official capacity; JACK COLEMAN, individually and in his official capacity; ERNEST WIGFALL, individually, and in his official capacity; JAMES M. BRADLEY, III, individually, and in his official capacity; ORANGEBURG COUNTY SHERIFF'S DEPARTMENT AND ORANGEBURG COUNTY, a body politic.

DEFENDANTS

COMPLAINT
(Jury Trial Demanded)

VIOLATION OF CIVIL RIGHTS
42 U.S. C 1983 et. seq.

The Plaintiff named herein above, complaining of the Defendants would respectfully show unto this Honorable Court and allege as follows:

JURISDICTION

This action is brought pursuant to 42 U.S.C. Section 1983. This Court has subject matter jurisdiction over this action under 28 U.S.C. Sections 1331 and 1343 and pendent jurisdiction of the state law causes of action stated herein.

At all times relevant to this action, the defendants were persons as contemplated by 42 U.S.C. § 1983 and accordingly are parties to this action in their individual as well as official capacities.

PARTIES

1. The Plaintiff, Hiram Eugene Johnson, Jr., is a citizen and resident of the County of Orangeburg, South Carolina.

2. The Defendant, Orangeburg County and the Orangeburg County Sheriff's Department, are political subdivisions of the State of South Carolina as defined in 15-78-10, et. seq., Code of Laws of South Carolina, 1976, as amended, and/or constitutional offices.

4. That Defendant Sheriff James C. "Poppa" Johnson, was the duly elected Sheriff of Orangeburg County on and around November 2, 2000, and was a citizen of and resident of the County of Orangeburg, State of South Carolina. Upon information and belief, James "Poppa" Johnson is currently incarcerated at Butner Federal Correctional Institute in Butner, North Carolina.

5. That Defendant Deputy Luther Clark Whetstone, is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

6. That Defendant Deputy Ty Haigler, is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

7. That Defendant F. Emory Rush, was a deputy a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and

resident of the County of Orangeburg, State of South Carolina;

8. That Defendant Latisha Grant is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

9. That Defendant Kenny Kinsey is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

10. That Defendant John Hall Fisher was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

11. That Defendant Rene Williams is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

12. That Defendant Jack Coleman is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

13. That Captain John Moore is and was a deputy and supervisor of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

14. That Defendant Rhonda Bamberg is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina;

15. That Defendant Troy Livingston is and was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina

16. That Defendant Levern Baker was a deputy and supervisor of the Orangeburg County

Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina

17. The above Defendants, at all times herein mentioned, were acting within the course, color of law and the scope of their employment and authority as duly sworn deputies of the Orangeburg County Sheriff's Department or duly sworn deputies assigned to work as members of the Multi-Jurisdictional Narcotics Task Force under the direction of the Orangeburg County Sheriff's Department and are sued in their personal and official capacities.

18. That Defendant James M. Bradley III, was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Richland, State of South Carolina.

19. That Defendant Ernest Wigfall was a deputy of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina.

20. That Defendant Jerry Brown was a deputy and supervisor of the Orangeburg County Sheriff's Department on November 2, 2000, and upon information and belief, is a citizen and resident of the County of Orangeburg, State of South Carolina.

21. That upon information and belief, Defendants Deputy Ty Haigler, Deputy Emory Rush, Deputy Latisha Grant, Deputy Kenny Kinsey, Deputy John Hall Fisher Deputy Rene Williams, Deputy Jerry Brown, Deputy John Moore, Deputy Rhonda Bamberg, Deputy Laverne Baker, Deputy Troy Livingston, Deputy Jack Coleman, Deputy Ernest Wigfall and Deputy James Bradley III, all of the Orangeburg County Sheriff's Department at all time relevant herein, specifically on or about November 2, 2000. Defendants all were acting individually and under color of law and were employees of the Orangeburg County Sheriff's Department and the Sheriff of Orangeburg County Sheriff, James "Poppa" Johnson. Further, that all the above named deputies (of the Orangeburg County Sheriff's Department) were acting individually, and in their official capacity on or about November 2, 2000 as a member of or assigned to the Multi-

Jurisdictional Narcotics Task Force.

22. That upon information and belief, Larry Williams was acting individually and in his official capacity as Chief Inspector under color of law for the Town of Branchville, South Carolina.

23. That further, upon information and belief, Deputy Lin Shirer, at all times relevant herein, specifically on or about November 2, 2000, was acting individually and in his official capacity and under color of law and was employed by the Calhoun County Sheriff's Department as a member of the Multi-Jurisdictional Narcotics Task Force as coordinated and supervised by the Orangeburg County Sheriff's Department.

24. That the acts and occurrences that give rise to this action occurred within the County of Orangeburg, State of South Carolina.

FACTS

25. That on or about November 2, 2000, the Plaintiff Hiram Eugene Johnson, Jr., while operating a vehicle in Orangeburg County, became the subject of a "sting operation", conducted by the "Multi-Jurisdictional Narcotic Task Force", under the direction, supervision and control of Sheriff James "Poppa" Johnson, Orangeburg County Sheriff, with immediate supervision delegated to Orangeburg County Sheriff's Captain John Moore. The objective of the sting was to recover allegedly stolen guns. The "sting operation" and takedown site was selected by the members of the Narcotics Task Force and took place at an abandoned elementary school in the Town of Branchville, located in Orangeburg County, South Carolina.

26. The sting operation, as coordinated and conducted, was based largely on information provided by a confidential informant.

27. That the above named Defendants were members of the Multi-Jurisdictional Narcotics Task Force under the direct supervision and control of Director Captain John Moore of the Orangeburg County Sheriff's Department.

28. That the information provided in the "sting", was that stolen guns would be in the

trunk of a car. Agents, employees and members of the Narcotics Task Force selected the location for the "sting operation" directed at the Plaintiff and awaited the arrival of the Plaintiff and a passenger who were driving a white Cadillac. As the Plaintiff arrived at the site selected by law enforcement, an abandoned school, located in Branchville, Orangeburg County, adjacent to the home of the Plaintiff and without plans, guidelines, training, supervision and controls, Captain Moore and his officers moved in to seize the occupants of the vehicle.

30. With the Plaintiff in plain sight and without provocation, Deputy Sheriff Clark Whetstone, an employee and agent of the Orangeburg County Sheriff's Department, supplied with and utilizing what was, upon information and belief, an unauthorized modified weapon, used excessive force in firing at least five shots indiscriminately at the rear of the Plaintiff's vehicle, striking the rear of the vehicle at least three times with at least two shots hitting the Plaintiff in the back of the head.

31. The Plaintiff, Hiram Johnson Jr., was struck by at least one bullet, which entered the rear panel of the vehicle, penetrating the headrest, striking him in the rear of the head, causing severe trauma and life threatening permanent injury. At least two of Deputy Whetstone's bullets struck the Plaintiff in the rear of the head causing permanent brain damage, trauma, partial paralysis, permanent memory loss and disfigurement.

32. Neither Plaintiff, nor his passenger, Keyon Kelly, ever displayed a handgun prior to or during the shooting and no handguns or other weapons were found in the driver-passenger portion of the vehicle. No gun was ever found on the Plaintiff's person, nor was any handgun or other weapon ever located in, or within reach of the passenger compartment of the vehicle.

33. That all of the above mentioned employees, agents and deputies of the Orangeburg County Sheriff's Department and the Multi-Jurisdictional Narcotics Task Force, acting arbitrarily and without plan or design, surrounded the vehicle and participated in the assault and seizure of the Plaintiff.

34. That upon being shot in the rear of the head the Defendant's vehicle crashed into the

woods bordering the school grounds. Emergency response personnel on the scene assumed that the Plaintiff was deceased.

35. That the Plaintiff, Hiram Eugene Johnson, Jr. was transferred from the treatment of Orangeburg County EMS personnel and air evacuated to medical facilities where he was stabilized and treated over a period of months and is still undergoing corrective surgeries and therapy.

36. As a result of this unprovoked shooting and use of excessive and deadly force by the members of the Multi-Jurisdictional Task Force, Plaintiff Hiram Johnson, Jr. has suffered permanent physical injuries to his body and has and will in the future be required to spend monies for medical expenses including therapy, and corrective surgeries, rehabilitative services, medications, and has suffered permanent irreversible trauma-disfigurement and brain damage.

37. Plaintiff has experienced pain, suffering, mental anguish, emotional distress, and loss of enjoyment of life as a result of this incident. The Plaintiff, as a result of the direct and proximate acts and/or omissions on the part of the Defendants with their blatant disregard for the safety and well-being of the Plaintiff suffered physical, as well as mental trauma, both of which is irreversible and uncorrectable. The Defendants had more than sufficient knowledge of the Plaintiff, but the deputies, agents and employees of the Orangeburg County Sheriff's Office and the Multi-Jurisdictional Narcotics Task Force acting under color of law, acted in blatant disregard for the safety of the Plaintiff and his constitutional rights to be free from unauthorized excessive and deadly force by members of the Sheriff's Department a law enforcement agency.

38. The actions of the Defendants violated the following clearly established and well settled Federal Constitutional Principles and Rights of Hiram Eugene Johnson, Jr.;

(A) Freedom from unreasonable seizure of his person;

(B) Freedom from the use of excessive, unreasonable and unjustified force against his person;

(C) Freedom from cruel and unusual punishment;

(D) Freedom from cruel and unusual punishment by the malicious, hostile, unjustified, brutal, excessive and illegal use of force by the Multi-Jurisdictional Narcotics Task Force;

39. The Defendants actions were consciously, recklessly and deliberately indifferent to the Plaintiff; Further, the Defendants were negligent, careless, reckless, grossly negligent, willful and wanton at the time and place above mentioned in the following particulars.

(A) In failing to design and draft policies and procedures for the Orangeburg County Sheriff's Department, and specifically, the Multi-Jurisdictional Narcotics Task Force, with reference to the planning and implementation and control in arrest procedures during sting operations.

(B) In failing to properly select members for the Multi-Jurisdictional Narcotics Task Force by utilizing not only testing procedures, but likewise psychological screening and background checks for persons assigned to this highly sensitive unit.

(C) In failing to implement and train the Orangeburg County Sheriff's personnel in proper policies and procedures as set forth by the South Carolina Law Enforcement Division and the South Carolina Criminal Justice Academy with reference to the proper planning, placement, coordination, supervision and control of officers involved in sting and special operations.

(D) In failing to train members of the Multi-Jurisdictional Narcotics Task Force in the Constitution and law enforcement standards on the use of deadly force.

(E) In failing to implement a selection and training process for officers to be utilized on such special units and operations.

(F) In failing to plan, supervise and control the officers in the implementation of arrest procedures, as to the placement of officers in vehicles used in sting operations

(G) In failing to plan, supervise and control the officers in police weaponry, specifically, types of weapons approved, tested and authorized by the department for duty, specifically sting operations.

(H) In failing to properly control, supervise and maintain control of the incident scene and location, including aerial and back-up chase cars, perimeter control, stop stick and barricades, etc.

(I) In failing to properly train the employees and officers in the continuum of force, the use of force and to properly supervise and control weapons and ammunition as used by individual officers in their assignment in this sting operation.

(J) In failing to properly train and supervise sting personnel with weapons and equipment normally used in the standard course of law enforcement and ensuring that these weapons were not, upon information and belief, modified for automatic and unauthorized use.

(K) In allowing officer to use high powered rifles and ammunition modified or unmodified, not normally used in standard police practice.

(K) In shooting the Plaintiff Hiram Johnson, Jr. through the rear of the vehicle, and through the rear solid rear panel of the vehicle, which Mr. Hiram Johnson, Jr. was driving constituting excessive and deadly force and other further particulars as the evidence will disclose.

40. That the actions of Defendant James "Poppa" Johnson and the Orangeburg County Sheriff's Department, the Multi-Jurisdictional Narcotics Task Force, and Orangeburg County show a deliberate indifference and reckless disregard for the constitutional rights of the citizens of Orangeburg County and further that such actions by the Sheriff James "Poppa" Johnson and his subordinate supervisors, specifically Captain John Moore of the Multi-Jurisdictional Narcotics Task Force show an intentional and deliberate disregard for the safety and security and protection of the constitutional rights of the citizens of Orangeburg County, specifically the Plaintiff in this case, Hiram Eugene Johnson, Jr.

41. The aforementioned Defendants, James "Poppa" Johnson and Captain John Moore were consciously and deliberately indifferent as to the rights, constitutional and other of the Plaintiff on or about November 2, 2000, in the following particulars.

(A) Failing to properly plan, select, supervise, coordinate, control, and execute a sting operation on the Plaintiff, Hiram Eugene Johnson, Jr.;

(B) In failing to properly coordinate, plan and execute written operational guidelines for sting or takedown operatons;

(C) In failing to properly train and or supervise officers to ensure that persons, including the Plaintiff Hiram Eugene Johnson, Jr. And his constitutional right to be free from excessive force by law enforcement during an arrest and seizure.

(D) In failing to draft and/or institute the proper policies and procedures necessary to ensure that the subject of sting operations are treated in a manner consistent with acceptable law enforcement practice and within the parameters of the law and law enforcement's use of force;

(E) If policies and procedures existed, the actions taken by members of the sting operations and the managers or coordinators of the operation on November 2, 2000, failed to follow any acceptable standard allowed under law enforcement policies and practices;

(F) In failing to generate and maintain sufficient records to screen, supervise and control the employees assigned to such unit. To reflect in such documents any prior allegations and history of abuse by members of the sting team;

(G) By failing to supervise and control the weapons and ammunition utilized by the team;

(H) In failing to coordinate, control, plan and place members of the sting unit to avoid the arbitrary and egregious abuses by the sting team on the subject of the takedown seizure and arrest;

(I) In failing to protect the Plaintiff, from excessive force with unauthorized weapons and tactics beyond the acceptable scope of law enforcement practice;

(J) Engaging in a pattern and practice of failing to provide training, selection,

supervision, and control of members of the takedown team or teams;

(K) In failing to correct abuses within the unit, including unauthorized practices and weaponry as used by members of the team;

(L) Engaging in a pattern and practice of abusing and using inappropriate practices of the acceptable standard of law enforcement, contrary to the law.

(M) In failing to investigate and properly record law enforcement shooting incidents and incidents in the use of excessive force.

FOR A FIRST CAUSE OF ACTION
42 U.S.C. 1983 Fourth, Eighth and Fourteenth Amendments
Excessive Force

42. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

43. The Defendant officers were acting individually under their color law, the pretense of state law, customs, practices, uses and policy at all times mentioned herein as Sheriff's Deputies and as other such personnel of the Orangeburg County Sheriff's Department and the Multi-Jurisdictional Narcotics Task Force and had certain duties imposed upon them with regarding to the seizure and treatment of Hiram Johnson, Jr.

44. That the actions of the officers were unreasonable and unjustified through their use of excessive and deadly force in shooting the Plaintiff without provocation.

45. As a direct and proximate result of the Defendants' acts of willful, malicious, conscious and deliberate indifference, jointly, separately, and in combination thereof, the Plaintiff suffered deprivations of his rights secured by the Fourth, Eighth and Fourteenth Amendments of the United States Constitution.

FOR A SECOND CAUSE OF ACTION
42 U.S.C. 1983 Eighth and Fourteenth Amendments
Cruel and Unusual Punishment/Excessive Force

46. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

47. The Defendant officers were individually acting under color or pretense of state law, customs, practices, usage of policy at all times mentioned herein as Sheriff's Deputies and other such personnel or employees and had certain duties imposed upon them with regard to the seizure of Hiram Eugene Johnson, Jr.

48. As a direct and proximate result of the Defendants acts of willful, and malicious acts of deliberate indifference, jointly, separately, and in combination thereof, the Plaintiff suffered deprivation of his rights secured by the Fourth, Eighth and Fourteenth Amendments to the United States Constitution. Further that the arbitrary and unlawful shooting of the Plaintiff by the Defendants constituted cruel and unusual punishment upon the Plaintiff.

49. As a result, the Plaintiff was damaged as set forth below.

FOR A THIRD CAUSE OF ACTION
42 U.S.C. 1983 Fifth and Fourteenth Amendment
Violation of Due Process

50. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

51. The Defendant officers were acting individually and under color or pretense of state law, customs, practices and usage of policy at all times mentioned herein as deputies and other such personnel and employees and had such duties imposed upon them with regard to Hiram Johnson, Jr.

52. As a direct and proximate result of the Defendants' acts of willful and malicious conscious and deliberate indifference separately, jointly or in combination thereof, the Plaintiff, Hiram Eugene Johnson, Jr. has suffered deprivation as secured by the Fifth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of South Carolina. Further that the use of excessive and deadly force violated the Plaintiff's Constitutional

rights to due process.

53. As a result, the Plaintiff was damaged as set forth below.

FOR A FOURTH CAUSE OF ACTION
42 U.S.C. 1983, Fourth, Eighth and Fourteenth Amendment
Violation of Federal Civil Rights- Pattern and Practice

54. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

55. The Defendant officers were acting individually under color or pretense of state law, customs, practices, usage of policy at all times mentioned herein as deputies, agents and employees and had certain duties imposed upon them with respect to the Plaintiff Hiram Eugene Johnson, Jr.

56. The Defendant officers and the Multi-Jurisdictional Narcotics Task Force has demonstrated a deliberate and conscious indifference and total disregard of the Constitutional Rights of the citizens of Branchville, Orangeburg County and specifically, the Plaintiff by using unauthorized and excessive force and subjecting persons to unlawful seizure using illegal law enforcement practices.

57. As a direct and proximate result of the Defendant's neglect, grossly negligent, malicious, willful and wanton acts, omissions, reckless and conscious and deliberate indifference, intentional conduct jointly, separately or in a combination thereof, the Plaintiff suffered deprivation of his rights secured by the Fourth, Eighth and Fourteenth Amendments to the United States Constitution. As a result the Plaintiff was damaged as set forth below.

FOR A FIFTH CAUSE OF ACTION
42 U.S.C. 1983 Et. Seq. Fourth, Eighth and Fourteenth
Conspiracy to Violate Civil Rights

58. The Plaintiff realleges the above set forth allegations and the parties and facts as set forth verbatim.

59. The Defendant officers, agents and employees were acting individually, jointly or in combination thereof under color or pretense of state law, customs, practices, usage of policy at all times mentioned herein and did conspire, confederate, and act with the unity of purpose or with consciousness in a deliberate indifference to the Plaintiff on or around November 2, 2000, in the following particulars:

(A) Engaging in a conspiracy to cover up and or conceal the events surrounding the shooting of the Plaintiff, Hiram Eugene Johnson, Jr.

(B) In conspiring to cover up and/or conceal their pattern and practice in the selection, planning, supervision execution of sting operations conducted by the Multi-Jurisdictional Narcotics Task Force.

(C) In conspiracy to cover up and/or conceal their pattern and practice of using inappropriate excessive and abusive measures in sting operations conducted by the Multi-Jurisdictional Narcotics Task Force Unit.

(D) In conspiring to cover up and/or conceal their practice of physically abusing and or assaulting detainees or arrestees.

(E) In conspiring to cover up and conceal the practice of using unauthorized and or modified weapons and ammunition in sting operations of the Multi-Jurisdictional Task Force.

60. As a direct and proximate result of the Defendant's negligent, grossly negligent, malicious, willful and wanton acts and omissions, recklessness, conscious and deliberate indifference, jointly, separately or in combination thereof the Plaintiff suffered deprivation of his rights secured by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution. As a result the Plaintiff was damaged as set forth below.

DAMAGES

61. As a direct and proximate result of the Defendant's action as set forth above, Plaintiff

Hiram Johnson, Jr. suffered severe injuries resulting in permanent brain damage and has been forced to ensure great pain, mental suffering and anguish and has incurred medical and legal expenses and deprived of his physical life and liberty. WHEREFORE, the Plaintiff prays judgement against the Defendants jointly, separately, and in combination therefore for *ACTUAL, CONSEQUENTIAL, AND PUNITIVE* damages in an amount to be determined by the trier of fact, all costs and reasonable attorney's fees pursuant to 42 United States Code Section 1988, and for such other and further relief as the Court may deem just and proper. The Plaintiff demands trial by jury as provided for in the Seventh Amendment to the United States Constitution.

Respectfully Submitted,

John A. O'Leary, (Fed. Bar No. 4690)
O'LEARY ASSOCIATES, P.A.
2008 Lincoln Street
Post Office Box 164
Columbia, South Carolina 29202
(803) 779-5556

C. CARTER ELLIOTT (Fed. No. 5423)
J. Edward Bell, III, (Fed. Bar No. 1280)
BELL LAW FIRM
Post Office Box 2590
232 King Street
Georgetown, SC 29440
(843) 546-2408

June 28, 2005
Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

ORANGEBURG DIVISION

HIRAM EUGENE JOHNSON, JR., Plaintiff, v. JAMES "POPPA" JOHNSON, individually, and in his official capacity as Sheriff of Orangeburg County; LARRY WILLIAMS, individually, and in his official capacity as a deputy and Sheriff of Orangeburg County; LUTHER CLARK WHETSTONE, individually and in his official capacity; LIN SHIRER, individually, and in his official capacity; TY HAIGLER, individually and in his official capacity; F. EMORY RUSH, individually, and in his official capacity; LATISHA GRANT, individually and in her official capacity; KENNY KINSEY, individually, and in his official capacity; JOHN HALL FISCHER, individually, and in his official capacity; RENE W. WILLIAMS, individually, and in her official capacity; JERRY L. BROWN, individually, and in his official capacity; JOHN MOORE, individually and in his official capacity; RHONDA BAMBERG, individually, and in her official capacity; LEVERN BAKER individually and in his official capacity; TROY LIVINGSTON, individually, and in his official capacity; JACK COLEMAN, individually and in his official capacity; ERNEST WIGFALL, individually, and in his official capacity; JAMES M. BRADLEY, III, individually, and in his official capacity; ORANGEBURG COUNTY SHERIFF'S DEPARTMENT AND ORANGEBURG COUNTY, a	C/A No. 5:05-1867-MBS **ORDER**

body politic,)
)
Defendants.)
)

The court having been advised that the above action has been settled,

IT IS ORDERED that this action is hereby dismissed without costs and without prejudice. If settlement is not consummated within sixty (60) days, either party may petition the Court to reopen this action and restore it to the calendar. Fed. R. Civ. P. 60(b)(6). In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the court to enforce the settlement. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4th Cir. 1978).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

February 28, 2007

Columbia, South Carolina

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

140 North Main Street
Suite 102
Summerville, SC 29483
(843) 871-2640
FAX (843) 871-2643
PTI (843) 873-7842

Courthouse, Amelia Street
Post Office Box 1525
Orangeburg, SC 29116
(803) 533-6252
FAX (803) 533-6004
PTI (803) 533-6137

WALTER BAILEY
Solicitor

April 6, 2001

Marva Hardee-Thomas, Esquire
Post Office Box 50503
Summerville, South Carolina 29485

IN RE: **STATE OF SOUTH CAROLINA vs. MARION BOWMAN, JR.**

Dear Marva:

In response to your Rule 5 Discovery Motion in the above referenced matter, I am enclosing herewith a copy of our file. Our file is also open for your inspection.

Also, please find enclosed herewith for service upon you our **Request for Disclosure** with a **Certificate of Service.**

With kindest regards, I remain,

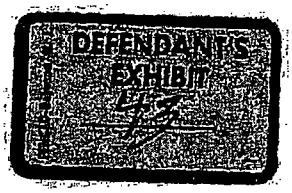
Sincerely,

Robert D. Robbins
Deputy Solicitor

RDR:khh

Enclosures

cc: Hon. Cheryl Graham
Dorchester County Clerk of Court
(with original Certificate of Service for filing)



COPY

The State of South Carolina

OFFICE OF SOLICITOR
First Judicial Circuit

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WALTER BAILEY
Solicitor

24 APRIL 2002

Norbert E. Cummings, Jr., Esquire
100 South Main Street, Suite B
Post Office Box 1318
Summerville, South Carolina 29484-1318

Marva A. Hardee-Thomas, Esquire
Dorchester County Public Defender
Post Office Box 50503
Summerville, South Carolina 29485-0503

IN RE: STATE OF SOUTH CAROLINA *vs.* MARION BOWMAN, JR.

Dear Marva and Norb:

Please find enclosed herewith for each of you a copy of the following:

1. Dorchester County Sheriff's Office Polygraph Report dated 4/17/02 for Travis Felder (1 page); and

2. SLED Facsimile dated 4/23/02 and Laboratory Forensic Services Request and Evidence Inventory Sheet and Evidence Transfer Form dated 2/28/01 (4 pages total).

Please do not hesitate to give me a call if you have any questions.

With kindest personal regards, I remain,

Sincerely,

Walter M. Bailey, Jr.

WMBjr:jgh

Enclosures: As stated

DEFENDANT'S EXHIBIT 2/25

The Supreme Court of South Carolina

W. H. Bristow, Inc., Plaintiff,

v.

Exxon Mobil Corp., Defendant.

Darlington County
04-CP-16-0357

Bowman, Plaintiff,

v.

State of South Carolina, Defendant.

Dorchester County
06-CP-18-0569

Franklin, Plaintiff,

v.

Chavis, Defendant.

Orangeburg County
06-CP-38-0186

FILED-RECORDED
2008 DEC 12 PM 4:09
CLERK OF COURT
DORCHESTER COUNTY

ORDER

I find that the Honorable James E. Lockemy, Circuit Judge At Large, has been elected to the Court of Appeals and has exclusive jurisdiction over the above cases.

Upon taking the oath of office and qualifying for the seat on the Court of Appeals, the Honorable James E. Lockemy, Judge of the Court of Appeals, is assigned as a circuit judge to preside over designated terms of circuit court and to dispose of these cases. This assignment shall continue until all matters in the circuit court relating to these cases are disposed.

IT IS SO ORDERED.

S/Jean Hoefer Toal

Jean Hoefer Toal
Chief Justice

December 11, 2008
Columbia, South Carolina

JOHN SINCLAIRE, III

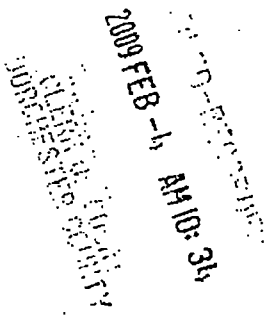
ATTORNEY AT LAW

EAST BAY EXECUTIVE CENTER
174 EAST BAY STREET
SUITE 300

POST OFFICE BOX 370
CHARLESTON, SOUTH CAROLINA
29402-0370

OFFICE: (843) 853-9300
FAX: (843) 853-9377
JSLAWYER@BELLSOUTH.NET

February 2, 2009



The Honorable James E. Lockemy
South Carolina Court of Appeals
P.O. Box 750
Dillon, SC 29536

Re: *Marion Bowman, Jr. vs. State of South Carolina*
C/A No.: *2006-CP-18-569*

Dear Judge Lockemy:

I am writing to express some rather grave concerns I have about the time table for submitting briefs and proposed Orders to you in the above-referenced case. As I am sure you will recall, you had given us roughly thirty-five days from the date trial counsel received the transcripts from the PCR hearing to submit the briefs and Orders, and as of today, neither Mr. Brown nor I have received the transcripts. These records and the time to digest them were especially important to me, given the very disjointed nature of the trial testimony and our need to amend the PCR application based on newly discovered evidence throughout the PCR trial.

I have another serious problem with the timing of our proposed Orders and briefs. Mr. Brown was appointed to represent Alphonso Howard, who was arrested on or about May 26, 2006 and charged with First Degree Criminal Sexual Conduct, Carjacking, Kidnapping (two counts), Armed Robbery (two counts), and Possession of a Weapon During the Commission of a Crime of Violence. Mr. Howard faces possible sentences ranging in excess of 150 years without parole or, alternatively, a mandatory minimum sentence of life without the possibility of parole. Mr. Howard has been incarcerated since his arrest on a bond in excess of $1,000,000.00, and his trial is scheduled to commence on February 23, 2009. Because of that pending trial, I have been unable to meet with Mr. Brown. We are getting together on Thursday of this week to attempt to hash out an amended PCR application to send to Counsel for the State, but we must reserve our right to send in a final amended application pending a review of the Court's rulings in the transcript.

I have spoken to Mr. Brown about my concerns, and he has shared with me one of his. That is his need to recoup what he described as devastating financial losses in his office caused by service as appointed counsel in the above-mentioned case. In other words, although his trial may be over by February 28, 2009, he will be in no shape financially to devote another thirty days away from his practice. I have to believe that means we will need *at least* another sixty days to prepare the proposed orders and briefs.

By copy of this letter, I am communicating our concerns to Creighton Waters, and we look forward to discussing this pressing matter with you at your earliest convenience.

With kindest regards, I am

Sincerely,

JOHN SINCLAIRE, III, L.L.C.

Jack Sinclaire

JS, III/
Cc: S. Creighton Waters, Esq.
James A. Brown, Jr., Esq.
Dorchester County Clerk of Court

Law Offices of Jim Brown, P.A.

1111 Bay Street • P.O. Box 592
Beaufort, SC 29901-0592
Phone: (843) 470-0003 Fax: (843) 470-0004
jimbrownlaw@hargray.com

2006-CP-18-569

May 4, 2009

2009 MAY -7 PM 4:15
CLERK OF COURT
DORCHESTER COUNTY

Via Email Transmission:
dgoodsteinj@sccourts.org
The Honorable Diane S. Goodstein
Administrative Judge, 1st Judicial Circuit
PO Box 234
St. George, SC 29477

Re: Rule 29(b) Motion, State v. Bowman, 2001-GS-18-0348 & 0349

Dear Judge Goodstein:

I am writing to inform your Honor of a proposal regarding the appointment of counsel for Mr. Bowman in the above-referenced matter. As you are aware, Mr. Jack Sinclaire and I represent Mr. Bowman by court appointment in the pursuit of relief in the post-conviction proceedings pending before Judge Lockemy in the Dorchester County Court of Common Pleas. Although I have been lead counsel for Mr. Bowman since the late fall of 2006, Mr. Sinclaire was appointed just over 1 year ago.

Because this Rule 29(b) Motion is pending in the Dorchester County Court of General Sessions, I believe it would be prudent to appoint new "trial" counsel to represent Mr. Bowman, given the current allegations of ineffective assistance of counsel concerning his previous trial counsel. To accommodate statutory mandates, concerns of judicial efficiency, and to provide some institutional memory to Mr. Bowman's efforts, I suggest that your Honor consider the appointment of myself as lead counsel and Mr. Boyd Young of the South Carolina Office of Appellate Defense, Capital Defender Unit, as second counsel.

This would reduce the expense from the indigent defense budget, provide continuity of lead counsel, and relieve Mr. Sinclaire of a second capital appointment obligation. I have spoken with Mr. Bowman, Mr. Sinclaire and Mr. Young and they all consent to this arrangement and are willing to state as much in court at the hearing scheduled for May 5, 2009 in the Dorchester County Courthouse in St. George, at 10:00 am. Thank you for your consideration in this regard and please contact my office with any questions or concerns.

Sincerely,

Jim Brown

cc: Dorchester County Clerk of Court, via US Mail
Mr. Blair Jennings, Deputy Solicitor, 1st Judicial Circuit, via email
Mr. S. Creighton Waters, Assistant Attorney General, via email
Mr. Jack Sinclaire, Esq., via email
Mr. Boyd Young, Esq., via email
Mr. Marion Bowman, via hand delivery

2009 MAY 22 AM 11:28
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)		IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)		C.A. No. 2006-CP-18-569
MARION BOWMAN, #6006)		
Petitioner,)		
v.)		**MOTION TO HOLD POST-CONVICTION PROCEEDINGS IN ABEYANCE PENDING RESOLUTION OF MOTION FOR NEW TRIAL IN THE COURT OF GENERAL SESSIONS**
STATE OF SOUTH CAROLINA)		
Defendant.)		

THE PETITIONER, MARION BOWMAN, by and through undersigned counsel, moves this Honorable Court for an Order holding in abeyance the proceedings in this capital Post Conviction litigation. This Motion is based upon the pendency in the General Sessions Court of a Motion for a New Trial. Such an Order would increase judicial efficiency and eliminate the possibility of conflicting findings of fact stemming from separate circuit court proceedings.

In South Carolina, the Rules of Criminal Procedure provide general guidance regarding post-trial motions. See SCRCrimP Rule 29. Included in this procedure is a specific rule which addresses motions for a new trial based upon after discovered evidence. See SCRCrimP Rule 29(b). Included within this rule is a provision which envisions the suspension of appellate proceedings while the trial court entertains a motion for a new trial based upon a claim of evidence which was not presented to the trial court or known to the litigants pre-judgement.

The suspension of direct appeal proceedings while litigating a motion for a new trial serves several purposes. First, it increases judicial economy because the ruling in the new trial motion could moot the direct appeal issues. Second, it allows a reviewing court to consider all direct appeal issues, including both those arising before and after the presentation of the new

evidence, at the same time.

Even though this procedural provision only addresses the suspension of proceedings when the matter is on direct appeal, the benefits presented in the direct appeal setting are equally present when the matter is on collateral review.

To begin, a stay is provident because the ruling could moot the PCR issues. Further, a stay allows the direct appeal from a ruling on the new trial motion to run its course before the resolution of collateral issues involving the trial proceedings. This allows for the consolidation of all collateral issues, thus reducing the possibility of a second round of PCR claims following the litigation of the new trial issues.

A stay also reduces the possibility that inconsistent findings of fact could be generated by two separate circuit judges, neither of whom can issue an opinion which is binding on the other court. Such contrary findings are inapposite to the notions of judicial economy or comity between tribunals.[1]

In the case at bar, Mr. Bowman filed an application for Post Conviction Relief in 2006. Evidence developed in the discovery process provided the basis for a Motion for a New Trial based upon after discovered evidence, under SCCrimP Rule 29(b). This Motion was filed in the General Sessions Court in September, 2008.

In the meantime, this Court conducted a merits hearing during which testimony, part of which is relevant to the Motion for a New Trial, was developed. Following the conclusion of the merits hearing, but prior to the submission of briefs, the General Sessions Court appointed

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[1] See generally, Younger v. Harris, 401 US 37 (1971)(Wherein the US Supreme Court explains the underlying policy issues, including comity between federal and state courts, which create a preference for the resolution of criminal proceedings prior to the adjudication of collateral constitutional claims.)

undersigned counsel, James A. Brown, Jr. and Mr. Boyd Young of the South Carolina Commission on Indigent Defense, Capital Trial Division to represent Mr. Bowman for the purposes of the Motion for a New Trial. This matter is to be heard in the General Session Court of Dorchester County prior to Labor Day, 2009.

Thus, counsel for Bowman request that this Honorable Court issue an Order holding the post conviction proceedings in abeyance pending resolution of the claims in the Motion for a New Trial pending in the Dorchester County Court of General Sessions.

Respectfully Submitted by:

James A. Brown, Jr.

May 21, 2009
Beaufort, SC

James A. Brown, Jr.
Law Offices of Jim Brown, PA.
1111 Bay St., P.O. Box 592
Beaufort, SC 29901-0592
(843) 470-0003
jimbrownlaw@hargray.com

Mr. John Sinclaire, III
John Sinclaire, III, LLC
P.O. Box 370
Charleston, SC 29402-0370
(843) 853-9300
jslawyer@bellsouth.net

CERTIFICATE OF DELIVERY

I hereby certify that a copy of the foregoing pleading was e-mailed to all counsel of record in this proceeding this 21th day of May, 2009.

PC

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	C/A No. 2006-CP-18-569
COUNTY OF DORCHESTER)	
)	
Marion Bowman, Jr.,)	
Petitioner,)	**ORDER GRANTING CONTINUANCE AND SCHEDULING ORDER**
)	
v.)	
)	
State of South Carolina,)	
Respondent.)	

2009 MAY 26 PM 3:

This matter is before me upon motion by John Sinclaire, III and James A. Brown, Jr., attorneys for Petitioner. On February 12, 2009, this Court granted the Petitioner's attorneys an extension until April 20th, 2009 to prepare the briefs and proposed Order in the above-captioned case because the attorneys had yet to receive the transcripts from the P.C.R. hearing. Since that time, the Court has learned that the transcript totaled over 2,226 pages, not including the exhibits, that Mr. Brown was forced to spend over 200 hours in preparation and trial of an indigent defendant facing life without parole. That that trial started February 23, 2009, and Mr. Brown has yet to be paid. This Court was further advised that Mr. Sinclaire and Mr. Brown are solo practitioners and the economic downturn has made maintaining their practices over that last few months an extremely difficult and time consuming task. For the foregoing reasons, the attorneys for the Petitioner are asking for an extension of time to prepare the briefs and proposed Order in the above-captioned case.

another 4 pg

Now therefore, for good cause shown and without the consent of the State, the Petitioner's attorneys' request for an extension is hereby granted. The Petitioner's attorneys shall file their brief and proposed Order no later than 12:00 p.m. June 5, 2009. No other extensions will be granted to the Petitioner and no briefs or proposed Order will be accepted from the Petitioner after the aforesaid

date and time. The Court expects that all grounds for relief will be fully laid out by Petitioner and his complete brief as to why he should receive relief on those grounds will be submitted to this Court. After June 5, 2009, the State will have twenty (20) days to respond. If because of the nature of the matters put forth by the Petitioner or due to other court matters, the State feels it needs more time to respond then the Court will entertain that request at that time.

AND IT IS SO ORDERED!

The Honorable James E. Lockemy,
Presiding Judge

April 28, 2009
Dillon, South Carolina

STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
COUNTY OF DORCHESTER	
Marion Bowman, Jr., #6006	C/A No. 2006-CP-18-569
Applicant,	**RESPONSE TO MOTION TO HOLD POST- CONVICTION PROCEEDINGS IN ABEYANCE**
v.	
The State of South Carolina,	
Respondent.	

2009 MAY 29 PM 2:38

Respondent, above-named, hereby responds to the "Motion to Hold Post-Conviction Proceedings in Abeyance Pending Resolution of Motion for New Trial in the Court of General Sessions". Respondent would respectfully object to this motion for the following reasons.

I.

This PCR action was filed on February 16th, 2007, and subsequently amended a number of times. Based on information in a last-minute deposition conducted in anticipation of the evidentiary hearing for this PCR, Applicant filed a motion for a new trial in general sessions court. That motion was filed in September 2008, shortly *before* the evidentiary hearing in this PCR case took place. Indeed, the partles discussed the new trial motion with this Court at the evidentiary hearing in September. Over the course of *twelve* separate days from September to December 2008, the parties conducted an evidentiary hearing in the PCR case. Following this hearing, a deadline was set for Applicant to file his post-trial briefing, with the Respondent's brief to follow. Applicant then requested and received two extensions of time to complete his post-trial

briefing, meaning the time has been running for over five months.

At no time during the extensive evidentiary hearing or this eighth month period since it began did Applicant move to stay the PCR proceedings based on the motion for a new trial that he had already filed – until now, a scant week and a half before his post-trial brief is definitively due with no further extensions to be granted.

II.

Applicant is correct that the Rule 29, SCRCrimP provides that a motion for a new trial based on after-discovered evidence can not even be made while the case is on direct appeal, unless leave is sought from the appellate court and the appellate court suspends the appeal. However, as he concedes, there is no such provision with regard to suspension of a PCR.

This is because while a PCR's subject matter is based in the underlying criminal conviction, it is still a civil action separate from the criminal action in general sessions court. It is filed in Common Pleas and is given a CP number, and follows the civil procedure rules. In contrast, a motion for a new trial is filed under the original general sessions indictment number. Additionally, a direct appeal from the criminal conviction, as its name states, is "directly" part of the underlying criminal action general sessions; indeed, a conviction is not finalized until the direct appeal is concluded. See generally Crawley v. Catoe, 257 F.3d 395 (4th Cir. 2001) (conviction becomes final became final either by the conclusion of direct review or the expiration of the time for seeking such review under 28 U.S.C. § 2244(d)(1)(A)). Moreover, jurisdiction transfers to the appellate court following filing of the notice of appeal from the convictions, and does not return until issuance of the remittitur. See generally Christy v. Christy, 317 S.C. 145,

452 S.E.2d 1 (Ct. App. 1994); Muller v. Myrtle Beach Golf & Yacht Club, 313 S.C. 412, 438 S.E.2d 248 (1993). Thus, Rule 29 recognizes that one should not have proceedings occurring simultaneously in both the trial level and the appellate level *in the same action*, and requires a request that the appellate court suspend the appeal for litigation of the post-trial motion at the trial level. That is not a concern between a PCR and a motion for a new trial, since they are separate actions.

Thus, there is no requirement or express basis in the law requiring the staying the PCR action that Applicant himself chose to file, simply because during the PCR process he discovers information that he thinks justifies a motion for a new trial.

Next, even if a stay could be ordered as a discretionary matter, the equities of this particular case completely weigh against granting of Applicant's motion. Applicant's claim that judicial efficiency will be served by granting of the motion is simply incorrect. Indeed, given that the parties expended significant resources and introduced evidence in this case over the case of twelve days in court, judicial efficiency would best be served by completing the trial level proceedings in this PCR case rather than letting the evidentiary hearing become more and more stale by way of an indeterminate stay precluding further briefing of the issues and a ruling on the merits. Moreover, the fact that Applicant never made the instant motion to stay in the preceding eight months until shortly before his post-trial briefing is due – despite the fact that the parties expended significant resources litigating the PCR case – is far more supportive of a inference that delay will be served by granting of the motion rather than judicial efficiency.

Thus, since there is no basis in the law requiring a stay, and the equities of this case completely weigh against a stay, it is respectfully submitted that the instant motion should be denied.

Respectfully submitted,

HENRY DARGAN McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

S. CREIGHTON WATERS
Senior Assistant Attorney General
(Counsel of Record)

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: _____
ATTORNEYS FOR RESPONDENT

May 28, 2009.

9442

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) 2008 JAN -5 AM 11:53
COUNTY OF DORCHESTER) C.A. No. 06-CP-18-569

CHERYL CRAWFORD
CLERK OF COURT
DORCHESTER COUNTY

MARION BOWMAN, #6006

Petitioner,

v.

STATE OF SOUTH CAROLINA

Respondent.

FOURTH AMENDED APPLICATION FOR POST-CONVICTION RELIEF

[Note: This application follows SCRCP Appendix of Forms, Form 5, as required by Rule 71.1(b), SCRCP.]

1. Applicant is detained at the Lieber Correctional Institution, Campbell Thicket Road, Ridgeville, South Carolina, 29472.

2. The sentence was imposed by the Dorchester County Court of General Sessions, the Honorable Diane S. Goodstein, presiding.

3. The indictment number or numbers upon which and the offense or offenses for which sentence was imposed:

   (a) 01-GS-18-0348- Murder
   (b) 01-GS-18-0349- Third Degree Arson

4. The date upon which sentence was imposed and the terms of the sentence:

   (a) Sentenced on May 23, 2002 to death.
   (b) Sentenced on May 23, 2002 to ten years

5. A finding of guilty on was made on May 20, 2002 after a plea of not guilty.

6. The applicant did appeal from judgment of conviction and sentence.

7. (a) The Courts to which applicant appealed:
   (i) The South Carolina Supreme Court.

(ii) The United States Supreme Court

(b) The result in each Court to which applicant appealed:
(i) Conviction and sentence of death were affirmed.
(ii) The Petition for Writ of Certiorari was denied.

(c) The date on which each Court affirmed the sentence or denied certiorari:
(i) Conviction and sentence were affirmed on November 28, 2005
(ii) The Petition for Writ of Certiorari was denied on June 12, 2006

(d) Citations of any written opinion or orders entered pursuant to such results:
(i) State v. Bowman, 623 S.E.2d 378 (2005)
(ii) Bowman v. South Carolina, 126 S.Ct. 2867 (2006).

8. Not applicable.

9 & 10 Grounds for Relief and Concise Statement of Supporting Facts.[1]

Ground A-Withdrawn

Applicant was denied the effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and 17-23-60 by trial counsels' failure to investigate, challenge and present evidence related to a firearm during the verdict of the trial proceedings. *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground A

(1) The gun attributed to the death at issue was purportedly linked to this crime by the testimony of an expert witness who testified on behalf of the state.

(2) This expert testified that shell casings found at the alleged scene exclusively matched the firearm linked to the Applicant's family.

(3) Trial counsel failed to investigate, challenge and present evidence related to this purported exclusive match.

(4) But for counsel's deficient performance, the outcome of the trial proceedings would have been different.

[1] Applicant reserves his right to amend this application.

Ground B

Applicant was denied the effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and 17-23-60 by trial counsels' failure to object to improper evidence elicited by prosecuting attorney regarding plea agreements entered between the State and Applicant's family members in exchange for testimony regarding efforts to secrete a firearm . SCRE Rule 402, 403, & 404 and *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground B

(1) During the verdict phase of the trial, the state elicited information tending to establish the existence of a conspiracy among several of Applicant's relatives to secrete a firearm.

(2) No evidence linked Applicant to this conspiracy. However, admission of evidence that applicant's relatives engaged in such criminal activity improperly suggested that Applicant endorsed or suggested such activity.

(3) Trial counsel failed to object to the admission of such evidence.

(4) But for trial counsels' deficient performance, the outcome of the trial proceedings would have been different.

Ground C

Applicant was denied the effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and 17-23-60 by trial counsels' failure to object to improper testimony regarding Applicant's character and other acts during the verdict phase of the trial. SCRE Rule 402, 403, & 404(b) and *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground C

(1) During the verdict phase of the trial, the State elicited testimony regarding the character and other acts of the Applicant. Specifically, a State's witness testified that Applicant's seminal fluid was located in a mixture found in the victim's vaginal cavity.

(2) During a deposition conducted by PCR counsel, Tawain Gadson indicated that no sex occurred during the time he claims that applicant shot and killed the deceased and

that he was not aware of any sexual encounter between the applicant and the deceased during the time in question before the trial jury.

(3) The information regarding the applicant's seminal fluid being located in the victim's vaginal cavity was irrelevant, prejudicial and improper character evidence which should not have been admitted during the verdict phase of the trial.

(4) Trial counsel did not object to this testimony.

(5) But for counsel's deficient performance, the outcome of the trial proceedings would have been different.

Ground D-Withdrawn

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to request that the verdict phase of the proceedings should be re-opened after the jury did not find the aggravating circumstance of criminal sexual conduct during the penalty phase of the proceedings. *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground D

(1) During the verdict phase of the trial, the State elicited testimony regarding the character and other acts of the Applicant. Specifically, a State's witness testified that Applicant's seminal fluid was located in a mixture found in the victim's vaginal cavity. This information should not have been admitted during the verdict phase of the trial.

(2) During the penalty phase of the proceedings, the government offered that the murder was committed during the commission of criminal sexual conduct. This aggravating circumstance was based upon the information elicited during the verdict phase of the proceedings.

(3) The jury did not find the existence of this aggravating factor beyond a reasonable doubt.

(4) Trial Counsel failed to move to re-open the murder conviction based upon the jury finding negating the claim of a sexual encounter and the improper admission of this evidence during the verdict phase of the proceedings.

(5) But for counsel's deficient performance, the outcome of the trial proceedings would

have been different.

Ground E

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to object to testimony and evidence related to a petroleum product located on a pair of pants seized during the arrest of Applicant. *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground E

(1) During the verdict phase of the proceedings, the state introduced a pair of pants seized during the arrest of Applicant.

(2) Also elicited at this phase of the trial was expert testimony that these pants contained a petroleum product.

(3) This testimony was not relevant to any issue at trial as the product found on the pants did not match the accelerant alleged to have been used during the commission of the arson.

(4) Trial counsel did not object to the admission of this testimony and evidence.

(5) But for counsel's deficient performance, the outcome of the trial proceedings would have been different.

Ground F-Withdrawn

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to adequately challenge the search and seizure of property. *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground F

(1) During the verdict phase of the trial, the state introduced items seized during a search conducted at the trailer of Dorothy Bowman. This search was conducted without a search warrant, without probable cause and without the consent of the Applicant. Further, the consent of Mrs. Bowman was obtained through the use of subterfuge and thus was not knowingly, intelligently and willfully given.

(2) Trial counsel failed to adequately challenge this search and seizure.

(3) But for counsel's deficient performance, the outcome of the trial proceedings would have been different.

Ground G

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to investigate and present mitigating evidence at the penalty phase of the trial. 1 ABA Standards for Criminal Justice (2d ed. 1982 Supp.), *Wiggins v. Smith*, 539 US 510 (2003), *Rompilla v. Beard*, 125 S.Ct. 2456 (2005) *Strickland v. Washington*, 466 U.S. 668 (1984), and *Johnson v. Mississippi*, 486 US 578 (1988).

Supporting Facts for Ground G

(1) Trial counsel only received access to significant amounts of mitigating information contained within Department of Social Service files during the break between the verdict and penalty phase of the proceedings.

(2) Counsel did not adequately investigate the information contained in these files or other mitigating information. This other mitigating information included testimony from lay and expert witnesses involving applicant's capacity to be of emotional value to others as a positive character trait, how a sentence of death would adversely impact this character trait and how a sentence less than death would allow for applicant to continue to contribute to society.

(3) Further, counsel did not investigate and present information related to Applicant's intoxication in an effort to qualify for an additional mitigating circumstance.

(4) Also, counsel did not investigate evidence to rebut the victim impact evidence offered by the state.

(5) The applicant's work record was not submitted to the testifying social worker to accurately construct a pyscho-social assessment.

(6) But for counsel's deficient performance, the outcome of the trial proceedings would have been different.

Ground H

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to object to the prosecution's introduction of evidence relevant to an arbitrary factor during the penalty phase of the trial. Further, trial counsel were also ineffective for failing to object to a death sentence rendered by the sentencing body outside of the statutory authority providing for capital sentencing. *Strickland v. Washington*, 466 U.S. 668 (1984) and *State v. Burkhart*, --- S.E.2d ----, 2007 WL 80036 (SC 2007) & *Johnson v. Mississippi*, 486 US 578 (1988)

Supporting Facts for Ground H

(1) During the penalty phase of the trial, the state elicited information regarding "good prison conditions."

(2) Trial counsel failed to object to this testimony.

(3) The Supreme Court of South Carolina failed to address this issue during the direct appeal because trial counsel did not preserve this issue for appeal.

(4) But for counsels' deficient performance, the outcome of the proceedings would have been different.

Ground I

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to object to the trial court's limitation placed upon Applicant's right to allocution, as allowed under South Carolina law. S.C.Code Section 16-3-28; *State v. Moore*, 593 S.E.2d 608 (SC 2004); *Strickland v. Washington*, 466 U.S. 668 (1984), & *Johnson v. Mississippi*, 486 US 578 (1988).

Supporting Facts for Ground I

(1) Applicant was incorrectly advised by the trial judge that he must limit his closing argument to the jury in the penalty phase to evidence in the record.

(2) Trial counsel failed to object to this improper limitation by the trial judge.

(3) But for counsel's deficient performance, the outcome of the trial proceedings would have been different.

Ground J-Withdrawn

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to properly rehabilitate jurors who were struck for cause. *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground J

(1) During the jury selection process, the court struck jurors for cause.

(2) Trial counsel failed to rehabilitate these jurors.

(3) But for counsel's deficient performance, the outcome of the proceedings would have been different.

Ground K-Withdrawn

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to introduce evidence of the use of metal detectors during the search of Dorothy Mae Bowman's house. *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground K

(1) During the verdict phase of the trial, the state presented evidence that the weapon used to kill the deceased had been secreted in a couch at Dorothy Mae Bowman's house (the same house where Marion Bowman was arrested shortly after the killing of the deceased).

(2) The defense countered that this gun was not found during the search of the house when Mr. Bowman was arrested and was not found until a months later in a river.

(3) The state replied by arguing that the couch was of such design that the weapon could have eluded the search conducted at the time of Mr. Bowman's arrest.

(4) However, the defense failed to present evidence that the police used metal detectors during this search. This evidence eviscerates the state's explanation for its failure to find the gun during the search contemporaneous with Mr. Bowman's arrest.

(5) But for counsel's deficient performance, the outcome of the proceedings would have been different.

Ground L

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to present evidence supporting a statutory or non-statutory mitigating circumstance. *Strickland v. Washington*, 466 U.S. 668 (1984) & *Johnson v. Mississippi*, 486 US 578 (1988).

Supporting Facts for Ground L

(1) During the trial below, evidence was presented regarding the consumption of alcoholic beverages by witnesses in the trial proceedings.

(2) Further, applicant himself consumed alcohol during the time in question.

(3) However, trial counsel failed to elicit evidence from the witnesses who testified at trial about appellant's intoxication on the date in question or of applicant's habit of consuming alcoholic beverages or being habitually under the influence.

(4) But for counsel's deficient performance, the outcome of the proceedings would have been different.

Ground M

Applicant was denied the effective assistance of counsel, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article 1, Section 14 of the South Carolina Constitution and South Carolina law including S.C. Code Sections 16-3-26(B)(1) and17-23-60 by trial counsels' failure to present exculpatory and impeaching evidence. *Strickland v. Washington*, 466 U.S. 668 (1984).

Supporting Facts for Ground M

(1) During the trial below, trial counsel argued that state's witness James Tawain Gadson was the guilty party in the death of Kandee Martin. Counsel argued that Mr. Gadson killed Ms. Martin without help from Mr. Bowman.

(2) Trial counsel were provided information regarding a statement made by Ricky Davis indicating that he overheard Mr. Gadson confess to the shooting.