

SC COURT OF APPEALS
SC SUPREME COURT

Judge Larry Hyman
GEORGETOWN GENERAL SESSIONS
2003-GS-22-1030

STATE OF SOUTH CAROLINA)
)
 v. Respondents,)
)
 JODY WARD)
)
 Defendant.)

RECEIVED
MAR 20 2018
SC Court of Appeals

Rule 29 (b) Appeal

Motion to Remand or
Motion to Strike Order of
Judge Larry Hyman based
on Lack of Jurisdiction (INTER ALIA)

The Defendant filed Rule 29 (b) SCRCRIMPRO. on Oct. 27, 2018 Judge Hyman convened a Georgetown General Sessions case in Horry General Sessions Court, out of the Jurisdiction without a waiver of venue and jurisdiction.

Matters of Jurisdiction can be raised at anytime Koon V. State 595 SE 2d. 456 (2004)

The Order dismissing the case held out of jurisdiction is void Ab Initio. Without Force Of Law; and it was *ex parte*, never served on anybody.

To compound this matter Judge Hyman ruling overruled (2) other circuit Court Judges Chief ADMIN. Judge Culbertson and Judge Stephen John, who had stated on the record merit hearings would be held on the Juror Misconduct pur to McCoy V. State (2012) and prosecutorial misconduct pur. Riddle V. Ozmint (2006) This is in the midst of a ongoing Investigation that has been referred to Chief ADMIN. Judge Culbertson for a Status Conference March 19, 2018 In Georgetown General Sessions, By the Office Of Disiplinary Counsel, and the Motion to Strike Judge Hyman Out of Jurisdiction Order is schedule to be heard 3/19/18, so moves the pro-se petitioner; see: State v. Bryant, 29(b) Juror Misconduct case, In Horry County 15th Judicial Circuit, therefore the hearing was appropriate per se. Petitioner moves Appeal of 29 (b) order be remanded to Chief Admin. Judge Culbertson for a ruling on out of jurisdiction motion, that were never ruled upon by Judge Hyman's Court.

Respectfully,

3/14/18

151 *Jody Lynn Ward*

- Clerk of Court -
S.C. Court of Appeals
Direct Appeal Division
P.O. Box 11629
Columbia, S.C. 29

Jody Ward 300644
MCI - F-3-8-235
386 Redemption Way
McCormick, SC 29899

- Clerk Of Court -
SC Supreme Court
PO Box 11330
Columbia, SC 29201
°SC Court Of Appeals

RECEIVED
MAR 20 2018
SC Court of Appeals

3/14/2018

In the event that a Notice Of Appeal has been filed in Supreme Court or the SC Court Of Appeals (please check) please file this Motion to Remand based upon lack of Jurisdiction of the Court of Georgetown General Sessions (in Horry County General Sessions) without a waiver of venue/jurisdiction the attached motion to strike the proceedings Jan 18, 2018. And current motion to strike the order. As void Abilito filed contemporaneously. This case is before Judge Culbertson, On 3/19/18 Status conference- VENUE- jurisdiction motions must be ruled upon as prerequisite of appeal.(1)

cc: SC Atty General

Judge Culbertson
Tristan Shaffer, Esq.
Judge Hyman
Judge John
Scott Hixson, Esq.
Disciplinary Counsel Turner
State of S.C. Ethics Comm.

s/ Jody Lynn Ward
MCCI
386 Redemption Way
McCormick, SC 29899

Footnote - The Order Was Ex parte & illegal pursuant to Venue & Jurisdiction
* Judge Hyman saying he signed Order Ex parte on or about Dec, 2018 yet nobody served the Order on Defendant or Counsel until Feb, 2018 being 2 months out of date on "Notice of Appeal" Filed by Tristan Shaffer. Conspiracy & Collusion to commit 1. of 1. Civil Rights Denied to Defendants.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 8, 2018

RECEIVED

MAR 20 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: The State v. Jody L. Ward (2) – Appellate Case No. 2018-000402

Dear Ms. Kitchings:

Our office does not handle appeals from the denial of a Motion for a New Trial Based on After-Discovered Evidence when the action was initiated in the Circuit Court pursuant to Rule 29(b), SCRCrimP. Consequently, we will not be opening a file on Mr. Ward. If you have any questions or concerns, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/mpm

cc: Mr. Jody L. Ward #300644

Jody Ward
MCCI, F-3-B-235
McCormick, SC 29899

Clerk Of Court, *Alma Y. White*
Georgetown
General Sessions Court
P.O. Box 479
Georgetown, S.C. 29442

RECEIVED

MAR 20 2018

SC Court of Appeals

Motion to Strike Order Dismissing 29 (b)
based on Lack of Jurisdiction (Iner Alia)

Please file these pleadings in State V. Jody Ward #2003-GS-22
1030, 1031 29 (b) Motion to Strike Judge Hyman Order out of
jurisdiction of Gergetown General Sessions, and ex parte filed.

Please clock stamp stamp, and my motions to proceed (pro-se)
were granted and now reasserted.

cc: Chief Judge Culbertson
Chief Justice Don Beatty
Solicitor 15th Circuit
Office Disiplinary Counsel
State of S.C. Ethics Comm.
Office of the Attorney General
Tristan Shaffer, Esq.
Honorable Stephen John
Honorable Larry Hyman
File

Respectfully,

Jody Lynn Ward

Jody Lynn Ward, #300644
M.C.I. -F-3-B-235
386 Redemption Way
McCormick, S.C. 29849

March 14, 2018

RECEIVED

MAR 20 2018

SC Court of Appeals

The Supreme Court of South Carolina
Office of Disciplinary Counsel
Attn: Mr. Joseph P. Turner Jr.
Post Office Box 12159
Columbia, S.C. 29211

RE: Circuit Court Judge Larry B. Hyman, Jr. / Evidence of Conspiracy
South Carolina Circuit Court, At Large / In violation of S.C.R.Civ.P.
Rule 63 Disability of a Judge
Matter Number: 17-DE-J-0235

Dear Mr. Turner,

The defendant in state v. Jody Ward (Direct Appeal # 2018-000402) submits to office of Disciplinary Counsel in a ongoing Investigation, where Disciplinary Counsel referred the matter to the Chief Admin. Judge Benjamin Culbertson, who was never released under Rule 63 Disability of Judge S.C.R.Civ.P.; who Originally Granted a Hearing on the merits when Defendant was represented by Natasha Hanna, Esq. of the Record. A Hearing was Convened on October 15th, 2015 before Honorable Stephen John who Granted a Hearing on the Merits & Ordered Defendant to be mentally Evaluated, the only verbal objection to Defendants Motion for New Trial after 1 year had elapsed.

So really Judge Harry Hyman was not aware of the other hearing because of the SCRP Rule 63 disability of Judge from Honorable Stephen Johns, verbal hearing of Oct. 15, 2015 where Hearing was already granted, only proves why he said on Record he scolded Solicitor Scott Hixson on Oct 2, 2017 for making him argue a issue with no moot for 45 minutes yet he still signed Order after Defendant verbally told the Court Over Counsel is almost charged for Contempt of Court that a "Hearing on the Merits" was already granted by Judge Johns.

Scott Hixson, lied to court, is evidence of a Conspiracy within the 15th Circuit Solicitors Office, It's really not the Judges its Solicitor Manipulating broken Rule 407 Rule of Professional misconduct, that at this point can only be corrected by your office. Defendant in 2004, Prior to trial filed through Trial counsel see: Trial Transcript attached pages. 3-8

2 - Motions to Commit recusal or alternatively to disqualify the 15th Circuit Solicitors office from the trial of this case. [Note * Trial Judge Paula Thomas Petition Disciplinary Counsel for investigation.]

Anderson v. Liberty Lobby; Candor Toward Tribuna
McCoy v. State, Quattlebaum v. State, Riddle v. Ozment

Judge Hyman still Overruled those Orders Out of
Jurisdiction In Collusion with Ex parte Order
signed on Oct and again on Dec Never served on
Counsel until Feb. as this week Notice of Appeal
was signed, Former Solicitor Greg Hembree & the
15th Circuit solicitors office and asst. Clerk of
Court (ETAL) to Defeat Your Investigation of
Disciplinary Counsel Mr. Turner.

It is Required & Requested that this Case be
Remanded Back for the Hearing Ordered on October
10th, 2015 Before Judge Stephen John & or comply
with SCRPC Rule 63 Disability of Judge -

If at any time after a trial or hearing has been commenced,
but before the final order or judgment has been issued, the judge
is unable to proceed, a successor judge shall be assigned. The
successor judge may proceed upon certifying familiarity with the
record and determining that the proceedings may be completed
without prejudice to the parties. In a hearing or trial without a jury
the successor judge shall, at the request of a party, recall any
witness whose testimony is material and disputed and who
is available to testify without undue burden. A successor Judge
may also provide for the recall of any witness.

In other words if the Court would have followed Rule 63 SCRAP, he would have been familiar with the Record and fact that he's Overruling 2 other Judges Rulings & Scott Hixson, Solicitor which also needs sanctioned I have a open investigation on him to for Lying on Record Oct 2, 2017 in Henry County "Out of Jurisdiction" at Georgetown City.

violation of SCACR Rule 501; Canon 1 - A Judge shall uphold the integrity... and Independence of the Judiciary

Canon 4 - A Judge shall so conduct the Judges Extra-judicial Activities as to minimize the Risk of conflict with judicial obligations.

Judges has a Oath - see: SCACR Rule 502.1 Judges Oath

He talked and treated me like a dog.

I'm requesting Judge Hyman be sanctioned censured, and suspended as Circuit Judge, his Order Hold Void Ab initio, without Force of Law by Honorable Benjamin Culbertson, State v. Ward 29 (b) State v. Bryant, supra 15th Cir. Juror Misconduct 29(b) a immediate hearing on the merits be held in Georgetown ^{case.}

General Sessions before Judge Culbertson, who Ordered a hearing on this matter while defendant was represented by Former Attorney Natasha Hanna, @ hearing date again by Judge Jahn Oct. 10, 2015.

As their conducts are in violation of Ethics & Canon and is outright Corruption of the Legal Process from Separation Branch of Government which is violation of separation of powers clause of U.S. Const. Per Senate Judiciary upon 15th Circuit Solicitor Scott Hixson, and Larry Hyman, Greg Humber prior Solicitor mentioned on page 3 of Trial Transcript.

That Further, the investigation be expanded to include Robert Bo Bryan, Esq. Former Solicitor; Investigator Hampton Clerk of Court; as I have Assit. Clerk Jennifer Lawrence has rejected affidavits and signed a Petition to go against Defendant before in Court, on this same charges on "Bond Henry" Evidence of misconduct that in Office and what amounts pursuant to SCRE 406 Habit, or routine evidence of continuing Pattern or Gross prosecutorial misconduct Juror misconduct, Grand Juror Misconduct.

And Any Just and fair Decision And this Decree be made part of Record of Disciplinary Counsel and Clerk of Court (et al.)

Respectfully,
Judy Ward

1 THE COURT: All right, are we ready?

2 MR. HEMBREE: The State is ready, Your Honor.

3 THE COURT: Very well.

4 Is the Defense ready?

5 MR. LOCKLAIR: Yes, Your Honor.

6 THE COURT: All right, sir.

7 MR. LOCKLAIR: Your Honor, the first thing, I
8 believe, would be the Defense has several motions.
9 I'd like to hand up our first motion, a copy, which
10 has recently been filed with the Court.

11 Your Honor, let the record reflect I just
12 served the Fifteenth Circuit Solicitor, Greg Hembree,
13 personally with a motion to commit recusal or
14 alternatively to disqualify the Fifteenth Circuit
15 Solicitor's Office from the trial of this case.

16 Your Honor, the root of this whole issue goes
17 to discovery violations that have been permitted to
18 happen by the Solicitor's Office and that have
19 occurred ever since these cases have begun. Most
20 recently and the main basis for this is a video tape
21 of a witness by the name of Willie Lambert that was
22 made on July 3rd of 2003, and turned over to the
23 Solicitor's Office.

24 The substance of that tape was not reflected
25 in the individual reports that were made by the

1 Sheriff's Office who took the video tape.
2 Furthermore, this is the only video tape that we've
3 been able to discover that was not entered into
4 evidence. It was allegedly turned over to the
5 Solicitor's Office and we were subsequently told
6 that it was misplaced or lost, but that the video
7 had no substance on it anyways, but we persisted in
8 trying to get this video tape once we discovered of
9 its existence in November of this year, Your Honor.

10 Upon obtaining a copy, we had to hire a
11 computer digital expert to enhance the sound because
12 the quality was so poor, but this video has Willie
13 Lambert testifying regarding Lewis Bazen, who is one
14 of the State's main witnesses. He is the person
15 who was their confidential source to get the
16 warrants who allegedly took Mr. Ward to allegedly
17 move the bodies of the two alleged victims in this
18 case, Your Honor.

19 On this video tape, Willie Lambert says that
20 the night after the alleged murder, Lewis Bazen comes
21 to his house and three different times on the tape he
22 says, "Me and Jody killed those boys." He clearly
23 implicates himself in this murder. That is clearly
24 exculpatory evidence that we were not allowed to
25 have.

1 Furthermore, Your Honor, it has clear
2 impeachment ---

3 **THE COURT:** How would that be exculpatory?

4 **MR. LOCKLAIR:** Well, Your Honor, it implicates
5 somebody else in the murder, first off.

6 **THE COURT:** It implicates your client, does it
7 not?

8 **MR. LOCKLAIR:** He implicates both of them, but
9 obviously that still has exculpatory value to show
10 that somebody else was there, somebody else could have
11 committed this murder. It goes to third party guilt.
12 It goes to the very basis we'd have to have to get
13 third party guilt as a charge to the jury through the
14 pre-trial conference we'd have to have with Your
15 Honor.

16 Furthermore, it is clearly favorable under
17 Brady v. Maryland and U.S. v. Argurs, and all their
18 progeny, including Kyles v. Whitley, Your Honor. It
19 has clear impeachment value because Willie Lambert
20 specifically says that Lewis Bazen told him things
21 happened differently, that he was with Jody, that he
22 went back that night, that Mr. Lewis Bazen went back
23 the night after the murder.

24 The way that he told the police in his
25 statement how the bodies were allegedly moved, Mr.

1 Lambert's statement differs from that and said that
2 Lewis Bazen specifically told him different things.

3 Your Honor, this is the main basis for our
4 motion. My co-counsel, Ms. Kneece, is going to go
5 through a whole litany of other discovery violations
6 that have occurred, Your Honor. The list is quite
7 long, so we've broken it down into two parts, but as
8 Your Honor looks at all these discovery violations, I
9 think Your Honor needs to reflect back and look at
10 State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105, a
11 2000 case from the South Carolina Supreme Court.
12 While the facts differ, we think some of the language
13 of Quattlebaum is very applicable, specifically that
14 the integrity of the entire judicial system is called
15 into question by conduct such as that engaged in by
16 the Solicitor's Office and investigating officers in
17 this case.

18 Prosecutors are ministers of justice and not
19 merely advocates. The Prosecutor has special
20 responsibilities to do justice and is held to the
21 highest standards of professional ethics. A
22 prosecutor has the responsibility of a minister of
23 justice and not simply that of an advocate.

24 This responsibility carries with it
25 specifically obligations to see that the Defendant

1 is accorded procedural justice and that guilt is
2 decided upon sufficient evidence, and as the Court
3 stated, the judiciary bears the ultimate
4 responsibility, Your Honor, for maintaining the
5 judicial integrity and the high standards of
6 professional conduct among the members of the Bar and
7 for protecting and defending the constitutional
8 rights of the accused.

9 Your Honor, we think once Ms. Kneece goes over
10 all of the other evidence that was turned over late,
11 or lost, or misplaced, and we're not here to place
12 blame, Your Honor, -- the simple fact is that they
13 bear the ultimate responsibility under Rule 5 of the
14 Rules of Criminal Procedure, as well as under Brady
15 and its progeny to produce certain evidence in a
16 timely fashion.

17 Your Honor, they've gone well beyond just a
18 basic thirty day violation that's commonly ignored by
19 Solicitors around the State. This goes much deeper.

20 Ms. Kneece now will address the Court and go
21 into some of those specifics. Thank you.

22 **THE COURT:** All right. Thank you.

23 **MS. KNEECE:** Thank you, Your Honor.

24 May I approach?

25 **THE COURT:** Yes.

1 **MS. KNEECE:** Your Honor, for the record, I
2 have just handed you exhibits of the Defense and I
3 have given the Solicitor a copy of theirs, and they
4 have been highlighted because of the volume of
5 documents and what I'm going to be referring to, and
6 they've given the same -- every document that I've
7 given, the Court Reporter, everybody's documents are
8 highlighted the same.

9 As I go through this, Your Honor, if you could
10 bear with me and I'll guide you through the document.

11 Let me first note -- let me first ask that
12 what I've handed the Court Reporter be made a Court's
13 Exhibit, Your Honor.

14 **THE COURT:** Any objection to having this made
15 as a Court's Exhibit?

16 **MR. HEMBREE:** No objection, Your Honor.

17 **THE COURT:** All right.

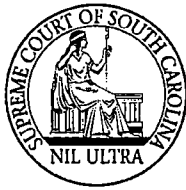
18 (Whereupon, Court's Exhibit 1 [Folder of
19 documents from Ms. Kneece] is marked for purposes of
20 the record.)

21 **MS. KNEECE:** Another thing I'm going to hand
22 to the Court is a document just handed to me by Beau
23 Bryan at 10:10 this morning, which is December 8th,
24 2003, which is the Miranda form. If I could also hand
25 that to Your Honor.

As their conducts are in violation of Ethics & Canon and is outright Corruption of the Legal Process from separation Branch of Government which is violation of separation of powers clause of U.S. Const. Per Senate Judiciary upon 15th Circuit Solicitor Scott Hixson, and Larry Hyman, Greg Hurbree prior Solicitor mentioned on page 3 of Trial Transcript.

That Further, the investigation be expanded to include Robert Bo Bryan, Esq; Former Solicitor; Investigator Hampton Clerk of Court; as I have Assit. Clerk Jennifer Lawrence has rejected affidavits and signed a Petition to go against Defendant before in Court, on this same charges on "Bond Henry" Evidence of misconduct that in Office and what amounts pursuant to SCRE 406 Habit, or routine evidence of continuing Pattern or Gross prosecutorial misconduct Juror misconduct; Grand Juror Misconduct.

And Any Just and fair Decision And this Decree be made part of Record of Disciplinary Counsel and Clerk of Court (et al.)
6. of 6
Respectfully,
Judy Ward



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Joseph P. Turner Jr.
Senior Assistant Disciplinary Counsel

Telephone: (803) 734-2038
Fax: (803) 734-1964

January 23, 2018

PERSONAL AND CONFIDENTIAL

Jody Lynn Ward #300644
McCormick Correctional Institution
386 Redemption Way
F3-0150-A
McCormick, SC 29899

RE: Judge: Circuit Court Judge Larry B. Hyman, Jr.
South Carolina Circuit Court, At Large
Matter Number: 17-DE-J-0235

Dear Mr. Ward:

We have received your complaint about Circuit Court Judge Larry B. Hyman, Jr.. We will conduct an investigation into the matters you have reported. You will not necessarily be contacted prior to a decision regarding your complaint; therefore, you should submit any additional information or documentation to support your allegations at this time.

The authority of this office and the jurisdiction of the Commission on Judicial Conduct are limited to issues of whether a judge is subject to discipline pursuant to the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR. Where misconduct is found, sanctions may be imposed ranging from a confidential letter of caution or admonition, public reprimand, or removal from office. If our investigation does not reveal evidence of judicial misconduct, your complaint will be dismissed.

We take this opportunity to advise you of the limited role of this office and the Commission so that you will be aware that we cannot provide you with assistance or advice. You should promptly seek assistance or advice that you might need from legal counsel or other sources. If you do not have an attorney and believe that you need one, you should contact the South Carolina Bar Lawyer Referral Service at 1(800) 868-2284.

You will be notified of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made. In the meantime, feel free to contact me if you have any questions or concerns.

Sincerely,

Joseph P. Turner Jr.

JPT/clg

STATE OF SOUTH CAROLINA) # 2003 GS 22 1030,1031
COUNTY OF GEORGETOWN) IN GENERAL SESSIONS
) 15th JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA) MOTION TO
) STRIKE ORDER
V. Respondents.) OUT OF JURISDICTION
JODY WARD)
Defendant.

The Defendant has alerted SC Supreme Court that the Order Dismissing the 29 (b) Motion by Judge Larry Hyman was not only out of the jurisdiction of Judge Hyman but his order summarily dismissing the 29 (b) was overruling Chief Admin. Judge Culbertson and Judge Stephen John previous order that the Juror Misconduct-Prosecutorial Misconduct-Issues would be heard on the merits.

A Motion that has not been ruled upon Jan 18, 2018 Motion to Strike proceedings before Judge Hyman as out of jurisdiction

Chief Judge Culbertson states conference on 3/19/18 see attached is where the Defendant, pro-se, sr thru counsel (who is now stand-by counsel pur. to Faretta v. California (1976))

This case and Judge Hyman is under investigation by SC Office of Disciplinary Counsel for 3/19/18 hearing on the issues sent to him by Disciplinary Counsel.

Defendant asserts Judge Larry Hyman acted outside of his jurisdiction to summarily dismiss 29 (b) to defeat the SC Office Disciplinary Counsel Investigation.

And his Order to Dismiss 29 (b) SCRCP is void Ab Initio w/out force of law.

And 29(b) should be heard on the merits as "previously Ordered" by the Chief Judge Culbertson and Judge Stephen John.

SO MOVES DEFENDANT

Respectfully Submitted
Jody Lyn Ward

3/14/18

1. of 1.



State of South Carolina
The Circuit Court of the Fifteenth Judicial Circuit

Benjamin H. Culbertson
Resident Circuit Judge

P. O. Box 479 (zip code 29442)
401 Cleland St. (zip code 29440)
Georgetown, South Carolina
Telephone: (843) 545-3030
Facsimile: (843) 545-3282
Email: bculbertsonj@sccourts.org

February 23, 2018

Tristan M. Shaffer, Esquire
225 Columbia Ave.
Chapin, SC 29036

Email: tristan@shafferlawsc.com

Scott Hixson, Deputy Solicitor
Office of the Solicitor, 15th Judicial Circuit
P.O. Box 1276
Conway, SC 29528

Email: hixson@horrycounty.org

RE: *State v. Jody Lynn Ward*
Case Nos.: 2003-GS-22-1030
2003-GS-22-1031

Dear Mr. Shaffer and Mr. Hixson:

I have not had any response to my letter to you dated 1/30/2018. Therefore, I have scheduled a status conference in the above referenced case for **3/19/2018 at 9:30 a.m.** in my chambers of the **Georgetown County Judicial Center in Georgetown, SC.** Your presence at this status conference is required. However, the defendant's presence is not required.

I need to know what, if anything, is pending in this case. I also need a copy of the evaluation ordered by Judge John.

Tristan M. Shaffer, Esquire
Scott Hixson, Deputy Solicitor
February 23, 2018
Page Two

With kindest regards, I remain

Very truly yours,



Benjamin H. Culbertson

BHC/bhc

pc: Jody Lynn Ward, #300644
McCormick Correctional Institution, F-3-B-150
386 Redemption Way
McCormick, SC 29899

Jody Lynn Ward, #300644
M.C.H. F-3-B-150
386 Redemption Way
McConnick, S.C. 29899

Defendant's
Copy to
Please Be
Clocked stamped

January 16, 2018

Georgetown County Clerk's Office
Office of General Sessions
Attn: Ms. Alma Y. White, Clerk
P.O. Box 479
Georgetown, S.C. 29442

FILED
GEORGETOWN COUNTY, S.C.
2018 JAN 25 AM 11:54
ALMA Y. WHITE
CLERK OF COURT

RE: Motion to Proceed Pro se Filings/2003-GS-22-1030 & 1031

Dear Ms. White,

Please find hereto attached a Motion to Proceed Pro se. I have Forwarded a copy to Honorable Stephen John; Honorable Larry Hynum Jr; Attorney Tristan Shaffer; And the Plaintiff's Scott Hixson Solicitor. I have Exhibits Attached A, B, C, D. Please File & Clock Stamp my Documents. As they are Pro se Filings Thank you & God Bless You all Abundantly.

Respectfully Submitted
/s/ Jody Lynn Ward
Jody Lynn Ward
Pro se



January 25, 2018

Jody Lynn Ward #300644
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

In response to your request regarding:

- PCR Form Enclosed.
- Legal advice.* The Clerk of Court is prohibited from providing *legal advice*. Contact your attorney for assistance.
- Information from file(s).* Please contact a relative, friend or your attorney to research your case(s) and make copies at a minimum cost or you will have to supply this office with warrant numbers and/or indictment numbers and pay a \$15.00 charge, to be paid in advance, to research your files, and pay \$.25 per copy thereafter.
- Being relieved from you attorney. The Clerk of Court has no authority to relieve a Defendant of an attorney. A Circuit Court Judge must address this request.
- Correction(s) on *Sentencing Sheet*. The Clerk of Court has no authority to adjust or change information on a sentencing sheet. Please contact your attorney for legal advice.
- Forwarding information* to the Solicitor/attorneys/judges/etc. Your documents are being returned. The Clerk's office accepts no responsibility for forwarding information to a third party.
- Clocking and filing motions/documents etc.* Contact your attorney to properly file Motions/documents/etc. [This is a Pro Se case. Your document(s) have been clocked and filed].
- A copy of a deposition(s).* Contact the attorney(s) involved in the case for copies.
- Expungement* information/application Contact the Solicitor's Office. **Solicitor's Office at P.O. Box 1688, Georgetown, SC 29442.**
- A detainer,* Contact the Solicitor's Office. **Solicitor's Office at P.O. Box 1688, Georgetown, SC 29442.**
- Information on the following *warrant(s)*; _____
At this time, this office has no record of the warrant(s) in question. Contact the arresting agency.
- A copy of a transcript(s). You will need to contact the Court Reporter.
- Other/Comments:

Georgetown County Court of General Sessions

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

The State of South Carolina,

Plaintiff,

vs.

Jody Lynn Ward,

Defendant,

) IN THE COURT OF COMMON PLEAS
)
) FOR THE FIFTEENTH JUDICIAL CIRCUIT

) Case No. 2003-GS-22-1030 & 1031
) Venue of Georgetown County Courthouse

CERTIFICATE

OF
SERVICE

FILED
GEORGETOWN COUNTY, S.C.
2018 JAN 25 AM 11:51
ALMA Y. WHITE
CLERK OF COURT

I do hereby certify that I have served the below named parties with "Motion to Proceed Prose with Exhibits A, B, C & D. on This 16th day of January, 2018 By way of placing a True & Correct Copy to the following.

Respectfully submitted
x Jody Lynn Ward

- Attw: Scott Hixson, Esq.
- ✓1.) Georgetown County Solicitors Office
P.O. Box 1688
Georgetown, S.C. 29442
- ✓2.) Tristan Shaffer, Esq.
P.O. Box 1027
Charleston S.C. 29036
- 3.) Honorable Larry Hymar Jr.
1301 Second Ave, Ste. 3B16
Conway, S.C. 29526

- ✓4.) Honorable Stephen Johns
1301 Second Ave, Suite 3A30
Conway, S.C. 29526-5234
- ✓5.) Georgetown County Clerk of Court
General Sessions Court
Attw: Alma Y. White, Clerk
P.O. Box 479
Georgetown, S.C. 29442

Jody Lynn Ward, #300644
M.C.I. F-3-B-150
386 Redemption Way
McCormick, S.C. 29099

Defendants Copy

January 16, 2018

Attn: Honorable Stephen John
1301 Second Ave, Suite 3A30
Conway, S.C. 29526-5234

FILED
GEORGETOWN COUNTY S.C.
2018 JAN 25 AM 11:54
ALMA Y. WHITE
CLERK OF COURT

RE: 2003-GS-22-1030 § 1031 State of S.C. v. Jody Lynn Ward
pending 29(b)

Dear Judge John,

Please find enclosed "Motion to Proceed Pro se" (Inter Alia) you stated I was to be brought back before your "Hower" once I was mentally evaluated and my case would be heard on merits of "Juror Misconduct" (Inter Alia) issue. I was found to be Competent and I am asserting my U.S. & S.C. Const. Rights to Proceed Pro se for reasons outlined in Motion herein, see: Faretta v. Calif. State v. Fuller.

This Post-Trial motion was filed October 2014, and I am requesting to be heard on merits, Pro se at the next Term of General Sessions Court of Georgetown, as you stated @ my October 10, 2015 hearing.

The previous attempt by the State on October 2, 2017 @ Conway S.C. General Sessions to reassign case to Judge Hyman, Contrast to your previous Ruling that I appear before you, is Null and Void as it was Outside of Jurisdiction of Georgetown General Sessions
1. of 2.

Court where Venue Lies Per Georgetown County Indictment numbers 2003-GS-22-1030 & 1031, and Defendant Did Not and will Not Waive Jurisdiction and/or Venue.

Furthermore, Judge Hyman Cannot overrule your previous Order on Pro se Representations. See: Transcript of Term of Court October 10, 2015, also marked in my Brief attached as Exhibit A. Therefore, the records clear that a Merits hearing be held; Also pending Disciplinary Counsel Actions on Scott Hixson & Hyman.

The State has Unethically attempt to do so by trying to mislead Judge Hyman with Attorney Tristar Shaffer, Esq. and I filed Complaint on Both Hyman & ^{Scott}Hixson for violations of SCACR Rule 404 SCACR Rule 501-503

Please schedule my case to be heard @ the Next Term of Court in Proper "Venue & Jurisdiction" of The Court of Georgetown County and Not Henry County, It's clear the State never ask or petition this Court for a "Change of Venue" to a New County.

I Ask to be heard in Chambers of Judge John

on this motion, as soon as feasible. I close with following prayer.

Proverbs 11:1 - Honest scales and balance belong to the Lord; I AM,

all the weights in the bag are of his making.

Respectfully submitted,

Jody Lynn Wood

cc. File
Scott Hixson Honorable Larry Hyman 2. of 2.
D. - 50

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

) IN THE COURT OF COMMON PLEAS
)
) FIFTEENTH JUDICIAL CIRCUIT
)
)

The State of South Carolina,

) Case No: 2003-GS-22-1030;1031
) Venue of Georgetown County Courthouse
)

Plaintiff,

Vs.

) MOTION TO ENFORCE ORDER
) GRANTING PRO SE REPRESENTATION
) HEARING DATE OCTOBER 10, 2015
) "MOTION TO PROCEED PRO SE"
)

Jody Lynn Ward,

) & MOTION TO STRIKE OCTOBER
)

Defendant,

) ~~10~~, 2017 HEARING FROM THE
) RECORD/LACK OF JURISDICTION/
) "VENUE" LIES IN GEORGETOWN COUNTY
)

Defendant by and through attorney of record respectfully requests that Defendant be allowed to proceed pro se. Defendant makes this motion pursuant to ... You have the Constitutional right to represent yourself in court and that if you have an attorney he is merely your Agent and is bestowed only with the authority you voluntarily grant him... see: The Sixth Amendment of the U.S. Const. Also see: Title 28 U.S.C. 1654 and Faretta V. California, 422 U.S. 806 (1975), 95 S. Ct. 2525.

see Exhibit A - Attorney's request for Transcript hearing Georgetown County October 10, 2015.
see Exhibit B - Order from Judge John for Defendant to be mentally evaluated from Oct. 10, 2015.

Defendant further submits that he is entitled the ability to ask for sequestration of the witnesses listed in Exhibit C, which Defendant intends to call at his hearings which was Granted by Honorable Stephen John on October 10, 2015.

FACTS

The Defendant in Rule 29(b) S.C.R.Crim.P action to set aside Murder convictions has alleged Inter Alia Juror misconduct? Grand Jury misconduct and Prosecutorial Misconduct and was deemed competent to represent himself and asserted his demand to represent himself not only Pursuant to S.C. Const. see: State v. Fuller, 337 S.C. 236, 523 S.E. 2d 168 (1999). The 6th Amendment to U.S. Const. Faretta v. Calif., 422 U.S. 806, 95 S.Ct. 2525 (1975), but to prevent 'sabotage' of his case by Counsel Intimidated by Senator Gregg Hembree, the Solicitor who obtained two convictions with no Bodies with False DNA / per shoes, which is pending for application at the present time.

See: Riddle v. Ozmint, 631 S.E. 2d 70 (2006); Costello v. U.S.

- 1.) On October 1st, 2015 Honorable Stephen John Ordered Defendant to be mentally evaluated for the Sole purpose of Representing himself by way of Pro Se, with Attorney Tristram Shaffer, as standby Counsel. The Defendant was thereafter evaluated, note * This was the only argument ever put up by Solicitor Scott Hixson. ^{in 3 yrs.} See: Trial Transcript Oct. 10, 2015.
- 2.) On October 2, 2017 the Defendant asserts that the State attempted by way of failing to Application for Change of "Venue" to Horny County from Georgetown County "venue" jurisdiction lies Pursuant to indictment no. 2003-GS-22-1030 & 1031. That Hearing is Void / and must be stricken from the Record as Defendant never ever, or Counsel "Waived Venue"; OR Jurisdiction from Georgetown County.

3.) The Georgetown County Solicitor Scott Hixson, is refusing to turn over; or give a copy cost for Defendants Rule 5 / Brady material that was damaged by water by S.C.D.C. which have agreed to pay any said cost associated with having it replace. I've actually ask Standby Counsel Tristan Shaffer to file for Motion to Compell Discovery / and/or just File for the whole complete New Discovery since they hiding; and concealing evidence; DNA; ect. [Motion To Compell Prose]
Requested

4.) The October 2, 2017 Hearing out of Jurisdiction of Georgetown County held by Honorable Hyman, is "VOID" AB INITIO on the "Venue" & Jurisdiction, Defendant demand to Proceed Pro se is based in U.S. Supreme Court Law & S.C. & U.S. Const. & DUE PROCESS OF LAW, and to remove Shaffer who is active to shield Senator Hembree who is influencing violation of Defendants Civil Rights per...
18 U.S.C. 241, 242, see: Dove v. Gold Kist Inc., 442 S.E. 2d 598 (1994)

5.) The D.N.A. application should also be made apart of this proceeding #1- its Newly Discovered; #2- Continuance of Prosecutorial Misconduct that clearly Triggers Hillery v. Valquez, U.S. Supreme Court case

showing a habit and pattern of Prosecutorial misconduct that started Pre-trial & Continues to the day, Due Process!!!

6.) Defendant respectfully ask Court to let him proceed Pro se in my Proper "Venue" & Jurisdiction of Georgetown County in front of Honorable Stephen John who issued the Order for Defendant to be Mental Evaluated and brought back before him at a later date At next Term of Court with following witnesses

w/ Dues Tecum supenas for Documents to be produced witness List. see: Attached Emails From Both Stephen John Clerk & Lamy Hyman Clerk Exhibits D

Conclusion

Defendant ask to be heard in Chambers on this Motion within ("10") Ten Days & and/or as this court Deems Just & Proper.

Respectfully submitted

x Judy L. Ward
Judy L. Ward, Pro se

Honorable Lamy Hyman
Honorable Stephen John
Tristan Shaffer, esq.
Scott Hixson, Solicitor
CC. File

4. of 4

EXHIBITS

A

The Law Office of Tristan M. Shaffer

Litigation • Injury Law • Criminal Defense

December 19, 2017

Dixie C. Eubank
Post Office Box 2194
Murrells Inlet, SC 29576


RE: State v. Jody Ward 2003-GS-22-1030

Dear Ms. Eubank,

I am writing to request a copy of the transcript from the above referenced case from the week of December 6, 2015. The hearing was before Judge John in Georgetown County. Please provide me with a copy of this transcript. I will gladly pay the cost to furnish the transcript.

Thank you for your assistance with this matter. If you have any questions please send contact me.

Sincerely,



Tristan M. Shaffer

Cc: Scott Hixson
Jody Ward

EXHIBITS

B

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

The State of South Carolina,

Plaintiff

v.

Jody Lynn Ward

Defendant.

IN THE COURT OF GENERAL SESSIONS

Indictment No.(s): 2003GS2201030 & 1031

A/Warrant No.(s): H248669 & H248670

ORDER FOR COMPETENCY TO STAND
TRIAL EVALUATION PURSUANT TO
STATE V. BLAIR

EVALUATION BY:
(Select Only One)

Department of Mental Health (Mental
Illness)

OR

Department of Disabilities and Special Needs
(Mental Retardation or Related Disability)

ALMA Y. WHITE
CLERK OF COURT

2015 FEB -2 PM 4: 09

FILED
GEORGETOWN COUNTY, S.C.

This matter is before me for an order requiring defendant Jody Lynn Ward, charged with Murder, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976).

BASIS FOR ORDER. I have considered the showing made in support of the motion requesting this evaluation and have reason to believe defendant may lack the competency to understand the criminal proceedings or to assist with the defense as a result of a lack of mental competence.

This order is issued for the following reasons:

based on Defendant's sworn statement in multiple court filings that he is mentally incapacitated.

THEREFORE, IT IS ORDERED: Defendant shall be examined and observed at an appropriate facility by two examiners of the Department of Mental Health if suspected of having a mental illness or by two examiners designated by the Department of Disabilities and Special Needs if suspected of having mental retardation or a related disability, to render an opinion whether defendant is competent to stand trial.

COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION. The examining facility shall schedule the ordered examination no later than thirty (30) days from the examining agency's receipt of this order. If defendant is currently free on bond or personal recognizance, defendant is responsible for making transportation arrangements to attend the examination. In the event defendant does not appear at the scheduled examination, upon written notice of such failure by the examining agency to the Sheriff of

the county in which this case arose, defendant shall be taken into custody by the Sheriff and held until an examination can be scheduled and completed, and thereafter shall be released. Defendant's bond or bail is hereby revoked to the extent necessary to carry out the provisions of this order, and upon completion of the examination and release of defendant, any previous bail or bond issued by the Court shall remain in effect. If defendant is in custody at the time of the scheduled examination, the Sheriff is hereby authorized and required to transport defendant to and from the examination, arriving at the examining facility at the time established by confirmed appointment with the staff of the examining facility. In the event defendant is in custody of a law enforcement agency other than a Sheriff's department, nothing herein prevents such agency from carrying out the provisions of this order.

TRANSFER TO ALTERNATE AGENCY. If the initial examination is performed by the Department of Mental Health, and examiners find indications of mental retardation or a related disability but not mental illness, the Department of Mental Health shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant is "not mentally ill" and shall provide a copy of such notification and a copy of this order to the Department of Disabilities and Special Needs. Likewise, if the initial examination is performed by the Department of Disabilities and Special Needs, and examiners find indications of mental illness but not mental retardation or a related disability, the Department of Disabilities and Special Needs shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant does "not have mental retardation or a related disability" and shall provide a copy of such notification and this order to the Department of Mental Health.

In either case, the examining agency shall make copies of any records gathered or created in connection with its examination available to examiners designated by the alternate agency, and the alternate agency shall thereafter designate examiners to evaluate defendant as to competency to stand trial within thirty (30) days of receipt of the notification from the initial examining agency.

FINDING OF DUAL DIAGNOSIS. If examiners of either the Department of Mental Health or the Department of Disabilities and Special Needs find an indication of a dual diagnosis of mental illness and mental retardation or a related disability, no opinion on defendant's mental competency shall be rendered, and the dual diagnosis must be reported to the Court, prosecutor, and defense counsel. The examining agency shall also provide notification of the finding and a copy of this order to the other agency. Thereafter, the Department of Mental Health and the Department of Disabilities and Special Needs shall arrange for an examiner from each agency to further evaluate defendant to render a final report on

2052
J.H.G.

defendant's mental competency. Both agencies are authorized and required to make copies of all relevant records within their possession or control available to examiners for purposes of completing the dual evaluation.

AUTHORIZATION FOR INPATIENT EVALUATION. In the event examiners from either agency determine defendant requires an inpatient examination, upon written notice to this Court from the director of the examining agency or his designee, defendant shall be committed to an appropriate facility of the requesting agency for no more than fifteen (15) days for examination and observation related to defendant's mental competency to stand trial.

REQUEST FOR EXTENSION. Before the expiration of the examination period or the examination and observation period, the Department of Mental Health or the Department of Disabilities and Special Needs, as appropriate, may apply to a judge designated by the Chief Justice of the South Carolina Supreme Court for an extension of time up to fifteen (15) days to complete the examination or the examination and observation.

DETENTION BEYOND EVALUATION PERIOD. If, in the judgment of the designated examiners, defendant is in need of immediate hospitalization or inpatient treatment, upon written request to this Court from the director of the examining facility or his designee, defendant may be detained by the requesting agency in a suitable facility for so long as deemed clinically necessary or until a hearing required and provided by S.C. Code Ann. § 44-23-430 (1976) may be conducted by this Court. An additional Court order shall be necessary for ongoing pre-trial inpatient detention of defendant as discussed in this paragraph.

ISSUANCE AND ADMISSIBILITY OF WRITTEN REPORT. Within ten (10) days of all examinations or the conclusion of the observation period, a written report shall be made to the Court pursuant to S.C. Code Ann. § 44-23-420 (1976). A copy of the report shall also be forwarded to the prosecutor and defense counsel. This evaluation report shall be admissible as evidence in subsequent hearings pursuant to S.C. Code Ann. § 44-23-420(c) (1976); thus, the report is a statutory exception to the rule against hearsay and shall be admissible without need for foundational testimony. However, the report shall be inadmissible in any other proceedings except as expressly permitted by South Carolina law.

OWNERSHIP AND DISCOVERABILITY OF EXAMINING AGENCY FILES. The examining agency is an independent entity, conducting this evaluation pursuant to Court order, and is not aligned with any party before the Court. To promote full disclosure and to assure the cooperation of defendant during the evaluation process, ownership of the examining agency's files shall be vested with the

387
A. H. H.

examining agency, including clinician's notes, staff reports, evaluation documents, memoranda, test results, etc. Neither these files nor any of their contents shall be provided to any party except upon presentation of a Court order authorizing such or a release authorization signed by defendant. In the event the examining agency's evaluation opinion is contested, an examiner may be appropriately and fully questioned as to the basis for the examiner's opinion at any hearing pursuant to S.C. Code Ann. § 44-23-430 (1976). However, examiners and agency staff may not be compelled to testify regarding statements made during the competency examination for any purpose other than to establish competency. Also, statements made during the examination may not be used to impeach defendant at trial. Hudgins v. Moore, 337 S.C. 333, 524 S.E.2d 105 (1999).

MEDICAL PROVIDERS/SCHOOLS MUST RELEASE NECESSARY RECORDS. State agency examiners conducting the evaluation may need clinical and school records concerning defendant to assist in forming an opinion. It is therefore ordered, upon presentation by the examining agency of this order with a written request for specific records attached thereto, that any physician or clinician, licensed health care facility, licensed health care provider, or any school district is hereby authorized and required to furnish copies of all records concerning defendant to the Department of Mental Health or the Department of Disabilities and Special Needs, or both.

COUNSEL REQUIRED TO FURNISH NECESSARY RECORDS. Upon written request from the examining agency, counsel for the prosecution and defense shall furnish to the agency such records and information in counsel's possession as the agency requests, including but not limited to copies of law enforcement reports, investigations, witness statements, statements by defendant (both written and electronic), defendant's medical records, and prior psychiatric or psychological evaluations of defendant. Nothing herein shall be construed to require counsel to divulge any information, documents, notes, or memoranda that are protected by attorney-client privilege or work-product doctrine.

DUTIES OF DEFENSE COUNSEL. Unless the prosecution is the party moving for this evaluation, defense counsel has the responsibility to file, serve, and transmit this order as outlined in the final paragraph below. Defense counsel does not have the right to attend any clinical interview scheduled pursuant to this Order, nor does defendant have a constitutional right to compel counsel's attendance. State v. Hardy, 283 S.C. 590, 325 S.E.2d 320 (1985). The Court recognizes, however, that circumstances may arise through which the examining agency may request counsel's attendance to facilitate the examination. In the event that such a determination is made, the examining agency may request counsel's attendance in writing, and counsel's level of participation shall be prescribed by the examining agency's written

~~4/27~~
J.H.J.-

evaluation protocol. In this event, because of the substantial number of individuals awaiting examination, such interviews cannot be rescheduled, postponed, or canceled to accommodate counsel except upon presentation to the examining agency of a written statement from a circuit court judge that counsel's attendance is required in Court at the time the examination is scheduled. Whether or not defense counsel is requested to attend the clinical interview, defense counsel must meet with defendant prior to the interview to discuss this Court order, the evaluation process, the clinical interview, defendant's rights with regard to the clinical interview, and penalties associated with non-appearance and non-cooperation. Failure to comply with these requirements may result in sanctions for defense counsel. Defendant's refusal to participate at the interview because of the absence of counsel will be deemed non-cooperation. Failure of defendant to cooperate or participate in the interview may result in cancellation of the interview, examiners being unable to offer an opinion on competency to stand trial, and the case being called for trial without completion of the evaluation.

FILING, SERVICE, AND TRANSMITTAL OF ORDER. It is the responsibility of counsel for the party requesting the evaluation to file and serve this order as outlined herein. In the event the evaluation has been requested by consent, or the moving party cannot be determined, defense counsel shall be responsible. After being signed by the Court, the original order without attachments shall be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, within five (5) business days, a certified copy of this order, together with the attachments listed at the end of this order, must be served upon the examining agency at the address listed below. To expedite commencement of the evaluation process and scheduling of the clinical interview, counsel is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency:

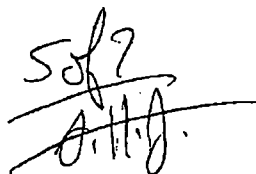
Evaluation Order Service Information

Department of Mental Health

Forensic Evaluation Service Paralegal
S. C. Department of Mental Health
CBHS Forensic Center
7901 Farrow Road
Columbia, S.C. 29203-3220
(803) 935-5540 (Phone)
(803) 935-5544 (Fax)
Email: FES-PARALEGAL@SCDMH.ORG

Department of Disabilities and Special Needs

Office of Clinical Services
Department of Disabilities and Special Needs
Post Office Box 4706
Columbia, S.C. 29240
(803) 898-9694 (Phone)
(803) 898-9660 (Fax)
Email: OBSForensics@ddsn.sc.gov

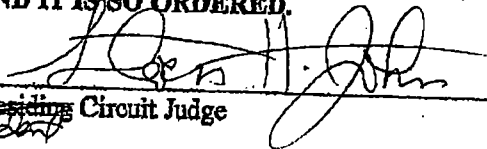
5/17


The following documents must be attached to this order upon submission to the Department of Mental Health or to the Department of Disabilities and Special Needs whichever is applicable;

1. Completed DMH/DDSN Outpatient Information Appointment Sheet
2. Copy of the indictment(s) (if issued)
3. Copy of the arresting agency's incident report
4. Copy of the warrant(s)
5. Law enforcement investigative reports
6. Defendant's statements to law enforcement, written or electronically recorded
7. Witness statements to law enforcement
8. Defendant's school psychological records (if available)
9. Autopsy reports (if applicable)

~~6/12~~
~~J.H.J.~~

AND IT IS SO ORDERED.



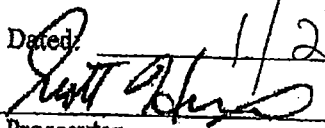
Resident
Presiding Circuit Judge

Steven H. John

Printed Name of Presiding Circuit Judge

Resident
Georgetown, South Carolina

Dated: 11/20, 2016



Prosecutor

R. Scott Hixson, Chief Deputy Solicitor

Address

P. O. Box 1688

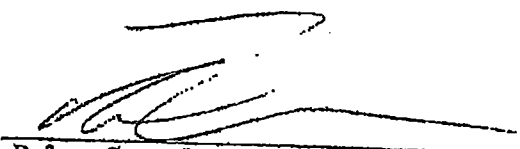
City, State, Zip

Georgetown, SC 29442

Telephone

843-545-3169 R. Scott Hixson

Email hixsons@horrycounty.org



Defense Counsel

Tristan Shaffer

Address

4701 Oleander Dr.

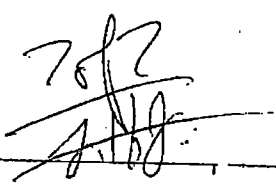
City, State, Zip

Myrtle Beach, SC 29577

Telephone

(843) 916-9300

Email Tristan@gotaxelrod.com

702




State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:

Allison Y. Evans, PsyD, Chair
Everard Rutledge, PhD, Vice Chair
Beverly Cardwell
Louise Haynes
Bob Hlott, MEd
J. Buxton Terry
Sharon L. Wilson

April 20, 2017

Division of Inpatient Services
G. Werber Bryan Psychiatric Hospital
Forensic Evaluation and Treatment Services
7901 Farrow Road, Building #6
Columbia, SC 29203
Information: (803) 935-5600

STATE DIRECTOR

John H. Magill

R. Scott Hixson
Assistant Solicitor
PO Box 1276
Conway, SC 29528

Re: The State of South Carolina vs. Ward, Jody
DMH #: 982-0843
Georgetown County, Court of General Sessions

Dear Assistant Solicitor Hixson:

In accordance with the court order issued by the Honorable Steven John, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health, pursuant to S.C. Code Ann. § 44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This 8 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

4/20/17
Date

Holly Scaturro
Holly Scaturro
Director
DIS Contract and Evaluation Services
Department of Mental Health

cc: Tristan Shaffer, Attorney at Law, 225 Columbia Ave., Chapin, SC 29379

HS/tl

MISSION STATEMENT

To support the recovery of people with mental illnesses.



EXHIBITS

C

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTEETH JUDICIAL CIRCUIT
Case No. 2003-GS-22-1030; -1031

STATE OF SOUTH CAROLINA)
)
Plaintiff,)
)
v.)
)
JODY LYNN WARD,)
)
Defendant.)

MOTION FOR ALL WITNESSES UNDER
ALL SUPENA BE SEQUESTERED.

FILED
2015 NOV 30 PM 4:56
CLERK OF COURT

JURISDICTION

Comes now defendant action under Faretta vs. California all witnesses be sequestered at December 10, 2015 at 9:00 AM.

WITNESSES UNDER SUPENA

- 1 ROBERT BO' BRYAN ESQ.
- 2 GREGORY HEMBRY ESQ.
- 3 MARGARETTE ANN MUFFY KNEECE ESQ.
- 4 JOHN WESLEY LOCKLAIR ESQ.
- 5 RONDIE WARD ESQ.
- 6 CAROL S WARD ESQ.
- ~~JOEY MICHAU ESQ.~~
- 7 NICOLE WARD ESQ.

~~DONALD LEWIS BAZEN ESQ.~~

8 SCOTT MCKENZIE ESQ.

9 DONALD RAY POSTON JR. ESQ.

~~SCOTT HARPER ESQ.~~

10 ERNEST A. HAMPTON ESQ.

14 SABRINA CANTEEN ESQ.

~~PRICILLA HARPER ESQ.~~

13 BERNADETTE GARDNER ESQ.

JH 11 JUDY T. HARPER ESQ.

11 MARISSA COOPER ESQ.

~~CLIFTON HUEY ROGERS ESQ.~~

Donald Myers, 10-4 P.i.

George Hawkins, Premier investigations
Ryan Gammons Premier investigations

Jason Ackerman

Joshua Ackerman

Respectfully submitted,

Jody Lynn Ward

JODY LYNN WARD #300644

EXHIBIT

D

Tristan Shaffer

From: Tristan Shaffer
Sent: Tuesday, September 12, 2017 12:54 PM
To: 'Hixson, Scott'
Subject: RE: State v. Jody Ward 29B Motion

Scott,
Apparently I put your email in wrong. Sorry about that.

I think I will need to ask for 2 days to be on the safe side. Maybe ask for a Thursday and Friday in case it is just a day and a half.

Please let me know how long you think it will take.

Tristan M. Shaffer
Attorney at Law
P.O. Box 1027
Chapin, SC 29036
803-941-7514

CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE: The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential professional, business, and/or personal use of the individual(s) or entity(ies) named above. This email post is specifically covered by and protected under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This message is or may be an attorney-client communication and/or attorney work-product and as such is strictly privileged and confidential under applicable state and federal laws, as well as, under applicable state and federal court decisions and procedural/ethical rules. If the reader of this message is not the intended recipient(s) or an agent of the intended recipient(s) responsible for delivering this message to the intended recipient(s), YOU ARE HEREBY NOTIFIED THAT ANY SUBSEQUENT REVIEW, DISSEMINATION, DISTRIBUTION, AND/OR COPYING OF THIS E-MAIL MESSAGE, NOTICE, COMMUNICATION AND/OR AND/OR DOCUMENT (ATTACHMENT) AND/OR INFORMATION CONTAINED T/HEREIN IS STRICTLY PROHIBITED AND MAY RESULT IN CIVIL AND/OR CRIMINAL PENALTIES. If you have received this communication in error, you are requested to immediately notify the sender by telephone and/or email and return the original message to the sender, delete this e-mail message and any attachments hereto, and destroy all printed and electronic copies. Nothing in this transmission is intended either to be an electronic signature or to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

DISCLAIMER OF KNOWLEDGE OF VIRUS, TROJAN HORSE, WORM, AND/OR OTHER ELECTRONIC DEFECT AND/OR ELECTRONIC PROBLEM: Although this e-mail message and any attachment(s) thereto are believed to be completely free of any virus, trojan horse, worm, and/or other electronic defect which might affect and/or infect a computer system into which this e-mail and any attachment(s) is received and opened, PLEASE NOTE THAT IT IS THE DUTY, RESPONSIBILITY, AND OBLIGATION OF THE RECIPIENT OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS THERETO TO ENSURE THAT THIS E-MAIL AND ANY ATTACHMENT(S) IS VIRUS AND/OR DEFECT FREE. Neither the individual sender, nor their agents, employees, and/or representatives accept any responsibility, duty, and/or obligation for any loss and/or damage (whether monetary, equitable, and/or otherwise) in any way whatsoever arising in any way from the receipt, use, and/or opening of this e-mail message and any attachments of any nature thereto.

From: Hyman, Larry B. Law Clerk (Liz Smith) [mailto:lhymanlc@sccourts.org]
Sent: Wednesday, September 6, 2017 3:49 PM
To: Tristan Shaffer <tristan@shafferlawsc.com>
Cc: shixson@sccourts.org
Subject: RE: State v. Jody Ward 29B Motion

If this is going to take a full day, Judge John will need to approve the hearing, since he is the Chief Administrative Judge for General Sessions.

Mr. Hixson and Mr. Shaffer if you will please determine the length of the hearing and confer with Judge Johns Chambers.

Best Regards,

Liz Smith
Law Clerk
The Honorable Larry B. Hyman Jr.
1301 Second Avenue, Suite 3B71
Conway, South Carolina 29526
(843) 915-6706

From: Tristan Shaffer [mailto:tristan@shafferlawsc.com]
Sent: Wednesday, September 6, 2017 3:07 PM
To: Hyman, Larry B. Law Clerk (Liz Smith) <lhymanlc@sccourts.org>
Cc: shixson@sccourts.org
Subject: State v. Jody Ward 29B Motion

Liz,
This matter is scheduled to be heard by Judge Hyman on 10/2/17 at 2pm. The state intends that the Merit's of Mr. Ward's motion for a new trial based on after discovered evidence be heard on that day. I am writing to inform the court that it likely could take much longer than the afternoon to hear the motion.

While I represent Mr. Ward for the motion, Mr. Ward has a pending motion to proceed pro se. If Mr. Ward's motion to proceed pro se is granted, he intends to call more than many witnesses. These witnesses include:

Nicole Ward
Rondie Ward
Scott McKenzie
Gary Todd (GCSO)
Ernest Hampton (GCSO)
Bobby Frederick (PCR Counsel)
Judy Harper (Juror)
Bernadette Gardner (Juror)
Marissa Cooper (Juror)
Margaret Ann Kneece (Trial Counsel)
J. Wesley Locklair (Trial Counsel)
Greg Hembree
Robert Bryan
Defendant

However, even if I represent Mr. Ward, I anticipate the hearing to take at least a full day. Mr. Ward is attacking the grand jury procedure. To warrant a reversal on that ground Defendant submits he would to establish a history of prosecutorial misconduct. *See Vasquez v. Hillery*, 474 U.S. 254

In anticipation that he may be required to proceed pro se on 10/2/17. I told Mr. Ward I would need to subpoena all of Mr. Ward's witnesses if this is scheduled to be a hearing on the merits.

Tristan M. Shaffer
Attorney at Law
P.O. Box 1027
Chapin, SC 29036
803-941-7514

CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE: The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential professional, business, and/or personal use of the individual(s) or entity(ies) named above. This email post is specifically covered by and protected under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This message is or may be an attorney-client communication and/or attorney work-product and as such is strictly privileged and confidential under applicable state and federal laws, as well as, under applicable state and federal court decisions and procedural/ethical rules. If the reader of this message is not the intended recipient(s) or an agent of the

intended recipient(s) responsible for delivering this message to the intended recipient(s), YOU ARE HEREBY NOTIFIED THAT ANY SUBSEQUENT REVIEW, DISSEMINATION, DISTRIBUTION, AND/OR COPYING OF THIS E-MAIL MESSAGE, NOTICE, COMMUNICATION AND/OR AND/OR DOCUMENT (ATTACHMENT) AND/OR INFORMATION CONTAINED T/HEREIN IS STRICTLY PROHIBITED AND MAY RESULT IN CIVIL AND/OR CRIMINAL PENALTIES. If you have received this communication in error, you are requested to immediately notify the sender by telephone and/or email and return the original message to the sender, delete this e-mail message and any attachments hereto, and destroy all printed and electronic copies. Nothing in this transmission is intended either to be an electronic signature or to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

DISCLAIMER OF KNOWLEDGE OF VIRUS, TROJAN HORSE, WORM, AND/OR OTHER ELECTRONIC DEFECT AND/OR ELECTRONIC PROBLEM: Although this e-mail message and any attachment(s) thereto are believed to be completely free of any virus, trojan horse, worm, and/or other electronic defect which might affect and/or infect a computer system into which this e-mail and any attachment(s) is received and opened, PLEASE NOTE THAT IT IS THE DUTY, RESPONSIBILITY, AND OBLIGATION OF THE RECIPIENT OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS THERETO TO ENSURE THAT THIS E-MAIL AND ANY ATTACHMENT(S) IS VIRUS AND/OR DEFECT FREE. Neither the individual sender, nor their agents, employees, and/or representatives accept any responsibility, duty, and/or obligation for any loss and/or damage (whether monetary, equitable, and/or otherwise) in any way whatsoever arising in any way from the receipt, use, and/or opening of this e-mail message and any attachments of any nature thereto.

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

## Tristan Shaffer

---

**From:** John, Steven H. Law Clerk (Victoria Harvey) <SJohnLC@sccourts.org>  
**Sent:** Wednesday, September 20, 2017 9:18 AM  
**To:** Hyman, Larry B. Law Clerk (Liz Smith); Tristan Shaffer  
**Cc:** Hixson, Scott  
**Subject:** RE: State v. Jody Ward 29B Motion

Good morning all,

Judge John has no issues with this hearing going forward.

Regards,

Victoria Harvey  
Law Clerk to the Honorable Steven H. John  
Phone: (843) 915-6697  
Fax: (843) 915-5859  
sjohnlc@sccourts.org

---

**From:** Hyman, Larry B. Law Clerk (Liz Smith)  
**Sent:** Wednesday, September 20, 2017 9:15 AM  
**To:** Tristan Shaffer <tristan@shafferlawsc.com>  
**Cc:** Hixson, Scott <HixsonS@HorryCounty.org>; John, Steven H. Law Clerk (Victoria Harvey) <SJohnLC@sccourts.org>  
**Subject:** Re: State v. Jody Ward 29B Motion

Good Morning,

Was there another message attached besides the one I sent on September 9, 2017? If not, you are going to need to ask the permission of Judge John. I nor Judge Hyman, is able to make this call without Judge John being involved.

Best Regards,

Liz Smith

Sent from my iPhone

On Sep 19, 2017, at 6:52 PM, Tristan Shaffer <[tristan@shafferlawsc.com](mailto:tristan@shafferlawsc.com)> wrote:

Liz,

Based on the below information should I call off subpoenaing a bunch of witnesses for 10/2?

I am just confirming that I will not need the witnesses to appear.

Tristan Shaffer

Get [Outlook for Android](#)

**From:** Hyman, Larry B. Law Clerk (Liz Smith)  
**Sent:** Wednesday, September 6, 3:49 PM  
**Subject:** RE: State v. Jody Ward 29B Motion  
**To:** Tristan Shaffer  
**Cc:** [shixson@sccourts.org](mailto:shixson@sccourts.org)

If this is going to take a full day, Judge John will need to approve the hearing, since he is the Chief Administrative Judge for General Sessions.

Mr. Hixon and Mr. Shaffer if you will please determine the length of the hearing and confer with Judge Johns Chambers.

Best Regards,

Liz Smith  
Law Clerk  
The Honorable Larry B. Hyman Jr.  
1301 Second Avenue, Suite 3B71  
Conway, South Carolina 29526  
(843) 915-6706

**From:** Tristan Shaffer [<mailto:tristan@shafferlawsc.com>]  
**Sent:** Wednesday, September 6, 2017 3:07 PM  
**To:** Hyman, Larry B. Law Clerk (Liz Smith) <[lhymanlc@sccourts.org](mailto:lhymanlc@sccourts.org)>  
**Cc:** [shixson@sccourts.org](mailto:shixson@sccourts.org)  
**Subject:** State v. Jody Ward 29B Motion

Liz,

This matter is scheduled to be heard by Judge Hyman on 10/2/17 at 2pm. The state intends that the Merit's of Mr. Ward's motion for a new trial based on after discovered evidence be heard on that day. I am writing to inform the court that it likely could take much longer than the afternoon to hear the motion.

While I represent Mr. Ward for the motion, Mr. Ward has a pending motion to proceed pro se. If Mr. Ward's motion to proceed pro se is granted, he intends to call more than many witnesses. These witnesses include:

Nicole Ward  
Rondie Ward  
Scott McKenzie  
Gary Todd (GCSO)  
Ernest Hampton (GCSO)  
Bobby Frederick (PCR Counsel)  
Judy Harper (Juror)  
Bernadette Gardner (Juror)  
Marissa Cooper (Juror)  
Margaret Ann Kneece (Trial Counsel)  
J. Wesley Locklair (Trial Counsel)  
Greg Hembree  
Robert Bryan  
Defendant

However, even if I represent Mr. Ward, I anticipate the hearing to take at least a full day. Mr. Ward is attacking the grand jury procedure. To warrant a reversal on that ground Defendant

submits he would to establish a history of prosecutorial misconduct. See *Vasquez v. Hillery*, 474 U.S. 254

In anticipation that he may be required to proceed pro se on 10/2/17. I told Mr. Ward I would need to subpoena all of Mr. Ward's witnesses if this is scheduled to be a hearing on the merits.

Tristan M. Shaffer  
Attorney at Law  
P.O. Box 1027  
Chapin, SC 29036  
803-941-7514

**CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE:** The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential professional, business, and/or personal use of the individual(s) or entity(ies) named above. This email post is specifically covered by and protected under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This message is or may be an attorney-client communication and/or attorney work-product and as such is strictly privileged and confidential under applicable state and federal laws, as well as, under applicable state and federal court decisions and procedural/ethical rules. If the reader of this message is not the intended recipient(s) or an agent of the intended recipient(s) responsible for delivering this message to the intended recipient(s), YOU ARE HEREBY NOTIFIED THAT ANY SUBSEQUENT REVIEW, DISSEMINATION, DISTRIBUTION, AND/OR COPYING OF THIS E-MAIL MESSAGE, NOTICE, COMMUNICATION AND/OR AND/OR DOCUMENT (ATTACHMENT) AND/OR INFORMATION CONTAINED T/HEREIN IS STRICTLY PROHIBITED AND MAY RESULT IN CIVIL AND/OR CRIMINAL PENALTIES. If you have received this communication in error, you are requested to immediately notify the sender by telephone and/or email and return the original message to the sender, delete this e-mail message and any attachments hereto, and destroy all printed and electronic copies. Nothing in this transmission is intended either to be an electronic signature or to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

**DISCLAIMER OF KNOWLEDGE OF VIRUS, TROJAN HORSE, WORM, AND/OR OTHER ELECTRONIC DEFECT AND/OR ELECTRONIC PROBLEM:** Although this e-mail message and any attachment(s) thereto are believed to be completely free of any virus, trojan horse, worm, and/or other electronic defect which might affect and/or infect a computer system into which this e-mail and any attachment(s) is received and opened, PLEASE NOTE THAT IT IS THE DUTY, RESPONSIBILITY, AND OBLIGATION OF THE RECIPIENT OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS THERETO TO ENSURE THAT THIS E-MAIL AND ANY ATTACHMENT(S) IS VIRUS AND/OR DEFECT FREE. Neither the individual sender, nor their agents, employees, and/or representatives accept any responsibility, duty, and/or obligation for any loss and/or damage (whether monetary, equitable, and/or otherwise) in any way whatsoever arising in any way from the receipt, use, and/or opening of this e-mail message and any attachments of any nature thereto.

~~~ **CONFIDENTIALITY NOTICE** ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

Tristan Shaffer

From: Tristan Shaffer
Sent: Friday, September 29, 2017 10:37 AM
To: 'Hyman, Larry B. Law Clerk (Liz Smith)'
Cc: 'Hixson, Scott'
Subject: RE: Jody Ward Transport Order

Liz,
Did this get signed?

Tristan M. Shaffer
Attorney at Law
P.O. Box 1027
Chapin, SC 29036
803-941-7514

CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE: The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential professional, business, and/or personal use of the individual(s) or entity(ies) named above. This email post is specifically covered by and protected under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This message is or may be an attorney-client communication and/or attorney work-product and as such is strictly privileged and confidential under applicable state and federal laws, as well as, under applicable state and federal court decisions and procedural/ethical rules. If the reader of this message is not the intended recipient(s) or an agent of the intended recipient(s) responsible for delivering this message to the intended recipient(s), YOU ARE HEREBY NOTIFIED THAT ANY SUBSEQUENT REVIEW, DISSEMINATION, DISTRIBUTION, AND/OR COPYING OF THIS E-MAIL MESSAGE, NOTICE, COMMUNICATION AND/OR AND/OR DOCUMENT (ATTACHMENT) AND/OR INFORMATION CONTAINED T/HEREIN IS STRICTLY PROHIBITED AND MAY RESULT IN CIVIL AND/OR CRIMINAL PENALTIES. If you have received this communication in error, you are requested to immediately notify the sender by telephone and/or email and return the original message to the sender, delete this e-mail message and any attachments hereto, and destroy all printed and electronic copies. Nothing in this transmission is intended either to be an electronic signature or to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

DISCLAIMER OF KNOWLEDGE OF VIRUS, TROJAN HORSE, WORM, AND/OR OTHER ELECTRONIC DEFECT AND/OR ELECTRONIC PROBLEM: Although this e-mail message and any attachment(s) thereto are believed to be completely free of any virus, trojan horse, worm, and/or other electronic defect which might affect and/or infect a computer system into which this e-mail and any attachment(s) is received and opened, PLEASE NOTE THAT IT IS THE DUTY, RESPONSIBILITY, AND OBLIGATION OF THE RECIPIENT OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS THERETO TO ENSURE THAT THIS E-MAIL AND ANY ATTACHMENT(S) IS VIRUS AND/OR DEFECT FREE. Neither the individual sender, nor their agents, employees, and/or representatives accept any responsibility, duty, and/or obligation for any loss and/or damage (whether monetary, equitable, and/or otherwise) in any way whatsoever arising in any way from the receipt, use, and/or opening of this e-mail message and any attachments of any nature thereto.

From: Tristan Shaffer
Sent: Thursday, September 28, 2017 2:24 PM
To: 'Hyman, Larry B. Law Clerk (Liz Smith)' <lhymanlc@sccourts.org>
Cc: Hixson, Scott <HixsonS@HorryCounty.org>
Subject: Jody Ward Transport Order

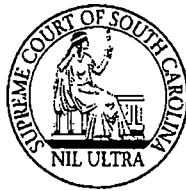
All,
I am not sure if this has been taken care of yet. It slipped my mind. Attached is a proposed transport order for Jody Ward.

Please let me know if you need me to do anything else.

Tristan M. Shaffer
Attorney at Law
P.O. Box 1027
Chapin, SC 29036
803-941-7514

CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE: The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential professional, business, and/or personal use of the individual(s) or entity(ies) named above. This email post is specifically covered by and protected under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This message is or may be an attorney-client communication and/or attorney work-product and as such is strictly privileged and confidential under applicable state and federal laws, as well as, under applicable state and federal court decisions and procedural/ethical rules. If the reader of this message is not the intended recipient(s) or an agent of the intended recipient(s) responsible for delivering this message to the intended recipient(s), YOU ARE HEREBY NOTIFIED THAT ANY SUBSEQUENT REVIEW, DISSEMINATION, DISTRIBUTION, AND/OR COPYING OF THIS E-MAIL MESSAGE, NOTICE, COMMUNICATION AND/OR AND/OR DOCUMENT (ATTACHMENT) AND/OR INFORMATION CONTAINED T/HEREIN IS STRICTLY PROHIBITED AND MAY RESULT IN CIVIL AND/OR CRIMINAL PENALTIES. If you have received this communication in error, you are requested to immediately notify the sender by telephone and/or email and return the original message to the sender, delete this e-mail message and any attachments hereto, and destroy all printed and electronic copies. Nothing in this transmission is intended either to be an electronic signature or to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

DISCLAIMER OF KNOWLEDGE OF VIRUS, TROJAN HORSE, WORM, AND/OR OTHER ELECTRONIC DEFECT AND/OR ELECTRONIC PROBLEM: Although this e-mail message and any attachment(s) thereto are believed to be completely free of any virus, trojan horse, worm, and/or other electronic defect which might affect and/or infect a computer system into which this e-mail and any attachment(s) is received and opened, PLEASE NOTE THAT IT IS THE DUTY, RESPONSIBILITY, AND OBLIGATION OF THE RECIPIENT OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS THERETO TO ENSURE THAT THIS E-MAIL AND ANY ATTACHMENT(S) IS VIRUS AND/OR DEFECT FREE. Neither the individual sender, nor their agents, employees, and/or representatives accept any responsibility, duty, and/or obligation for any loss and/or damage (whether monetary, equitable, and/or otherwise) in any way whatsoever arising in any way from the receipt, use, and/or opening of this e-mail message and any attachments of any nature thereto.



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

Joseph P. Turner Jr.
Senior Assistant Disciplinary
Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Facsimile: (803) 734-1964

January 4, 2018

PERSONAL AND CONFIDENTIAL

Jody Lynn Ward #300644
McCormick Correctional Institution
386 Redemption Way
F3-0150-A
McCormick, SC 29899

RE: Circuit Court Judge Larry B. Hyman, Jr.
File Number: 17-DE-J-0235

Dear Mr. Ward:

This will acknowledge your letter received on December 14, 2017. From reading your letter, I am unsure of the exact nature of your complaint. If you wish to file a complaint against this judge, you will need to provide us with more specific details of what the judge did or did not do to cause you to file your complaint.

Please keep in mind that the authority of this office is limited to issues of whether a judge has committed misconduct or is incapacitated within the guidelines set out in Rules 502, SCACR. This office does not have the authority to determine whether the outcome of a case was fair or to intervene in a legal matter.

Without the requested information, we will be unable to proceed with an investigation. If we do not receive it within thirty days, we will close this matter without further notice to you. Feel free to contact me if you have any questions or concerns.

Sincerely,


Joseph P. Turner Jr.

JPT/clg

The Law Office of Tristan M. Shaffer

Litigation • Injury Law • Criminal Defense

December 29, 2017

Jody Ward #300644
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

RE: Your DNA Matter

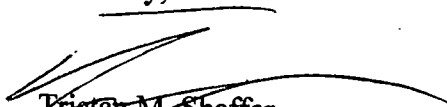
Dear Mr. Ward:

As we discussed, the petition for post-trial DNA exceeds the scope of my representation. As a courtesy to you I spoke to the Georgetown County Clerk of Court. She has indicated that if you re-send your pro se petition with a copy to forward to the solicitor, she will accept it.

With this letter I am sending you a copy of the pro se petition and a copy of the email communications I had regarding this matter.

At this point you should have a copy of everything I have. Please write me if you have any other questions.

Sincerely,



Tristan M. Shaffer

Tristan Shaffer

From: Tristan Shaffer
Sent: Thursday, December 28, 2017 11:51 AM
To: 'Hixson, Scott'
Cc: 'clerkofcourt@gtcounty.org'
Subject: RE: State v. Jody Ward (post trial DNA petition)

Scott,

I just spoke over the phone to the clerk's office. They told me to tell the client to resend the application with a copy to forward to you.

I made it clear that I am not going to be representing Jody on this petition. I think that based on 16-28-60 the clerk will need to appoint someone if he is deemed indigent.

If you have any questions please feel free to call me at 803-467-2586.

Tristan M. Shaffer
Attorney at Law
P.O. Box 1027
Chapin, SC 29036
803-941-7514

CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE: The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential professional, business, and/or personal use of the individual(s) or entity(ies) named above. This email post is specifically covered by and protected under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This message is or may be an attorney-client communication and/or attorney work-product and as such is strictly privileged and confidential under applicable state and federal laws, as well as, under applicable state and federal court decisions and procedural/ethical rules. If the reader of this message is not the intended recipient(s) or an agent of the intended recipient(s) responsible for delivering this message to the intended recipient(s), YOU ARE HEREBY NOTIFIED THAT ANY SUBSEQUENT REVIEW, DISSEMINATION, DISTRIBUTION, AND/OR COPYING OF THIS E-MAIL MESSAGE, NOTICE, COMMUNICATION AND/OR AND/OR DOCUMENT (ATTACHMENT) AND/OR INFORMATION CONTAINED T/HEREIN IS STRICTLY PROHIBITED AND MAY RESULT IN CIVIL AND/OR CRIMINAL PENALTIES. If you have received this communication in error, you are requested to immediately notify the sender by telephone and/or email and return the original message to the sender, delete this e-mail message and any attachments hereto, and destroy all printed and electronic copies. Nothing in this transmission is intended either to be an electronic signature or to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

DISCLAIMER OF KNOWLEDGE OF VIRUS, TROJAN HORSE, WORM, AND/OR OTHER ELECTRONIC DEFECT AND/OR ELECTRONIC PROBLEM: Although this e-mail message and any attachment(s) thereto are believed to be completely free of any virus, trojan horse, worm, and/or other electronic defect which might affect and/or infect a computer system into which this e-mail and any attachment(s) is received and opened, PLEASE NOTE THAT IT IS THE DUTY, RESPONSIBILITY, AND OBLIGATION OF THE RECIPIENT OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS THERETO TO ENSURE THAT THIS E-MAIL AND ANY ATTACHMENT(S) IS VIRUS AND/OR DEFECT FREE. Neither the individual sender, nor their agents, employees, and/or representatives accept any responsibility, duty, and/or obligation for any loss and/or damage (whether monetary, equitable, and/or otherwise) in any way whatsoever arising in any way from the receipt, use, and/or opening of this e-mail message and any attachments of any nature thereto.

From: Tristan Shaffer
Sent: Thursday, December 28, 2017 11:42 AM
To: 'clerkofcourt@gtcounty.org' <clerkofcourt@gtcounty.org>
Cc: 'Hixson, Scott' <HixsonS@HorryCounty.org>
Subject: State v. Jody Ward (post trial DNA petition)

Mrs. White,

I represent Mr. Ward for the limited purpose of filing a motion for a new trial based on after discovered evidence pursuant to Rule 29(b), SCRCrimP.

In addition to the motion I represent Mr. Ward on he is also attempting to file a separate petition for post-trial DNA testing pursuant to S.C. Code 17-28-10, et. seq. I have not been retained for this, and such a matter is outside the scope of my representation.

The client has informed me that his petition for post-trial DNA testing was returned based on the fact that I am listed as counsel of record. Mr. Ward wants an attorney for this matter. If found indigent, I believe he is entitled to the appointment of a lawyer under 16-28-60.

I am in no way volunteering for to be appointed for the post-trial DNA testing proceeding. Mr. Ward is currently wanting me relieved as counsel and I am not in a position to accept such an appointment.

Please let me know how we can resolve this matter.

Tristan M. Shaffer
Attorney at Law
P.O. Box 1027
Chapin, SC 29036
803-941-7514

CONFIDENTIAL COMMUNICATION AND CONFIDENTIALITY NOTICE: The information set forth within this e-mail message and any attachment(s) thereto may contain legally privileged and confidential information intended only for the confidential professional, business, and/or personal use of the individual(s) or entity(ies) named above. This email post is specifically covered by and protected under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This message is or may be an attorney-client communication and/or attorney work-product and as such is strictly privileged and confidential under applicable state and federal laws, as well as, under applicable state and federal court decisions and procedural/ethical rules. If the reader of this message is not the intended recipient(s) or an agent of the intended recipient(s) responsible for delivering this message to the intended recipient(s), YOU ARE HEREBY NOTIFIED THAT ANY SUBSEQUENT REVIEW, DISSEMINATION, DISTRIBUTION, AND/OR COPYING OF THIS E-MAIL MESSAGE, NOTICE, COMMUNICATION AND/OR AND/OR DOCUMENT (ATTACHMENT) AND/OR INFORMATION CONTAINED T/HEREIN IS STRICTLY PROHIBITED AND MAY RESULT IN CIVIL AND/OR CRIMINAL PENALTIES. If you have received this communication in error, you are requested to immediately notify the sender by telephone and/or email and return the original message to the sender, delete this e-mail message and any attachments hereto, and destroy all printed and electronic copies. Nothing in this transmission is intended either to be an electronic signature or to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

DISCLAIMER OF KNOWLEDGE OF VIRUS, TROJAN HORSE, WORM, AND/OR OTHER ELECTRONIC DEFECT AND/OR ELECTRONIC PROBLEM: Although this e-mail message and any attachment(s) thereto are believed to be completely free of any virus, trojan horse, worm, and/or other electronic defect which might affect and/or infect a computer system into which this e-mail and any attachment(s) is received and opened, PLEASE NOTE THAT IT IS THE DUTY, RESPONSIBILITY, AND OBLIGATION OF THE RECIPIENT OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS THERETO TO ENSURE THAT THIS E-MAIL AND ANY ATTACHMENT(S) IS VIRUS AND/OR DEFECT FREE. Neither the individual sender, nor their agents, employees, and/or representatives accept any responsibility, duty, and/or obligation for any loss and/or damage (whether monetary, equitable, and/or otherwise) in any way whatsoever arising in any way from the receipt, use, and/or opening of this e-mail message and any attachments of any nature thereto.

1 **THE COURT:** All right, are we ready?

2 **MR. HEMBREE:** The State is ready, Your Honor.

3 **THE COURT:** Very well.

4 Is the Defense ready?

5 **MR. LOCKLAIR:** Yes, Your Honor.

6 **THE COURT:** All right, sir.

7 **MR. LOCKLAIR:** Your Honor, the first thing, I
8 believe, would be the Defense has several motions.
9 I'd like to hand up our first motion, a copy, which
10 has recently been filed with the Court.

11 Your Honor, let the record reflect I just
12 served the Fifteenth Circuit Solicitor, Greg Hembree,
13 personally with a motion to commit recusal or
14 alternatively to disqualify the Fifteenth Circuit
15 Solicitor's Office from the trial of this case.

16 Your Honor, the root of this whole issue goes
17 to discovery violations that have been permitted to
18 happen by the Solicitor's Office and that have
19 occurred ever since these cases have begun. Most
20 recently and the main basis for this is a video tape
21 of a witness by the name of Willie Lambert that was
22 made on July 3rd of 2003, and turned over to the
23 Solicitor's Office.

24 The substance of that tape was not reflected
25 in the individual reports that were made by the

1 Sheriff's Office who took the video tape.
2 Furthermore, this is the only video tape that we've
3 been able to discover that was not entered into
4 evidence. It was allegedly turned over to the
5 Solicitor's Office and we were subsequently told
6 that it was misplaced or lost, but that the video
7 had no substance on it anyways, but we persisted in
8 trying to get this video tape once we discovered of
9 its existence in November of this year, Your Honor.

10 Upon obtaining a copy, we had to hire a
11 computer digital expert to enhance the sound because
12 the quality was so poor, but this video has Willie
13 Lambert testifying regarding Lewis Bazen, who is one
14 of the State's main witnesses. He is the person
15 who was their confidential source to get the
16 warrants who allegedly took Mr. Ward to allegedly
17 move the bodies of the two alleged victims in this
18 case, Your Honor.

19 On this video tape, Willie Lambert says that
20 the night after the alleged murder, Lewis Bazen comes
21 to his house and three different times on the tape he
22 says, "Me and Jody killed those boys." He clearly
23 implicates himself in this murder. That is clearly
24 exculpatory evidence that we were not allowed to
25 have.

1 Furthermore, Your Honor, it has clear
2 impeachment ---

3 **THE COURT:** How would that be exculpatory?

4 **MR. LOCKLAIR:** Well, Your Honor, it implicates
5 somebody else in the murder, first off.

6 **THE COURT:** It implicates your client, does it
7 not? .

8 **MR. LOCKLAIR:** He implicates both of them, but
9 obviously that still has exculpatory value to show
10 that somebody else was there, somebody else could have
11 committed this murder. It goes to third party guilt.
12 It goes to the very basis we'd have to have to get
13 third party guilt as a charge to the jury through the
14 pre-trial conference we'd have to have with Your
15 Honor.

16 Furthermore, it is clearly favorable under
17 Brady v. Maryland and U.S. v. Argurs, and all their
18 progeny, including Kyles v. Whitley, Your Honor. It
19 has clear impeachment value because Willie Lambert
20 specifically says that Lewis Bazen told him things
21 happened differently, that he was with Jody, that he
22 went back that night, that Mr. Lewis Bazen went back
23 the night after the murder.

24 The way that he told the police in his
25 statement how the bodies were allegedly moved, Mr.

1 Lambert's statement differs from that and said that
2 Lewis Bazen specifically told him different things.

3 Your Honor, this is the main basis for our
4 motion. My co-counsel, Ms. Kneece, is going to go
5 through a whole litany of other discovery violations
6 that have occurred, Your Honor. The list is quite
7 long, so we've broken it down into two parts, but as
8 Your Honor looks at all these discovery violations, I
9 think Your Honor needs to reflect back and look at
10 State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105, a
11 2000 case from the South Carolina Supreme Court.

12 While the facts differ, we think some of the language
13 of Quattlebaum is very applicable, specifically that
14 the integrity of the entire judicial system is called
15 into question by conduct such as that engaged in by
16 the Solicitor's Office and investigating officers in
17 this case.

18 Prosecutors are ministers of justice and not
19 merely advocates. The Prosecutor has special
20 responsibilities to do justice and is held to the
21 highest standards of professional ethics. A
22 prosecutor has the responsibility of a minister of
23 justice and not simply that of an advocate.

24 This responsibility carries with it
25 specifically obligations to see that the Defendant

1 is accorded procedural justice and that guilt is
2 decided upon sufficient evidence, and as the Court
3 stated, the judiciary bears the ultimate
4 responsibility, Your Honor, for maintaining the
5 judicial integrity and the high standards of
6 professional conduct among the members of the Bar and
7 for protecting and defending the constitutional
8 rights of the accused.

9 Your Honor, we think once Ms. Kneece goes over
10 all of the other evidence that was turned over late,
11 or lost, or misplaced, and we're not here to place
12 blame, Your Honor, -- the simple fact is that they
13 bear the ultimate responsibility under Rule 5 of the
14 Rules of Criminal Procedure, as well as under Brady
15 and its progeny to produce certain evidence in a
16 timely fashion.

17 Your Honor, they've gone well beyond just a
18 basic thirty day violation that's commonly ignored by
19 Solicitors around the State. This goes much deeper.

20 Ms. Kneece now will address the Court and go
21 into some of those specifics. Thank you.

22 **THE COURT:** All right. Thank you.

23 **MS. KNEECE:** Thank you, Your Honor.

24 May I approach?

25 **THE COURT:** Yes.

1 **MS. KNEECE:** Your Honor, for the record, I
2 have just handed you exhibits of the Defense and I
3 have given the Solicitor a copy of theirs, and they
4 have been highlighted because of the volume of
5 documents and what I'm going to be referring to, and
6 they've given the same -- every document that I've
7 given, the Court Reporter, everybody's documents are
8 highlighted the same.

9 As I go through this, Your Honor, if you could
10 bear with me and I'll guide you through the document.

11 Let me first note -- let me first ask that
12 what I've handed the Court Reporter be made a Court's
13 Exhibit, Your Honor.

14 **THE COURT:** Any objection to having this made
15 as a Court's Exhibit?

16 **MR. HEMBREE:** No objection, Your Honor.

17 **THE COURT:** All right.

18 (Whereupon, Court's Exhibit 1 [Folder of
19 documents from Ms. Kneece] is marked for purposes of
20 the record.)

21 **MS. KNEECE:** Another thing I'm going to hand
22 to the Court is a document just handed to me by Beau
23 Bryan at 10:10 this morning, which is December 8th,
24 2003, which is the Miranda form. If I could also hand
25 that to Your Honor.

Jody L. Ward, #300644
McCormick Correctional Institute
356 Redemption Way
McCormick, SC 29339

RECEIVED

MAR 20 2018

SC Court of Appeals

S.C. Court of Appeals, Clerks Office
Attn: Honorable Jenny Abbott Kitchings

P.O. Box 11679

Columbia, S.C. 29211

Legal Mail