

July 9, 2018

RECEIVED

JUL 16 2018

S.C. SUPREME COURT

Re: Rondell L. Carter v. State
Appellate Case NO. 2017-002134

Dear Clerk of Court:

Just want to inform the courts that I just received your letter today. I see you sent it to Broad River but I'm home at Lee County was just there on a medical run also I never receive no petition with Appendix from attorney Gilliam. So if I miss anything in this petition hopefully the courts will give me enough time to correct the problem.

Very truly yours,
Rondell Carter
#238244

enclose is a copy
of the day it got
to LEE Co. I didn't
receive until July, 9, 2018

LEGAL MAIL ONLY

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

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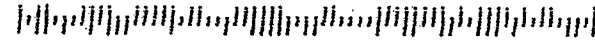
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RONDELL CARTER, 238244
BROAD RIVER CORRECTIONAL INSTITUTION
4460 BROAD RIVER ROAD
COLUMBIA SC 29210



State of South Carolina
In the Supreme Court

Appeal In Georgetown County
Case: 2017-002134

Rondell Leon Carter,

Appellant,

RECEIVED

VS.

JUL 16 2018

S.C. SUPREME COURT

THE state

Respondent

AGree with Attorney being
relieve from case. Also memorandum
and Purposel for Pro se Appellant

Arguements And Issues

① Ineffective Assistance of trial Counsel being that he fail to cross examine Co-defendant Herman McCray on his Plea Deal, knowing that he took a deal before my trial started and the State main Presentation was the Hand of One Hand of all Law. See transcript Pg 69, line 9 to 25, Pg 308 line 7 to 13; Before you relieve my Attorney off my Case can the Courts Please order him to send you the trial transcript and also the Plea agreement to All Co-defendants, so you can see my Issues in Black and white. That's the lease he can do for me.

② Improper mishandling of evidence, Improper Chain of Custody; Ineffective Assistance of Appellate Counsel, Failure to argue the trial Judge erred in admitting evidence without a sufficient Chain of Custody. First evidence was never retain by the Clerk of Court properly to even be presented in Court. The evidence Custodian mishandle evidence Improperly. No way was alleged evidence suppose to be dropped off at the Solicitors office and left for hours and she bring the evidence bag to Court. That's Highly Prejudice knowing she could've showed the Victims what she wanted them to testify to.

Also he definitely wasn't suppose to drop evidence off and let Steve Brown the Solicitors Investigator sign off on it. especially when the solicitor was trying to get Steve Brown on the witness stand, How can you give so called evidence to a potential witness. See trail transcript Pg 58 to 60, Pg 138 to 139 and Pg 143 to 144; Also see Georgetown County Sheriff's departmental Policy regarding chain of custody.

③ Prosecutorial misconduct, In that she misled the jury into thinking that my co-defendants will have their day in court when in fact they already pleaded to 2nd degree burglary. See transcript, Pg 46, Pg 299 to 300 and Page 308. Also see Co-defendants Sentencing Sheets. Please whatever Paperwork you need to see can you tell my attorney to get them to you before you relieve him.

④ Ineffective Assistance of trial Counsel being that he fail to call a witness to the stand for me. when ask in P.C.R. he said IF I would've ask him to he would of, I did we had a statement in my behalf and he was a suppose victim. See copy of letter from my trial lawyer.

Conclusion

That the Courts Vacate Sentence and Remand for a new trial are give me what my co-defendants got before the start of my trial 2nd degree burglary 8 years NON Violent, time serve for me.

Enclose is A Copy of a Return and Partial motion to dismiss so you can see I Presented all these Issues In my First P.C.R. Also a copy OF the Georgetown county SheRIFF's office departmental Policy regarding Chain of Custody. Also a letter from my trial lawyer from a Potential witness he didn't call.

Respectfully
Submitted
Thondell Carter
July 9, 2018

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

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

Rondell Leon Carter, #238244,)

2016-CP-22-0014)

Applicant,)

**RETURN AND PARTIAL)
MOTION TO DISMISS)**

v.)

State of South Carolina,)

Respondent.)
_____)

The Respondent, making its Return to the Application for Post-Conviction Relief filed January 6, 2016, would respectfully show this Court:

I.

Rondell Leon Carter ("Applicant") is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Georgetown County Clerk of Court. In May 2009, the Georgetown County Grand Jury indicted Applicant for burglary, first degree (2009-GS-22-555), two counts of kidnapping (2009-GS-22-556, -559), possession of a weapon (2009-GS-22-557), and two counts of armed robbery (2009-GS-22-560, -561). In June 2011, the Georgetown Grand Jury indicted Applicant for two counts of assault and battery with intent to kill ("ABWIK") (2011-GS-22-645, -701). James R. Felts, Esquire and Gerald E. Harmon, Esquire, represented Applicant.

Applicant proceeded to trial on June 27, 2011, before the Honorable Benjamin H. Culbertson and a jury. Judge Culbertson granted Applicant's motion to quash one of the ABWIK indictments (2011-GS-22-701) at the beginning of trial. On June 29, 2011, the jury found Applicant guilty as indicted on all remaining charges. Judge Culbertson sentenced

Applicant to life in prison pursuant to the South Carolina Code section 17-25-45 based on his prior voluntary manslaughter conviction.

Applicant filed a timely notice of appeal. Robert M. Pachak, Esquire, of the Office of Appellate Defense represented Applicant on appeal. The South Carolina Court of Appeals affirmed Applicant's conviction on April 17, 2013. State v. Carter, Op. No. 2013-UP-157 (S.C. Ct. App. filed April 17, 2013). The remittitur was returned to the circuit court on June 10, 2013.

First PCR Application: 2013-CP-22-0721

Applicant filed his first PCR application on July 18, 2013, alleging the following grounds for relief:

1. "Improper chain of custody"
2. "Inadmissible, Improper mishandling of evidence"
3. "Ineffective Assistance of trial counsel"
4. "403 objections to victim injuries, Improper Investigation, Improper testimony"

An evidentiary hearing was held on February 5, 2015 at the Georgetown County Courthouse. Tristan M. Shaffer, Esquire, represented Applicant. At the evidentiary hearing, Applicant proceeded on the following allegations:

1. Ineffective Assistance of Trial counsel.
 - a. Failure to call Thurmond Seward and Matthew Cobb as defense witnesses.
 - b. Failure to cross-examine Herman McCray on his plea deal.
2. Ineffective Assistance of Appellate Counsel.
 - a. Failure to argue the trial judge erred in instructing the jury on accomplice liability.
 - b. Failure to argue the trial judge erred in admitting evidence without a sufficient chain of custody.

The Honorable G. Thomas Cooper, Jr. denied and dismissed the application with prejudice in an order signed April 27, 2015 and filed May 14, 2015. Applicant did not appeal Judge Cooper's order.

II.

Applicant filed his *second* and current application on January 6, 2016, alleging the following grounds for relief:

1. Ineffective assistance of PCR counsel, in that:
 - a. Counsel failed to file an appeal from 1st PCR.
2. Ineffective assistance of trial counsel, in that:
 - a. "its [sic] the same issues that was raised in my first P.C.R. hearing."
3. Ineffective assistance of appellate counsel, in that:
 - a. "its [sic] the same issues that was raised in my first P.C.R. hearing."
4. Prosecutorial misconduct, in that:
 - a. "its [sic] the same issues that was raised in my first P.C.R. hearing."

Attached herewith and incorporated herein by reference are the records of the Horry County Clerk of Court regarding the subject's convictions, Applicant's records from the Department of Corrections, appellate records, Applicant's trial transcript, prior PCR records and records from the current action. Respondent reserves the right to amend its return upon the receipt of other relevant records.

III.

Applicant alleges he was denied the right to an appeal from the denial of his first PCR application. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), a post-conviction relief applicant may petition the South Carolina Supreme Court for discretionary review of the dismissal of their application. Respondent lacks sufficient information to admit or deny this allegation. Therefore, Respondent requests an evidentiary hearing solely on this ground for relief. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

As to any and all other issues, the Respondent submits they should be dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §§ 17-27-10, et. seq. (2003). South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. See Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was convicted of the offenses he challenges in this Application on June 29, 2011 and the remittitur from his appeal was sent by the South Carolina Court of Appeals on June 10, 2013. Applicant was therefore required to file his application before June 10, 2014. This Application was filed on January 6, 2016, which was beyond the time the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. See McDonnell v. Consolidated Sch. Dist. of Aiken, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (2003) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, the Respondent requests that this Court summarily dismiss the application for post-conviction relief for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

V.

As to any and all other issues, the Respondent submits they should be dismissed because the current application because it is successive to the previous application for post-conviction relief. Successive applications for post-conviction relief are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). South Carolina Code Ann. § 17-27-90 (2003) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 450, 409 S.E.2d 392, 394 (1991). Any new ground raised in a subsequent application is limited to those grounds that “could not have been raised . . . in the previous application.” Id. (emphasis in original). If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Id.

As the Applicant has failed to present any reasons why he could not have raised the current allegations in his previous post-conviction relief application, the Respondent moves for a summary dismissal of the application because it is successive.

VI.

Additionally, this Court should dismiss Applicant's allegations of ineffective assistance of trial counsel and ineffective assistance of appellate counsel as barred by the doctrine of *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues. Bell v. Bennett, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. Foran v. USAA Casualty Ins. Co., 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. Id.

Applicant had a full opportunity to litigate all claims regarding ineffective assistance of counsel in his prior PCR action which was denied and dismissed with prejudice after a hearing over sixteen years ago. The public interest in finality of judgments requires that litigation must eventually come to an end. Pursuant to Rule 12(b)(6), SCRCPP, the Court should summarily dismiss these claims as barred by *res judicata*.

VII.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code Ann. § 17-27-10 *et seq.*; Rule 71.1, SCRCPP. All claims should be made well in advance of the PCR hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCPP. Filings by Applicant will not be considered at the PCR hearing.

VIII.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

X.

WHEREFORE, Respondent requests an evidentiary hearing *solely* to address the issue of whether counsel was ineffective in failing to appeal the order denying Applicant's initial application for post-conviction relief. Respondent further moves to summarily dismiss additional claims for being successive to Applicant's previous PCR application, failure to file within the statute of limitations and are barred by the doctrine of *res judicata*.

Respectfully submitted,

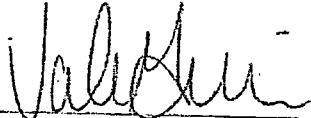
ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

VALERIE GARCIA GIOVANOLI
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

February 13, 2017

GEORGETOWN COUNTY SHERIFF'S OFFICE



A. LANE CRIBB, SHERIFF

EMFBTS
Question
Issue #1
Pg #19 (Q)

██████████
McCormick Correctional Institution

386 Redemption Way

McCormick, S.C. 29899

Re: Freedom of Information Request

Mr. Holt,

The Georgetown County Sheriff's Office has received and processed your Freedom of Information Request on departmental policy regarding Chain of Custody. The following information is given to fulfill **South Carolina Code 30-4-10 et.seq., Freedom of Information Act and Burton V. York County Sheriff's Office, 358 S.C. 339,594 S.E.2d 888(2004).**

Thank you, Tyler Monroe

accordance with agency procedures and South Carolina Law Enforcement Division (SLED) requirements and secured in either evidence lockers or the evidence compound at Headquarters prior to the end of the deputy sheriff's tour of duty.

(Ref: CALEA 84.1.1, item b)

5. A property tag/label is used as an individual record of each item of property (or set of items) submitted to (ECO). The property tag/label must be properly completed and clearly marked "evidence," "found," "safekeeping," or "recovered."
6. Property or evidence should not be submitted on a single property label in such a manner that creates an excessive or unmanageable quantity. For example, three televisions should be submitted on three separate property labels.
7. All guns and property of high value will be submitted with individual tags. One tag may be used for similar items such as a number of spent cartridges, several empty beer cans, etc. When in doubt, or if like items have serial numbers, separate tags will be used.

8. The deputy sheriff submitting the property to (ECO) must also submit an Incident Report, complete with case number, specifically describing each item of property obtained and detailing the circumstances by which the property came into the agency's possession. If the item(s) have serial numbers, an Article Supplement report must also be completed.

(Ref: CALEA 84.1.1, item c)

9. A SLED Laboratory Forensic Services Request form or Federal Bureau of Investigation (FBI) letter will be completed for all evidence that requires comparison or analysis. The submitting deputy sheriff is responsible for completing any laboratory analysis request forms. GRANT

10. (ECO) is responsible for the control and management of all property accepted by or stored in the evidence compound.
11. (ECO) personnel have the only key access to locked temporary [evidence/property] storage lockers. (ECO) personnel will collect the contents of the lockers each work day and subsequently log all evidence and property into agency computer records.

(Ref: CALEA 84.1.1, item a)

12. (ECO) personnel will accept evidence when it is properly marked, tagged, or labeled. If the evidence is improperly packaged, marked, or handled by the submitting deputy sheriff, a supervisor will be notified to evaluate the situation. In every case, every effort will be made to maintain the integrity of the evidence and the chain of custody. (ECO) personnel will be responsible for reviewing all property tags/labels, ensuring that all necessary information is included with the submitted item(s).

13. With approval of the appropriate prosecutor and/or supervisor, property may be photographed for use in court and the property returned to the victim (e.g., perishable items, essential items for the health or welfare of the victim, etc.)

(Ref: CALEA 55.2.4, item d)

B. Facility Security:

All property stored at the Georgetown County Sheriff's Office will be secured in the evidence compound.

1. Only (ECO) personnel will have keys for the evidence compound.

2. Only (ECO) personnel will have access to the unit safe.

(Ref: CALEA 84.1.4)

3. The compound doors will be locked when assigned personnel are not present.

4. The doors will be closed and locked unless activity in and out warrants keeping the door open and/or unlocked.

5. Non-ECO personnel will (not) have access unless:

a. accompanied by a ECO member;

b. access is required to inspect evidence; or

c. access is required to help load or unload evidence.

(Ref: CALEA 84.1.4)

C. Inspections and Reports:

1. At least quarterly, the Sheriff (or designee) will conduct an inspection of the property and evidence control function to ensure:
 - a. that procedures outlined for the intake and logging-in of property are being adhered to;
 - b. that security measures are being enforced;
 - c. that the integrity of perishable items is being preserved;
 - d. that computer records and physical records are up to date and in order; and
 - e. that property is being disposed of properly and in a timely manner.
(Ref: CALEA 84.1.6, item a)

2. Whenever a new supervisor is assigned to ECO, the incoming supervisor, along with a designee of the Sheriff, will conduct an inventory of property consigned to ECO. The purpose of the inventory is not to inspect every single item of property, but to inspect a sufficient number to ensure that records are correct and properly annotated. (Ref: CALEA 84.1.6, item b)

3. At least annually, an audit (i.e., an examination or a spot check) of property held by the agency will be conducted by a supervisor not routinely or directly connected with control of property. (Ref: CALEA 84.1.6, item c)
 - a. The auditor is authorized to weigh packages of drugs to insure amounts and weights are consistent with records. It should be noted that the weight of many drugs will change with time, temperature, humidity, and decomposition. The name of the individual who weighed the package and the identity of others present will be entered on the records of the item inspected. Exceptions to weighing drugs are permissible when auditing evidence that is officially sealed in tamper-proof protective packages (i.e., SLED Best Evidence Sample Testing (BEST) packaging). The inspection will also be noted on the final report.

4. At the direction of the Sheriff (or his designee), unannounced inspections of property storage areas will be conducted.

(Ref: CALEA 84.1.6, item d)

5. At the conclusion of all inventories, inspections, and audits, a final report will be prepared listing:
 - a. the names and positions of all persons present;
 - b. date(s) of activity (i.e., the inventory, inspection or audit);
 - c. beginning and ending times of activity;
 - d. what areas were affected; and
 - e. what property was checked.
6. The report will be sent to the Sheriff and a copy will be filed in ECO.

D. Storage:

1. All evidence will be kept within the evidence compound area. A refrigerator located within a secure area of the Criminal Investigations Division (CID) to preserve and store perishable items, such as blood, urine specimens, rape kits, and other like property is also approved as a designated secure area.
 - a. Property that requires a controlled climate (e.g., an air conditioned atmosphere, dehumidification, etc.) will be stored in the evidence room.
 - b. Property which has a high or exceptional value (monetary or otherwise), will be stored in the evidence room. The evidence room will be locked at all times.
 - c. All homicide evidence will be stored in an area expressly designated for those type cases. The only exceptions would be for guns, money, jewelry, and drugs—which are stored in the evidence room.
 - d. Bicycles will be stored in the separate, locked fenced area at the Georgetown County Detention Center.

- e. Vehicles requiring processing will be stored within the compound area until processing is completed.
 - (1) Suspects' vehicles will be towed to the compound at agency expense for processing. After processing, the wrecker company that towed the vehicle to the compound will be contacted to immediately tow the vehicle to their lot at the owner's expense to await retrieval by the owner.
 - (2) Victims' vehicles will be towed to the compound at agency expense for processing. After processing, the victim will be notified and given 24 hours to retrieve the vehicle. If not retrieved by the owner within the set 24 hour period, the vehicle will be towed by the same wrecker company to its impound lot at the owner's expense.
- f. All other evidence and property will be stored within the locked storage room, as space and other considerations warrant.
(Ref: CALEA 84.1.2)

E. Increased Security:

1. Money -

- a. All monies submitted to evidence will be counted by both the submitting deputy sheriff and his/her supervisor and will only be accepted if sprayed with Clue Spray for detection in court.
- b. Any monies submitted to ECO must be sealed in a container, properly marked, and tagged separately from other property upon submission to the evidence compound.
- c. The tag/label must identify the amount of money submitted, case number and submitting deputy sheriff's name. ECO personnel will log it in the computer and place it in the ECO compound evidence room. Money not properly packaged or marked will not be accepted into ECO custody. A supervisor will be notified to correct any problems with packaging or tagging of money.

2. Precious Metal or Gemstones -

Precious metals, gemstones, and other small items of exceptional value, once logged in, will be stored inside the evidence room.

3. Licit and Illicit Drugs -

a. All drugs (including, but not limited to, narcotics, hallucinogens, and other controlled substances) submitted to ECO either as found, confiscated, or evidence, will be sealed in a plastic bag or container. Each bag or container will have a label. Hypodermic needles must be sealed in the plastic tubes provided and must be labeled.

b. In addition, the following container inspection, quantity, and quality control measures are in place:

① All drugs must be weighed when submitted for storage and processing. Weights will be taken after the evidence is packaged and will include the package in its weight. *

(2) Drug evidence will be sealed in clear plastic bags sealed by the submitting deputy sheriff.

(3) All weights should be done as accurately as possible, but will only be used as a quality control and not as an exact weight or for evidential purposes.

(4) Pills and capsules will be counted. Count will be noted on the property tag/label and *Incident Report*.

② All drugs submitted to be held as found, evidence, or contraband during hours when the compound is not open will be placed in the drug drop box located at the Headquarters. ECO investigator will open the drug drop box and log the property into evidence. *

(Ref: CALEA 84.1.1, item a)

d. ECO will not open any sealed containers of drugs submitted to the drug drop box to verify the weight or count. Investigators will verify that the container is properly sealed and marked and visually check for tampering to safeguard against the substitution of materials having the same weight.

- e. Marijuana is not analyzed at SLED, but by ECO. Marijuana submitted as evidence will be weighed in the package as received, and then opened so that a quantity may be removed for analyzation, and weighed again. The marijuana will be resealed in a clear plastic package, complete with the original package. All analysis results will be documented by the deputy conducting the tests.
 - f. All drugs will be stored in the drug room.
 - g. Evidence Control Officer must avoid any direct contact with any dangerous drugs or syringes.
4. Firearms -
- a. All firearms received by ECO will be made safe by unloading and will have an individual property tag. All firearms will be placed in an evidence locker and will not be dropped in the evidence box. Loaded firearms will not be placed in the evidence lockers.
 - b. If the weapon cannot be unloaded for evidentiary reasons, it cannot be placed in the evidence storage lockers. ECO will be called to secure and transport the weapon.
 - c. If a loaded firearm cannot be made safe by the deputy sheriff or is evidence in a major crime, the on-call ECO will respond to the scene to secure the weapon.
 - d. All firearms should be checked for stolen through NCIC by the submitting deputy sheriff and documents on the evidence tag.
 - e. Firearms will be secured in the gun room of the evidence compound, with key control restricted to (ECO) personnel.
(Ref: CALEA 84.1.1, item e)

F. Perishable Evidence, Blood, Body Fluids, etc:

1. Refrigerators are located in the evidence compound and within a secure area of CID to preserve and store perishable items such as blood, urine specimens, rape kits, and other like property. Evidence requiring refrigeration for preservation must be directly submitted to the evidence compound, or ECO personnel must be called out to secure it.
2. Only ECO personnel will have access to any property stored in the refrigerator within the ECO evidence compound.
3. All items containing blood or body fluids, vials of blood, urine specimens, or other body fluid samples must be sealed in a leak proof container such as a plastic evidence bag, *Sexual Assault Evidence Collection Kit*, etc., and be properly labeled. Bio-hazard warning labels are provided.
(Ref: CALEA 84.1.1, item d)
4. Universal precautions must be followed when handling blood, body fluids, and other potentially infectious material in accordance with agency procedures.
(Ref: CALEA 84.1.1, item e)

G. Evidence/Property Storage After Business Hours:

When the evidence compound is closed, deputy sheriffs bringing in found, recovered or evidential property will observe the following:

1. Evidence or property should be submitted to ECO by securing it in the temporary [evidence/property] storage lockers in the front evidence office or evidence drop boxes at Headquarters.
2. Large items of found property may be tagged and placed in the front evidence office at Headquarters.
3. If item(s) of evidence are too large for the lockers, or are loaded weapons, the on-call ECO should be notified to meet the submitting deputy sheriff and secure the item(s) within the evidence compound.
4. If the evidence should require refrigeration for preservation, a ECO investigator should be notified to secure the item(s) in the refrigerator in the evidence compound.

5. A ECO may be notified to respond and secure any evidence that, in the opinion of the submitting deputy sheriff's supervisor, has great value or may be potentially vulnerable to claims of tampering (e.g., a large quantity of narcotics evidence). (Ref: CALEA 84.1.3)

6. At no time will explosives, flammables, corrosive material, dangerous chemicals, unknown biological specimens, radioactive materials, or other dangerous materials or property be brought into headquarters to be placed into evidence lockers or brought into the evidence compound. Photographs should be taken of any hazardous material prior to movement and/or disposal.

H. Records Regarding Status of Property Held by the Agency:

ECO personnel will be responsible for maintaining a records system that reflects the status of all property, whether currently held or held in the past, as well as maintaining and tracking final dispositions of found, recovered, and evidential property.

I. Final Disposition of Property:

1. ECO is responsible for the prompt, authorized disposal of property within 90 days after legal requirements have been met. (Ref: CALEA 84.1.7)

2. Evidence/Property will not be released until cleared for release by the investigating deputy sheriff and/or his supervisor.

3. If property is held as evidence, the investigating deputy sheriff will notify (ECO) following the final disposition of a case. ECO will hold the evidence for 15 days following the final disposition of the case before disposing of the property as provided in this procedure.

4. Release To Rightful Owner -

a. Property may be released to the rightful owner once all evidential use of the property is satisfied and/or the deputy sheriff who submitted the property has approved the property for release.

b. Once an item has been cleared for release by the submitting deputy sheriff, the submitting deputy sheriff will attempt to contact the owner and advise them of procedures to claim their property. A certified letter, return receipt requested, will be sent to the last known address

of the owner. All attempts of contact will be documented on an *Incident Supplement* and/or noted on the *Property Log*.

(Ref: CALEA 84.1.1, item f)

- c. If the owner does not respond within 60 days, the property will be considered unclaimed.

5. Release to Finder -

- a. Property, except weapons (other than pistols) or contraband, may be released to the finder of the item if the rightful owner is unknown or cannot be located.

- b. If the owner is unknown, the property may be released to the finder after a period of 90 days has passed and the owner has not claimed the item.

(Ref: CALEA 84.1.7)

- c. If the owner is known, the case deputy sheriff will telephone the owner. If unable to make telephonic contact, the case deputy sheriff will send a certified letter, return receipt requested, to the last known address of the owner, informing the owner where the property may be claimed.

(Ref: CALEA 84.1.1, item f)

- d. If after the letter is sent, the owner cannot be located or fails to claim the property, and a period of 90 days has passed, the property will be considered unclaimed.

- e. Such unclaimed property can then be released to the finder.

- f. In all cases, it is the responsibility of the finder to make a written request for return within the 90 day period.

- g. The finder will sign an affidavit stating they are the finder of the property in question. If a pistol is involved, the finder must fully complete the firearms application process as required pursuant to §16-23-55 and §23-31-140 of the Code of Laws of South Carolina, 1976, as amended (hereafter the South Carolina Code).

- h. Due to potential conflict of interest or perceptions of conflict of interest, employees of the Georgetown County Sheriff's Office may not claim property found by them and submitted to ECO, regardless of the circumstances.
6. Disposal of Unclaimed or Forfeited Property -
- a. Property that is forfeited to the Sheriff's Office pursuant to §44-53-520, §16-23-50, §16-23-405, and §16-23-460 of the South Carolina Code, or any other State or Federal statute or local ordinance, will not be released to its owner or finder. Unclaimed or forfeited property may only be disposed of in accordance with the provisions of State statutes outlining the disposition of property held by law enforcement agencies.
 - b. The ECO supervisor and CID commander, along with the County Attorney, will have court orders prepared describing such forfeited property and designating the agency as owner and submitted to the Fifteenth Circuit Solicitor's Office for presentation to the Circuit Court Judge.
 - c. Contraband will be handled the same as forfeited property and disposed of in accordance with §16-23-405 and §16-23-460 of the South Carolina Code.
 - d. ECO personnel will provide the CID commander with a list of items for disposal. Prior to any disposal, ECO will:
 - 1. notify the Sheriff or his designee, through the chain of command, of property or evidence to be destroyed;
 - 2. inventory all property or evidence to be destroyed; and
 - 3. verify the final disposition of each case prior to destruction. A request to the Fifteenth Circuit Solicitor will be made for a court order if such order is needed to facilitate disposal.
 - e. Items may be disposed of in one of the following ways:
 - 1. Destroyed:

The following types of property/evidence may be destroyed or disposed of by ECO personnel in accordance with provisions of the South Carolina Code:

- A. dangerous drugs;
 - B. firearms;
 - C. obscene materials;
 - D. beer/alcoholic beverages; and
 - E. miscellaneous property of no value.
2. Converted to Agency Use:
- A. Any property converted for agency use will require a court order, or in minor cases, the approval of the Sheriff or his designee.
 - b. ECO will prepare a list for the Fifteenth Circuit Solicitor to obtain a court order as deemed necessary.
 - C. ECO will complete a return on the court order, if any, detailing what the items were and to what unit they were assigned.
3. Sold by Auction:

Georgetown County Sheriff's Office may dispose of property by sale at auction pursuant to applicable State law, County ordinances, agency directives.

J. Weapons and Firearms:

- 1. Weapons held as evidence may only be released after the court case is disposed of and with permission of the investigating deputy sheriff and prosecutor.

2. Firearms will be checked in NCIC by Records personnel via *Incident Report* for stolen prior to release to rightful owner.
3. Prior to releasing a firearm, the owner must be checked through SLED and NCIC by the case deputy sheriff for any felony record or any other ineligibility as outlined in State or Federal statute prior to authorizing release.
4. If the owner has a felony record or other disqualifier as outlined in State or Federal statute, the firearm cannot be released to the owner.
5. The owner will be notified in writing by the Sheriff that he is disqualified and the firearm cannot be released to him.
6. In every case, investigators will make a reasonable effort to verify proper ownership of the weapon and the identity of the person to whom it is being released. The person to whom any firearm is released will be required to sign a property release form prior to receiving the firearm.
7. In every case, the person receiving the weapon will sign the *Property Receipt* indicating the weapon was released to that person.
8. If the owner is not known, the weapon will be declared unclaimed after a period of 90 days and disposed of according to State statutes and agency directives.
9. Weapons held for safekeeping will be retained for a period not to exceed 60 days.
 - a. At the conclusion of that time, the case deputy sheriff will notify the rightful owner by phone that the weapon may be claimed. Documentation of the phone call will be made on an *Incident Supplement*.
 - b. If unable to locate the owner by phone, the case deputy sheriff will send an *Evidence Notification Form* by certified mail, return receipt requested, to the last known address of the owner, outlining when and where the weapon may be claimed.

- c. If after a total of 90 days the weapon has not been claimed by the owner, the weapon will be declared unclaimed property and disposed of according to State statutes and agency directives.
- d. Final disposition of the weapon will be noted in the *Property Report* and in the computer log.
- e. The Sheriff or his designee must approve the release of all weapons.

K. Money:

- 1. Money held as evidence will be released to the rightful owner once it is no longer of evidential value and upon approval of the investigating deputy sheriff and/or his supervisor.
- 2. Money that is found may be released to the finder under the following conditions:
 - a. ECO will obtain the approval of the submitting deputy sheriff and/or supervisor.
 - b. The case deputy sheriff will have made a reasonable effort to locate the actual owner.
 - c. The owner will not have been located or will have failed to claim the property.
- 3. Upon releasing money, ECO personnel will open the package in the presence of the owner or finder and count the contents together with the owner/finder. If there is any discrepancy, a supervisor must be notified immediately.
- 4. In every case, the investigator will make a reasonable effort to verify the ownership or right to possess the property, and the identity of the person to whom the property is being released.

(Ref: CALEA 84.1.1, item f)
- 5. The person receiving the money will sign the Property Receipt section of the *Property Report*.

6. The Sheriff or his designee must approve the release of all money. Money that is found and unclaimed, or forfeited under the provisions §44-53-520 of the South Carolina Code—or any other applicable Federal, State or local law or ordinance—will be disposed of in accordance with agency directives.
7. The final disposition of money will be noted in the *Property Report* and the computer log.
8. All seized monies held pending seizure proceedings will be deposited by the agency in a separate interest bearing account until final disposition is made of the funds. Established agency financial policies will be adhered to at all times.

L. Major Case Disposition:

1. The ECO will contact the Sheriff or his designee to discuss major cases.
2. With the approval of the Sheriff or his designee, (ECO) personnel may dispose of any property held as evidence in a case, as outlined in this directive.

M. Property Management Records:

1. In every case where property is released, the final disposition of that property will be entered into the *Property Report* and in the *Property Log*. Final disposition of found, recovered and evidential property must be accomplished within six months after legal requirements have been satisfied.
(Ref: CALEA 84.1.7)
2. In every case, when property is disposed of, all paperwork necessary to document the action and update computer logs will be completed by ECO personnel. ECO maintains computer records which track the status of all property/evidence stored in the evidence compound with the following information:
 - a. date and time item is entered (computer generated);
 - b. case number;
 - c. evidence number (computer generated);
 - d. item number (computer generated);

- e. category (1- evidence, 2 - found property, 3 - property kept for security);
- f. deputy sheriff's badge number (from which computer generates deputy name);
- g. evidence type;
- h. disposition (i.e., still in-house, destroy, auction, convert, hold, return to owner, transferred to another agency, transferred to General Sessions Court, final disposition, etc);
- i. description (i.e., manufacturer, make, model, serial number, other, layman's description);
- j. location found (i.e., address, city, state);
- k. date acquired;
- l. owner name, address, phone number (if applicable);
- m. storage location (i.e., room, bin, evidence room, etc.);
- n. other comments (e.g., who enters, how to process, etc.); and
- o. chain of custody (i.e., date removed, agency/deputy/individual responsible, reason, date returned (chain of custody paperwork should be in file)). (Ref: CALEA 84.1.5)

N. Property Release:

1. In every case the case deputy sheriff will make a reasonable effort to verify rightful ownership of property and the identity of persons to whom the property is being released.
(Ref: CALEA 84.1.1, item f)
2. In every case the person to whom the property is released will sign the Property Receipt section of the *Property Report* indicating they have received this property.

3. Persons requesting the return of property from ECO must have valid identification (name and picture on same card) and either the case number or the name of the deputy sheriff who submitted the property. An *Authorized Property Release* form must be on file at the (ECO) evidence compound.
4. Any release of property must be documented by ECO personnel.

Receipt for Articles from Evidence Compound:

1. A receipt for articles from the evidence compound is used whenever an item of property is temporarily removed from the compound (for court, laboratory processing) or other reasons. The removal should be documented in writing, as well as in the computer logs. This documentation serves as a receipt to ensure the maintenance of the (chain of custody) and integrity of the evidence in court.

(Ref: CALEA 83.3.1 and 83.3.2, item d)

2. The receipt for articles from the evidence compound contains the following information:
 - a. date and time property is removed or returned;
 - b. signature of (person) accepting the property (except when submitting evidence to the SLED or FBI lab for analysis); and
 - c. purpose of (change of custody) of the property.

Procedures for Evidence Submitted for Laboratory Examination:

1. It is the responsibility of the (investigating deputy sheriff) to submit a work request form requesting laboratory analysis of evidence.
2. The SLED Laboratory Forensic Services Request form or FBI letter is to be completed by the submitting deputy sheriff; and must accompany the evidence when it is submitted to the laboratory. The deputy sheriff making the request shall complete all applicable sections of the report and will indicate the type of analysis that is requested. A narrative of the incident may be required to advise the lab personnel to properly analyze the evidence. A copy of the incident report must accompany the SLED request.

(Ref: CALEA 83.3.2, item c)

3. Evidence requiring SLED or FBI analysis is submitted as needed by any sworn deputy sheriff. (Ref: CALEA 83.3.2, item a)
4. The (CID Commander) or his designee will determine which crime lab (i.e., SLED or FBI) will receive the evidence.
5. (ECO) will be responsible for packaging, transporting, shipping, and submitting evidence to the SLED Forensics Lab, FBI Lab, or any independent testing laboratory as needed. (Ref: CALEA 83.3.2, item a)
6. (ECO) investigators will log-out evidence sent to the SLED or FBI laboratories and, upon its return to the agency, will immediately log in the evidence to ensure chain of custody.
7. It is the responsibility of the investigating deputy sheriff to review lab reports on cases they are assigned. If additional lab services are necessary, or new or additional evidence becomes available, the investigating deputy sheriff must submit a new SLED Laboratory Forensic Services Request or FBI letter.
8. The SLED and FBI Forensic laboratories provide a written report of laboratory findings as standard procedure on all requests for laboratory examination. Written reports of laboratory findings received from the SLED or FBI Laboratory are filed with the case report in Records. A copy of the report will be provided to the investigating and/or requesting deputy sheriff upon request. (Ref: CALEA 83.3.2, item e)

SLED Laboratory
Forensic Services Request

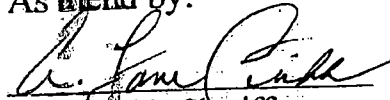
Q. Procedures for Evidence Transferred to Court:

1. * Any time a deputy sheriff takes evidence to court, he will sign for the release of evidence in the Chain of Custody section of the Evidence/Property Report which will remain with ECO.
2. * The deputy sheriff will take the item(s) to court. If the court retains the property, the clerk of court will provide and sign a Receipt For Property which the deputy sheriff will return to ECO.
3. * When item(s) are returned to the evidence compound by deputy sheriffs after court, ECO personnel will log the property in as returned and secure it in the evidence compound.

4. When forms are returned ~~directly~~ by the court, ECO personnel will have the court employee sign the Chain of Custody section of the report.

(Ref: CALEA 84.1.1, item g)

As ~~signed~~ by:



A. Ian Gibb, Sheriff
Georgetown County, S.C.

State vs William
376 Sead 773

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Georgetown, SC

EXHIBITS
ISSUE #4

June 25, 2011

VIA HAND DELIVERY

J. Reuben Long Detention Center
Rondell L. Carter, Inmate
4150 J. Reuben Long Avenue
Conway, SC 29526

RE: State of SC vs. Rondell L. Carter
Indictment No(s): 2009-GS22-555, 556, 557, 558, 559, 560, 561

Dear Rondell:

Enclosed herewith please find a copy of a statement from Thurmond Seward and a copy of the jury pool list from the Georgetown County Clerk of Court. Please review the jury list and mark any potential jurors that you know.

If you have any questions, please let me know.

With kind regards, I am,

Sincerely,



James R. Felts, IV

JRF/cmg
Enclosure(s)

Rondell Leon Carter #238244
LEE Correctional Institution
990 Wisacky Hwy
Bishopville SC 29010

LEGAL MAIL

Supreme Court of South C
DANIEL E. SHEARouse, Clerk
Post office Box 11330

RECEIVED

JUL 11 2018

LEE CI MAIL ROOM