

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

CASE NO. 2018-000151

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S.C. SUPREME COURT

Steven Lee Morgan, #355128

Petitioner,

v.

State of South Carolina,

Respondent.

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI
Vol. III

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1 A. No.

2 Q. Okay. And I believe in your summary of the
3 State's evidence, you said there was her testimony, there
4 was the items of DNA and the crime scene generally
5 indicated some kind of struggle or physical altercation.

6 Can you describe that a little bit.

7 A. So the back window was smashed in. The glass was
8 on the inside, so it was clear somebody from the outside
9 smashed the glass on the inside. Her physical injuries
10 were to her face, so there were significant injuries that
11 way. There's cigarettes, which he indicated he had been
12 smoking cigarettes. There was some wire hanger, that she
13 indicated he tied her up with the wire hanger.

14 Q. Okay. And, in addition to that, was there a
15 letter introduced that Mr. Morgan had written?

16 A. There was, yes.

17 Q. And what was that letter about?

18 A. Just that he was sorry, the devil took over, that
19 sort of thing.

20 Q. Okay. So it was sort of an apology to the victim
21 for what had happened?

22 A. Yes.

23 Q. Okay. As part of your trial strategy, did you
24 choose to contest that was actually Mr. Morgan's DNA?

25 A. No.

1 Q. So part of your trial strategy was to acknowledge
2 that it was, in fact, his DNA?

3 A. True, yes.

4 Q. Okay. So if you were -- that trial strategy, does
5 that affect your decision in regards to hiring an expert
6 to look at the results?

7 A. Oh, yeah, that would.

8 Q. In what way?

9 A. Well, there wouldn't necessarily be a reason to
10 hire an expert if that was our strategy.

11 Q. Okay.

12 A. Because we would just live with it.

13 Q. And that would be your strategy whether there was
14 one expert testifying or two; is that correct, that you
15 would acknowledge the DNA was his?

16 A. Right, because his DNA would have been on some of
17 the items.

18 Q. Okay. Whose decision was it for Mr. Morgan not to
19 testify?

20 A. Ultimately, it would have been Steven's decision.

21 Q. And that is something that you had discussions
22 with him on more than one occasion?

23 A. Yeah, yes.

24 Q. You discussed there were some DNA items found that
25 contained a mixture of DNA.

1 A. Yeah.

2 Q. And I believe there was a bed sheet that was
3 tested?

4 A. That's correct.

5 Q. And that was done by the IntelliGenetics expert?

6 A. Yeah.

7 Q. At one point, was that bed sheet going to be part
8 of your defense?

9 A. The fact that there were other DNA, yes.

10 Q. So that was one of the items where there was a
11 third person's DNA on the item?

12 A. That's correct.

13 Q. And, ultimately, IntelliGenetics was able to give
14 an opinion as to whose DNA that may be, correct?

15 A. That's correct.

16 Q. And what was that opinion?

17 A. Her child, her son.

18 Q. Okay. And so the victim had a son, an adult son?

19 A. Yes.

20 Q. Okay. Who lived with her?

21 A. Yes.

22 Q. Okay. And so the testimony of the IntelliGenetics
23 expert was that, at least on the bed sheet, that third
24 person was the son.

25 A. That's correct.

CHAD SHELTON - CROSS- EXAMINATION

1 Q. Okay. And I believe you said your trial strategy
2 was to try to show that this was a consensual encounter,
3 correct?

4 A. Correct.

5 Q. And did you cross-examine the victim about that?

6 A. I believe so.

7 Q. Did you question her about the fact that they had
8 a previous relationship?

9 A. Yes.

10 Q. And did you question her about the fact he used to
11 live in that residence?

12 A. Yes.

13 Q. And the end of the relationship and this event,
14 the crime, how close in time were they?

15 A. I think it was around a month and a half.

16 Q. And did you cross-examine her -- you brought that
17 out, that these -- that they had recently been in a
18 relationship with each other?

19 A. Yes.

20 Q. Okay. And he lived in that house with her?

21 A. Yes.

22 Q. As a way to explain why some of his DNA may be
23 found on items in the house, right?

24 A. Correct, yes.

25 Q. And on the issue of asking for an expert opinion

1 charge, I believe you had a motion, a pretrial motion; is
2 that correct?

3 A. That's correct.

4 Q. And the judge denied that motion?

5 A. That's correct.

6 Q. Okay. But did the judge ultimately give a charge
7 on expert opinion and expert witness testimony?

8 A. Yes.

9 Q. And did you see any reason to object to the charge
10 that the judge actually gave?

11 A. Well, I should have. I just -- it just slipped my
12 mind. It was Friday that we did the pretrial hearings
13 and it was the next week, but -- I didn't at the time,
14 no.

15 Q. So you didn't object to the charge at the time.

16 A. No.

17 Q. Have you had a chance to review the charge since
18 then?

19 A. No, I haven't.

20 Q. Okay. I just want to be clear, are you saying
21 that there was a problem that you feel he gave a charge
22 that was incorrect, or that you just didn't object to
23 renew your pretrial --

24 A. To renew my pretrial, that's what I meant, not
25 that there was anything wrong.

1 Q. So the charge that was actually given you felt was
2 correct?

3 A. That's true, yes.

4 Q. It just didn't include the more specific findings
5 that you had asked for in pretrial?

6 A. That's correct.

7 Q. Is that fair to say?

8 A. Yes.

9 Q. It was kind of a more general charge?

10 A. Yes. That's fair.

11 MS. McCALLISTER: I think that's all the
12 questions I have, Your Honor.

13 THE COURT: Can we put on the record what the
14 impeachable offenses were?

15 MR. DAVIS: And, Judge, if I could get with
16 the AG -- Judge, we've prepared both. It should be in
17 your packet, Judge, the plaintiff's paperwork --

18 MS. McCALLISTER: The SCDC records, Your
19 Honor.

20 MR. DAVIS: And it does show prior
21 convictions for -- I'm just going to read as is on the
22 sheet: 2002, probation violation; 2000, probation
23 violation; 1993, driving under the influence, liquor, is
24 the way it's written; 1993, trespassing; 1993, rape.

25 So that's in the packet showing my client's

1 record and, Judge, forgive me --

2 THE COURT: The question is, simply, it
3 sounds as though, perhaps, that the 1993 probably falls
4 outside of the time restraints. The others are probably
5 not impeachable offenses, so the question I asked you,
6 once again, is were there any impeachable offenses?

7 MR. DAVIS: And, Judge, forgive me. I was
8 mistaken earlier. I've gone through the transcripts, and
9 I'll show the Attorney General page 379, the colloquy
10 between the judge and Mr. Morgan and Mr. Shelton. There
11 were no impeachable offenses even discussed.

12 THE COURT: Okay. But upon reviewing his
13 criminal record, it appears as if there was not an
14 impeachable offense.

15 MR. DAVIS: I agree with the Court on that,
16 yes, Your Honor.

17 THE COURT: Okay. And I'm going to give you
18 an opportunity to redirect, but let me ask trial counsel,
19 if you can sort of summarize, number one, whether or not
20 it was the defendant's decision not to testify, and why
21 was his not testifying consistent with your trial
22 strategy?

23 THE WITNESS: Yes, it would have been. It's
24 Steven's decision not to testify, just that he really
25 couldn't articulate some of the reasoning behind the

CHAD SHELTON - CROSS- EXAMINATION

1 glass being shattered, and he couldn't -- he had given a
2 couple different reasons for the injuries to me and to
3 co-counsel in pretrial, in getting ready to prepare for
4 the case, and so I was hesitant in my trial strategy and
5 my theory as to what he would say and how it would come
6 across and what did it look like as far as --

7 THE COURT: So your advice was for him not to
8 do that because of the problems in explaining away the
9 broken glass.

10 THE WITNESS: The broken glass and the
11 injuries.

12 THE COURT: And you could get -- the benefit
13 that you could derive from his testifying could be gotten
14 out of the victim, that there was a consensual
15 relationship that would explain the DNA, and that way you
16 could at least point that out to the jury, and his
17 testifying, in your estimation, would have been more
18 detrimental because of the holes in his explanation of
19 broken glass; is that correct?

20 THE WITNESS: That's correct.

21 THE COURT: Redirect?

22 MR. DAVIS: Thank you, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. DAVIS:

25 Q. One issue still dealing with the mixture of DNA.

CHAD SHELTON - REDIRECT EXAMINATION

1 You testified on cross about some semen on the bed sheet,
2 that they did extra testing to try to determine who that
3 was, correct?

4 A. That's correct.

5 Q. And based on, I believe, maternal testing, they
6 were able to determine it was most likely the accuser's
7 son?

8 A. Son.

9 Q. Was the contributor, right?

10 A. Correct.

11 Q. But, actually, another name appeared in one of the
12 mixtures, and that was a Victor Maczyk. Do you recall
13 that?

14 A. Yes, I remember that.

15 Q. Other than the fact that Mr. Maczyk's DNA appeared
16 in at least one of the mixtures, there was no attempt to
17 further investigate that contributor, was there?

18 A. There was not, no.

19 Q. There was no explanation that I recall inquired of
20 the accuser as to Mr. Maczyk's relationship. Do you
21 recall?

22 A. Not that I recall.

23 MR. DAVIS: Thank you, Your Honor. No other
24 questions.

25 THE COURT: All right. You may step down.

STEVEN LEE MORGAN - DIRECT EXAMINATION

1 You may call your next witness.

2 MR. DAVIS: I call Mr. Morgan to the stand.

3 STEVEN LEE MORGAN,

4 having been first duly sworn,

5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. DAVIS:

8 Q. Mr. Morgan, just briefly as a background for Judge
9 Nettles, can you tell the judge how old you are.

10 A. Forty-two.

11 Q. How far did you go in school?

12 A. Eleventh grade.

13 Q. Did you get your diploma or GED?

14 A. No, sir.

15 Q. Okay. And what of kind of work were you doing
16 before you were locked up?

17 A. I was a truck driver.

18 Q. You were born in Georgia, basically grew up here?

19 A. Yeah.

20 Q. When you were arrested on these charges, did you
21 have any other attorney help you as your lead attorney
22 other than Mr. Shelton who just testified?

23 A. No, sir.

24 Q. Can you tell the judge, if you recall, how many
25 times between August and April that you and Mr. Shelton

—STEVEN LEE MORGAN - DIRECT EXAMINATION—

1 met to discuss your case?

2 A. I'm not quite sure. Probably -- I would say about
3 three times. I don't have the correct number.

4 Q. Okay. During those discussions, did you have a
5 direct discussion about your involvement or lack of
6 involvement in this incident?

7 A. Yes.

8 Q. And generally -- first of all, generally, what did
9 you tell your attorney about these accusations?

10 A. I told them that the accusations of those charges,
11 that I was involved, but not to be held responsible for
12 the charges that they had. I was there.

13 Q. Just to kind of set the scene, did your attorney
14 and you discuss the different accusations, different
15 charges you had?

16 A. Yes.

17 Q. Did he talk to you about what the State would have
18 to prove to convict you of each one of the charges?

19 A. Yes.

20 Q. Did he tell you about the possible punishment of
21 each of the charges?

22 A. Yes.

23 Q. Did he talk to you about the fact that all but one
24 are strike offenses, or most serious offenses? Did he
25 talk about that?

1 A. Yes.

2 Q. Okay. And, finally, did he talk about the fact
3 that all but one are no parole or 85 percent offenses?

4 A. Yes.

5 Q. So you knew that when you were entering into this
6 trial, correct?

7 A. Correct.

8 Q. What discussions do you recall between you and
9 your attorney about whether or not you would testify at
10 your trial? Can you tell the Judge what you recall about
11 those discussions?

12 A. I can't recall about talking about testifying at
13 trial. I'm trying to back up my mind here. I can't
14 recall.

15 Q. Do you recall any discussions about whether any of
16 your prior record would be talked about at trial or not?
17 Do you remember any discussions about that?

18 A. No.

19 Q. Do you remember any advice Mr. Shelton gave you
20 about whether you should testify, like you're doing now,
21 in front of that jury or not?

22 A. No.

23 Q. Do you recall being in court and Judge Dennis
24 talking to you about testifying or not?

25 A. Not sure.

—STEVEN LEE MORGAN - DIRECT EXAMINATION—

1 Q. Did you and Mr. Shelton discuss the strategy or
2 defense he was going to use at the trial?

3 A. Yeah, to -- yes.

4 Q. And tell the judge what that plan was that you
5 recall.

6 A. He basically was saying that the notes that he
7 took that he had, that he was going to go over his notes
8 and try to explain to the judge to the best of his
9 knowledge about the situation.

10 Q. And, forgive me. Your prior record, had you been
11 to trial on any of those, or were those guilty pleas?

12 A. No, I haven't been to trial.

13 Q. They were guilty pleas?

14 A. Yeah.

15 Q. So this case is the first time you were in trial
16 on any charge, correct?

17 A. Yeah.

18 Q. And forgive me if you answered this a moment ago,
19 but did Mr. Shelton suggest that you should testify or
20 not testify, do you recall?

21 A. I can't recall.

22 Q. Okay. So, ultimately, when Judge Dennis asked you
23 about testifying or not, what did you rely on to make
24 your decision?

25 A. I don't -- I can't rely that -- recall that he

1 asked about me testifying or anything, if I can recall
2 correctly.

3 Q. Okay. You ultimately did not testify, right?

4 A. Yes.

5 Q. You've heard me question your attorney about other
6 issues, strategic issues, but your decision to testify or
7 not, is that a complaint you have about today?

8 A. Yes.

9 Q. Okay. And so I'm going to ask you directly. If
10 you testified back in April of 2013, can you tell Judge
11 Nettles what your testimony would have been?

12 A. I would have told him that I was present there,
13 but what happened that transpired, I didn't do it. That
14 was during the day.

15 Q. You and your attorney discussed the evidence the
16 State had against you, right?

17 A. Say that again.

18 Q. Your attorney and you discussed the evidence the
19 State had against you, right?

20 A. Yes.

21 Q. So you talked about the DNA evidence, right?

22 A. No, we didn't --

23 Q. You and your attorney never talked about the DNA
24 evidence?

25 A. To a certain degree, yes.

1 Q. Okay. Tell the judge to what degree.

2 A. That they found my DNA on everything and that I
3 responded back, like, I was a resident there. Of course
4 you have my DNA there.

5 Q. Specifically, here they claim that they found not
6 just your DNA, but they found semen, your semen. What
7 would your testimony have been in front of the jury about
8 that?

9 A. That we had consensual sex and that was it.

10 Q. When?

11 A. That night.

12 Q. Okay. What would your testimony have been about
13 her physical condition when you left?

14 A. She was fine when I left.

15 Q. What would you have testified about her emotional
16 condition when you left?

17 A. She was drunk, had been drinking, intoxicated.

18 Q. And I believe that came out during the trial she
19 had been drinking, right? Had you been drinking with
20 her?

21 A. No.

22 Q. Had y'all been upstairs and downstairs in the
23 residence?

24 A. Yes.

25 Q. Had y'all been smoking together?

STEVEN LEE MORGAN - DIRECT EXAMINATION

1 A. Yeah, smoking cigarettes.

2 Q. So if you could, for Judge Nettles, if you could
3 start with when you got to the residence, just tell him
4 how that played out while you were there at the residence
5 from when you arrived til when you left. What would you
6 have told the jury back in 2013?

7 A. I'd basically told them I was called to come over,
8 and I was asking them why because of the situation there.
9 We had been going through a lot of ups and downs, and I
10 gets there, and I noticed that she had been drinking.

11 And I asked her, What happened to the window?

12 And she was, like, Oh, nothing. Don't worry
13 about it.

14 And she had put, like, a black sheet or
15 something up over it, and I didn't see any glass. I
16 don't know where the glass came from. I didn't see it.
17 We went upstairs. We smoked a cigarette. I wanted some
18 water. I went downstairs. I got some water coming back
19 up. She wanted Sprite out of the freezer. She went back
20 downstairs and got a Sprite out of the freezer and came
21 back upstairs where I was smoking a cigarette. We had
22 consensual sex. I woke up, and I left.

23 MR. DAVIS: Your Honor if I could just have
24 one moment.

25 BY MR. DAVIS:

1 Q. Mr. Morgan, I think this is the last question. Do
2 you recall any advice Mr. Shelton had given you prior to
3 trial, not about you testifying or not, but about whether
4 this case should go to trial or not? Do you remember any
5 discussions about that or not?

6 A. It's kind of coming back to me a little bit.
7 That's why I tried to get your attention earlier, but I
8 remember him saying that I wouldn't take the stand if I
9 was you. I would just -- let me do all the talking
10 because if you take the stand, your past will be brought
11 up before the trial and it won't look good for you.

12 Q. So I apologize. I appreciate you adding that, not
13 just about you testifying or not, but about the fact
14 whether this case should be a trial or not. What was his
15 opinion on that, do you recall?

16 A. His opinion was to go forward with trial.

17 Q. So did he tell you whether he thought it would be
18 successful or not?

19 A. No.

20 Q. He did not give you an opinion about whether the
21 trial would be successful or not? Okay. All right.

22 MR. DAVIS: Mr. Morgan, thank you. That's
23 all the questions I have.

24 THE COURT: Counsel?

25 MS. McCALLISTER: Thank you, Your Honor.

CROSS-EXAMINATION

1
2 BY MS. McCALLISTER:

3 Q. Your testimony here today is that you did meet
4 with Mr. Shelton prior to trial to discuss the evidence
5 against you; is that correct?

6 A. Yes, ma'am.

7 Q. And I'm sorry if you said this already. Do you
8 specifically recall discussing the DNA evidence with
9 Mr. Shelton?

10 A. Just the part where he said a couple of cigarette
11 butts or something that my DNA was there.

12 Q. So you were aware your DNA was found on items
13 taken from the crime scene?

14 A. Yes.

15 Q. And I believe you said in your discussions with
16 Mr. Shelton you told him your version of the facts of
17 what happened, correct?

18 A. Correct.

19 Q. And your version was you were there, and you did
20 have a sexual encounter with the victim; is that correct?

21 A. Yes.

22 Q. That night?

23 A. Yes.

24 Q. So you never denied to Mr. Shelton that you
25 weren't there or you did not have an encounter with her

1 that night?

2 A. Correct.

3 Q. That's fair to say, right?

4 A. Yes.

5 Q. Okay. So your only testimony would have been that
6 she called you over there, you guys had this encounter,
7 anything else -- and she was fine when you left?

8 A. Yes.

9 Q. So anything else that happened after that was
10 after you left.

11 A. Yes, correct.

12 Q. The physical injuries to her?

13 A. Correct.

14 Q. And the and the broken glass from the door --

15 A. Correct.

16 Q. Did you see anybody else there that night?

17 A. No, I didn't.

18 Q. So you couldn't give Mr. Shelton the identity of
19 who it might be?

20 A. No.

21 Q. So the best you could do was say that it wasn't
22 you?

23 A. Exactly.

24 Q. And all those things that you talked about that
25 you would have said in your testimony, like that the

1 victim had been drinking that night, I believe that's
2 what you said, right?

3 A. That's correct.

4 Q. That would have been part of your testimony?

5 A. Yes, ma'am.

6 Q. Do you remember that Mr. Shelton cross-examined
7 the victim about that issue and she admitted she'd been
8 drinking?

9 A. Yes, I think. I'm not --

10 Q. Okay. So the fact that the victim had been
11 drinking came out at trial; is that fair to say?

12 A. Yes.

13 Q. From other witnesses or evidence?

14 A. Yes.

15 Q. And the fact that there were cigarette butts found
16 upstairs and downstairs came out at trial as well,
17 correct?

18 A. Correct.

19 Q. And the fact that the victim and you sat upstairs
20 in her bedroom and smoked a cigarette together came out,
21 correct?

22 A. Correct.

23 Q. Because your attorney cross-examined you on those
24 issues, correct?

25 A. Correct.

1 Q. I believe there was some testimony about her
2 showing you some renovations that were going on in the
3 house; is that correct?

4 A. Correct.

5 Q. Okay. And those were things that your attorney
6 brought out on cross-examination, correct?

7 A. Correct.

8 Q. And I believe you testified you don't specifically
9 recall the judge asking you whether you wanted to testify
10 or not, or do you?

11 A. I don't recall that.

12 Q. If I showed you the transcript of the trial, would
13 that help your memory, do you think?

14 A. Sure.

15 MS. McCALLISTER: May I approach, Your Honor?

16 THE COURT: Yeah.

17 BY MS. McCALLISTER:

18 Q. If you could just read for yourself here, I
19 believe it starts on page 379.

20 MS. McCALLISTER: Your Honor, I'm showing him
21 379 of the transcript.

22 BY MS. McCALLISTER:

23 Q. Does that refresh your recollection as to what
24 happened at your trial?

25 A. Yes.

1 Q. Do you agree with me it's fair to say that the
2 judge asked you if you had discussed the issue with your
3 attorney, correct?

4 A. Yes.

5 Q. And you told him you had?

6 A. Yes.

7 Q. And you told him you had enough time to make the
8 decision, correct?

9 A. Correct.

10 Q. And that it was your own decision?

11 A. Yes.

12 Q. I think you said if you had a chance to testify
13 you would have characterized your relationship with the
14 victim as having some ups and downs. Can you describe
15 what you meant by that.

16 A. What I mean by ups and downs is we was having
17 financial problems. We was fighting foreclosure, was
18 able to battle on top of that. We was trying to get the
19 house up to the par of living standards. At the same
20 time, we was trying to buy a semi truck, an 18-wheeler,
21 that truck that I was driving, and it was just an uphill
22 battle here when it comes to money with her.

23 Q. Okay. And some of that came out at trial. There
24 was testimony about the foreclosure issue?

25 A. Yes.

—STEVEN LEE MORGAN - CROSS-EXAMINATION—

1 Q. And I think there was also some testimony about a
2 previous incident with you showing up at her house and
3 the police being called on you; is that correct?

4 A. Well, that came out, but it -- there was no record
5 showing it was me. It was -- that was something that
6 happened way before my time, that they brought -- that
7 they had brought back up on that. It wasn't --

8 Q. So you're saying there was no testimony about an
9 incident on December 30th where you showed up uninvited
10 to her house and her son called the police on you?

11 A. No. I've heard that in -- during trial, but from
12 my understanding that they said it wasn't -- I wasn't the
13 person that they called on. It was somebody else, from
14 my understanding.

15 Q. Okay. But there was testimony from the victim
16 that you had shown up at her house before uninvited.

17 A. Yes.

18 Q. And I think you said your version of events is
19 that you had a consensual sexual encounter. You fell
20 asleep, you woke up, and you left; is that correct?

21 A. Correct.

22 Q. What time did you leave?

23 A. I don't know. I can't remember.

24 MS. McCALLISTER: That's all the questions I
25 have, Your Honor.

CHAD SHELTON - DIRECT EXAMINATION

1 THE COURT: Any redirect?

2 MR. DAVIS: No, Your Honor.

3 And, Your Honor, that would be the
4 applicant's presentation.

5 THE COURT: You may step down.

6 Anything further from anybody?

7 MS. McCALLISTER: Yes, Your Honor. I would
8 just ask to recall Mr. Shelton briefly.

9 CHAD SHELTON

10 having been previously duly sworn,
11 was examined and testified as on rebuttal:

12 DIRECT EXAMINATION

13 THE COURT: I remind you you're still under
14 oath.

15 THE WITNESS: Yes, Your Honor.

16 BY MS. McCALLISTER:

17 Q. Mr. Shelton, I think the very last question that
18 you were asked from Mr. Davis had to do with a Mr. Mazyck
19 and DNA -- as a contributor of some DNA on some items.
20 Do you recall that?

21 A. Yes.

22 Q. Do you recall that issue in the case?

23 A. Yes.

24 Q. Can you explain who Mr. Maczyk was?

25 A. I believe he was a friend of Ms. Rose.

CHAD SHELTON - DIRECT EXAMINATION

1 Q. Okay. And did he have some involvement in this
2 case in -- how was his DNA explained?

3 A. It was on a knife that was found in the truck, I
4 believe.

5 Q. In whose truck?

6 A. Well, Rose's truck, but Steven had taken it.

7 Q. So it was -- his DNA was found on a knife that was
8 in Mr. Maczyk's -- I mean, Mr. Morgan's truck?

9 A. Right.

10 Q. The night that he was driving, the night of the
11 incident?

12 A. Right.

13 Q. And what was the explanation for why his DNA would
14 be on that, Mr. Maczyk's?

15 A. He found the knife.

16 Q. And do you recall why he found the knife, or what
17 the circumstances of his finding it were?

18 A. I think she sold the truck to Mr. Maczyk.

19 Q. Okay. So sometime after the incident, the victim
20 sold the truck to this man?

21 A. Yes.

22 Q. And was he doing some work on the truck?

23 A. I believe so.

24 Q. And found the knife?

25 A. Yes.

CHAD SHELTON - CROSS-EXAMINATION

1 Q. Okay. And so that explained how his DNA got on
2 that piece of evidence?

3 A. Right.

4 Q. And his DNA was not on any other piece of
5 evidence?

6 A. Right. I don't know if it was compared at all.

7 Q. But it wasn't on the towel or the bed sheet?

8 A. Not that I know of, no.

9 MS. McCALLISTER: Okay. Thank you. I think
10 that's all I have.

11 THE COURT: You may step down. Anything
12 further from anybody?

13 MR. DAVIS: If I could cross on that issue.

14 THE COURT: Yes, you may.

15 CROSS-EXAMINATION

16 BY MR. DAVIS:

17 Q. To be clear, his DNA wasn't found on any other
18 items, but is there evidence that his DNA profile was
19 compared to other items?

20 A. Not that I'm aware of, that I recall.

21 MR. DAVIS: And, Judge, I want to clear up
22 something. I appreciate the State actually mentioning
23 this.

24 BY MR. DAVIS:

25 Q. Do you recall the exact familial relationship of

1 Mr. Maczyk to the accuser?

2 A. I don't recall.

3 Q. If I showed you a copy of the transcript, would
4 that refresh your memory?

5 A. Absolutely.

6 MR. DAVIS: And, Your Honor, forgive me. I
7 checked this during cross of Mr. Morgan, and I'll point
8 everyone out to page 161 because I don't want to mislead
9 the Court.

10 May I approach, Your Honor?

11 THE COURT: Yes.

12 BY MR. DAVIS:

13 Q. Page 161, the first line, which is a carryover
14 from the question on the last line of 160, but I'll allow
15 you to look.

16 A. Yes.

17 Q. Does that refresh your recollection?

18 A. Yes.

19 Q. I believe this is during your cross-examination of
20 the victim?

21 A. Yes.

22 Q. And I apologize. I want to clear that up for the
23 Court. So the attorney asked -- Mr. Morgan's DNA is not
24 found on that knife whatsoever?

25 A. Not that I recall, but I --

1 Q. And yet it was -- the accuser claimed that was the
2 knife that was used during the course of this conduct?

3 A. True, yes.

4 Q. So while Mr. Maczyk finding it in the truck and
5 grabbing it would be one explanation, there are certainly
6 other explanations about how his DNA could be found on
7 that knife.

8 A. That's true.

9 MR. DAVIS: Thank you, Your Honor. No
10 further questions.

11 THE COURT: All right. You may step down.
12 Anything further from anybody?

13 MR. DAVIS: Not other than argument if you
14 would allow.

15 THE COURT: Yes, I'll be glad to hear from
16 you, yes, sir.

17 MR. DAVIS: Thank you very much, Your Honor.

18 As we said in the preview, Judge, the
19 concerns that Mr. Morgan had dealt with the handling
20 of -- the admission of the DNA evidence, first of all,
21 and the two issues there would be the second SLED agent
22 testifying in lieu of the agent who actually did the
23 testing.

24 As Mr. Shelton indicated, he did raise that
25 in pretrial issues but did not object contemporaneously

1 when it occurred during testimony in front of the jury.

2 We would complain that was ineffective assistance --

3 THE COURT: Let me ask you specifically, and
4 I kind of see where you're going with that, but wasn't
5 that -- when we listened to trial counsel's testimony, he
6 said his strategy was and always had been a consensual
7 sexual relationship and it was there. He did not contest
8 that it was his DNA.

9 THE WITNESS: Correct.

10 THE COURT: So how is that ineffective? And
11 he even said here today, the defendant said, that was his
12 DNA.

13 MR. DAVIS: And that's exactly how they
14 tailed together. He didn't testify in front of the jury
15 at trial about that and so for the defense table to
16 understand, Oh, yeah, that's mine, of course that's mine,
17 and not object --

18 THE COURT: Didn't trial counsel
19 cross-examine him about the previous relationship and
20 that they -- all of that essentially was argued to the
21 jury through the testimony of the victim, wouldn't you
22 agree?

23 MR. DAVIS: I would, with the one exception
24 being the time frame. At best -- and Your Honor was
25 asking some questions about this. At best, the testimony

1 presented absent Mr. Morgan's own testimony would have
2 been approximately a month before, and so I would argue
3 that a jury could be skeptical about DNA, specifically
4 semen, still being present a month later.

5 If the only testimony the jury heard was, We
6 had a relationship, the last time we had a relationship
7 other than this accusation was a month ago, then they
8 either buy this whole story, well, the way it got there
9 was rape, forcible rape, and all the other crimes because
10 they didn't hear the other explanation.

11 THE COURT: Very good. Anything further on
12 the DNA?

13 MR. DAVIS: No, sir, because I think we leap
14 frogged to the second issue. The one was about the
15 second expert testifying and then the instruction to add
16 to that, and the thrust of our argument, though, the
17 second part is while it was being, basically, conceded,
18 there's nothing that supplants the accused taking the
19 stand whence possible -- here, no prior record to
20 impeach -- taking the stand whence possible and
21 testifying no, it wasn't me that did it, but having a
22 plausible explanation for the finding of the DNA in all
23 the locations it was found, the jury did not hear that.

24 That was based on advice of counsel. The
25 colloquy was very brief, and we would lay that fault to

1 blame of his attorney, and we -- ultimately, Judge, as
2 our standards require, if the jury would have heard that,
3 we believe they would have either found him not guilty,
4 or certainly it could have caused reasonable doubt to at
5 least hang up one or more of the jurors, because if we
6 can show the outcome would have been different, either a
7 hung jury or a not guilty, then we would argue we met our
8 burden, and we believe we have as to ineffective
9 assistance and that the outcome would have been granted,
10 so we ask you grant the PCR relief.

11 THE COURT: What about the overwhelming
12 evidence of the victim?

13 MR. DAVIS: Again, Judge, if he testified,
14 then you've got a battling, a he said/she said -- a
15 literal he said/she said, and we would argue that with
16 that raising more than just cross-examining,
17 contradicting, it now gives the second plausible story,
18 plausible explanation that would enhance the reasonable
19 doubt.

20 THE COURT: Very good.

21 MR. DAVIS: Thank you, Your Honor.

22 MS. McCALLISTER: Thank you, Your Honor.

23 THE COURT: What do you have to say about the
24 DNA in general?

25 MS. McCALLISTER: About the DNA in general,

1 Your Honor, the State would argue that even if you take
2 away the second expert that they have raised as an issue,
3 you still had an expert who testified properly, could
4 testify properly, did the reports, ran all the tests,
5 that there was DNA from seminal fluid on the towel that
6 was used to tie up the victim, stuffed in her mouth.

7 She testified that he kind of wiped her off,
8 or he wiped himself off with that towel after the rape.
9 His DNA was also found at the crime scene on the hangers
10 that were used to tie her up. The DNA expert explained
11 that would not have been present merely from him living
12 in the house, that that -- the fact that his DNA was
13 found on those wire hangers indicated that there was
14 some -- he was applying some type of force, or really
15 handling those hangers. It wouldn't have been there just
16 for him living there, so, Your Honor, the State would
17 argue that there was overwhelming DNA.

18 THE COURT: The hangers testified by SLED?

19 MS. McCALLISTER: The hanger was testified by
20 the first expert, the IntelliGenetics expert.

21 THE COURT: All right. What do you got to
22 say about -- what do you think the state of the law is as
23 far as someone who didn't actually perform the test but
24 testified at trial?

25 MS. McCALLISTER: Your Honor, after the

1 State's case, there was a Court of Appeals opinion that
2 came out that addresses that issue, that said that that
3 is not proper, so I think the State will concede that
4 that should not have been; however, our argument is that
5 it makes no difference.

6 THE COURT: It was a harmless error because
7 it was superfluous.

8 MS. McCALLISTER: Yes, Your Honor, because it
9 was cumulative evidence to her testimony and
10 identification of him and to the first IntelliGenetics
11 expert whose testimony has -- there's no issues with his
12 testimony.

13 We would also submit they've raised the issue
14 of there being a mixture of the DNAs. IntelliGenetics
15 expert also testified about that, about how the second
16 semen spot on the bed sheet was matched to the victim's
17 son, and I believe the IntelliGenetics expert also
18 testified regarding the knife and the DNA that was found
19 on that and how -- why that might be, that there was no
20 DNA from Mr. Morgan on that knife, so those questions
21 were answered by the State's expert with no issues in
22 terms of his testimony, Your Honor.

23 THE COURT: What's your position about the
24 defendant's decision not to testify?

25 MS. McCALLISTER: Your Honor, I think counsel

1 has explained his reasoning for that, that Mr. Morgan was
2 wavering on some issues and had some things they couldn't
3 explain with regard to the glass and the injuries. I
4 think the transcript will reflect that these injuries
5 were significant and the victim was actually hospitalized
6 for, I believe it was, a week or so because of these
7 injuries.

8 They were not minor. They were not minor
9 injuries at all. There were injuries to her face. I
10 believe her kneecap was broken. I believe she had a
11 cut -- a laceration from a knife on her neck, so these
12 were not minor injuries. Those were injuries that would
13 require substantial explanation and that could not be
14 provided, and as applicant said himself, he couldn't
15 suggest anybody who was there after him, or he didn't see
16 anybody there.

17 He put himself there at the scene, having sex
18 with the victim, and I think that trial counsel
19 articulated a reasonable explanation for why he would not
20 want applicant to testify, or would advise him to think
21 very carefully about that decision to take the stand.

22 THE COURT: And perhaps, more importantly,
23 the fact that a lot of the exculpatory evidence was
24 elicited from the victim, as far as the prior
25 relationship and that sort of thing.

1 MS. McCALLISTER: That's correct.

2 THE COURT: And the drinking and the smoking.

3 MS. McCALLISTER: That's correct. The victim
4 was candid about all of that and testified to that and
5 freely admitted that she had had a few drinks and that
6 they did smoke a cigarette, and she explained that to the
7 jury.

8 THE COURT: We're going to stand at ease for
9 a few moments. I want to review a few things in this
10 transcript, and we'll stand at ease for five minutes.

11 MS. McCALLISTER: Thank you.

12 (Recess taken.)

13 THE COURT: All right. With regard to the
14 issue of the DNA, I've reviewed the relevant portions in
15 the trial, and taking all the testimony that's been
16 presented here today, I think it's become clear that the
17 defendant admitted that he had consensual sex with the
18 victim.

19 His theory of the case was that he had
20 consensual sex with the victim. He admitted it was his
21 semen that was found there at the scene. He relayed this
22 theory of the case to defense counsel and here at the
23 PCR hearing today. The SLED DNA evidence was indeed
24 admissible and put the defendant at the scene.

25 The independent lab should not have been

1 admitted. It was error not to object to that; however, I
2 don't feel as though it would have affected the outcome
3 of the case and therefore is harmless error.

4 In addition to that, there was obviously
5 other DNA evidence that was legitimately presented. It
6 was consistent with the defendant's theory of the case,
7 and there's overwhelming evidence, other than the DNA,
8 that would establish the defendant's guilt, including but
9 not limited to the victim's testimony.

10 I reviewed the expert witness's charge. I
11 think it's a completely legitimate and appropriate charge
12 and it was not error to object to that, and I think that
13 any additional facts placed in the expert witness charge
14 would indeed be a charge on the facts.

15 As far as the decision of the defendant not
16 to testify, I think the -- as I reviewed the trial
17 transcript, that is actually dispositive about whether or
18 not it was the defendant's decision not to take the
19 witness stand. Trial counsel's testimony was clear on
20 that, having an opportunity to review, to observe the
21 demeanor of the defendant's testimony and the trial
22 counsel's testimony, I find and believe the trial
23 counsel's testimony that he discussed with him the
24 benefits cost of him taking the witness stand.

25 His theory of the case was a very legitimate

1 theory, and my analysis of the case was the best trial
2 strategy for him, but, nonetheless, it was an appropriate
3 trial strategy, and the defendant, when asked about
4 discussions about his testifying, he didn't really have
5 an independent recollection of it until later, and then
6 he, in passing, said that the reason why he didn't
7 testify was his prior record.

8 I don't believe that I've heard the testimony
9 of the defendant and trial counsel, and I believe trial
10 counsel in that there was an in-depth discussion about
11 whether or not he would take the witness stand, and it
12 was the defendant's decision, and I think an appropriate
13 decision, not to testify.

14 Once again, I do find there was an error in
15 not objecting to the DNA of the independent lab, but the
16 deviation would not have affected the outcome --

17 MS. McCALLISTER: Judge, I'm sorry to
18 interrupt you. I just want to be clear, I believe it was
19 the SLED DNA that should have been objected to and the
20 independent lab.

21 THE COURT: That's correct, that's correct,
22 and there was actually testimony on the towel that was
23 tested by --

24 MS. McCALLISTER: The towel came from the
25 independent lab. The SLED expert was the one who was the

1 peer review and did not actually do the test.

2 THE COURT: That's right. And that is
3 correct, and with regard the peer review, individual
4 testifying pursuant to the peer review is improper and
5 should not have been admitted, but there, nonetheless,
6 was overwhelming DNA evidence placing him at the scene,
7 which was really consistent with the defendant's theory
8 of the case.

9 All right. I'm going to ask the Attorney
10 General to prepare an order to that effect and send it to
11 Mr. Davis to confirm that accurately reflects my ruling
12 here today.

13 MS. McCALLISTER: Yes, Your Honor. Thank
14 you.

15 MR. DAVIS: And, Your Honor, just for my
16 client's benefit, denying his PCR application?

17 THE COURT: That's correct.

18 MR. DAVIS: Thank you, Your Honor.

19 - - -

20 (Whereupon, the proceedings were concluded.)

21 - - -

22

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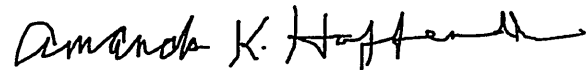
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I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 31st of July 2017.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 30, 2018



Circuit Court Reporter

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STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Steven Lee Morgan, #355128,

C. A. No. 2015-CP-08-2742

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

2017 DEC 18 PM 12:14
MARY P. ECKHART
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Steven Lee Morgan (Applicant) on December 4, 2015. Respondent made its Return on June 9, 2016. An evidentiary hearing into the matter was convened on August 1, 2017, at the Berkeley County Courthouse. Rodney Davis, Esquire, represented Applicant. Lindsey McCallister, Esquire, of the South Carolina Attorney General's Office, represented Respondent. At the hearing, Applicant testified on his own behalf. Chad Shelton, Esquire, (Counsel) also testified. This Court had before it a copy of the records of the Berkeley County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the application, the State's Return, the trial transcript, and Applicant's appellate records.

PROCEDURAL HISTORY

Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Berkeley County Clerk of Court's orders of commitment. Applicant was indicted by the April 2012 term of the Berkeley County Grand Jury for one count each of first-degree burglary, first-degree criminal sexual conduct, kidnapping, attempted murder, and possession of a weapon during the commission of a violent crime (2012-GS-08-0496, -0497, -0498, -0499, -0500). Chad Shelton, Esquire, represented Applicant. On April 23, 2013, Applicant proceeded to a jury trial

before the Honorable R. Markley Dennis, Jr. After the jury convicted Applicant as indicted, Judge Dennis sentenced Applicant to confinement for forty years for the count of first-degree burglary, and thirty years each for first-degree criminal sexual conduct, kidnapping, and attempted murder. The sentences were to be served concurrently. Applicant was also sentenced to five years for the count of possession of a weapon during the commission of a violent crime, which will run consecutively to Applicant's sentences on the other charges.

A notice of appeal was filed on Applicant's behalf, and an appeal was perfected by Laura Baer, Esquire, of the South Carolina Commission on Indigent Defense – Appellate Defense Division. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v. Morgan, Op. No. 2015-UP-492 (filed on October 21, 2015). The remittitur was issued on November 13, 2015.

SUMMARY OF FACTS ADDUCED AT TRIAL

In December of 2011, Rose Lampkin (Victim), who had been in a relationship with Applicant for the preceding two years, decided to end her relationship with Applicant because he was treating her in an increasingly threatening and possessive manner. Tr. p. 109; pp. 111-12; p. 158. To end the relationship, Victim loaded Applicant's belongings into her pickup truck with the help of her college-aged son, left the truck for Applicant to pick up from a truck stop, and instructed Applicant not to return to her home.¹ Tr. pp. 110-13; p. 147; p. 158; p. 160. A few weeks later, Applicant went to Victim's home shortly after midnight and attempted to force his way inside. Tr. pp. 147-49. Victim's son was home at the time and alerted the authorities of Applicant's actions. Tr. p. 148.

¹ Applicant was a professional truck driver at the time. Tr. p. 158.

However, at approximately 4:00 a.m., on January 29, 2012, Applicant returned to Victim's residence and threw a piece of wood through the rear sliding-glass door. Tr. pp. 103-104; pp. 113-15; pp. 129-31. The noise awakened Victim, and she started to go downstairs to investigate. Tr. pp. 113-15. As she did so, Applicant, who was armed with a knife, entered the house and ran up the stairs towards her. Tr. pp. 115-16. Applicant then grabbed Victim, began choking and striking her, and told her he would kill her if she did not do what he told her to do. Tr. pp. 115-16. Thereafter, Applicant threw Victim to her bed, removed her clothing, forced her to perform oral sex on him, and raped her both anally and vaginally. Tr. pp. 116-17; p. 122; p. 165; p. 222.

Once Applicant finished sexually assaulting Victim, he sat on the bed and smoked a cigarette. Tr. p. 117. Applicant then got up from the bed and looked out the window. Tr. pp. 117-18. When he did so, Victim grabbed her cell phone and tried to flee from the home. Tr. pp. 117-1). However, Applicant chased her, pushed her down the stairs, followed her to the bottom, and began slamming her head into the floor. Tr. p. 118. He then ordered Victim to return upstairs while threatening her with his knife, but she was unable to do so because she had badly injured her knee in the fall. Tr. pp. 118-19. Undeterred, Applicant cut Victim's neck with the knife, dragged her back upstairs by her hands and hair, threw her on the bed, and raped her again. Tr. pp. 118-19; p. 133.

After Applicant was finished sexually assaulting Victim, he began to pace around Victim's house. Tr. p. 120. He then retrieved a towel, wiped blood off of Victim's face, and attempted to wipe away any evidence from Victim's vagina. Tr. p. 120. He then tore the towel into strips, stuffed a strip of the towel into Victim's mouth, covered her face with another piece of towel and some tape, and hog-tied her hands and feet together using the towel and pieces of

wire hangers he retrieved from Victim's closet. Tr. pp. 120-21. Applicant took Victim's keys, destroyed her cell phone, covered her with clothing and blankets, informed her he was going to get coffee and would return, and left the residence. Tr. pp. 121-22; p. 136.

Victim remained bound on the bed for thirty to forty-five minutes but was eventually able to free herself from the restraints despite her injuries. Tr. pp. 123-24. Victim then crawled down the stairs, opened the front door, and screamed for help when she saw a neighbor walk by her house.² Tr. p. 124. The neighbor quickly alerted another of Victim's neighbors, John McCurdy, who rushed to Victim's home. Tr. p. 187. When McCurdy arrived, he observed Victim had been beaten to such an extent her face was nearly unrecognizable, and he immediately called 911. Tr. pp. 188-89.

Within minutes, Officer William Tisdale of the Goose Creek Police Department arrived at Victim's residence and found her seated in the doorway to her home. Tr. pp. 193-95. At that time, Victim was "very" battered, her face was bloody and swollen, she was suffering from numerous cuts and bruises, and her kneecap was swollen and out of place. Tr. p. 195. Officer Tisdale briefly spoke with Victim, and Victim advised him Applicant had broken into her residence and sexually assaulted her. Tr. p. 196. In response, Officer Tisdale relayed a description of Applicant -- and the truck in which Applicant left Victim's residence -- to dispatch, and Victim was transported to the emergency room. Tr. pp. 196-97.

At the hospital, Victim was treated by medical personnel, who noted she was suffering from a knee deformity, abrasions to her knee, a puncture wound to the neck, eye redness symptomatic of strangulation, and extensive facial injuries. Tr. pp. 208-09; p. 213. Investigator Leroy Goodyear of the Goose Creek Police Department spoke with Victim and took a statement

² Victim could not walk or run due to her injuries, which included a broken kneecap. Tr. pp. 123-24; p. 156.

from her about the incident. Tr. p. 242; pp. 244-45. Several hours later, Victim was examined by Nancy Hall, a sexual-assault nurse examiner and registered nurse. Tr. p. 218. During the examination, Victim advised Hall she had been physically and sexually assaulted in her home earlier that morning, and Hall collected samples from Victim's body along with a DNA sample from Victim. Tr. pp. 222-23; p. 227. However, Hall was unable to perform a full examination of Victim due to Victim's knee injury. Tr. pp. 227-28.

Meanwhile, Wendy Myers, a crime scene investigator and evidence technician from the Goose Creek Police Department, processed Victim's residence for evidence. Tr. pp. 272-73. During her investigation, Myers located strips torn from a towel near the front door, a piece of wood leaning against a wall, a trail of broken glass leading from the piece of wood to a broken sliding glass door, several cigarette butts discarded onto the floor in the dining room and hallway, bloodstains leading up the stairwell, more strips of towel and some wire at the top of the stairs, even more strips of towel and wire in the master bedroom, a pile of clothing on the bed, a blood-stained green jacket with a hole in the collar on the floor, more cigarette butts on the floor next to the bed, and a stained sheet on Victim's bed. Tr. pp. 274-77; p. 284; pp. 288-89). Myers collected all of the evidence she discovered and sent it off for analysis. Tr. p. 276; pp. 285-89).

Later that day, Applicant was apprehended and arrested in Augusta, Georgia, while in possession of Victim's truck. Tr. p. 136; pp. 140-41; p. 246; p. 253. Following his arrest, Investigator Nicholas Powell of the Goose Creek Police Department collected a sample of his DNA for analysis, and Victim's truck was transported back to South Carolina and searched. Tr. pp. 246-48; pp. 265-66. Although no evidence was discovered in the initial search of the vehicle, a friend, Victor Mazyck, later bought the truck from Victim and discovered the set of keys Applicant took from Victim along with the knife Applicant had wielded during the incident after

removing the center console from the vehicle in order to replace it.³ Tr. pp. 136-39; pp. 247-49; pp. 257-59). That evidence was turned over to authorities, and the knife was submitted for analysis. Tr. p. 249; p. 305.

Subsequently, the evidence collected from Victim's residence was transported to Intelligenetics, a DNA testing laboratory. Tr. p. 302; pp. 304-05. Dr. Daniel DeMiers, an expert in forensic science and DNA analysis, analyzed the submitted evidence, including the strips of towel, the green jacket, the pieces of wire, the cigarette butts, and the knife. Tr. pp. 304-05; p. 321. Based on this analysis, Dr. DeMiers determined Applicant's DNA was present on the green jacket in a concentration too significant to have resulted from casual contact, and Applicant's DNA and semen were present on the torn strips of towel. Tr. pp. 314-17; p. 336. Additionally, Dr. DeMiers located Applicant's DNA on the pieces of wire and cigarette butts collected from Victim's bedroom and the hallway. Tr. pp. 318-21. Dr. DeMiers also concluded the DNA of three different contributors was present on the handle of the knife, and he could not exclude either Victim or Applicant as contributors of that DNA. Tr. pp. 321-24.

Similarly, the evidence collected during Victim's sexual-assault examination at the hospital was transported to SLED, where it was analyzed by Mary Boehm, a forensic DNA analyst. Tr. p. 356-58; pp. 373-74. As part of her analysis, Boehm developed DNA profiles from the samples collected during the sexual-assault examination and compared them to profiles developed from the known DNA of Applicant and Victim. Tr. pp. 360-63. Based upon that analysis, it was determined Applicant's DNA profile conclusively matched the profile developed

³ The keys found in the truck were readily identifiable as belonging to Victim because the key ring had a leather band with Victim's first name on it attached to it. Tr. p. 249.

from semen found on a rectal swab collected during the sexual-assault examination of Victim. Tr. p. 364.⁴

Boehmn was unavailable to testify at trial. Tr. pp. 14. The solicitor moved instead to admit the expert testimony of Amanda Webb, a DNA analyst at SLED and a peer reviewer of Boehm's work on the case, in regard to Webb's opinion about the evidence originally analyzed by Boehm. Tr. pp. 14-15; p. 352; p. 354. Counsel objected, arguing Webb's testimony would impermissibly allow for the admission of Boehm's opinions without having Boehm present during trial. Tr. pp. 15-16. After considering the arguments of both sides, the trial judge ruled Webb's expert testimony would be admissible if she was properly qualified and instructed he would make a determination as to admissibility immediately before the testimony was presented to the jury. Tr. pp. 16-18. Following the judge's ruling, Counsel asked the trial judge to consider several proposed jury instructions in regard to expert testimony admitted under similar circumstances in the United States Supreme Court decision in Williams v. Illinois, 567 U.S. 50 (2012).⁵ Tr. pp. 17-18. After considering the proposed instructions, the trial judge determined those instructions would constitute a comment on the facts and indicated he intended instead to present the standard South Carolina jury instructions on expert testimony. (Tr. pp. 18-20). The trial judge then proceeded forward with the trial. Tr. p. 20; pp. 89-103.

⁴ Prior to the sexual-assault examination, Victim urinated several times at the hospital. Tr. p. 215. During trial, Hall, who was qualified as an expert in nurse examination, explained evidence could be lost from a sexual-assault victim's vaginal area if the victim urinated or the area was cleaned prior to the examination. Tr. pp. 219-20; pp. 228-29. That testimony was corroborated by an expert in forensic science and DNA analysis, who agreed urination or cleaning could eliminate sperm or semen from a victim's vagina. Tr. p. 355; p. 363.

⁵ Specifically, Counsel indicated the Supreme Court's opinion stated the jury should be instructed "that out-of-court statements cannot be accepted for their truth and that an expert's opinion is only as good as independent evidence as the underlying premises. And that if the prosecution cannot muster any independent admissible evidence to prove that foundational facts that are essential to the relevance of the expert's testimony, then the expert's testimony cannot be given any weight by the triers of the facts." Tr. p. 18.

At trial, Victim recounted the details of the incident and identified Applicant in the courtroom as her assailant. (Tr. pp. 110-157). Likewise, McCurdy, the investigating officers, and the medical personnel who treated Victim after the incident testified concerning Victim's numerous visible injuries following the attack and sexual assault, her consistent identification of Applicant as her assailant, and the readily observable evidence of the struggle that had occurred in Victim's home. Tr. pp. 188-90; pp. 195-97; p. 201; p. 209; p. 213; pp. 222-23; pp. 227-28; p. 237; pp. 224-45; pp. 273-87. Further, Dr. DeMiers testified the results of his analysis of the evidence collected from Victim's home indicated Applicant's DNA was discovered on many of the pieces of evidence, and he confirmed Applicant's semen and DNA were present on the torn strips of towel recovered from Victim's home. Tr. pp. 314-24; p. 336.

Thereafter, Webb, who was qualified as an expert in forensic science and DNA analysis without objection, testified for the prosecution. Tr. p. 352; p. 355. During her testimony, Webb testified every DNA analysis conducted at SLED was reviewed by two other SLED analysts. Tr. p. 354. She confirmed she conducted a peer review of Boehm's work in this case. Tr. p. 354. Webb indicated she reviewed the case report, the incident report, the sexual-assault nurse examiner's notes, the evidence received by Boehm, and Boehm's notes and scientific data before checking the analyst's work for accuracy and scientific validity. Tr. p. 356. Based on that review, Webb opined – without objection – semen was present on both the vaginal and rectal swabs taken from Victim, no male DNA profile could be developed from the vaginal swab, and the DNA profile developed from the rectal swab matched Applicant. Tr. p. 360; pp. 362-64. Furthermore, during cross-examination, Webb readily acknowledged she was not present when the original laboratory work was performed, and her opinions and conclusions were based on

work performed by Boehm. Tr. p. 364. Webb also acknowledged her opinions were premised on her assumption Boehm conducted her analysis correctly. Tr. p. 365.

Following Webb's testimony, both the State and Applicant rested, and the trial judge conducted a charge conference to ascertain what jury instructions the parties desired to be presented to the jury. Tr. p. 372; pp. 383-89. During the charge conference, neither the solicitor nor Counsel requested any jury instructions based on the suggested instructions from the United States Supreme Court's decision in Williams. Tr. pp. 383-89. Thereafter, the solicitor and Counsel made their closing arguments to the jury, and the trial judge instructed the jury on the applicable law. Tr. pp. 390-445. At the conclusion of the jury charge, the trial judge asked the parties if there were any exceptions to his instructions or any additional instructions desired, and Counsel directly responded: "No, sir." Tr. p. 445.

ALLEGATIONS

In his application, Applicant alleges he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Counsel failed to hire an independent DNA expert and did not properly handle the issue of third-party DNA;
 - b. Counsel failed to object to expert opinion testimony of a SLED analyst who did not personally perform the DNA analysis;
 - c. Counsel refused to allow Applicant to testify, against Applicant's wishes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. Sec. 17-27-80 (2003).

Ineffective Assistance of Counsel

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 443, 334 S.E.2d at 814. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 689. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove that counsel's performance was deficient. Id. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Id. (quoting Strickland, 466 at 688). Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

Applicant testified Chad Shelton was appointed as his counsel, and they met "a few times" prior to trial. Applicant testified he and Counsel discussed Applicant's involvement in the case, and Applicant told Counsel he was "involved" but not responsible for the charges. Applicant further testified Counsel explained the elements of the charges, the proof required,

potential punishments, the strike rule, and the no-parole/85% rule. Applicant testified he and Counsel discussed the options between a guilty plea and a trial, and Counsel told him to proceed to trial. Applicant testified, however, Counsel never gave an opinion on whether he felt Applicant would be successful at trial.

Counsel testified he was a public defender with the Berkeley County Public Defender's Office when he was appointed to represent Applicant. Counsel testified he had approximately six years of experience at the time, exclusively in criminal law, including first-chair experience on other major cases where there was the potential for a life sentence and other cases involving DNA evidence and expert witnesses. Counsel testified he met with Applicant several times at the jail, and they discussed the elements of the crimes, possible defenses, and possible punishments. Counsel testified they also discussed the strike rule and no-parole offenses. Counsel testified he had a good relationship with Applicant, and he felt Applicant understood all of their conversations. Counsel further testified he discussed defense strategy with Applicant on several occasions and hired an investigator to look into issues with Victim's credibility. Counsel testified he engaged in plea negotiations on Applicant's behalf, as he felt a plea would be in Applicant's best interest, but the State would not offer less than thirty years, so he began preparing for trial.

Counsel testified the main evidence against Applicant was Victim's testimony and identification, the DNA evidence, and the general state of the crime scene, which indicated a struggle. On cross-examination, Counsel also described a letter written by Applicant to Victim apologizing and saying "the devil took over" him that night. Counsel testified Applicant maintained he was present at Victim's home that night, but the sexual encounter was consensual. Counsel testified Applicant's explanation was that Applicant and Victim had consensual sex,

then after Applicant left, another person broke into the house or Victim suffered an accidental fall. Counsel explained the issue with Applicant's version was that Victim suffered serious and extensive injuries, particularly to her face, such that she had to be transported from the scene via ambulance and spent several days in the hospital. Additionally, the back window had been broken from the outside, which Applicant could not explain, and Victim had been tied up with the strips of towel and wire.

Issue #1 – Counsel failed to hire a DNA expert and improperly handled the issue of third-party DNA at trial.

In order to prevail on a claim of ineffectiveness based on counsel's failure to call a favorable witness, the South Carolina Supreme Court has repeatedly held a PCR applicant *must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence* at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial. Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998) (emphasis added). Applicant's speculation the witness' testimony would have been favorable cannot, by itself, satisfy his burden of showing prejudice. Glover v. State, 318 S.C. 396, 498-99, 458 S.E.2d 538, 540 (1995). Further, a defense counsel's failure to procure expert witnesses does not render his or her representation deficient when counsel vigorously cross-examines the State's witnesses and attacks the accuracy of the evidence. Lorenzen v. State, 376 S.C. 521, 531, 657 S.E.2d 771, 777 (2008). See also Frasier v. State, 306 S.C. 158, 160-61, 410 S.E.2d 572, 573 (1991) (finding trial counsel was not deficient in failing to procure expert witness to challenge DNA evidence where trial counsel vigorously cross-examined State's DNA experts and attacked accuracy of evidence).

Nonetheless, "criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an

independent investigation of the facts and circumstances of the case.” Walker v. State, 397 S.C. 226, 235, 723 S.E.2d 610, 615 (Ct. App. 2012), overruled on other grounds by Walker v. State, 407 S.C. 400, 756 S.E.2d 744 (2014). However, failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to result. Porter v. State, 368 S.C. 378, 385-86, 629 S.E.2d 353, 357 (2006) (citing Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998)). Additionally, “[c]ourts must be wary of second guessing counsel’s trial tactics; and where counsel articulates a valid reason for employing such strategy, such conduct is not ineffective assistance of counsel.” Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1992) (citing Goodson v. United States, 564 F.2d 1071 (4th Cir. 1977)).

Applicant testified he had limited discussions with Counsel regarding trial strategy and how to deal with the DNA evidence. Applicant stated he never denied being present at Victim’s house that night, but what happened to her was not because of him. Finally, Applicant testified his DNA was found on so many pieces of evidence because he had recently lived in the house, and Applicant asserted he and Victim had consensual sex that night.

Counsel testified he did not see the need to hire a DNA expert. Counsel explained the items were sent to two different labs; the rape kit was tested by SLED; and the crime scene evidence was tested by an independent laboratory called Intelligenetics. Counsel testified he chose to rely on those results. Counsel further testified he explained the results to Applicant, as well as how the results would impact the defense and trial strategy. Counsel testified he classified the DNA results into three categories – those items from which Applicant’s DNA was excluded, those that contained a mixture of DNA, and those that matched Applicant. Counsel further testified his focus was on those items of evidence that either matched Applicant or

contained a mixture of DNA, and his strategy was to argue whoever was the third contributor was the perpetrator. Counsel testified the defense did not contest the DNA results, and he could explain the presence of Applicant's DNA because Applicant had lived in the house and been in a relationship with Victim. Counsel testified some of the third-party DNA could be explained, and Intelligenetics matched the DNA on the bedsheet to a male relative of Victim, most likely her son, and the DNA on the knife to Victor Mazyck, the friend to whom Victim sold the truck after this incident.

This Court finds Applicant has failed to prove Counsel was deficient or failed to render reasonably effective assistance under prevailing professional norms in regards to his handling of the DNA evidence at trial. Applicant did not call any expert witness to testify on his behalf at the evidentiary hearing. Applicant's assertion alone an expert witness would have provided favorable testimony is not enough to meet his burden as to this allegation. See Glover, 318 S.C. at 499, 458 S.E.2d at 540 ("The applicant's mere speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice."). Finally, while the Constitution requires that a criminal defendant receive effective assistance of counsel, the presentation of expert testimony is not necessarily an essential ingredient of a reasonably competent defense. Bonin v. Calderon, 59 F.3d 815, 834 (9th Cir. 1995).

Additionally, this Court finds Counsel understood the issues created by the DNA results, and Counsel conducted vigorous and thorough cross-examination of the State's expert witnesses. Counsel's strategy of not contesting the DNA results was reasonable given Applicant admitted to a sexual encounter with Victim. Furthermore, the Court finds all of the information Applicant alleges is important to explain his version of the facts was brought out through the testimony and

cross-examination of the State's witnesses, including Victim's testimony. This allegation is therefore denied and dismissed.

Issue #2 – Counsel failed to object to expert opinion testimony of a SLED analyst who did not personally perform the DNA analysis.

The Sixth Amendment's Confrontation Clause guarantees that, "[i]n all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him." U.S. Const. amend. VI. The United States Supreme Court has held the admission of testimonial hearsay against an accused violates the Confrontation Clause if the declarant is unavailable to testify at trial and the accused has not had a prior opportunity to cross-examine the declarant. Crawford v. Washington, 541 U.S. 36, 59 (2004). "The touchstone for determining whether an expert is giving an independent judgment or merely acting as a transmitter for testimonial hearsay is whether an expert is applying his training and expertise to the sources before him, thereby producing an original product that can be tested through cross-examination." United States v. Palacios, 677 F.3d 234, 243 (4th Cir. 2012) (citation omitted).

Counsel testified the issue of the SLED-analyst peer reviewer testifying in lieu of the analyst who actually performed the analysis and prepared the report was first brought up by the State during the pre-trial. Counsel testified it was argued orally as a motion in limine with no written response submitted. Counsel testified the trial judge indicated very quickly he would allow the testimony of the second analyst, which the trial judge believed was allowable under his understanding of the law at the time. Counsel testified he then requested a jury instruction regarding the weight to be given to expert opinions when the testifying expert is not the person who performed the testing, and the trial judge denied that motion saying it would be an impermissible comment on the facts. Counsel agreed the trial judge's determination on that issue was correct under South Carolina law.

Counsel further testified he felt it was a mistake not to renew his objection to the SLED analyst's testimony at the time she took the stand. However, Counsel also testified that even if the SLED analyst's testimony had been excluded, there was no objection he could have made to the testimony of the expert from Intelligenetics. Counsel testified the Intelligenetics expert, Dr. DeMiers, personally performed the tests he testified about. Counsel explained Intelligenetics tested all of the items collected from the crime scene, including the towel, cigarettes, and the pieces of the wire hangers, all of which contained Applicant's DNA. Further, Counsel testified Dr. DeMiers performed testing on the bedsheet, which found Victim's son was the likely third-party contributor of the DNA on that item.

This Court finds it was error for Counsel to fail to renew his objection to the SLED analyst's testimony at the time that testimony was presented to the jury. However, this Court also finds Applicant has failed to prove he was prejudiced by such error because there is independent, overwhelming evidence of Applicant's guilt such that it is not reasonably likely the result of the trial would have been different even if the SLED agent's testimony had been excluded. This Court finds the testimony from Intelligenetics could not have been excluded, and that testimony was the most damaging to Applicant's defense. Counsel testified it was part of his trial strategy not to contest the DNA findings, since Applicant never denied he had a sexual encounter with Victim. Therefore, the testimony of the SLED analyst confirming Applicant's DNA was found on swabs from the rape kit was not inconsistent with Applicant's defense. Furthermore, Victim's testimony and identification of Applicant was compelling. Finally, this Court finds the trial judge made the correct ruling as to Applicant's request regarding the language of the expert-witness jury instruction, and anything else would have constituted a

comment on the facts. Therefore, Counsel was not deficient for failing to renew his request for an additional instruction. This allegation is therefore denied and dismissed.

Issue #3 – Counsel refused to allow Applicant to testify, against Applicant’s wishes.

“The right of a criminally accused to testify or not to testify is fundamental.” State v. Rivera, 402 S.C. 225, 241-42, 741 S.E.2d 694, 702-03 (2013) (citing Rock v. Arkansas, 483 U.S. 44, 52, (1987)). “Every criminal defendant is privileged to testify in his own defense, or to refuse to do so.” Id. Further, it is the defendant who retains the ultimate authority to decide whether or not to testify. United States v. McMeans, 927 F.2d 162, 163 (4th Cir. 1991) (citing Jones v. Barnes, 463 U.S. 745, 751 (1983)). Under Strickland, in order to prove ineffective assistance of counsel based on his claim Counsel prevented him from exercising his right to testify, Applicant must show both that his attorney violated his right to testify and that his testimony had a “reasonable probability” of changing the outcome. United States v. Rashaad, 249 F. App’x 972, 973 (4th Cir. 2007).

Applicant first testified he could not recall any discussions with Counsel about whether Applicant should testify. Applicant testified he asked Counsel twice about testifying, but he could not recall whether Counsel gave him any advice. Applicant further testified he did not remember whether the judge asked him if he wished to testify. Applicant later testified he did recall Counsel telling him he should not take the stand because it would allow the State to bring up Applicant’s past, which would not be good for Applicant’s case. After reviewing the trial transcript, Applicant conceded he discussed his right to testify with the trial judge, and he told the judge it was his decision not to testify.

Applicant stated if he had testified, he would have explained he was at Victim’s house that night because Victim asked him to come over, she showed him the renovations she was

doing while they smoked a few cigarettes, then they had consensual sex, and he left some time later. Applicant testified he did not see any broken glass when he was there, although the window was already broken. Applicant testified Victim had been drinking. Applicant also testified he did not see anyone else in the area when he left, and at that time, Victim appeared to be fine and had no physical injuries.

Counsel testified he and Applicant discussed Applicant's right to testify multiple times throughout the course of the representation. Counsel testified he reviewed Applicant's prior record and explained which convictions could be used against Applicant for impeachment purposes. Counsel testified he used his discussions with Applicant about the facts of the case to try to gauge how Applicant would testify and how he would react to cross-examination. Counsel explained the main issues he saw with Applicant's testimony were his inability to explain the shattered glass door and the varying reasons Applicant gave for Victim's injuries. Counsel further testified he never told Applicant he couldn't testify, but he likely did advise Applicant it was not a good idea based on Applicant's responses during their discussions and inconsistencies in Applicant's version of the facts. Counsel testified it was ultimately Applicant's decision not to testify.

This Court finds Applicant has failed to prove Counsel was deficient in his advice to Applicant regarding his right to testify. This Court finds Counsel's testimony on this issue to be credible and also finds Applicant's testimony was not credible. Applicant had no independent recollection of the facts surrounding his decision not to testify. On the other hand, Counsel testified he discussed the issue with Applicant and advised him not to testify because Applicant's version of the facts was inconsistent, and he felt Applicant did not have a good explanation for Victim's injuries or the broken sliding glass door. Counsel testified it was ultimately Applicant's

decision as to whether or not he wanted to testify. This Court has reviewed the trial transcript, which confirms Counsel's testimony and reflects the trial judge advised Applicant of his right to testify if he wished. Tr. p. 379. Applicant informed the trial judge he had made the decision not to testify. Tr. p. 379.

Further, this Court finds Applicant failed to prove prejudice because it is not reasonably likely his testimony would have changed the outcome of the case. Applicant testified his explanation for the DNA evidence would have been that he had lived in the house, and he and Victim had consensual sex on the night in question. Counsel was able to put this same information in front of the jury through cross-examination of Victim and other witnesses, as well as during closing arguments. This allegation is therefore denied and dismissed.

CONCLUSION

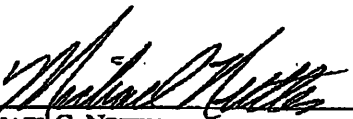
Based on all the forgoing, this Court finds and concludes Applicant has not established any constitutional violations or deprivations before or during his trial and sentencing proceedings. Counsel was not deficient, nor was Applicant prejudiced by any alleged deficiencies in Counsel's representation. Therefore, this PCR application must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty days from receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, Applicant must serve and file a notice of appeal. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. The application for post-conviction relief be denied and dismissed with prejudice; and
2. Applicant is remanded to the custody of Respondent.

AND IT IS SO ORDERED this 12 day of Dec, 2017.



MICHAEL G. NETTLES
Presiding Judge
Ninth Judicial Circuit

Florence, South Carolina.

BERKELEY COUNTY COURT OF GENERAL SESSIONS

DATE: April 22, 2013

CASE NO: 2012-GS-08-0496/500

STATE OF SOUTH CAROLINA

DEFENDANT(S): Steven Lee Morgan

CHARGE(S): Burglary 1st; CSC 1st; Kidnapping; Attempted Murder; ^{Pass. Weapon} Carrying V. Crim

ATTORNEY (S) FOR STATE: Anne Williams; Bryan Alfaro

ATTORNEY (S) FOR DEFENDANT: Chad Shelton; Keshia White

MOTIONS

State's Motion In Limine

STATE

WITNESSES:

DEFENSE

Dan Moats
Rose Lampkin
John McCurdy
PT. John Tisdale (GCPO)
Laura Brigada RN (MUSC)
Nancy Hall RN (MUSC)
Inv. Leroy Goodyear (GCPO)
Victor Mazzyck
Nicholas Powell (GCPO)

DATE: April 23, 2013

CASE NO: 2012-GS-08-0496/2500

CASE SENT TO JURY: @ 4:40 P.M.

VERDICT:

4-23-13 @ 5:55 P.M. Guilty X 5 (All Charges)

Markley Dennis

Deborah Garrison

PRESIDING JUDGE

COURT REPORTER

Ollie M. Tucker

Linda J. Hill

CLERK/DEPUTY CLERK

STRIKES

DATE: April 22, 2013

CASE NO: 2012-GS-08-0496/0500

CASE SENT TO JURY: _____

STATE

ADDITIONAL WITNESSES:

DEFENSE

Maggie Carver (GCPD)
Wendy Myers (GCPD)
Dr. Daniel Demers
Amanda Webb SLED

DATE: April 22, 2013

CASE NO: 2012-GS-08-0496/500

CASE SENT TO JURY: _____

VERDICT:

Markley Dennis

PRESIDING JUDGE

Ollie M. Tucker

CLERK/DEPUTY CLERK

Deborah Garrison

COURT REPORTER

Linda J. Hill

STRIKES

COURT

1. John G. Stokes (164)
2. Anita H. Thompson (172)
3. Karen V. Burton (16)
4. Christopher L. Veazey (177)
5. Jeffrey D. President (133)

STATE

1. Alan R. Bahadori (5)
2. George A. Mitchum (112)
3. William J. Martinez (195)
4. Frederica Cook (26)
5. Katie L. Riley (139)

1ST ALTERNATE - STATE

1. Timothy L. Thompson (174)
2. _____

2ND ALTERNATE - STATE

1. _____
2. _____

DEFENSE

1. Melissa C. Herman (73)
2. Cindi G. Marchman (100)
3. Lynn L. O'Connor (121)
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

1ST ALTERNATE - DEFENSE

1. Billie L. Dibble (39)
2. Shelby A. Bilodeau (193)

2ND ALTERNATE DEFENSE

1. _____
2. _____

DATE: _____

CASE NO: _____

CASE SENT TO JURY: _____

VERDICT:

PRESIDING JUDGE

COURT REPORTER

CLERK/DEPUTY CLERK

STRIKES

COURT

DEFENSE

6+ J.L. Hamilton (166)

1. _____

7+ Deborah E. Blum (9)

2. _____

8+ Karen A. Forbes (51)

3. _____

9+ Kyle J. Baumig (191)

4. _____

10+ Mary J. Cook (27)

5. _____

~~STATE~~ Court

6. _____

11. Bonnie J. Cassity (22)

7. _____

12. Kenneth A. Grant (40)

8. _____

13. Ashley K. Clark (23)

9. _____

4. _____

10. _____

5. _____

1ST ALTERNATE - STATE

1ST ALTERNATE - DEFENSE

1. _____

1. _____

2. _____

2. _____

2ND ALTERNATE - STATE

2ND ALTERNATE DEFENSE

1. _____

1. _____

2. _____

2. _____

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
)
) CASE NO: 2015-CP-08-2742

STEVEN MORGAN,

Applicant,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

ORDER OF CONTINUANCE

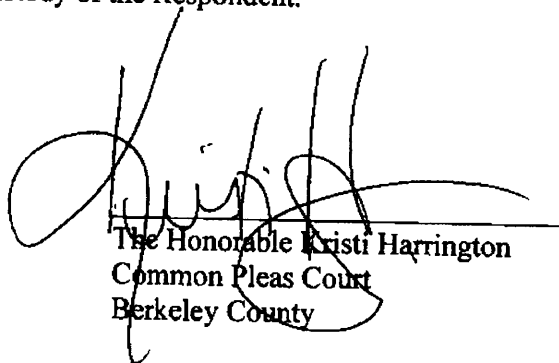
17 APR -5 AM 9:43
CLERK OF COURT
BERKELEY COUNTY, S.C.

This matter comes before the Court by way of an application for Post-Conviction Relief (PCR). An evidentiary hearing into the matter is scheduled for Tuesday, April 18, 2017, at the Berkeley County Courthouse. This Court finds that this matter should be continued until a future term of PCR matters in the Ninth Judicial Circuit.

IT IS THEREFORE ORDERED:

1. That this Post-Conviction Relief matter shall be continued and rescheduled; and
2. Applicant is remanded to the custody of the Respondent.

IT IS SO ORDERED.


The Honorable Kristi Harrington
Common Pleas Court
Berkeley County

Moffis Corner, South Carolina
April 4, 2017

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

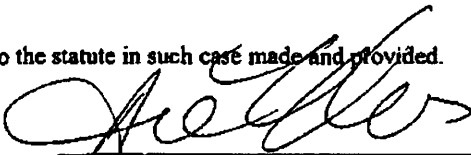
INDICTMENT

At a Court of General Sessions, convened on April 11, 2012 the Grand Jurors of Berkeley County present upon their oath:

Attempted Murder

That Steven Lee Morgan did in Berkeley County, South Carolina, on or about January 29, 2012, willfully, feloniously, and intentionally attempt to kill another person, Rose Lampkin, with malice aforethought, either expressed or implied, by means of a knife, in violation of §16-03-0029 of the South Carolina Code of Laws (1976) as amended.

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


ANNE M. WILLIAMS
ASSISTANT SOLICITOR

AMW2012-02-00160

WITNESSES

Goose Creek Police Department

Mc

AGENCY CASE NUMBER

2012-0375

ARREST WARRANT NUMBER

K002563

DATE OF ARREST

February 3, 2012

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury

Date: *4/11/12*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

574

DOCKET NO. 2012-GS-08-0499

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

April Term 2012

THE STATE

Vs

STEVEN LEE MORGAN

DOB: 1974

B/M

Indictment for

Attempted Murder

12 APR 11 PM 12:34
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

HS

IN THE COURT OF GENERAL SESSIONS
CASE NUMBER: 2012-GS-08-0499

VERDICT FORM

vs.

Steven Lee Morgan,

Defendant.

We, the Jury, by unanimous consent, find the Defendant, **STEVEN LEE MORGAN**, on the charge of **ATTEMPTED MURDER**:

X GUILTY

____ GUILTY OF LESSER INCLUDED OFFENSE OF ASSAULT
AND BATTERY OF HIGH AND AGGREGATED NATURE

____ GUILTY OF LESSER INCLUDED OFFENSE OF ASSAULT
AND BATTERY, FIRST DEGREE

NOT GUILTY


PRESIDING JUROR-Michael Fowler

Moncks Corner, South Carolina
April 23, 2013

ARREST WARRANT

K-002563

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
GOOSE CREEK

THE STATE

against

MORGAN, STEVEN LEE

Address:

DEARING, GA 30808

Phone: (843) 926-1422 SSN: [REDACTED]

Sex: M Race: B Height 5 ft. 9 in. Weight 155

DL State: GA DL#: [REDACTED]

DOB: [REDACTED] Agency OR#: SC0080300

Prosecuting Agency: Goose Creek Police Department

Prosecuting Officer: GOODYEAR, INV. L.

Offense: Attempted Murder

Offense Code: 3410

Code/Ordinance Sec. 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The Accused
is to be arrested and brought before me to be
Dealt with according to law.

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

Defendant STEVEN MORGAN

On 2/3/2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
BERKELEY CO. GENERAL SESSIONS
300 CALIFORNIA AVE.
MONCK'S CORNER, SC 29461

Court date/Time

Bond Amount

Type

OCA Number

576

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality

GOOSE CREEK

Personally appeared before me the affiant INV. L. GOODYEAR
being duly sworn deposes and says that defendant MORGAN, STEVEN LEE

did within this county and state on 1/29/2012

State of South Carolina (or ordinance of
in the following particulars:

DESCRIPTION OF OFFENSE:

Attempted Murder

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

***** See attached affidavit *****

AFFIDAVIT

Form approved by
S.C. Attorney General
April 21, 2003
-SCCA 618

who

Violate the criminal laws of the

County/ Municipality of GOOSE CREEK

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
GOOSE CREEK

Affiant's
address

519 N. GOOSE CREEK BLVD.
GOOSE CREEK, SC 29445

Affiant's Telephone 843-863-5200

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 1/29/2012 defendant MORGAN, STEVEN LEE

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of GOOSE CREEK

DESCRIPTION OF OFFENSE:

Attempted Murder

2012 FEB 2 4 PM
BERKELEY CO. CLERK OF COURT

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

Sworn to and subscribed before me

On 1-30-12

Signature of Issuing Judge

Judge Code: 6158

Judge's Address 519 N. Goose Creek Blvd.

Goose Creek, SC 29445

Judge's telephone (843) 569-4230

Issuing court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL***

BAIL set by _____
Judge _____
On _____
Type and Amount: _____
Name of Surety: _____

Judge _____

On _____

Defense Attorney: _____

Decision: _____

Judge _____
On _____
By _____
(indicate jury trial, bench trial, plea, nol. Pros, etc)
Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

ARREST WARRANT AFFIDAVIT
K-002563

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY
CITY OF GOOSE CREEK

OCA: 2012-0375

Personally appeared before me the affiant Inv. L. Goodyear who being duly sworn deposes and says that defendant Steven Lee Morgan, did within this county and state on January 29, 2012 violate the criminal laws of the State of South Carolina (or ordinance ___ County/ X Municipality of Goose Creek) in the following particulars:

DESCRIPTION OF OFFENSE: 16-03-0029 of The South Carolina Code of Laws, as amended; 1976 "Attempted Murder" I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: That on January 29, 2012 while at 107 Crystal St., which is located in the city limits of Goose Creek, South Carolina, the defendant did violate 16-03-0029 of The South Carolina Code of Laws, as amended; 1976, "Attempted Murder" to wit: The defendant Steven Lee Morgan did willfully, unlawfully, and feloniously forcibly enter the residence located at 107 Crystal Street, within the City Limits of Goose Creek, and did kidnap, forcibly rape, and attempt to kill the victim/resident while inside. The above is true and believable based upon the following facts; (1) On 01/29/2012 at approximately 0430 hours the victim/homeowner was awakened to the sound of glass breaking. (2) The victim then observed her former boyfriend, Defendant Steven Lee Morgan, running up the staircase towards her. (3) The victim was then held against her will at knifepoint, severely beaten, and sexually assaulted by the defendant. (4) The defendant did verbally threaten to kill the victim during the crime, while holding her at knife point. (5) The victim was strangled and beaten by the defendant sustaining numerous bruises, lacerations, and a transverse fracture to her right knee cap. (6) The rear sliding glass door was observed to be shattered, having shards of glass across the room ending at a large piece of wood. (7) Blood droplets were observed on the staircase leading downstairs. (8) The wall across from the staircase was damaged from the victims impact as she fell down the stairs during her attempted escape. (9) The victim did have signs of petechial hemorrhaging in both eyes and ligature marks on her wrist and ankles. (10) The victim did provide a written statement to the same, in which she identified Steven Lee Morgan as her assailant. All against the form of the statute in such case provided and against the peace and dignity of the State of South Carolina and the City of Goose Creek.

Sworn to and subscribed before me
on 1-30-12

Shirley L. Johnson
Signature of issuing Judge

RETURN

A copy of this arrest warrant was delivered to
defendant Steven Lee Morgan
on 2/3/2012

[Signature]
Signature of Constable/Law Enforcement Officer

[Signature]
Signature of Affiant

Affiants Address 519 N. Goose Creek Blvd

Goose Creek, SC 29445

Affiants Telephone 843-863-5200

2012 FEB -6 PM 2:41
CLERK OF COURT
BERKELEY COUNTY
[Signature]

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Berkeley
 STATE VS.
Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Dearing, GA 30808DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Murder Attempted MurderINDICTMENT/CASE#: 2012-GS-08-0499A/W#: K002563Date of Offense: 1/29/2012S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0029of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature]
Williams, Anne76413
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Jan 29, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) _____ \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$400ea \$

Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ 39.00TOTAL \$ 133.90

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/Deputy Clerk [Signature]
 Court Reporter: Deborah Garrison
 SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2066Sentence Date: 4/23/13

1579

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKLEY)

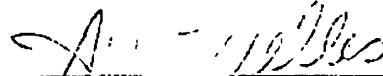
INDICTMENT

At a Court of General Sessions, convened on April 11, 2012 the Grand Jurors of Berkeley County present upon their oath:

Burglary, First Degree

That Steven Lee Morgan did in Berkeley County, South Carolina, on or about January 29, 2012, unlawfully enter the dwelling of Rose Lampkin, located at 107 Crystal Street, Goose Creek without consent and with the intent to commit a crime therein, to wit; rape and/or assault and battery; and either: armed himself with a deadly weapon and/or caused physical injury to a person who was not a participant in the crime; and/or displayed what was or appeared to be a knife, and/or the entering or remaining occurred in the nighttime. This is in violation of Section 16-11-311 of the South Carolina Code of Laws (1976) as amended.

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



ANNE M. WILLIAMS
ASSISTANT SOLICITOR

AMW2012-02-00160

WITNESSES

Goose Creek Police Department

AGENCY CASE NUMBER

2012-0375

ARREST WARRANT NUMBER

K002560

DATE OF ARREST

February 3, 2012

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 4/11/12

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012-GS-08-0496

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

April Term 2012

THE STATE

Vs

STEVEN LEE MORGAN

DOB: 1974

B/M

Indictment for

Burglary, First Degree

12 APR 11 PM 12:34
MARY T. FRANKS
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

11/11/12

82

BAIL set by

Judge _____

On _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY

Judge _____

On _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

On _____

By _____

(indicate jury trial, bench trial, plea, nol. Pros, etc)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

ARREST WARRANT AFFIDAVIT
K-002560

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY
CITY OF GOOSE CREEK

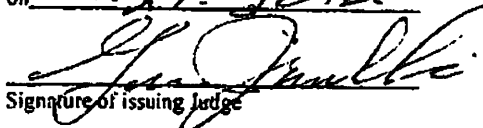
OCA: 2012-0375

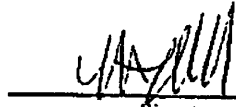
Personally appeared before me the affiant Inv. Nicholas Powell who being duly sworn deposes and says that defendant Steven Lee Morgan, did within this county and state on January 29, 2012 violate the criminal laws of the State of South Carolina (or ordinance ___ County/ X Municipality of Goose Creek) in the following particulars:

DESCRIPTION OF OFFENSE: 16-11-311 of The South Carolina Code of Laws, as amended; 1976 "Burglary 1" degree"

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: That on January 29, 2012 while at 107 Crystal St., which is located in the city limits of Goose Creek, South Carolina, the defendant did violate 16-11-311 of The South Carolina Code of Laws, as amended; 1976, "Burglary 1" degree" to wit; That the defendant, Steven Lee Morgan, did willfully, unlawfully, knowingly, feloniously, and forcibly enter 107 Crystal St. at approximately 0400 hours without consent and brutally raped Victim Rose Lampkin. The above facts are true and believable based on an investigation conducted by the affiant Inv. Nicholas Powell; 1.) On January 29, 2012, Defendant Steven Lee Morgan made forced entry into 107 Crystal St. at approximately 0400 hours through the rear glass door of the residence utilizing a wooden log. 2.) Victim Rose Lampkin exited her bedroom on the second story of the residence and observed Defendant Steven Lee Morgan charging up the stairs. 3.) Defendant Steven Lee Morgan forced Victim Rose Lampkin into her bedroom where he forced her onto the bed and restrained her hands and feet utilizing coat hangers and towels. 4.) Defendant Steven Lee Morgan then forcefully and brutally raped Victim Rose Lampkin. 5.) Defendant Steven Lee Morgan held a knife against her throat during the commission of the rape and threatened to kill her. 6.) Victim Rose Lampkin was brutally beaten during the rape and had several lacerations about her neck and a broken knee. 7.) Defendant Steven Lee Morgan later fled the residence and used Victim Rose Lampkin's vehicle. 8.) Victim Rose Lampkin positively identified Steven Lee Morgan as the assailant and he is Victim Rose Lampkin's ex-boyfriend. All against the form of the statute in such case provided and against the peace and dignity of the City of Goose Creek and the State of South Carolina.

Sworn to and subscribed before me
on 1-29-2012


Signature of issuing Judge


Signature of Affiant

Affiant's Address 519 N. Goose Creek Blvd

Goose Creek, SC 29445

Affiant's Telephone 843-863-5200

RETURN

A copy of this arrest warrant was delivered to
defendant Steven Lee Morgan
on _____

Signature of Constable/Law Enforcement Officer

FILED
GOOSE CREEK
COUNTY
FEB -6 PM 2:39
2012

IN THE COURT OF GENERAL SESSIONS
CASE NUMBER: 2012-GS-08-0496

VERDICT FORM

Defendant.

X GUILTY

 NOT GUILTY


PRESIDING JUROR-Michael Fowler

585

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: [REDACTED] SS#: [REDACTED]

Address:

City/State/Zip: Dearing, GA 30808

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Burglary, 1st degree

INDICTMENT/CASE#: 2012-GS-08-0496

A/W#: K002560

Date of Offense: 1/29/2012

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ § 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Williams, Anne

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. JAN 29, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. or Job Corp. _____

Recipient:

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

*Fine:

§ 14-1-206 (Assessments 107.5%)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCA Surcharge)

3% to County (if paid in installments)

TOTAL

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

586

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

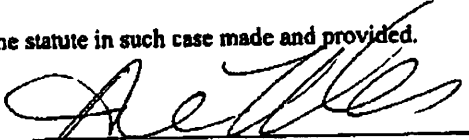
INDICTMENT

At a Court of General Sessions, convened on April 11, 2012 the Grand Jurors of Berkeley County present upon their oath:

Kidnapping

That Steven Lee Morgan did in Berkeley County, South Carolina, on or about January 29, 2012, unlawfully seize, confine, inveigle, decoy, kidnap, abductor carry away one Rose Lampkin, without authority of law, in violation of Section 16-03-910 of the South Carolina Code of Laws (1976) as amended.

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


ANNE M. WILLIAMS
ASSISTANT SOLICITOR

AMW2012-02-00160

WITNESSES

Goose Creek Police Department

7/12/12

AGENCY CASE NUMBER

2012-0375

ARREST WARRANT NUMBER

K002562

DATE OF ARREST

February 3, 2012

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: 4/11/12

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012-GS-08-0498

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

April Term 2012

THE STATE

Vs

STEVEN LEE MORGAN

DOB: 1974

B/M

Indictment for

Kidnapping

12 APR 11 PM 12:34
MARY P. LUDWIG
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

[Handwritten initials]

ARREST WARRANT
K-002562
STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of
GOOSE CREEK

THE STATE

against

MORGAN, STEVEN LEE

Address: [REDACTED]

DEARING, GA 30808

Phone: (843) 926-1422 SSN: [REDACTED]

Sex: M Race: B Height 5 ft. 9 in. Weight 155

DL State: GA DL#: [REDACTED]

DOB: [REDACTED] Agency ORI#: SC0080300

Issuing Agency: Goose Creek Police Department

Prosecuting Officer: GOODYEAR, INV. L.

Offense: Kidnapping

Offense Code: 95

Code/Ordinance Sec. 16-03-0910

This warrant is **CERTIFIED FOR SERVICE** in the

☐ County/ ☐ Municipality of

The Accused
is to be arrested and brought before me to be
Dealt with according to law.

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant **STEVEN MORGAN**

On **2/3/2012**

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
BERKELEY CO. GENERAL SESSIONS
300 CALIFORNIA AVE.
MONCK'S CORNER, SC 29461

Court date/Time _____

Bond Amount _____ Type _____

OCA Number _____

686

STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality
GOOSE CREEK

Personally appeared before me the affiant **INV. L. GOODYEAR** who
being duly sworn deposes and says that defendant **MORGAN, STEVEN LEE**
did within this county and state on **1/29/2012** Violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of **GOOSE CREEK**)
in the following particulars:

DESCRIPTION OF OFFENSE:

Kidnapping

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

***** SEE ATTACHED AFFIDAVIT *****

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
GOOSE CREEK

Affiant's
address

519 N. GOOSE CREEK BLVD.
GOOSE CREEK, SC 29445

Affiant's Telephone **843-863-5200**

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on **1/29/2012** defendant **MORGAN, STEVEN LEE**
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of **GOOSE CREEK**) as set forth below:

DESCRIPTION OF OFFENSE:

Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this arrest warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

On **1-30-12**

Signature of Issuing Judge

Judge Code: **6158**

Judge's Address **519 N. Goose Creek Blvd.**
Goose Creek, SC 29445

Judge's telephone **(843) 569-4230**

Issuing court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL***

BAIL set by

Judge W. J. [unclear]
On 14 Feb 1962
Type and Amount: 2500.00 Bail Sum
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
On _____
Defense Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
On _____
By _____
(indicate jury trial, bench trial, plea, nol. Pros, etc)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

ARREST WARRANT AFFIDAVIT
K-002562

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY
CITY OF GOOSE CREEK

OCA: 2012-0375

Personally appeared before me the affiant Inv. L. Goodyear who being duly sworn deposes and says that defendant Steven Lee Morgan, did within this county and state on January 29, 2012 violate the criminal laws of the State of South Carolina (or ordinance County/ X Municipality of Goose Creek) in the following particulars:

DESCRIPTION OF OFFENSE: 16-03-0910 of The South Carolina Code of Laws, as amended;
1976 "Kidnapping" I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: That on January 29, 2012 while at 107 Crystal St., which is located in the city limits of Goose Creek, South Carolina, the defendant did violate 16-03-0910 of The South Carolina Code of Laws, as amended; 1976, "Kidnapping" to wit; The defendant Steven Lee Morgan did willfully, unlawfully, and feloniously forcibly enter the residence located at 107 Crystal Street, within the City Limits of Goose Creek, and did kidnap, forcibly rape, and attempt to kill the victim/resident while inside. The above is true and believable based upon the following facts; (1) On 01/29/2012 at approximately 0430 hours the victim/homeowner was awakened to the sound of glass breaking. (2) The victim then observed her former boyfriend, Defendant Steven Lee Morgan, running up the staircase towards her. (3) The victim was then held against her will at knifepoint, severely beaten, and sexually assaulted by the defendant. (4) The defendant did verbally threaten to kill the victim during the crime, while holding her at knife point. (5) The victim was strangled and beaten by the defendant sustaining numerous bruises, lacerations, and a transverse fracture to her right knee cap. (6) The rear sliding glass door was observed to be shattered, having shards of glass across the room ending at a large piece of wood. (7) Blood droplets were observed on the staircase leading downstairs. (8) The wall across from the staircase was damaged from the victims impact as she fell down the stairs during her attempted escape. (9) The victim did have signs of petechial hemorrhaging in both eyes and ligature marks on her wrist and ankles. (10) The victim did provide a written statement to the same, in which she identified Steven Lee Morgan as her assailant. All against the form of the statute in such case provided and against the peace and dignity of the State of South Carolina and the City of Goose Creek.

Sworn to and subscribed before me
on 1-30-12

Shirley L. Johnson
Signature of issuing Judge

[Signature]
Signature of Affiant

Affiants Address 519 N. Goose Creek Blvd
Goose Creek, SC. 29445

Affiants Telephone 843-861-5200

RETURN

A copy of this arrest warrant was delivered to
defendant Steven Lee Morgan
on 2/3/12

[Signature]
Signature of Constable/Law Enforcement Officer

CLERK OF COURT
BERKELEY COUNTY

2012 FEB -6 PM 2:41

IN THE COURT OF GENERAL SESSIONS
CASE NUMBER: 2012-GS-08-0498

VERDICT FORM

Steven Lee Morgan,

Defendant.

X GUILTY

 NOT GUILTY


PRESIDING JUROR-Michael Fowler

592

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: SS#

Address:

City, State, Zip: Dearing, GA 30808

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-08-0498

A/W#: K002562

Date of Offense: 1/29/2012

S.C. Code § 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Williams, Anne

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Jan 29, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$	
\$	
\$	100.00
\$	
\$	
\$	
\$	
\$	85.00
\$	
\$	
\$	
\$	5.00
\$	
\$	39.00
\$	133.90

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

5193

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

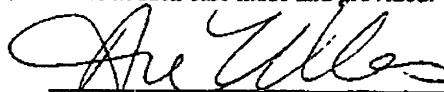
INDICTMENT

At a Court of General Sessions, convened on April 11, 2012 the Grand Jurors of Berkeley County present upon their oath:

Criminal Sexual Conduct, First Degree

That Steven Lee Morgan did in Berkeley County, South Carolina, on or about January 29, 2012, commit a sexual battery upon the victim, Rose Lampkin, without consent, and with the use of aggravated force, to wit: penile genital penetration; all in violation of Section 16-3-652, Code of Laws of South Carolina, (1976, as amended).

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



ANNE WILLIAMS
ASSISTANT SOLICITOR

ARREST WARRANT

K-002561

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
GOOSE CREEK

THE STATE

against

MORGAN, STEVEN LEE

Address:

DEARING, GA 30808

Phone: (843) 926-1422

SSN:

Sex: M Race: B Height 5 ft. 9 in. Weight 155

Date: GA DL#:

D.O.B.: Agency ORID: SC0080300

Prosecuting Agency: Goose Creek Police Department

Prosecuting Officer: GOODYEAR, INV. L.

Offense: Criminal Sexual Conduct - 1st Degree

Offense Code: 160

Code/Ordinance Sec. 16-03-0652

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The Accused
is to be arrested and brought before me to be
Dealt with according to law.

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Steven Morgan

On 2/3/2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
BERKELEY CO. GENERAL SESSIONS
300 CALIFORNIA AVE.
MONCK'S CORNER, SC 29461

Court date/Time

Bond Amount Type

OCA Number

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality

GOOSE CREEK

Personally appeared before me the affiant INV. L. GOODYEAR

being duly sworn deposes and says that defendant MORGAN, STEVEN LEE

did within this county and state on 1/29/2012

State of South Carolina (or ordinance of

County/

Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE:

Criminal Sexual Conduct - 1st Degree

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

***** See attached affidavit *****

AFFIDAVIT

Form approved by
S.C. Attorney General
April 21, 2003
SCCA 618

who

Violate the criminal laws of the

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
GOOSE CREEK
Affiant's
address

519 N. GOOSE CREEK BLVD.

GOOSE CREEK, SC 29445

Affiant's Telephone 843-863-5200

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 1/29/2012 defendant MORGAN, STEVEN LEE

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of
GOOSE CREEK

DESCRIPTION OF OFFENSE:

Criminal Sexual Conduct - 1st Degree

as set forth below:

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this arrest warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

On 1-29-12

Signature of Issuing Judge

Judge Code: 6158

Judge's Address 519 N. Goose Creek Blvd.

Goose Creek, SC 29445

Judge's telephone (843) 569-4230

Issuing court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL***

595

Judge _____

On 1-25-22

Type and Amount: 20,000/-

Name of Surety: _____

Judge _____

On _____

Defense Attorney: _____

Decision: _____

Judge _____

On _____

By _____

(indicate jury trial, bench trial, plea, nol. Pros, etc)

Disposition: _____

Sentence: _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

CODEFENDANTS

ARREST WARRANT AFFIDAVIT
K-002561

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY
CITY OF GOOSE CREEK

OCA: 2012-0375

Personally appeared before me the affiant **Inv. L. Goodyear** who being duly sworn deposes and says that defendant **Steven Lee Morgan**, did within this county and state on **January 29, 2012** violate the criminal laws of the State of South Carolina (or ordinance County/ X Municipality of Goose Creek) in the following particulars:

DESCRIPTION OF OFFENSE: 16-03-0652 of The South Carolina Code of Laws, as amended; 1976 "Criminal Sexual Conduct 1st degree" I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: That on **January 29, 2012** while at **107 Crystal St.**, which is located in the city limits of **Goose Creek, South Carolina**, the defendant did violate **16-03-0652 of The South Carolina Code of Laws, as amended; 1976, "Criminal Sexual Conduct 1st degree"** to wit; The defendant **Steven Lee Morgan** did willfully, unlawfully, and feloniously forcibly enter the residence located at **107 Crystal Street**, within the City Limits of **Goose Creek**, and did kidnap, forcibly rape, and attempt to kill the victim/resident while inside. The above is true and believable based upon the following facts; (1) On **01/29/2012** at approximately **0430** hours the victim/homeowner was awakened to the sound of glass breaking. (2) The victim then observed her former boyfriend, Defendant **Steven Lee Morgan**, running up the staircase towards her. (3) The victim was then held against her will at knifepoint, severely beaten, and sexually assaulted by the defendant. (4) The defendant did verbally threaten to kill the victim during the crime, while holding her at knife point. (5) The victim was strangled and beaten by the defendant sustaining numerous bruises, lacerations, and a transverse fracture to her right knee cap. (6) The rear sliding glass door was observed to be shattered, having shards of glass across the room ending at a large piece of wood. (7) Blood droplets were observed on the staircase leading downstairs. (8) The wall across from the staircase was damaged from the victims impact as she fell down the stairs during her attempted escape. (9) The victim did have signs of petechial hemorrhaging in both eyes and ligature marks on her wrist and ankles. (10) The victim did provide a written statement to the same, in which she identified **Steven Lee Morgan** as her assailant. All against the form of the statute in such case provided and against the peace and dignity of the State of South Carolina and the City of Goose Creek.

Sworn to and subscribed before me
on 1-30-12


Signature of Affiant


Signature of issuing Judge

Affiants Address 519 N. Goose Creek Blvd

Goose Creek, SC 29445

Affiants Telephone 843-861-5200

RETURN

A copy of this arrest warrant was delivered to
defendant **Steven Lee Morgan**
on 2/3/2012


Signature of Constable/Law Enforcement Officer

FILED
FEB -6 PM 2:41
COUNTY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Berkeley
STATE VS.Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Dearing, GA 30808DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct - 1st DegreeINDICTMENT/CASE#: 2012-GS-08-0497A/W#: K002561Date of Offense: 1/29/2012S.C. Code §: 16-03-0652CDR Code #: 0160

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Williams, Anne76463
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Jan 29, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL:	\$	\$ 133.90

Clerk of Court/Deputy Clerk

Court Reporter: Deborah Turner

SCCA217 (03/2011)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2065Sentence Date: 4/23/13

21598

IN THE COURT OF GENERAL SESSIONS
CASE NUMBER: 2012-GS-08-0497

VERDICT FORM

vs.

Defendant.

~~X~~ GUILTY

 NOT GUILTY


PRESIDING JUROR-Michael Fowler

599

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

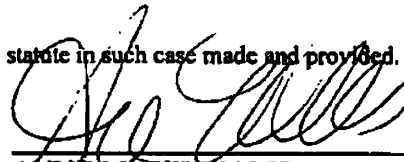
INDICTMENT

At a Court of General Sessions, convened on April 11, 2012 the Grand Jurors of Berkeley County present upon their oath:

Possession of a Knife During the Commission of a Violent Crime

That Steven Lee Morgan did in Berkeley County, South Carolina, on or about January 29, 2012, possess a knife or visibly display what appeared to be a knife during the commission, or attempted commission, of attempted murder, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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



ANNE M. WILLIAMS
ASSISTANT SOLICITOR

AMW2012-02-00160

WITNESSES

Goose Creek Police Department

mc

AGENCY CASE NUMBER

2012-0375

ARREST WARRANT NUMBER

K002564

DATE OF ARREST

February 3, 2012

ACTION OF GRAND JURY

True Bill

R. H. Hester
Foreperson of Grand Jury
Date: 4/11/12

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2012-GS-08-0500

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

April Term 2012

THE STATE

Vs

STEVEN LEE MORGAN

DOB: 1974

B/M

Indictment for

Possession of a Knife During the
Commission of a Violent Crime

12 APR 11 PM 12:34
MARY P. LEWIS
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED *NS*

ARREST WARRANT

K-002564

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
GOOSE CREEK

THE STATE

against

MORGAN, STEVEN LEE

Address:

DEARING, GA 30808

Phone: (843) 926-1422

SSN:

Sex: M Race: B Height 5 ft. 9 in. Weight 155

DL State: GA DL#:

DOB: Agency ORI#: SC0080300

Prosecuting Agency: Goose Creek Police Department

Prosecuting Officer: GOODYEAR, INV. L.

Offense: Poss. Weapon During Violent Crime

Offense Code: 549

Code/Ordinance Sec. 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The Accused

is to be arrested and brought before me to be
Dealt with according to law.

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

Defendant: STEVEN MORGAN

On 2/3/2012

Signature of Constable/Law Enforcement Officer

 RETURN WARRANT TO:
BERKELEY CO. GENERAL SESSIONS
300 CALIFORNIA AVE.
MONCK'S CORNER, SC 29461

Court date/Time

Bond Amount Type

OCA Number

602

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality

GOOSE CREEK

Personally appeared before me the affiant INV. L. GOODYEAR

being duly sworn deposes and says that defendant MORGAN, STEVEN-LEE

did within this county and state on

1/29/2012

State of South Carolina (or ordinance of

County/

Municipality of

GOOSE CREEK

in the following particulars:

DESCRIPTION OF OFFENSE:

Poss. Weapon During Violent Crime

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

***** See attached affidavit *****

Signature of Affiant

STATE OF SOUTH CAROLINA

Affiant's

address

519 N. GOOSE CREEK BLVD.

GOOSE CREEK, SC 29445

☐ County/ ☐ Municipality of
GOOSE CREEK

Affiant's Telephone

843-863-5200

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that

on 1/29/2012

defendant

MORGAN, STEVEN LEE

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of

GOOSE CREEK

DESCRIPTION OF OFFENSE:

Poss. Weapon During Violent Crime

 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

On 1-20-12

Signature of Issuing Judge

Judge Code: 6158

Judge's Address

519 N. Goose Creek Blvd.

Goose Creek, SC 29445

Judge's telephone

(843) 569-4230

Issuing court:

☐ Magistrate

☒ Municipal

☐ Circuit

ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL*** ORIGINAL***

BAIL set by

Judge 10-1-11

On 4-2-12

Type and Amount: 250,000 S.B.

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

On _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

On _____

By _____

(indicate jury trial, bench trial, plea, nol. Pros, etc)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

Name: _____

Address: _____

Telephone _____

CODEFENDANTS

ARREST WARRANT AFFIDAVIT
K-002564

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY
CITY OF GOOSE CREEK

OCA: 2012-0375

Personally appeared before me the affiant Inv. L. Goodyear who being duly sworn deposes and says that defendant Steven Lee Morgan, did within this county and state on January 29, 2012 violate the criminal laws of the State of South Carolina (or ordinance County/ X Municipality of Goose Creek) in the following particulars:

DESCRIPTION OF OFFENSE: 16-23-0490 of The South Carolina Code of Laws, as amended; 1976 "Possession of a weapon During a Violent Crime" I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: That on January 29, 2012 while at 107 Crystal St., which is located in the city limits of Goose Creek, South Carolina, the defendant did violate 16-23-0490 of The South Carolina Code of Laws, as amended; 1976, "Possession of a Weapon during a Violent Crime" to wit; The defendant Steven Lee Morgan did willfully, unlawfully, and feloniously forcibly enter the residence located at 107 Crystal Street, within the City Limits of Goose Creek, and did kidnap, forcibly rape, and attempt to kill the victim/resident while inside. The above is true and believable based upon the following facts; (1) On 01/29/2012 at approximately 0430 hours the victim/homeowner was awakened to the sound of glass breaking. (2) The victim then observed her former boyfriend, Defendant Steven Lee Morgan, running up the staircase towards her. (3) The victim was then held against her will at knifepoint, severely beaten, and sexually assaulted by the defendant. (4) The defendant did verbally threaten to kill the victim during the crime, while holding her at knife point. (5) The victim was strangled and beaten by the defendant sustaining numerous bruises, lacerations, and a transverse fracture to her right knee cap. (6) The rear sliding glass door was observed to be shattered, having shards of glass across the room ending at a large piece of wood. (7) Blood droplets were observed on the staircase leading downstairs. (8) The wall across from the staircase was damaged from the victims impact as she fell down the stairs during her attempted escape. (9) The victim did have signs of petechial hemorrhaging in both eyes and ligature marks on her wrist and ankles. (10) The victim did provide a written statement to the same, in which she identified Steven Lee Morgan as her assailant. All against the form of the statute in such case provided and against the peace and dignity of the State of South Carolina and the City of Goose Creek.

Sworn to and subscribed before me
on 1-29-12

Whitney L. Johnson
Signature of issuing Judge

[Signature]
Signature of Affiant

Affiants Address 519 N. Goose Creek Blvd

Goose Creek, SC 29445

Affiants Telephone 843-863-5200

RETURN

A copy of this arrest warrant was delivered to
defendant Steven Lee Morgan

on 2/3/2012
[Signature]
Signature of Constable/Law Enforcement Officer

FILED
CLERK OF COURT
BERKELEY COUNTY
2012 FEB -6 PM 2:41

IN THE COURT OF GENERAL SESSIONS
CASE NUMBER: 2012-GS-08-0500

VERDICT FORM

VS.

Defendant.

X GUILTY

 NOT GUILTY


PRESIDING JUROR-Michael Fowler

605

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: SS#:

Address:

City, State, Zip: Dearing, GA 30808

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Possession of a Firearm or Knife During Commission of a Violent Crime

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Williams, Anne

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 2012 GS-08-0496☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)	\$	\$3.90
TOTAL		\$133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-08-0500

A/W#: K002564

Date of Offense: 1/29/2012

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

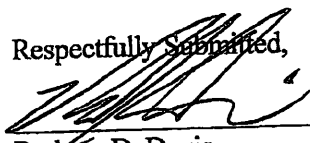
STATE OF SOUTH CAROLINA	)	IN THE SUPREME COURT OF SOUTH CAROLINA
	)	
COUNTY OF BERKELEY	)	Case #: 2015-CP-08-2742
	)	
STEVEN L. MORGAN,	)	
	)	
Applicant.	)	REQUEST FOR REPRESENTATION ON APPEAL
	)	
-versus-	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

On behalf of the request of the above-named Applicant, to be represented by the South Carolina Commission of Indigent Defense, Appellate Division (SCCID), the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the Applicant-Appellant in the above captioned case. The Applicant-Appellant was in custody during and taken into custody immediately following the Post Conviction Relief (PCR) hearing and was not available to personally sign this request;
2. The Applicant-Appellant was represented by the undersigned attorney as an indigent, pursuant to a contract with the SCCID;
3. The Applicant-Appellant has been informed that he may request assistance from the SCCID Appellate Division in perfecting his appeal;
4. A timely Notice of Intent to Appeal has been filed on the Applicant-Appellant's behalf;
5. The Applicant-Appellant has been informed that nothing requires SCCID Appellate Division to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the Applicant-Appellant requests the aid of the SCCID Appellate Division in perfecting his appeal to the South Carolina Court of Appeals.

Respectfully Submitted,



Rodney D. Davis
South Carolina Bar #: 12396

Charleston, South Carolina.
January 17, 2018

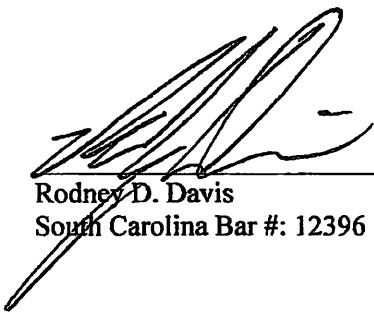
STATE OF SOUTH CAROLINA)

COUNTY OF BERKELEY)

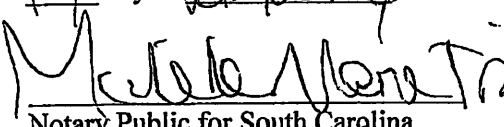
CASE #: 2015-CP-08-2742

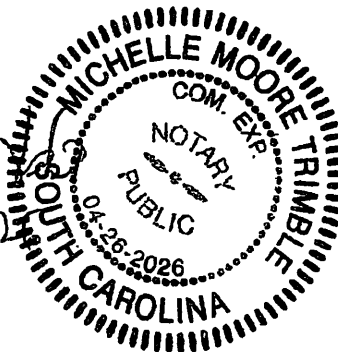
VERIFICATION

PERSONALLY appeared before me, Rodney D. Davis, being first duly sworn, deposes and says that he has read the foregoing *Request for Representation on Appeal* to be filed on behalf of the Applicant-Appellant, **Steven L. Morgan**, and the same is true of his knowledge except those matters alleged on information and belief, and as to those matters, he believes them to be true.


Rodney D. Davis
South Carolina Bar #: 12396

SWORN to and subscribed to me this
13 day of January, 2018.


Notary Public for South Carolina
My Commission expires 12/26/2021



THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles

Case #: 2015-CP-08-2742

Steven L. Morgan,

Appellant.

v.

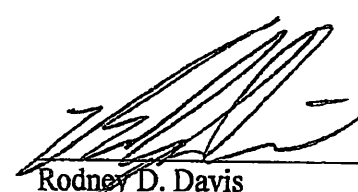
State of South Carolina,

Respondent.

NOTICE OF APPEAL

Steven L. Morgan appeals the denial of his Post-Conviction Relief application in this case. The Application for relief was denied, following an evidentiary hearing before the Honorable Michael G. Nettles on August 1, 2017. Counsel for the Appellant received the filed Order of Dismissal on or about January 8, 2018.

January 17, 2018


Rodney D. Davis

400 Faber Place Drive, Suite 300

Charleston, SC 29405

(843) 323-4353

Davis@LowcountryLawOffice.com

Attorney for Appellant

Other Counsel of Record:

Lindsey A. McCallister, Assistant Attorney General
Office of the Attorney General, State of South Carolina
P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

2018 JAN 22 AM 11:17
FILED
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY S.C.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles

Case #: 2015-CP-08-2742

Steven L. Morgan,

Appellant.

v.

State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy, via US Mail, to the address of record, Lindsey A. McCallister, P.O. Box 11549, Columbia, South Carolina 29211-1549, on January 17, 2018.

January 17, 2018



Michelle Moore Trimble
Paralegal to Rodney D. Davis
4000 Faber Place Drive, Suite 300
Charleston, SC 29405
(843) 323-4353
Davis@LowcountryLawOffice.com
Attorney for Appellant

Other Counsel of Record:
Lindsey A. McCallister, Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
Attorney for Respondent

2018 JAN 22 AM 11:17
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY S.C.



610

20 12 GS-08-500

COUNTY OF BERKELEY)

NINTH JUDICIAL CIRCUIT

CLERK OF COURT
BRADLEY COUNTY

23 MAR -7 PM 1:06

STATE OF SOUTH CAROLINA

2012 GS 08 0497

2012 GS 08 0498

2012 GS 08 0499

2012 GS 08 0500

-VERSUS-

Steven Morgan
Defendant.

Please take notice that the State moves to prohibit any reference or line of inquiry by counsel regarding prior sexual activity concerning the victim, reference shall include, but is not limited to: any inquiry by counsel and/or any references by counsel during summation, argument, or witness examination which alleges any specific instances of prior sexual activity.

Respectfully submitted,

Anne Williams
Assistant Solicitor

11/11/11



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) 734-1230
Facsimile: (803) 734-1297

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

January 2, 2014

Linda Hill
Berkeley County Clerks Office

Re: The State v. Steven Lee Morgan
12-GS-08-00496 thru 00500

Dear Ms. Hill:

Our office is representing the above individual in their appeal to the Court of Appeals. In order to properly prepare the appeal, we are asking you for copies of the following documents:

- (1) The State's Exhibits #s 1-76, #s 77-85; ^{Sub L 0505 wood} #93, #98, and #s 100-104 (please see attached for descriptions) from the hearings held April 19th-23rd 2013;
- (2) The Defense Exhibits #s 1-8 (all) from the hearings held April 19th-23rd 2013, (please see attached for descriptions);
- (3) The Courts Exhibits #s 1-3 from the hearings held April 19th-23rd 2013;

If you have any questions, please do not hesitate to contact me. Thank you in advance for your kind assistance in this matter.

Sincerely,

Jared Lamprey
Administrative Specialist

FILED
14 JAN -2 AM 11:25
CLERK OF COURT
BERKELEY COUNTY, SC

State v. Steven Lee Morgan
Case No. 12-GS-08-0496-0500
Jury Trial of April 19-23, 2013
Before The Honorable R. Markley Dennis, Jr.

4

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STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # 15193-05-456

Circle One
Common Pleas
Family Court
General Sessions

Annex
Floor

Plaintiff(s) State

vs. Defendant(s) Steven Morgan

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ ① Photo	✓ 1 Randolph statement	✓ 1 Defendant's record
✓ 2 Photo	✓ 2 Bookings photo for 4/18/05	✓ 2 Stipulation
✓ 3 Photo	✓ 3 Photo of Steven Morgan	✓ 3 Jury note asking for law
✓ ④ Photo	✓ 4 Photo	4
✓ ⑤ Photo	✓ 5 Photo	5 FILED
✓ 6 Photo	✓ 6 Photo	6 APR 23 2013 CASE NO. MARY P. BROWN CLERK OF COURT BERKELEY COUNTY, SC
✓ ⑦ Photo	✓ 7 Photo	7
✓ ⑧ Photo	✓ 8 Photo	8
✓ ⑨ Photo	9	9
✓ ⑩ Photo	10	10

Court Reporter

Clerk of Court

Linda J. Hill 4-23-13

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # 13-2011-440

Circle One
Common Pleas
Family Court
General Sessions

*Annex
Floor*

Plaintiff(s)

vs.

Defendant(s)

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ 111 Photo

1

1

✓ 112 Photo

2

2

✓ 113 Photo

3

3

✓ 114 Photo

4

4

✓ 115 Photo

5

5

FILED

✓ 116 Photo

6

6

APR 23 2013

CASE NO.
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

✓ 117 Photo

7

7

✓ 118 Photo

8

8

✓ 119 Photo

9

9

✓ 200 Photo

10

10

Court
Reporter

Clerk of Court *Linda J. Hill 4-23-13*

616

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Case # _____

EXHIBITS

Circle One
Common Pleas
Family Court
General Sessions.

*Annex
Floor*

Plaintiff(s) _____

vs.

Defendant(s) _____

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ 211 Photo

1

1

✓ 222 Photo

2

2

✓ 23 Photo

3

3

✓ 244 Photo

4

4

✓ 253 Photo

5

5

FILED

✓ 266 Photo

6

6

APR 23 2013

CASE _____ NO _____
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

✓ 277 Photo

7

7

✓ 288 Photo

8

8

✓ 299 Photo

9

9

✓ 300 Photo

10

10

Court

Reporter _____

Clerk of Court

Linda J. Hill

4-23-13

4/23/13 @ 4:10

617

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # _____

Circle One
Common Pleas
Family Court
General Sessions

*Annex
Floor*

Plaintiff(s) _____

vs.

Defendant(s) _____

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ 131 Photo	1	1
✓ 132 Photo	2	2
✓ 133 Photo	3	3
✓ 134 Photo	4	4
✓ 135 Photo	5	5
✓ 136 Photo	6	6
✓ 137 Photo	7	7
✓ 138 Photo	8	8
✓ 139 Photo	9	9
✓ 140 Photo	10	10

FILED

APR 23 2013

CASE NO.
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Court
Reporter

Clerk of Court *Linda J. Hill 4-23-13*

W. J. Hill

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # 4-23-13

Circle One
Common Pleas
Family Court
General Sessions

Annex
Floor

Plaintiff(s) [Signature]
vs.
Defendant(s) [Signature]

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ 1 Photo

1

1

✓ 2 Photo

2

2

✓ 3 Photo

3

3

✓ 4 Photo

4

4

✓ 5 Photo

5

5

FILED

✓ 6 Photo

6

6

APR 23 2013

CASE NO.
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

✓ 7 Photo

7

7

✓ 8 Photo

8

8

✓ 9 Photo

9

9

✓ 10 Photo

10

10

Court Reporter [Signature]

Clerk of Court Linda J. Hall 4-23-13

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Case # _____

EXHIBITS

Circle One
Common Pleas
Family Court
General Sessions

*Annex
Floor 1*

Plaintiff(s) _____
vs.
Defendant(s) _____

PLAINTIFF'S EXHIBITS	DEFENDANT'S EXHIBITS	COURT'S EXHIBITS
571 Photo	1	1
572 Photo	2	2
573 Photo	3	3
574 Photo	4	4
575 Photo	5	5
576 Photo	6	6
577 Photo	7	7
578 Photo	8	8
579 Photo	9	9
580 Photo	10	10

FILED

APR 23 2013

CASE _____ NO _____
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Court Reporter _____
Clerk of Court *Linda J. Hill 4-23-13*

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # _____

Circle One
Common Pleas
Family Court
General Sessions

*Anney
Floer*

Plaintiff(s) _____
vs.
Defendant(s) _____

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ (51) Photo	1	1
✓ (62) Photo	2	2
✓ (63) Photo	3	3
✓ (64) Photo	4	4
✓ (65) Photo	5	5
✓ (66) Photo	6	6
✓ (67) Photo	7	7
✓ 688 Photo	8	8
✓ 699 Photo	9	9
✓ 7010 Photo	10	10

FILED

APR 23 2013

CASE NO
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Court Reporter _____

Clerk of Court *Linda J. Hill* 4-23-13

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # _____

Circle One
Common Pleas
Family Court
General Sessions

*Annex
Floor*

Plaintiff(s) _____

vs.

Defendant(s) _____

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ 11 photo	1	1
✓ 12 photo knee	2	2
✓ 13 photo	3	3
✓ 14 photo	4	4
✓ 15 photo	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10

FILED

APR 23 2013

CASE NO.
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Court
Reporter

Clerk of Court *Linda J. Hall 4-23-13*

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # _____

Circle One
Common Pleas
Family Court
General Sessions

Annex Floor

Plaintiff(s) _____

vs. _____

Defendant(s) _____

PLAINTIFF'S EXHIBITS	DEFENDANT'S EXHIBITS	COURT'S EXHIBITS
<i>✓ 16 1 Photo</i>	1	1
<i>17 2 sketch floorplan</i>	2	2
<i>18 3 diagram knee</i>	3	3
<i>19 4 Photo</i>	4	4
<i>20 5 Photo</i>	5	5
<i>21 6 Photo</i>	6	6
<i>22 7 Photo</i>	7	7
<i>23 8 Photo</i>	8	8
<i>✓ 24 9 Photo</i>	9	9
<i>25 10 Photo</i>	10	10

FILED

APR 23 2013

CASE NO.
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Court Reporter _____

Clerk of Court *Linda J. Hill 4-23-13*

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # _____

Circle One
Common Pleas
Family Court
General Sessions

Anne
7 floor

Plaintiff(s) _____

vs.

Defendant(s) _____

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

✓ Evidence bag w/
✓ 88 Green condoms, jockeys

1

1

✓ Evidence bag
✓ 89 w clothes hangers

2

2

✓ Evidence bag
✓ 88 w towels

3

3

✓ Evidence bag
✓ 89 w knife

4

4

✓ Evidence bags
✓ 90 w keys

5

5

FILED

✓ New port
✓ 91 cigarettes

6

6

APR 23 2013

CASE NO.
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

✓ Swabs
✓ 92

7

7

✓ DNA - Morgan
✓ 93

8

8

✓ Oral swab
✓ 94 Morgan

9

9

✓ Oral swab & 2
✓ 95 Lumps

10

10

Court
Reporter

Clerk of Court *Linda J. Hill* 4-23-13

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

EXHIBITS

Case # _____

Circle One
Common Pleas
Family Court
General Sessions

Annex Floor

Plaintiff(s) _____

vs.

Defendant(s) *T. ...*

PLAINTIFF'S EXHIBITS

DEFENDANT'S EXHIBITS

COURT'S EXHIBITS

<i>94</i> 1 <i>CSC Yut</i>	1	1
<i>97</i> 2 <i>chal swah</i> <i>mazych</i>	2	2
<i>98</i> 3 <i>Log of wood</i>	3	3
<i>99</i> 4 <i>Pall</i> <i>packing dust</i>	4	4
<i>100</i> 5 <i>letter</i> <i>2/26/12 obj 403</i>	5	5
<i>101</i> 6 <i>envelope to #100</i> <i>obj 403</i>	6	6
<i>102</i> 7 <i>Police Report</i> <i>12/30/11</i>	7	7
<i>103</i> 8 <i>NOTES - Brigado</i>	8	8
<i>104</i> 9 <i>Nurse Stale</i> <i>NOTES</i>	9	9
<i>105</i> 10 <i>FILE</i>	10	10

FILED

APR 23 2013

CASE _____ NO _____
MARY P. BROWN CLERK OF COURT
BERKELEY COUNTY, SC

Court
Reporter _____

Clerk of Court *Linda J. Hill 4-23-13*



ALAN WILSON
ATTORNEY GENERAL

June 9, 2016

The Honorable Mary P. Brown
Clerk of Court, Berkeley County
Post Office Box 219
Moncks Corner, South Carolina 29461-0219

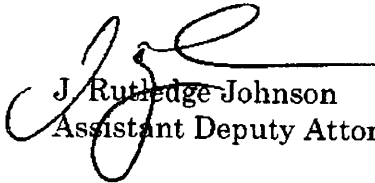
Re: Steven Lee Morgan, #355128 v. State of South Carolina
2015-CP-08-2742

Dear Ms. Brown:

Enclosed please find the original Return of the Respondent, in the above-captioned case, Steven Lee Morgan v. State, for filing in your office. We are also sending you copies of the following documents to accompany our Return:

- 1) PCR application
- 2) Clerk Records-Berkeley
- 3) SCDC Records
- 4) Record on Appeal
- 5) Court of Appeals opinion

Sincerely,


J. Rutledge Johnson
Assistant Deputy Attorney General

JRJ:bea
Enclosures
cc: Rodney D. Davis, Esquire

Berkeley County Courthouse
RANDOM STRIKE SHEET

JUDGE NAME : R Markley Dennis Jr
TRIAL TYPE : General Session
PANEL ID : 2012GS08496/500
COURTROOM E

DESCRIPTION : State of SC vs. Steven Morgan

Sorted by: Random Nbr
Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
✓1 Thomas, Brandie N	171	W	F	()	()	()	
✓2 Hall, Kayla D	64	W	F	()	()	()	
✓3 Sirois, William J	154	W	M	()	()	()	
✓4 Hammond, Mildred L	67	B	F	()	()	()	
✓5 Fowler, Michael M	52	W	M	()	()	()	<i>Foreperson</i>
✓6 Williams, John A	183	B	M	()	()	()	
✓7 Leonard, Holly R	92	W	F	()	()	()	
✓8 Singleton, Kenneth	152	B	M	()	()	()	
✓9 Russell, Timothy M	144	W	M	()	()	()	
✓10 Lindsley, Patricia L	94	W	F	()	()	()	
✓11 Savage, John C	148	W	M	()	()	()	
✓12 Cousino, Michael P	31	W	M	()	()	()	
13 Macpherson, Robert W Jr.	99	W	M	()	()	()	
14 Wrench, Johnny F	187	W	M	()	()	()	

Total Number of Jurors:

14

** END OF REPORT **

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
STATE OF SOUTH CAROLINA)
-versus-)

Steven Morgan)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSSIONS

NINTH JUDICIAL CIRCUIT

Indictment #s: 2012 GS 08 0496
2012 GS 08 0497
2012 GS 08 0498
2012 GS 08 0499
2012 GS 08 0500

WITNESS LIST

1. Dan Moats
2. Rose Lampkin
3. John McCurdy
4. Ptl Jon Tisdale, Goose Creek Police Department (GCPD)
5. Sgt. Tera Tavelle, GCPD
6. Wendy Myers, GCPD
7. Sean Lampkin
8. Investigator Leroy Goodyear, GCPD
9. Laura Brigada, RN, MUSC
10. Nancy Hall, RN, MUSC
11. Victor Mazyck
12. Nicholas Powell, GCPD
13. Daniel B. Demers, Phd. Intelligenetics
14. Amanda Webb, SLED
15. Mary Boehm, SLED
16. Langdon Hartsock, MD, MUSC
17. Investigator Paul Tremblay, GCPD
18. Christopher McClenan, GCPD
19. Maggie Carver, GCPD
20. Doris Yarbrough, SLED

Berkeley County Courthouse

RANDOM STRIKE SHEET

JUDGE NAME : R Markley Dennis Jr
 TRIAL TYPE : General Session
 PANEL ID : 2012GS08496/500
 COURTROOM E

DESCRIPTION : State of SC vs. Steven Morgan

Sorted by: Random Nbr
 Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
✓ 1 Thomas, Brandie N	171 (1)	W	F	(✓)	(✓)	()	
✓ 2 Hall, Kayla D	64 (2)	W	F	(✓)	(✓)	()	
~~3 Herman, Melissa C~~	~~73~~	~~W~~	~~F~~	~~(✓)~~	~~(✓)~~	~~()~~	
✓ 4 Sirois, William J	154 (3)	W	M	(✓)	(✓)	()	
✓ 5 Hammond, Mildred L	67 (4)	B	F	(✓)	(✓)	()	
6 Fowler, Michael M	52 (5)	W	M	(✓)	(✓)	()	Foreperson
✓ 7 Williams, John A	183 (6)	B	M	(✓)	(✓)	()	7
~~8 Marchman, Cindi G~~	~~100~~	~~W~~	~~F~~	~~(✓)~~	~~(✓)~~	~~()~~	
~~9 Bahadori, Alan R~~	~~5~~	~~W~~	~~M~~	~~(✓)~~	~~(✓)~~	~~()~~	
✓ 10 Leonard, Holly R	92 (7)	W	F	(✓)	(✓)	()	
~~11 Oconnor, Lynn L~~	~~131~~	~~W~~	~~F~~	~~(✓)~~	~~(✓)~~	~~()~~	
~~12 Mitchum, George A~~	~~112~~	~~W~~	~~M~~	~~(✓)~~	~~(✓)~~	~~()~~	
✓ 13 Singleton, Kenneth	152 (8)	B	M	(✓)	(✓)	()	
~~14 Martinez, William J III~~	~~195~~	~~W~~	~~M~~	~~(✓)~~	~~(✓)~~	~~()~~	
✓ 15 Russell, Timothy M	144 (9)	W	M	(✓)	(✓)	()	
✓ 16 Lindsley, Patricia L	94 (10)	W	F	(✓)	(✓)	()	
~~17 Cook, Frederica~~	~~26~~	~~B~~	~~F~~	~~(✓)~~	~~(✓)~~	~~()~~	
✓ 18 Savage, John C	148 (11)	W	M	(✓)	(✓)	()	
~~19 Riley, Katie L~~	~~139~~	~~B~~	~~F~~	~~(✓)~~	~~(✓)~~	~~()~~	
✓ 20 Cousino, Michael P	31 (12)	W	M	(✓)	(✓)	()	
~~21 Dibble, Billie L~~	~~39~~	~~W~~	~~F~~	~~(✓)~~	~~(✓)~~	~~()~~	
~~22 Thompson, Timothy L~~	~~174~~	~~B~~	~~M~~	~~(✓)~~	~~(✓)~~	~~()~~	
~~23 Bilodeau, Shelby A~~	~~193~~	~~W~~	~~F~~	~~(✓)~~	~~(✓)~~	~~()~~	
24 Macpherson, Robert W Jr.	99 (13)	W	M	(✓)	(✓)	()	

Berkeley County Courthouse

RANDOM STRIKE SHEET

JUDGE NAME : R Markley Dennis Jr
 TRIAL TYPE : General Session
 PANEL ID : 2012GS08496/500
 COURTROOM E

DESCRIPTION : State of SC vs. Steven Morgan

Sorted by: Random Nbr
 Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
25 Wrench, Johnny F	187	W	M	()	()	()	
26 Rocha, Gilberto M	142	A	M	()	()	()	
27 Bryce, Christopher D	14	W	M	()	()	()	
28 Patrick, Val R	126	B	F	()	()	()	
29 Caggiano, Kelly M	18	W	F	()	()	()	
30 Meetze, Regina J	109	W	F	()	()	()	
31 Johnson, Martell G	83	B	M	()	()	()	
32 Ellis, Christopher L	44	W	M	()	()	()	
33 Jenkins, Martin L	81	B	M	()	()	()	
34 Teal, Joseph F III	170	W	M	()	()	()	
35 Owens, Thomas J	124	W	M	()	()	()	
36 Petzolt, Anita E	129	W	F	()	()	()	

Total Number of Jurors:

36

** END OF REPORT **

STATE OF SOUTH CAROLINA)

COUNTY OF BERKELEY)

STATE OF SOUTH CAROLINA)

-versus-

Steven Morgan
Defendant.

IN THE COURT OF GENERAL SESSSIONS

NINTH JUDICIAL CIRCUIT

Memorandum in Support of
Compelling Defendant to Comply
with Rape Shield Statute

Indictment #s: 2012 GS 08 0496
2012 GS 08 0497
2012 GS 08 0498
2012 GS 08 0499.
2012 GS 08 0500

JERRY P. BROOKS
CLERK OF COURT
BERKELEY COUNTY, S.C.

13 APR 18 PM 4:36

FILED

Hum

The State hereby moves this Court for an order barring the Defendant from exploring irrelevant and inadmissible testimony regarding the Victim's sexual history, including relations with other sex partners.

The State hereby moves *in limine* to compel the Defendant's compliance with South Carolina Code Section 16-3-659.1 which is commonly known as the Rape Shield Statute. The statute mandates limited admissibility of opinion evidence, reputation evidence or direct evidence of sexual conduct of the victim. Furthermore, this provision of law is supported by South Carolina Rules of Evidence, Rule 412.

The State moves to prohibit Defense counsel from referencing sexual conduct by the victim to include, but not limited to: any inquiry by counsel and/ or any references by counsel during opening statement, closing argument, and witness examination which alleges any specific instances of sexual activity or conduct.

Hum

Furthermore, S.C. Code Section 16-3-659.1(2) requires a written motion and offer of proof regarding such evidence. The statute mandates an *in camera* review of the proffered evidence by the Court before any such evidence may be deemed relevant or admissible.

FACTS

Defendant had previously lived with the victim and moved out December 14, 2011. She had not seen him for six (6) weeks when he broke into her home in the early morning hours of January 29, 2012. After shattering a sliding glass door on the first floor of the residence, the Defendant ran up the stairs to the Victim's bedroom, pointed a knife at her and told her he was going to kill her. During the hours that followed he repeatedly raped the Victim, broke her knee cap, beat her about the face, neck and arms, pushed her head through a wall and then tied her arms and legs together behind her back ("hog-tied") with wire and torn pieces of towel. The Victim was discovered by a neighbor the next morning after she crawled down the stairs and pushed the front door open. Semen matching the Defendant's DNA was found in the rape kit performed on the Victim and on pieces of torn towel that were used to tie the Victim. Touch DNA consistent with the Defendant was also found on the bloody clothing worn by the Victim that night and on the pieces of wire hanger used to "hog-tie" the Victim after she was sexually assaulted and beaten. The Defendant also cannot be excluded from DNA found on the knife used in the attack. The Victim immediately identified the Defendant as her attacker but the Defendant fled to Georgia. Subsequently, the Defendant was extradited the following week. While in jail, the Defendant wrote an apology letter to the

Victim. A stain on the Victim's bed sheets was identified as semen not consistent with the Defendant's DNA, the semen's age cannot be determined.

ANALYSIS

Evidence regarding the Victim's sexual relationships is inadmissible unless it is offered to show the source or origin of semen, pregnancy or disease about which evidence has been introduced previously at trial. See S.C. Code §16-3-659.1.¹ Furthermore, the evidence must be relevant to a material fact and issue and its inflammatory nature does not outweigh its probative value. See Rule 401 and 402, SCRE; Rule 403, SCRE. The South Carolina Supreme Court stated that the State's interest in protecting criminal sexual conduct victims is stronger than the right of a defendant to attack such a victim's character in a manner that has limited or no relevance to the question of guilt. State v. Finley, 300 S.C. 196, 387 S.E. 2d 88 (1989). Although South Carolina's "Rape Shield" Statute permits the admission of evidence regarding specific instances of the victim's sexual activity in order to show the source or origin of semen, such evidence still must survive a relevancy and prejudice analysis.

¹ Evidence of specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct is not admissible in prosecutions under Sections 16-3-615 and 16-3-652 to 16-3-656; however, evidence of the victim's sexual conduct with the defendant or evidence of specific instances of sexual activity with persons other than the defendant introduced to show source or origin of semen, pregnancy, or disease about which evidence has been introduced previously at trial is admissible if the judge finds that such evidence is *relevant to a material fact and issue* in the case and that its inflammatory or prejudicial nature does not outweigh its probative value. S.C. Code § 16-3-659.1 (emphasis added)

Relevant evidence is evidence "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." SCRE 401. In this case, the State anticipates that the Defendant will attempt to introduce evidence regarding possible sexual encounters between the Victim and other men that occurred in her room through the semen stain on her bed sheets that does not match the Defendant's DNA. Such history is irrelevant to any material fact or issue in this case. Without a temporal connection of another attacker to the semen found on the bed sheets, allegations that the Victim had a sexual relationship with any one else is irrelevant. Without some evidence of a sexual encounter that is connected to the crime that could have produced the semen stain on the bed sheets, its only relevance is that at some time the Victim had a sexual encounter with someone other than the defendant or that someone other than the defendant left sperm on her sheets. This character attack is prohibited under the Rape Shield Statute

In addition, the statute states that there has to be a nexus between the proposed evidence of sexual activity with third persons and the actual crime. S.C. Code §16-3-659.1 ("...evidence of the victim's sexual conduct with the defendant or evidence of specific instances of sexual activity with persons other than the defendant introduced to show source or origin of semen, pregnancy, or disease *about which evidence has been previously introduced at trial*" indicates that some other evidence must connect it to the crime. S.C. Code §16-3-659.1 (emphasis added)). The South Carolina Supreme Court in State v Tennant, 394 S.C. 5, 714 S E. 2d 297 (2011) distinguished evidence of sexual encounters with third parties: "The requirement of an evidentiary nexus to source

or origin of semen, pregnancy or disease applies only to evidence of sexual conduct with persons other than the defendant." Tennant, S.C at 18, S.E.2d at 304. In the case at hand, there is no nexus between this semen stain on the Victim's bed to the time of the crime.

Because of this lack of nexus, the case at hand is distinguished from cases that have ruled evidence of the Victim's sexual encounters with third parties admissible. In State v. Finley the defendant offered evidence that the victim's motive in accusing him of rape was the fact that he had witnessed her engaging in a sexual encounter with another man hours before she accused the defendant of raping her. 300 S.C. 196, 387 S.E. 2d 88 (1989). He was prepared to provide evidence that she did not want the defendant to disclose what he saw, wanted to discredit him, and that she bribed him in exchange for dropping the charges. Id. The defendant was prepared to provide witnesses to testify to these facts and had a tape recording of the Victim discussing the bribe. Id. In the case at bar, there is no evidence establishing a temporal connection between the semen stain on the Victim's bed and the night of the crime. There is no witness or evidence that can establish any connection between a third party and the crime.

The age of the semen stain on the bed sheets cannot be determined scientifically. In contrast, the semen matching the Defendant's DNA found in the Rape kit can be tied to the night of the crime as can the torn towel that was used to tie the victim up. In addition to the Victim's testimony, the semen which was found in the rape kit can be tied to the night in question by expert testimony based on when the Victim showered and urinated last and how that relates temporally to when it was collected.

The Defendant's semen found on the torn pieces of towel that were used to tie up the victim can also be tied to the night in question as the victim will testify that they were washed before the night of the crime and expert testimony can establish that sperm fractions would not have been able to be detected after the towels went through the washing machine. This temporal connection cannot be made with the semen stain on the bed sheets. Consequently, it is only probative of the fact that the Victim had a sexual encounter with another person besides the defendant at some point in time.

Besides the scientific evidence, there is other evidence that shows that the Defendant, and not someone else was at the crime scene at the time of the crime. The Victim has never named anyone but the Defendant as being her attacker and there is no evidence that anyone else had sexual relations with the victim on the night of the attack. The Defendant fled the area and then wrote an apology letter to the victim after his subsequent arrest. The Victim's keys and the knife used in the attack were found in the defendant's truck. There is no evidence: scientific, direct or circumstantial, that ties the semen stain on the Victim's bed sheets to the night of the crime.

CONCLUSION

In accordance with Rule 401, 402, 403 of the SCRE and the "Rape Shield" Statute, the Defendant should not be allowed present evidence regarding the Victim's sexual encounters with third parties. The State requests the Defendant be barred from inquiring about both the semen stain on the Victim's bed sheets, and inquiring of the Victim about any other sexual partners the Victim has had related or unrelated to that stain. By statute, the Defendant must proffer such testimony before presenting it to a

jury. For all these reasons, the State respectfully requests that this Court compel the Defendant to comply with the Rape Shield Statute and proffer any such evidence that he intends to offer.

Respectfully submitted,

Scarlett A. Wilson
Solicitor, Ninth Judicial Circuit

By:


Anne Williams
Assistant Solicitor

Moncks Corner, South Carolina
April 19, 2013

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
STATE OF SOUTH CAROLINA)
-versus-)
Steven Morgan)
Defendant.)

IN THE COURT OF GENERAL SESSSIONS
NINTH JUDICIAL CIRCUIT

STATE'S MOTION IN LIMINE
and Memorandum in Support of
Motion to include Testimony of Expert
Testimony

Indictment #s: 2012 GS 08 0496
2012 GS 08 0497
2012 GS 08 0498
2012 GS 08 0499
2012 GS 08 0500

13 APR 18 PM 4:33
FILED
KLM
HARRIS P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

The State hereby moves this Court for a ruling as to the admissibility of expert testimony from a Forensic Analyst from the South Carolina Law Enforcement Division (SLED).

The State of South Carolina by and through Assistant Solicitor Anne Williams moves for the admission of expert testimony regarding evidence tested by the State Law Enforcement Division (SLED) lab. The State's proposed expert reviewed the results, work sheets, specimens, procedures and protocols used in the original testing and formulated her own expert opinion based on the review. The State is not seeking to move the original expert's report into evidence but rather offer an independent opinion and review by a separate analyst. The State's expert witness regularly performs the same duties as the analyst that performed the testing and works in the same lab.

FACTS

KLM

Evidence collected during a sexual assault examination of the Victim in the above mentioned case was sent to the SLED lab and was tested by Mary Boehm, a SLED forensic analyst in the DNA Department. As required by Certification guidelines promulgated by the American Association of Crime Laboratory Directors (ASCLD), the results cannot be certified and available for publication until a peer review is completed. A peer review consisting of a complete review of all of the data, notes, worksheets, protocol and procedures utilized is conducted in every SLED/DNA case. SLED Forensic analyst, Amanda Webb, completed a peer review and arrived at her own expert opinion. In addition, Analyst Webb conducted another full review of the case in preparation for her testimony. Analyst Webb works in the same department as analyst Boehm, performs the same duties as analyst Boehm and has been qualified as an expert in the field of Forensic Science/DNA testing fourteen (14) times in General Sessions Court. The State is offering Amanda Webb's testimony as an expert opinion on the information she reviewed and conclusions she reached after reviewing the data.

ANALYSIS

The State relies on Williams v. Illinois, 567 U.S. __, 132 S.Ct. 2221, 183 L.Ed.2d 89 (2012); Bullcoming v. New Mexico, 131 S.Ct. 2705 (2011), and Rule 703, SCRE, for its motion. Rule 703, SCRE, does not require that an expert rely on facts and data admitted into evidence or that the basis of his/her expert opinion be facts within his/her firsthand knowledge. South Carolina case law has relied on this rule numerous times for this premise. "An expert witness may state an opinion based on facts not within his first-hand knowledge, and may base his opinion on information, whether or not admissible, made available to him before the hearing if the information is of the type reasonably

relied upon in the field. Peterson v. National R.R. Passenger Corp., 365 S.C. 391, 618 S.E.2d 903 (2005); Dawkins v. Fields, 354 S.C. 58, 580 S.E.2d 433 (2003), In re Manigo, 389 S.C. 96, 697 S.E.2d 629 (Ct. App. 2010).

A recent United States Supreme Court case: Williams v Illinois, discusses the issue of expert testimony and the confrontation clause at length. In Williams, an expert witness gave her opinion regarding a sexual assault kit that was taken and identified by personnel from a different lab. The expert witness assumed certain facts not in evidence as the basis for her opinion. The Court treated this testimony as expert witness testimony and ruled that it was not in violation of the Confrontation Clause.

In Bullcoming v. New Mexico, the Supreme Court came to a different result but the facts are distinguishable. The Court held that the Defendant had a right to confront an analyst who certified a blood analysis report because the report was testimonial within the meaning of the confrontation clause. 131 S.Ct. 2705 (2011). In that case, the "State called another analyst to introduce the actual report that the original analyst prepared. The witness in court was familiar with the laboratory's testing procedures but did not arrive at her own expert opinion. *Id.* at 2709. In the present case, the State's witness performed her own review of all of the evidence and arrived at her own expert opinion.

Justice Sotomayor's addresses this issue directly in her concurrence in Bullcoming v. New Mexico. In discussing the facts in Bullcoming, she stated that "this is not a case in which an expert witness was asked for his independent opinion about underlying testimonial reports that were not themselves admitted into evidence." Justice Sotomayor also cites Rule 703 in this discussion and states that in this case "aside from

reading a report that was introduced as an exhibit, [the expert] offered no opinion about Petitioner's blood alcohol content..... *We would face a different question if asked to determine the constitutionality of allowing an expert witness to discuss others' testimonial statements if the testimonial statements were not themselves admitted into evidence.*" Id. at 2722 (emphasis added). Our case presents just that "different" question that Justice Sotomayor articulates and opines that a different result would have been reached.

The Supreme Court in Williams v. Illinois acknowledged that they were addressing precisely that issue noted by Justice Sotomayor. In Williams Justice Alito quotes Justice Sotomayor in Bullcoming as she says we would face a different question if dealing with an expert opinion. He then states "We now confront that question" Williams, at 2233. The Court states:

When an expert testifies for the prosecution in a criminal case, the defendant has the opportunity to cross-examine the expert about any statements that are offered for their truth. Out-of-court statements that are related by the expert solely for the purpose of explaining the assumptions on which that opinion rests are not offered for their truth and thus fall outside the scope of the Confrontation Clause. Applying this rule to the present case, we conclude that the expert's testimony did not violate the Sixth Amendment. Second, the expert testimony was not 'testimonial' under the Sixth Amendment. Williams v. Illinois, 567 U.S. ___, 132 S.Ct. 2221, 183 L.Ed.2d 89 (2012).

The court further stated that if the State did not present evidence about the assumptions or "foundational facts" assumed by the expert then the trier of fact could give the opinion little or no weight. Id.

CONCLUSION

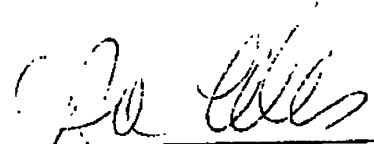
Therefore, introducing Analyst Webb's testimony does not violate the confrontation clause as this case is more analogous to Williams v. Illinois and unlike Bullcoming v. New Mexico. See Id. This testimony is consistent with that allowed through Rule 703, SCRE. The State Respectfully requests that expert testimony be permitted by Amanda Webb offering an expert opinion regarding the Defendant's DNA profile compatibility with evidence collected in a sexual assault kit. This opinion will be based on her review of the data, specimens, reports and worksheets in the case. The original analyst's report will not be offered into evidence.

The State respectfully moves for a ruling on the admissibility of this opinion evidence through the expert as described above in advance of trial. This is necessary for planning purposes regarding the original analyst who is on medical leave.

Respectfully submitted,

Scarlett Wilson
Solicitor, Ninth Judicial Circuit

By:

A handwritten signature in cursive script, appearing to read "Anne Williams", written over a horizontal line.

Anne Williams
Assistant Solicitor

Moncks Corner, South Carolina
April 19, 2013

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

v.)

Steven Lee Morgan)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

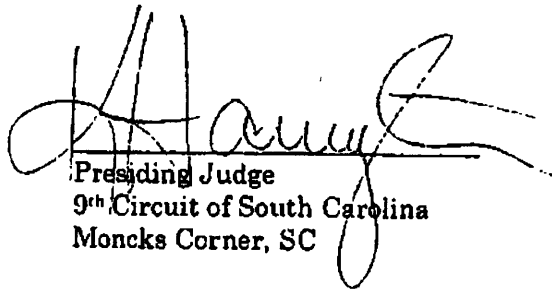
INDICTMENT #(s): 2012-GS-08-0496
2012-GS-08-0497
2012-GS-08-0498
2012-GS-08-0499
2012-GS-08-0500

ORDER OF APPOINTMENT

FILED
JUL 27 PM 3:14
CLERK OF COURT
BERKELEY COUNTY, S.C.

Upon hearing the motion of Assistant Solicitor Anne Williams and with David Schwacke, Esquire present on July 27, 2012, the court finds that the Steven Lee Morgan cannot afford to hire a lawyer. Therefore, the Berkeley County Public Defender's Office is appointed to represent him in this case.

It is so Ordered!


Presiding Judge
9th Circuit of South Carolina
Moncks Corner, SC

7-27-12
Date

cc: [unclear] PD 7/20/12 [unclear]

BERKELEY COUNTY PUBLIC DEFENDER, INC.

219 N. HWY. 52, SUITE E POST OFFICE BOX 1687
MONCK'S CORNER, SOUTH CAROLINA 29461
(OFFICE) (843) 899-2777 • FAX (843) 899-2701

May 31, 2012

12 JUN -1 PM 1:59
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

FILED

The Honorable Mary P. Brown
Berkeley County Clerk of Court
300 B California Avenue
Moncks Corner, SC 29461
Attention: Ollie Tucker

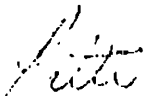
RE: State of South Carolina vs. Steven L. Morgan
Charge: Burglary 1st; CSC 1st; Attempted Murder; Kidnapping; Poss. of Weapon During VC
Warrants: K-002560 through K-002564

OWC
Dear Madame Clerk:

The application fee for Mr. Morgan had been temporarily suspended on March 7, 2012 because he was incarcerated at the Hill-Finklea Detention Center. He was screened on March 16, 2012 and indicated that he was represented by a private attorney by signing the attached letter releasing the Public Defender's office from his case.

In view of that, please change the status of the Berkeley County Public Defender's Office as the attorney to inactive.

Sincerely,



Patricia A. Kennedy
Chief Public Defender

PAK.bj

BERKELEY COUNTY PUBLIC DEFENDER, INC.

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(OFFICE) (843) 899-2777 • (FAX) (843) 899-2701

FILED
12 APR -1 PM 1:59
CLERK OF COURT
BERKELEY COUNTY, S.C.

**REJECTION OF REPRESENTATION BY PUBLIC
DEFENDER'S OFFICE**

NAME: Steven Lee Morgan DATE OF ARREST: 2/3/12

CHARGE(S): Burglary 1st Degree, Criminal Sexual Conduct 1st
Kidnapping, Attempted Murder, Possession of
Weapon During Violent Crime

S.L. I decline the services of the Berkeley County Public Defender's Office. I will be retaining private counsel.

S.L. I decline the services of the Berkeley County Public Defender's Office. I am represented by STEVE DAVIS, Esquire (name of legal counsel). I further understand that should I desire to be represented by the Public Defender's Office in the future for these charges, that my private counsel must be relieved by the Court and that I will be required to apply through the Clerk of Courts Office for the services of the Public Defenders Office.

S.L. I understand that the Berkeley County Public Defender's Office will not review my case again as to whether I am represented for these charges unless requested by me (in writing) while I am incarcerated.

[Signature]
Signature of Defendant

3-16-12
Date

[Signature]
Screeners

Date

BERKELEY COUNTY PUBLIC DEFENDER, INC.

219 N. HWY. 52, SUITE 1, POST OFFICE BOX 1687
MONCK'S CORNER, SOUTH CAROLINA 29461
(843) 899-2777 • FAX (843) 899-2701

FILED
12 MAR 12 PM 2:27
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

VIA HAND DELIVERY

March 7, 2012

Honorable Mary P. Brown
Berkeley County Clerk of Court
300 California Avenue
Moncks Corner, SC 29461
Attn: Kim

RE: Temporary Suspension of Application Fee for Steven Lee Morgan
Charge(s): Burglary 1st; CSC 1st; Kidnapping; Murder/Attempted; Poss. Wpn.
During Viol. Crime
Warrant No(s): K-002560; K-002561; K-002562; K-002563; K-002564

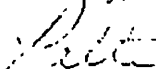
Dear Kim:

After reviewing the above-named Defendant's financial circumstances, this office has determined that it is appropriate to temporarily suspend the statutorily required application fee for qualification for representation by the Public Defender's Office. Upon the disposition of the case, the Court, in its discretion, may order that the fee be paid to the Clerk of Court's Office.

Please be advised, however, that if the Defendant is released from the Hill-Finklea Detention Center prior to the disposition of the case, he/she must apply for Public Defender services or retain private counsel.

With best wishes and kind regards, I am

Sincerely,



Patricia A. Kennedy
Chief Public Defender

PAK.bj

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA
BERKELEY COUNTY, S.C.

VS.

STEVEN LEE MORGAN,
DEFENDANT.

FILED

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

WARRANT NO(S): K-002560

K-002561

K-002562

K-002563

K-002564

NOTICE OF MOTION AND MOTION
FOR PRODUCTION, INSPECTION,
AND COPYING OF DOCUMENTS
PURSUANT TO RULE 5, SCRCRIMP

TO: BENJAMIN SHELTON, ASST. SOLICITOR, NINTH JUDICIAL CIRCUIT

PLEASE TAKE NOTICE that the Defendant above-named, by and through his attorney, CHAD D. SHELTON, hereby requests and moves that the Solicitor for the Ninth Judicial Circuit produce and make available to the Defendant any and all documents, evidence and other information which is subject to disclosure pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. The Defendant further requests the Solicitor to make available any and all evidence favorable to the Defendant which is subject to disclosure to the case of Brady v. Maryland, 373 US 83, 83 S.Ct. 1194, 10 L.E.2nd 215 (1963). United States v. Agurs, 427 US 97, 96 S.Ct. 2392, 49 L.Ed. 2d 342 (1976). and United States v. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985). Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995), Gibson v. State, 514 SE 2d 320 (1999) and their progeny. More specifically, the Defendant asks this Honorable Court to require the State prior to trial to produce or to provide an opportunity to inspect any evidence, material or information within possession, custody or control of the State, or that by the exercise of reasonable diligence may be obtained by the State, including, any information in the possession of any investigative agencies, that is favorable to or exculpates the Defendant in any way; that tends to establish a defense in whole or in part to the allegations in the warrant and/or

indictment; that impeaches any witness the State intends to call; or that may help the Defendant avoid conviction or mitigate punishment. See Gibson v. State, 514 SE 2nd 320 (1999). This request shall also be interpreted to include any and all information or evidence which is discoverable pursuant to Rule 5, SCRCrimP.

1. The substance or any oral statements made by the Defendant, Steven Lee Morgan and the alleged victim.
2. All the written or otherwise recorded statements made by the Defendant, Steven Lee Morgan, and the alleged victim within the State's possession, custody, or control, the existence of which is known, or which can become known through the exercise of due diligence.
3. Any documentation of prior reports of assault, sexual or otherwise, made by the alleged victim, including, but not limited to times, dates, places, made, investigating agencies involved, and the result of investigation.
4. The prior criminal record of the Defendant, Steven Lee Morgan, including all evidence of conduct of the Defendant which is not the subject matter of the indictment of the instant case but which the State might offer as evidence on the question of motive, opportunity, intent, preparation, scheme or plan, knowledge, identification or absence of mistake or accident.
5. Evidence of other crimes, wrongs or acts which the State may attempt to show motive, identify, the existence of a common scheme or plan, the absence of mistake or accident, or intent commonly referred to as Rule 404(b) material.
6. All papers, including medical records and documents, photographs or other tangible objects which are in the possession or control of the State or its agents, including, but

not limited to material relied upon by any governmental agency in developing or maintaining the allegations against the Defendant and which are material and relevant to this case, including:

- A. Any handwritten and/or typed notes taken by all Investigating agents or persons working on the State's behalf, such as, Low Country Children's Center, any medical persons, or any independent or governmental agencies.
 - B. Any tape recordings of telephone or radio communications engaged in by agents or others acting at the direction of agents of the Goose Creek Police Department, or other law enforcement agencies which may pertain to this case, or documentation that recordings which were taken are no longer available for inspection and/or copying.
7. The results of any medical examinations and/or scientific, psychological and/or psychiatric tests or experiments conducted in this case. The medical/therapeutic records or any health care professional i.e. physician, nurse, psychologist, psychiatrist, counselor or therapist, including notes, memoranda, summaries of statements and interviews of the alleged victim, and notes, memoranda, summaries of the health care professionals.
8. All books, papers, documents, photographs, films, videotapes, drawings, and other tangible objects which are material to the preparation of the Defendant's defense in either the guilt or punishment phase of the proceedings, including any hand written notes taken by an investigating agents, including the South Carolina Department of Social Services employees in the course of an investigation, Dorchester Children's Center, or LowCountry Children's Center, all therapist, and all medical persons.

9. The names, current addresses and qualifications of any and all expert witnesses the State has used to assist in the investigation of its case or any witnesses that the State proposes to use as witnesses at the trial.
10. The names and present addresses of persons having knowledge of the existence of evidence relevant to the acts charged in this case, including all persons who will be called as witnesses for the State upon trial of this case and those who will not be called as witnesses by the State.
11. All curriculum vita (CV) of all experts.
12. All information relevant to the credibility of any State witnesses including any statements of any individuals, which may be inconsistent in whole or in part with any other statement made by the same individual.
13. All information concerning the conduct, character and reputation of such witnesses.
14. The criminal records, either juvenile or adult, of such witnesses.
15. Any information showing that the testimony of the victim was motivated in any degree by a personal animosity or feelings of revenge toward the Defendant.
16. The substance of any agreement or proposed agreement made between the State or its agents and any witness in this case dealing with promises of reward, favored treatment or leniency in return for information of favorable testimony.
17. The substance of any such agreements entered into the past between the State's agents and potential witness in this case with reference to other criminal cases or investigations.
18. Disclose whether any person in connection with the State's investigation of this case has been given a polygraph examination, and, if so, list the names of the persons

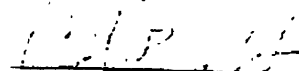
examined, the name and address of the operator, the date of the examination and a copy of the questions and answers posed, and the results and interpretations thereof.

19. Evidence or documentation pertaining to the victim's application to receive compensation, restitution or reimbursement from any source, either private or public. This request specifically includes documents provided to the State/Solicitor as part of a victim impact statement.
20. A list of all physical evidence taken from the scene of the alleged crime as well as the results of all tests performed on all evidence and potential evidence whether the evidence was tested at the crime scene or sent off for testing such as prints and the like.

FURTHER, the Defendant will specifically move that said Order requiring production, inspection, copying and/or photographing specially require compliance by the State within thirty (30) days as provided in Section (a)(3) of Rule 5, SCRCrimP. This production is specifically sought so that the information discoverable pursuant to Rule 5, SCRCrimP will be meaningful for the proper preparation of the Defense of Steven Lee Morgan.

This request shall be interpreted to include any and all information or evidence which is discoverable pursuant to Rule 5, SCRCimP or Brady v. Maryland and subsequently cases interpreting the doctrine, and which is in the hands of agents for the prosecution, including law enforcement agencies.

Respectfully Submitted,



CHAD D. SHELTON
Attorney for Defendant

Moncks Corner, South Carolina

August 2, 2012

13:09:18 Wednesday, January 13, 2016

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 01/13/16
OMCOMITA RELEASE DATE SCREEN C056368
SCDC# > 355128 LOC: LEE
MORGAN, STEVEN LEE SCDC CLASSIFICATION... VIOLENT
OFFENDER TYPE... ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY... Y
SEXUAL PREDATOR... PENDING
DNA STATUS..... COMPLETED
GPS REQUIREMENT... N
PREA DECISION....
CURRENT SENTENCE: 045-00-000 CONSECUTIVE SENTENCE ... Y
045-00-000 CURRENT SENT START DATE: 01/29/2012
PROJECTED COMPLETION DATES
MAXOUT DATE 01/19/2051 CURRENT EWC .. 3 F 5
YOA SIX YEAR DATE: / / CURRENT EEC .. B5
INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL GT DAYS EARNED 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS .. 000339 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS 000122 CURRENT OR PRIOR SEX CONDUCT CONVICT
TOTAL EXTRA EARNED CREDITS .. 000 SUPERVISED REENTRY DATE... 00/00/00
TOTAL SERVICE TIME EARNED ... 001424 ISS.....

PFKEYS: 5:HISTORY OF DATE CHANGES

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, January 13, 2016

Classification Summary Reports

Inmate Number **355128**

[Submit](#)

Classification Summary Report for MORGAN, STEVEN LEE :

[Create PDF](#)

CLASSIFICATION SUMMARY REPORT DATED 01/13/2016
MORGAN, STEVEN LEE

SCDC# 00355128

FBI# 827787RA9

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: LEE

SECURITY/CUST: 3 MINIMUM IN

CURR INCARC 45 YRS 0 MOS 0
SENT: DAYS

VICTIM
WITNESS:  SEPREQ:N

MED
CLASS: 

INST
RESTRICT: NO RESTRICTION

MENTAL NMH (NO MENTAL
CLASS: HEALTH TRE

CURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 41



RESIDENT
STABILITY: NA

DORMROOMBUNK_CODE: FLO 2141 T

PROJ MAXOUT
DATE: 01/19/2051

PROJ PAROLE DATE: -

EWC JOB: GENERAL WORKER

ASSIGNMENT: FLORENCE UNIT

EWC
LEVEL: 3F5 EEC LEVEL:

EDUC
PGM: ADULT ED I

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	START	SENTENCE
BURGLARY-1ST DEGREE	40	0	0	BERKELEY	01/29/2012	V 4 12GS080496



ATTEMPTED MURDER	30	0	0	BERKELEY	01/29/2012 V	4	12GS080499
CRIMINAL SEX CNDCT 1ST DE	30	0	0	BERKELEY	01/29/2012 V	5	12GS080497
KIDNAPPING	30	0	0	BERKELEY	01/29/2012 V	5	12GS080498
FIREARMS PROVISION	5	0	0	BERKELEY	01/29/2012 N	3	12GS080500

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

08/07/2002	PROBATION VIOLATION
03/01/2000	PROBATION VIOLATION
11/13/1993	DRIVING INFLUENCE LIQUOR
01/15/1993	TRESPASSING
01/09/1993	RAPE

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

WANTED	PRESIDING JUDGE	CATEG:
--------	-----------------	--------

ESCAPES:

01/29/2012	OTHER ESCAPE RELATED
------------	----------------------

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

NO NON-ASSAULTIVE DISCIPLINARIES HISTORY

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

05/15/2013	LEE	INCARCERATED	ADMINISTRATIVE
04/25/2013	KIRKLAND	INCARCERATED	R&E PROCESSING
04/25/2013	LIEBER	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
GENERAL WORKER	06/12/2013	-		3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 8-11 HRS/WK	09/18/2014	-	

***** END OF REPORT *****

Create PDF

Source : SummaryReport.jsp

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[Version: 1.4.12 Built: 02/03/2015 11:57:23 AM Time: 01:16:21 PM]

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Dearing, GA 30808

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Possession of a Firearm or Knife During Commission of a Violent Crime

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-08-0500

A/W#: K002564

Date of Offense: 1/29/2012

S.C. Code §: 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0490

of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Williams, Anne

76463
SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Jan 29, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$2500
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(j) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.3 (SCCA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)	\$	\$390
TOTAL		\$13390

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2068

Sentence Date: 4/23/13

Clerk of Court/Deputy Clerk

Court Reporter: Deborah Brumson

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: SS#

Address:

City, State, Zip: Dearing, GA 30808

DL#: SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct - 1st Degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-08-0497

A/W#: K002561

Date of Offense: 1/29/2012

S.C. Code §: 16-03-0652

CDR Code #: 0160

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-43The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: Williams, Anne 76463 SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Jan 29, 2012
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.90

_____ days/hours Public Service Employment

Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____☐ Appointed PD or appointed other counsel,
§ 47-12 requires \$500 be paid to Clerk
during probation.Presiding Judge
Judge Code: 2069
Sentence Date: 4/23/13Clerk of Court/Deputy Clerk: D. Seckles
Court Reporter: Deborah Turner
SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: [REDACTED] SSA: [REDACTED]

Address:

City, State, Zip: Dearing, GA 30808

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-08-0498

A/W#: K002562

Date of Offense: 1/29/2012

S.C. Code §: 16-03-0910

CDR Code #: 0095

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910

of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-43The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Williams, Anne

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. Jan 29, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DU) Surcharge)	\$100	\$
§ 56-5-2995 (DU) Assessment)	\$12	\$
§ 56-1-286 (DU) Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BU) Breath Test Fee)	\$50	\$
§ 56-5-2942(1) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 39.00
TOTAL		\$ 133.90

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.
§ 47-12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2060

Sentence Date: 4/23/13

Clerk of Court/Deputy Clerk

Court Reporter: Deborah Harrison

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: [REDACTED] SSN: [REDACTED]

Address: [REDACTED]

City, State, Zip: Dearing, GA 30808

DLN: [REDACTED] SIDN: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Burglary, 1st degree

INDICTMENT/CASE#: 2012-GS-08-0496

A/W#: K002560

Date of Offense: 1/29/2012

S.C. Code §: 16-11-0311

CDR Code #: 0079

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] 76463
Williams, Anne SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. JAN 29, 2012
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.3 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Berkeley

VS.

Steven Lee Morgan

AKA:

Race: BLACK Sex: M Age: 38

DOB: [REDACTED] SSN: [REDACTED]

Address:

City, State, Zip: Dearing, GA 30808

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: ~~Murder~~ Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-08-0499

A/W#: K002563

Date of Offense: 1/29/2012

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029

of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Williams, Anie

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Jan 29, 2012☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
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§ 56-5-2942(J) (Vehicle Assessment)	\$40/cv	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 39.0
TOTAL		\$ 133.90

_____ days/hours Public Service Employment

Obtain GED ☐

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pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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

November 13, 2015

The Honorable Mary P. Brown
PO Box 219
Moncks Corner SC 29461-0219

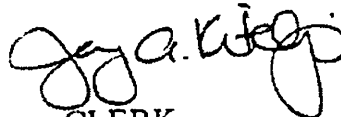
REMITTITUR

Re: The State v. Steven Lee Morgan
Lower Court Case No. 2012GS0800496, 2012GS0800497,
2012GS0800498, 2012GS0800499, 2012GS0800500
Appellate Case No. 2013-000895

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire
Laura Ruth Baer, Esquire
Scarlett Anne Wilson, Esquire

SC Attorney General
RECEIVED

NOV 16 2015

Referred to Farthing/PM
Answered _____

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Steven Lee Morgan, Appellant.

Appellate Case No. 2013-000895

Appeal From Berkeley County
R. Markley Dennis, Jr., Circuit Court Judge

Unpublished Opinion No. 2015-UP-492
Submitted August 1, 2015 – Filed October 21, 2015

AFFIRMED

Appellate Defender Laura Ruth Baer, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Mark Reynolds Farthing, both of
Columbia; and Solicitor Scarlett Anne Wilson, of
Charleston, for Respondent.

PER CURIAM: Steven Lee Morgan appeals his convictions for first-degree
burglary, first-degree criminal sexual conduct, kidnapping, attempted murder, and

possession of a knife during the commission of a violent crime. Morgan argues the trial court erred in (1) allowing an analyst who reviewed a non-testifying analyst's data to offer an expert opinion about DNA test results because it violated his rights under the Confrontation Clause of the Sixth Amendment of the United States Constitution and (2) failing to charge the jury with a limiting instruction about expert testimony. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to the Confrontation Clause issue: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial [court]."); *State v. Atieh*, 397 S.C. 641, 646, 725 S.E.2d 730, 733 (Ct. App. 2012) ("A ruling in limine is not final; unless an objection is made at the time the evidence is offered and a final ruling procured, the issue is not preserved for review.").

2. As to the jury instruction issue: Rule 20(a), SCRCrimP ("All requests for legal instructions to the jury shall be submitted at the close of the evidence, or at such earlier time as the trial [court] shall reasonably direct."); Rule 20(b), SCRCrimP ("Notwithstanding any request for legal instructions, the parties shall be given the opportunity to object to the giving or failure to give an instruction before the jury retires, but out of the hearing of the jury. Any objection shall state distinctly the matter objected to and the grounds for objection. Failure to object in accordance with this rule shall constitute a waiver of objection."); *State v. Brown*, 402 S.C. 119, 125, 740 S.E.2d 493, 496 (2013) (finding the appellant's jury instruction argument unpreserved because he explicitly stated he had no objection to the trial court's instruction).

AFFIRMED.¹

HUFF, WILLIAMS, and THOMAS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
)
) CASE NO: 2015-CP-08-2742

STEVEN MORGAN,
Applicant,

vs.

STATE OF SOUTH CAROLINA,
Respondent.

ORDER OF CONTINUANCE

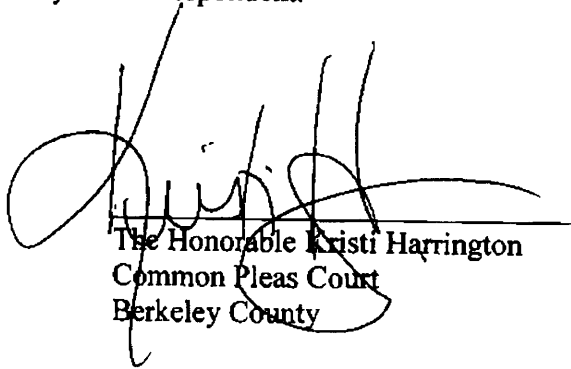
17 APR -5 AM 9:43
CLERK OF COURT
BERKELEY COUNTY, S.C.

This matter comes before the Court by way of an application for Post-Conviction Relief (PCR). An evidentiary hearing into the matter is scheduled for Tuesday, April 18, 2017, at the Berkeley County Courthouse. This Court finds that this matter should be continued until a future term of PCR matters in the Ninth Judicial Circuit.

IT IS THEREFORE ORDERED:

1. That this Post-Conviction Relief matter shall be continued and rescheduled; and
2. Applicant is remanded to the custody of the Respondent.

IT IS SO ORDERED.


The Honorable Kristi Harrington
Common Pleas Court
Berkeley County

Mofks Corner, South Carolina

April 4, 2017