

RECEIVED

12 June 2018

JUN 18 2018

S.C. SUPREME COURT

David Duran #181965
Perry C.I. Q3B-215
430 OAKLAKE RD
Peltzer, S.C. 29669

The Supreme Court of South Carolina
Attn: The Honorable Donald Beatty
Post Office Box 11330
Columbia, South Carolina 29211

Re: Formal Request for Production of Case File/Manual File
Letter dated 5 May 2018

The Honorable Donald Beatty please permit this correspondence to serve as a formal complaint against Attorney Jack Houde of the Sumter County Public Defender Office.

As your Honor will see I sent Attorney Jack Houde a formal request for the Client Complete Case file that was amassed by Attorney Jacob Smith at the Public Defender Office when he use to work there. The Requestor have been trying for three (3) years to get that file.

As your Honor will see by the exhibits and evidence the Requestor have made a diligence effort to obtain that file.

The Requestor would ask the Honorable Court for sanctions against Attorney Jack Houde.

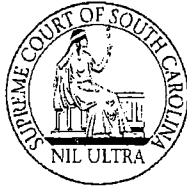
Also Requestor would like to know why the office office of Disciplinary Counsel open an investigation when in fact it was only a general letter I sent them. So where in the letter did Requestor, Requested, or filed a formal complaint.

So I ask myself how can they have an investigation when I haven't filed a formal complaint.

So with all due respect Sir let this letter serve as my formal complaint.

Thank you very much for your precious time and consideration in this matter.

Respectfully Submitted
David Duren



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

William C. Campbell
Senior Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

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

May 24, 2018

PERSONAL & CONFIDENTIAL

David Abraham Duren, Jr. #181965
Perry Correctional Institution
430 Oaklawn Road
Q3B-0103-T
Pelzer, SC 29669

RE: Lawyer: Jack D. Howle, Jr., Esquire
File Number: 18-DE-L-0567

Dear Mr. Duren:

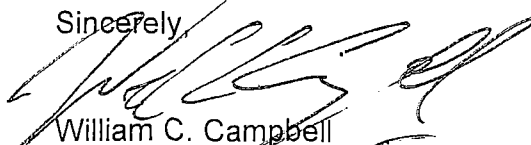
We have received your complaint against Jack D. Howle, Jr., Esquire. We will conduct an investigation into the matters you have reported. You will not necessarily be contacted prior to a decision regarding your complaint; therefore, you should submit any additional information or documentation to support your allegations at this time.

The authority of this office and the jurisdiction of the Commission on Lawyer Conduct are limited to issues of whether a lawyer is subject to discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR. Where misconduct is found, this disposition might include a confidential letter of caution or admonition, a public reprimand, suspension, or disbarment. If our investigation does not reveal evidence of lawyer misconduct, your complaint will be dismissed.

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

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

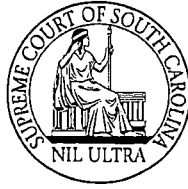
Sincerely,



William C. Campbell

WCC/clg





The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

William C. Campbell
Senior Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

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

June 4, 2018

PERSONAL & CONFIDENTIAL

25, 28, 29, 30, 31, 1

David Abraham Duren, Jr. #181965
Perry Correctional Institution
430 Oaklawn Road
Q3B-0103-T
Pelzer, SC 29669

Re: Lawyer: Jack D. Howle, Jr., Esquire
Case Number: 18-DE-L-0567

Dear Mr. Duren:

This office has conducted an investigation concerning the allegations of lawyer misconduct raised in the complaint you filed in connection with the above-referenced matter. This investigation focused on those grounds for misconduct set out in the Rules for Lawyer Disciplinary Enforcement (RLDE), Rule 413, SCACR, adopted by the Supreme Court of South Carolina.

This office is not authorized to give advice concerning a legal dispute or dealings with a lawyer; nor is it empowered to intervene in a case. We cannot seek to cause things to be done by a lawyer on behalf of a complainant; nor can we seek to change the outcome of a case. Instead, this office deals solely with issues of misconduct or incapacity related to lawyers under these rules. We do so to preserve institutional values of the legal system in South Carolina for the benefit of the public as a whole, not to obtain individual benefit for a complainant.

The provisions of RLDE do not apply to legal matters related to whether or not the outcome of a dispute was fair or to errors of law or judgment that might have been made by a lawyer or judge. These are legal matters, which can only be addressed at trial or on appeal using appropriate procedures.


David Abraham Duren, Jr.
June 4, 2018
Page Two

In your complaint, you allege that Jack D. Howle, Jr., Esquire failed to provide you with a copy of your entire case file. As a result of your complaint, this office conducted an investigation to ascertain if Mr. Howle's conduct violated the Rules of Professional Conduct and the RLDE.

From our investigation, this office has determined that there is insufficient evidence of any such lawyer misconduct on the part of Mr. Howle arising out of the events mentioned in your complaint and that further investigation would not likely reveal any such evidence.

Accordingly, you are hereby notified of the intent of this office to dismiss your complaint pursuant to the provisions of Rule 19(d)(1) of RLDE. You may seek a review of this decision by an investigative panel of the Commission on Lawyer Conduct pursuant to Rule 18(b), RLDE, by filing a written request, which must be received in this office no later than July 5, 2018. If you request a panel review, the lawyer will be given an opportunity to respond. Your request and the lawyer's response, if any, will be considered at the next investigative panel meeting. You will then be notified of the panel's decision. Feel free to contact me if you have any questions regarding this process.

Sincerely,



William C. Campbell

WCC/

cc: Jack D. Howle, Jr., Esquire

5 MAY 2018

David Duren #181965
Perry C.I. Q 3 B-103
430 OAK LAWN RD
Pelzer, S.C. 29669

Office of Public Defender, Sumner County
Third Judicial Circuit
Attn: Attorney Jack Howle
215 N. Franklin St
Sumner, S.C. 29150

RE: FORMAL Request for Production of Case File / Manual file
STATE V DUREN Judgment # 2012-GS-43-1149

MR Howle,

Please permit this correspondence to serve as a formal request for production of documents, pursuant to the provisions of Rule 1.16(d) of Rule of Professional Conduct (See Rule 407, South Carolina Appellate Court Rule, SCACR).

Rule 1.16(d), provides in pertinent part: "upon termination of representation, a lawyer shall take steps reasonably practical to protect a client's interests, such as... surrendering papers and property to which the client is entitled..."

According to: "In Re Hedcock 283 S.C. 116, 321 S.E.2d 601

under DR-2-110(A)(3) an attorney who withdraws from representation "must" deliver to the client all papers and property to which the client is entitled.

192 WL 510435 (Aug 1997) Retain file 6 years;
file belong to the Client under substantive law
[ALL] material that found their way into the file
is property of the Client.

Requestor would take the position and stance that these
types of request for production are a proper vehicle
in which to seek disclosure of the Case/Manual file
that was caused by O'Henry Jacob Smith that use to work
for your office in that Criminal proceeding Indictment #
2012-GS-43-1149. Furthermore, this request is not sought as
a means to harass, cause undue delay, for any form of
economic hardship upon your office. In fact, it is a
competent and economic means of seeking disclosure and
ensuring the rights to confidentiality and meeting the
requirements relating to any property entitlements. At any
time should this office take objection to any portion
of this formal request for production, please serve a
formal correspondence stating with specificity as to
the reason(s) and/or justification(s) for each such objection(s).

Requestor would respectfully demand that any objection
and/or compliance be made within thirty (30) days,
exclusive the date of service. Please take notice that
failure to object or make an effort to comply or
respond would give cause for Requestor to file for
declaratory judgment in the Court of Common Pleas for
a declaration, compliance, compel, and sanctions consistent
with applicable standard of law. Please produce the
following materials, documents, and/or information

D. Please disclose and produce any and all documents, or copies thereof, within your office actual and/or constructive possession, relating to or otherwise relevant to the case of State v Duren Judgment # 2012-GS-43-1149, described herein as, Notes, handwritten notes, investigative notes, Investigative Reports (John Davis), MEMOS, DNA Analysis/Reports, Chain of Custody for Item 3 Buccal Swab taken by Det Milton, SLED Chain of Custody for Item 3 Buccal Swab, Copy of form A, B, C for Chain of Custody (Rule 6), Certified or sworn statement of each person in the Chain of Custody, Copy of the Guilty Plea that is signed Refusing It, Names, Address, phone # of witness that I gave to Attorney Jacob Smith as my Alibi witness, SLED Reports, Motions (to include, but not limited to Rule 5, Brady, discovery, suppression, quash, direct verdict.), Chemical Analysis, Rule 6 evidence Reports, all Chain of Custody sheets, Search warrants, Application for appointment of Counsel, and any other matter relevant to the pre-trial and or post trial proceedings of the case is referenced.

If Requestor may be of any further assistance to this firm, in these matter, please do not hesitate to contact him at the above-reference address.

Thank you very much for your precious time and consideration in this matter.

Respectfully
David Duren

Copy to: South Carolina Supreme Ct
Office of Disciplinary Counsel

PROOF OF SERVICE

I certify that I have served Formal Request for Production of Case file/manual file pertaining to STATE v DUREN Indictment # 2012-GS-43-1149 on the Public Defender office / Attorney Jack Howle, by U.S. Postal Service, postage prepaid, to 215 N. Harvin St, Sumner, S.C. 29150 on May 7, 2018.

David Duren
David Duren
Perry C.I. Q3 B-103
430 Oak Lawn Rd
Peltzer, S.C. 29669

As of this 11th Day of May 2018

Tamara Conwell
May-11-2018

2 June 2018

From: David Durero

To: Mr William A. Campbell

Subj: Documentation to support claim

(1) Sir with all due respect Sir here is the documents to support my claim against Attorney Jack Houke, Head Public Defender of Sumner County.
The fraud, fraud upon the Court, Conspiracy, Deceit, Violation of Professional Conduct, and Lawyer oaths.

(1) Starting with the arrest warrant Exhibit (1)
In 2012 I apply for a public Defender and was denied twice by the Public Defender office of Sumner County.
I heard no more about this warrant until July 31, 2015 when I was brought before the Court and served with notice of intention to seek life imprisonment.

As you will see I was indictment on 9-27-2012
AN True Bill Exhibit (2)

The fraud, fraud upon the Court, Conspiracy, Deceit, Violation of Professional Conduct and Violation of the Lawyers oaths started on July 31, 2014.

For in order for the Solicitor to serve me with 17-25-45 I had to have an Attorney.

So first they gave me Attorney Timothy W. Murphy. I guess he didn't want to go along with what was happening, so then they gave me Attorney

Jacob Smith, He was the one that was inserted to stand beside me at the 17-25-45 hearing that took place on July 31, 2014. see Exhibit 3
see Exhibit 4 The Solicitor waited until that day also to file Notice of Direct Presentment of Charges to Grand Jury 22 months after the grand jury had indicted me.

see: Exhibit 5 Request And Motion Under Rule 5 For Discovery Filed By Attorney Jacob Smith 8-4-2014

see: Exhibit 6 Rule 5 Disclosure and Motion For Reciprocal Disclosure of Evidence filed by Asst Solicitor Brownwyn K. McEwen 8-12-2014

see: Exhibit 7 order Relieving Counsel, Signed by Judge Fennell Cothran Jr. Jan 21, 2015 The transcript will show that attorney Jacob Smith of the Public Defender office did not turn over the Client Case file then or after.

(2) As you will see I have made a lot of effort to obtain the Complete Client Case file from Attorney Jack Howle the Head Public Defender of Sumner County to No Avail.

As stated in: In Re Haddock 283 S.C. 116, 321 S.E.2d 601 (1984) this Court held that an attorney must return file to client upon request. S.Ct of S.C.

192 W. 510435 (Aug 1992) Retain file 6 years: files belong to client under substantive law [S.C.] material that found their way into the file is property of the client.

see: Exhibit 8 Motion to Compell that was return to me

See: Exhibit 9 Motion to Compell That WAS RETURN TO ME
See: Exhibit 10 Demand of writ of Mandamus That have
Never been heard

See: Exhibit 11, ~~20~~ Motion Hearing Aug 29, 2016 As you
will see that never happened because the Clerk of Court
and Attorney Jack Howle got together and decided
that my motion had no merit.

See: Exhibit 12, 13, 14, 15, 16, 17, 18, 19, 20
you will see that I have tried, and tried to get
The Complete Case File that was across by attorney
Jacob Smith from Mr Jack Howle. I am not asking
for discovery from the solicitor office.

See: Exhibit 21 Request for Production of Casefile

(3) the reason I feel that the Public Defender office, Mr
Jack Howle will not give me the Complete Case file that
was across by Attorney Jacob Smith is that he (Jacob Smith)
or Attorney Timothy W. Murphy was never my attorney
of record for Case # 2012-GS-43-1149 / warrant 71936326
because the Public Defender office turned me down twice
for that warrant 71936326

I asked Mr Jack Howle to send me a copy of the
Affidavit of Indigency and Application for Counsel that
was approved for either Attorney Jacob Smith or Attorney
Timothy W. Murphy to be my attorney of record.
Here's what he sent me. Exhibit 22,

Look at the date on that application and compare the date with Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6 and you will see that application is for a different charge altogether. And it was never approved. None of us trying to get me an Attorney of Record for ~~1936326~~ 1936326.

(2) How far those things go: Exhibit 23 Transcript of Record P.C.R. Hearing July 26, 2016 Page 28 Line 23, 24, 25; Page 29 Line 1, 2, 3, 4, 5, 14, 15, 16; Page 30 Line 13, 14, 15,

(A) There was never a Court order appointing an attorney from the bench.

(B) Never represented at a preliminary hearing

(C) Never filed a motion to be relieved of counsel I filed that motion

(D) Never filed a motion to reduce bond, how can you reduce bond when the defendant had a P.R. Bond for charge 1936326

SEE Exhibit 24 Transcript of Record May 18-20, 2015 Page 37 Line 25; Page 38 Line 1, 2, 3, 4, 5, 6, 7, 8, 9; None of that ever happen

Here you have the Public Defender office, Attorney Jack Hoyle, Attorney Timothy Murphy, Attorney Jacob Smith, Asst Solicitor Brandon K. McEreen and the Clerk of Court conspiring under the Color of State Law to commit the crime of fraud, fraud upon the Court,

Conspiracy, deceit, violation of Professional Conduct and Lawyers Oaths.

See: Exhibit 24, Page 38 Line 6; If the public defender office approved me for an attorney as solicitor Brown K. McEvee said, then two come on request for Rule 5 wasn't filed until 8-4-14 by attorney Jacob Smith; and Ass Solicitor Brown K. McEvee request for Rule 5 wasn't file until 8-12-2014

See Exhibit # 18 here attorney Jack Houde lied when I asked him to send me the Court order on Copy of Application for Counsel where he was my attorney of record for said Indictments He supposed to have represented me in 2-25-2002 Indictment # 2002-CS-43-109 and 2002 CS-43-109, as you can see he lied saying the third Judicial Public Defender office was not in existence at that time. He said the records were destroyed. So I wrote him back and asked him to send me a copy of the dates those records were destroyed. No Answer.

5. Sir/Mam with all due respect thank you very much for your precious time and consideration in this matter

Respectfully

David Duren

PROOF OF SERVICE

I certify that I have served this formal document to support my Complaint Against Attorney Jack Abule pertaining to file # 18-DE-L-2567 by placing said documents in U.S. Mail at Ferry Mail Room on 4 June 2018, postage prepaid to office of Disciplinary Counsel AT Post Office Box 12159, Columbia, S.C. 29211.

M-936326

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

THE STATE
against

David Abraham Duren, Jr

Address: Rr 2 Box 384

Pinewood, SC 29125-9521

Sex: M Race: B Height: 5 11 Weight: 150

DL State: SC DL #

DOB: Agency ORI #: SC0430100

Prosecuting Agency: Sumter Police Department

Prosecuting Officer: John Melton - 2376

Offense: Burglary / Burglary (Non-Violent) - Second degree

Offense Code: 0080

Code/Ordinance Sec: 16-11-0312

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on 05-27-2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
141 N. Main St., Rm 308
Sumter, SC 29150

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

Personally appeared before me the affiant John Melton

being duly sworn deposes and says that defendant David Abraham Duren, Jr

did within this county and state on or about 6/8/2011

State of South Carolina (or ordinance of County/ Municipality of

Sumter Municipal

DESCRIPTION OF OFFENSE: Burglary / Burglary (Non-Violent) - Second degree

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

That on or between June 8, 2011 and June 09, 2011, at Thomas and Howard Company, 156 S Harvin St, in the city of Sumter, one David Abraham Duren Jr did enter the business by breaking through a rear wall without consent and with intent to commit a crime therein. Once inside the defendant did steal, take and carry away a large amount of cigarettes valued at less than \$2000. DNA taken from the crime scene has been positively identified through CODIS as belonging to the defendant. Law enforcement will attest to the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Sumter Municipal

Affiant's Address 107 East Hampton Avenue

Sumter, SC 29150-

Affiant's Telephone: (803)436-2790

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 or about 6/8/2011

defendant David Abraham Duren, Jr

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

County/ Municipality of

Sumter Municipal

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (Non-Violent) - Second degree

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 5/15/2012

Signature of Issuing Judge

Lee Anna Tindal

Judge Code: 6632

Judge's Address Post Office Box 1428

Sumter, SC 29150-1428

Judge's Telephone (803)436-2280

Issuing Court: Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Exhibit one (1)

2012 MAY 29 AM 11:56
11070427

97

WITNESSES

John Melton Sumter Police Dept.

DOCKET NO. 2012 / -1149

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2012

THE STATE

vs.

DAVID ABRAHAM DUREN JR.

ARREST WARRANT NUMBER

M936326

Indictment for

Burglary / Burglary (After June 20, 1985) - First degree

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 9-27-12

VERDICT

CERTIFIED TRUE COPY
OF ORIGINAL FILED

CLERK OF COURT
SUMMER POLICE DEPT.
SOUTH CAROLINA

Foreperson of Petit Jury
Date:

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

Court
2 Sept 2012
Elaine Cooke

Exhibit 2

15

Exhibit 3

STATE OF SOUTH CAROLINA **RECORDED** IN THE COURT OF GENERAL SESSIONS
COUNTY OF SUMTER **2014 JUL 31 PM 4:58** WARRANT NO(s): M936326

State of South Carolina, **JAMES G. CAMPBELL**
CLERK OF COURT
SUMTER COUNTY, S.C.)
)
v.)
DAVID ABRAHAM DUREN, JR.)
)
Defendant.)
_____)

**NOTICE OF INTENTION TO SEEK
LIFE IMPRISONMENT SENTENCE**

TO: DAVID ABRAHAM DUREN, JR, DEFENDANT, AND HIS ATTORNEY OF RECORD,
TIMOTHY W. MURPHY

YOU WILL PLEASE TAKE NOTICE, that the Solicitor's Office intends to seek a life imprisonment sentence pursuant to Section 17-25-45(A), S.C. Code of Laws 1976, as amended, upon the basis that you have one or more prior convictions for:

1. A most serious offense [to wit: N/A];
2. A federal or out-of-state offense that would be classified as a most serious offense under this section [to wit: N/A]; or
3. Any combination of the offenses listed in items (1) and (2) above.
4. Two or more prior convictions for a serious offense [to wit: defendant's prior convictions for Arson 2nd degree (2002) and two (2) Burglary 2nd degree (violent) (2002) charges],

BK
Bronwyn K. McElveen
Asst. Solicitor, 3rd Judicial Circuit

Sumter, South Carolina
July 31, 2014

Exhibit 4

STATE OF SOUTH CAROLINA **RECORDED**

2014 JUL 31 PM 4:58

IN THE COURT OF GENERAL SESSIONS
INDICTMENT NO. 2012-GS-43-1149

Warrant No. M93626

COUNTY OF SUMTER JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

The State of South Carolina,)
)
v.)
)
DAVID ABRAHAM DUREN, JR,)
)
Defendant.)

**NOTICE OF DIRECT PRESENTMENT
OF CHARGE(S) TO GRAND JURY**


**TO: DAVID ABRAHAM DUREN, JR, DEFENDANT, AND TIMOTHY W. MURPHY,
ATTORNEY OF RECORD FOR DEFENDANT**

WHEREAS the defendant was arrested on May 27, 2012 pursuant to Warrant #M93626 for burglary 2nd degree (violent), and whereas the proper charge based upon the defendant's prior criminal record is Burglary 1st degree, the latter offense was submitted to the grand jury of Sumter County for consideration during its September 2012 term.

AND WHEREAS the grand jury now having indicted the defendant for the offense of Burglary 1st degree, the defendant is hereby given notice thereof through service of a copy of said indictment, certified to be a true copy of the original filed with the Clerk of Court for Sumter County, such service being accomplished by the depositing of a certified copy of the original filed Notice of Direct Presentment of Charge(s) in the United States mail with sufficient postage affixed thereto, the same being addressed to:

Timothy W. Murphy
c/o Sumter County Public Defenders' Office
Sumter County Courthouse
215 North Harvin Street
Sumter, SC 29150

on July 31, 2014.



Bronwyn K. McElveen
Assistant Solicitor
Third Judicial Circuit

Sumter, South Carolina
July 31, 2014

Exhibit 5

THE STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

)
RECORDED

IN THE COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA 2014 AUG -5 AM 11:47

Warrant/Indictment Nos.: M936326

v.

)
JAMES S. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

)
REQUEST AND MOTION
UNDER RULE 5 FOR DISCOVERY
Motion pursuant to Brady
And written objection under Rule 6

DAVID ABRAHAM DUREN,

)
DEFENDANT.

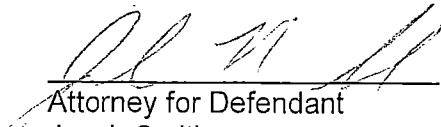
TO SOLICITOR OF THE THIRD JUDICIAL CIRCUIT and any agency of law enforcement or of the State with this case:

NOW COMES the Defendant, by and through counsel, pursuant to Rule 5 & 6 of the South Carolina Rules of Criminal Procedure, and requests the Solicitor to permit the Defendant through counsel to inspect, copy and photograph, within thirty (30) days of the date of this Motion and at least ten (10) days prior to the first day of the term of Court during which the Solicitor shall call the case for trial, the following items, with the express provision that the duty of the Solicitor to respond to this request shall be a continuing one in the event that any such materials shall come into existence or become available after the initial disclosures:

- A. Any written or recorded statement made by the Defendant;
- B. The substance of any statements made by the Defendant;
- C. A copy of the Defendant's prior record;
- D. All books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are material to the defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant;
- E. All results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at trial;
- F. The statement of any witness or prospective prosecution witness;
- G. Anything else that the Defendant may be entitled to pursuant to Rule 5 and/or the principles established in Brady v. Maryland 373 U.S. 83, 83 S.Ct. 1194 (1963);
- H. A true copy of the indictment herein, with all the markings upon it as may have been made by the action of a Grand Jury.

The Defendant herewith moves the Court for orders compelling the Solicitor to comply with this request. This request and motion apply to any material, items, testimony and evidence, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution or any agent of the State, and the Defendant asserts that all material requested herein, if it exists, is material to the preparation of the defense in this case.

Further, pursuant to Rule 6, the Defendant objects to the introduction of the identity of any evidence or substance without the testimony of the qualified analyst who personally tested the evidence or substance and the testimony of all individuals who were involved in the chain of custody of the evidence or substance.

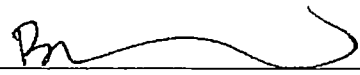


Attorney for Defendant
Jacob Smith
Sumter County Judicial Center
215 North Harvin Street, Rm#151
Sumter, SC 29150
803-436-2424 /fax 803-436-2423

The State hereby requests information subject to Rule 5(e)(1) Notice of Alibi; Rule 5(f) Notice of Insanity Defense or Plea of Guilty but Mentally Ill; and any intent of the defendant to rely upon the defenses of necessity or self-defense.

This Motion is pursuant to Circuit Rule 5, upon compliance by the prosecution with the defendant's previous Motion for Discovery and Disclosure based upon the same circuit court rule. The duty to make said disclosure is a continuing duty up to and during trial.

20



Bronwyn K. McElveen, Assistant Solicitor
Third Judicial Circuit

Sumter, South Carolina
August 12, 2014

Exhibit 17

THE STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

IN THE COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT

RECORDED

Warrant/Indictment Nos.: M936326, 2014A4320100382,
2014A4320100472

STATE OF SOUTH CAROLINA)

2015 JAN 22 AM 11:59

v.

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

DAVID ABRAHAM DUREN JR.)

ORDER
RELIEVING COUNSEL

DEFENDANT.)

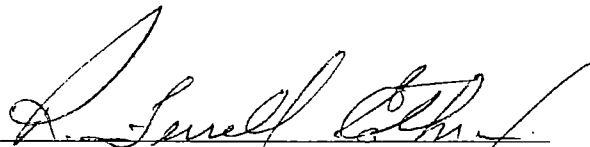
On January 21, 2015, Mr. David Abraham Duren Jr., by and through counsel, moved before this Court to have his attorney, Mr. Jacob Smith, Esq., relieved as counsel. The ground for this motion was the Defendant's right to proceed forward with all future Court proceedings pro-se. After hearing the argument by the Defendant, I find that the Defendant has voluntarily made the informed decision to proceed forward with self-representation.

THEREFORE, IT IS HEREBY ORDERED that Mr. Smith be relieved as counsel on any and all Indictment/Warrant Numbers currently pending in General Sessions Court.

IT IS SO ORDERED.

January 21, 2015

Sumter, South Carolina


The Honorable R. Ferrell Cothran, Jr.
Presiding Judge, General Sessions

Clerk was not given Clerk Case file this date nor after this date

State of South Carolina
County of Sumner

The Court of General Session
Third Judicial Circuit

David Duron
Petitioner

-v-

Jack Houde, Public Defender
Respondent

Case # 2013-GS-43-1149

Affidavit of Fact

Giving Federal Notice

Motion to Compel

Why the Court Case File

Motion for Subpoena

To: Court of General Session, Third Judicial Circuit
Chief Return Judge

The petitioner complaining of the above Respondent and
making this motion for petitioner Complete Case File
pursuant to S.C. Rules of Civil Procedure Rule 65(F)(1)
and S.C. Const Art. (1) Section 9 would show the Court.

(1) The Petitioner David Duron #181965 is presently
incarcerated at Riches Correctional Inst, and is seeking
the Petitioner Complete Case File from the Jack Houde,
Third Public Defender. Petitioner should have been given
the Complete Case file and record the day Counsel was
Relieve on Jan 21, 2015 when petitioner became pro se.

when plaintiff became pro se. Hearing was held in Court of General Sessions Third Judicial Circuit, before the Honorable R. Russell Cochran.

- (2) Plaintiff have asked defendant time and time again for defendant Complete Case file. Plaintiff asked for Complete Case file before he went to trial May 18, 2015, but was never given the file. This is not merely a fishing expedition. The Plaintiff is attempting to obtain his Complete Case file which belongs to him.
- (3) It appears that the Public Defender Office and the Clerk of Court Office is conspiring under the Color of Law to commit Obstruction, abuse, and fraud.
- (4) Ministerial Function of the Act, Duty of Respondent/Defendant
- (A) Under DR-2-110(A)(2) An attorney who withdraws from representation "must" deliver to the client all papers and property to which the clients is entitled.
- (B) In *Re Hodder* 283 S.C. 116, 321 S.E. 2d 601 (1984) this Court held that an attorney must return file to client upon request. S.C. of S.C.

(C) 192 WL 510435 (Aug 1992) Retain file 6 yrs
files belong to the Client under Substantive Law
[ALL] maintain that found their way into
the file is property of the Client

(5) Look at Day when Kennedy

(a) The Court will see by the attach documents
that Plaintiff has tried and tried to get the
Complete Case file, Not only by filing Motion
before the Court at Several Session, Mediations
before the Court at Several session, Motion before
Judge Cochran, Motion through the Court of
Administration through the Rosalyn Ferguson
which she forwarded to the Clerk of Court who
never placed the Motion on the Calendar.

(b) In the interest of Justice the Plaintiff
ask the Honorable Court to place this Motion
on their Motion Calendar to be heard at the
earliest date possible.

(B) Plaintiff also ask the Court to ISSUE A
Subpoena for Attorney Jack Hark to deliver
the Client's Complete Case file for Jurisdiction
2012-GS-43-1149 In open Court on the
Record.

(7) Plaintiff also wishes before the Court
for a pick up and transport order to Court
if Court please this on the Motion Calendar

Attorney Jack White
215 N. Howard St
Sumter, S.C. 29150

Respectfully

David A. Jurek

Supreme Court of S.C.
Honorable Dewell Berry
Post Office Box 11330
Columbia, S.C. 29221

State of South Carolina
in the County of Sumner

Court of General Session
Third Judicial Circuit

David Duron #18925
Petitioner

Case # 2012-65-43-1149

Affidavit of fact
Giving Judicial Notice

Motion to Compel

Why the Circuit Case file

Motion for Subpoena

v-

Jack Blake, Public Defender
Respondent

I David Duron do hereby certify that I have
Searched a copy of said Affidavit of facts giving
Judicial Notice on the Court of General Session,
Third Judicial Circuit and Attorney Jack Blake,
Head Public Defender by U.S. Mail postage prepaid
on Aug 10, 2017 by giving to Markzoon Cherry on
Aug ¹⁰, 2017.

Copy to: Atty Jack Blake
215 N. Main St
Sumner, S.C. 29150

Respectfully
David Duron

State of South Carolina
County of Sumter

Court of General Session
Third Judicial Circuit

David Jones
Petitioner

v.

Jack Hawk, Public Defender
Respondent

Affidavit of fact
Judicial Notice

Case # 2017-GS-43-1149

Motion for pick up
order to transport

To: Court of General Session

I am officially requesting for a pick up order and that S.C.D.C. be required to transport me to the Court of General Session, Sumter County when the Court has schedule a hearing for the Petitioner Motion for the Court case file. I the undersigned do hereby under the penalty of perjury §16-9-10(a)(2) of the South Carolina Code of Law (1996), that on 10 Aug, 2017 served a true and exact copy of my motion for a pick up order, as well as Certificate of Service in this matter, by depositing same in the United States Mail,

Postage pre paid, on 10 Aug 2017, address
to the following person, as indicated below:

Public Defender Office
of Henry Lock Noble
215 N. Howard St
Sumter, S.C. 29150

Dated: Aug 10, 2017
Ridgewick, S.C. 29172

Respectfully
David Duren

Exhibit 9

State of South Carolina
County of Sumter

The Court of Special Sessions
Third Judicial Circuit

David L. Jones
Respondent

v.

Jack H. H. Public Defender
Respondent

Case # 2012-OS-43-1149

Affidavit of Fact
Arising Federal Notice

Motion to Compel

Why the State Case File

Motion for Subpoena

The Court of Special Sessions, Third Judicial Circuit
Chief Session Judge

The petitioner complaining of the above Respondent and
Wishing his Motion for petitioner Complete Case File
pursuant to S.C. Rules of Civil Procedure Rule 156(1)
and S.C. Court App. (1) Section 9 which show the Court.

(1) The Respondent David Jones #18965 is presently
incarcerated at State Correctional Inst, and is seeking
the Respondent Complete Case File from the fact that,
that Public Defender, Respondent should have been given
the Complete Case file as soon as the day covered was
before on Jan 21, 2012 which petitioner became pro se.

(5) The evidence cast in issue in question is favorable to the accused. It was in the possession of or known to the prosecution. It was suppressed by the prosecutor and was necessary to guilt or punishment, and about reasonable likely would have affected the judgment of the jury and sufficient to determine the outcome in the verdict.

The State Respondent v. Anita Jacob Nanda Appellant
S.E. 2d, 2016 WL 5794734 (2016)

Kenny v. (Am. 136 5 (1) 2016 (U.S. 2016)

Wickles v. Wilkney (Annot., Maryland Sec. 1. 3d 124 4th C. (2016)

U.S. v. Burns, 2016 WL 3410273 (2016)

State v. Brown, S.E. 2d 2016 WL 3093083

(6) Inasmuch the performance shown for subsequent upon the Court Rejected. Robert Simpson the Respondent in this case. It will require the to produce, and serve upon the Court and prosecutor copy of the transcripts from the trial hearing 25 March 2016 and amendment of indictment hearing 13 May 2016.

(1) that the State and the Respondent intentionally suppress evidence favorable to the accused occurring likelihood of a different outcome undermining the integrity of the proceeding.

(2) that the State and the Respondent acted in egregious fraudulent conduct, violating due process law. For extremely prejudice the performance within the course of the proceeding.

Therefore, for performance purposes that the Court would grant this relief to exclude any and all other relief the Court deem, just, fair and proper.

Respectfully
David Green

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

Exhibit 10
THE COURT OF GENERAL
SESSION
THE THIRD JUDICIAL CIRCUIT

15
David A. Duren, PRO SE
Plaintiff

DEMAND & WRIT OF
MANDAMUS

VS.

CASE # 2012-GS-43-1149

JACK Howle, Public Defender
Respondent / Defendants

RECORDED
2017 JAN 24 AM 10:18
JAMES O. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

To: The Respondent / Defendants
The Court, The Honorable F. COCHRAN CJ

The plaintiff complaining of the above defendant and
seeking of Mandamus, pursuant to S.C. Rules of Civil
Procedure Rule 65(F)(1) and S.C. CONST. ART (1) SECTION 9
would show the Court

(1) The plaintiff David A. Duren #181965 is presently
incarcerated at Lieber Correctional Inst, and is seeking
the plaintiff complex case file from Mr Jack Howle,
Public Defender.

STATEMENT of FACT

(1) Plaintiff have asked defendant time and time again for the defendant complete case file. Plaintiff became pro se on Jan 22, 2015 and asked Mr Jacob Smith for his case file before he went to trial, but Mr Smith never gave it to the defendant. Mr Smith then left the public defender office of Sumner County to work elsewhere. Plaintiff then asked the Head Public Defender Mr Jack Nowke for the complete case file which he still hasn't gotten it.

(16)

Memorandum of Law

The petitioner is seeking a writ of Mandamus to require the performance of an act *inter alia* (1) Duty of the Respondent to perform the act (2) the Ministerial Nature of the act. Petitioner's legal rights for which discharge of a duty is necessary and (3) a lack of any other legal remedy" *Id* at 18, 512 S.E.2d A 497. See also *Atwell v. State* 527 F.Supp. (D.C.S.C.) 1984, also *Anderson v. State* 527 S.E.2d 399

Ministerial Nature of Act

- (1) Under DR 2-110(A)(2). An attorney who withdraws from representation [must] deliver to the client all papers and property to which the client is entitled
- (2) *In re Haddock* 283 S.C. 116, 321 S.E.2d 601 (1984)
This court held that an attorney must return a file to a client upon request S.Ct of S.C.
- (3) *In re Long* S.Ct of S.C.
Client A also repeatedly requested his file; however Respondent delayed for an unreasonable amount of time before releasing the file.

- (4) S.C. Adv Op 92-19 (S.C. Bar Eth Adv Comm)
- (5) 1992 WL 810'435 (Aug 1992) Retain file 6 years
File belong to the client under substantive law CALL
Materials that found their way into the file is property
of the client.
- (6) Code of Professional Responsibility (DR-1-102(A)(3-6))
- (7) Attorney and Client Nature of Attorney Duty. Client's
File belong to client and should be returned at
Client's Request.

DISCUSSION

Petitioners have asked time and time again for the
complete case file to be advised. Petitioners have evidence
that he have. Petitioners had nothing when he went to
trial.

Writ of Mandamus

A writ of Mandamus is the highest judicial writ
and issued only when there is a specific right to be
enforced, a positive duty to be performed and no other
specific remedy exist. Ex parte Littlefield 343 S.C. 212,
540 S.E.2d 81 (2002), William v. Greenville 243 S.C. 82,
132 S.E.2d 169 (1963)

A writ of Mandamus is a coercive writ that order
a public official to perform a ministerial duty, Plum
Creek Development Co. v. City of Conway 334 S.C. 30

Exhibit 10

517 S.E. 2d 106 (1991). Mandamus will be issued only to compel a public official to perform a mandatory legal duty. Redmond v. Lee County School Dist. Four 314 S.C. 431, 445 S.E. 2d 441 (1991) The primary purpose of a writ of Mandamus is to enforce and established right and a corresponding imperative duty created or imposed by law Littlefield Supra.

CONCLUSION

Based on the foregoing reason, Petitioner is entitled to a writ of Mandamus under due process, be brought to a hearing on the merits of the Petitioners Request for the Public Defender office of Sumner County to Release the defendants Complete Case file of Attorney Jacob Smith which Attorneys have been trying to get since Feb 2015

Respectfully Submitted
David A. Duran



Exhibit 11

SUMTER COUNTY CLERK OF COURT
JAMES C. CAMPBELL

Sumter County Judicial Center ■ 215 North Harvin Street ■ Sumter, South Carolina 29150

Clerk's Office
(803) 436-2227

Fax (803) 436-2223

Family Court
(803) 436-2366

Fax (803) 436-2396

Common Pleas

(803) 436-2228

(803) 436-2231

Jury Information

(803) 436-2233

Fines & Restitution

(803) 436-2230

General Sessions

(803) 436-2264

(803) 436-2265

May 20, 2016

David A. Duren #181965

Lieber Correctional Inst.

Wando C-264

P O Box 205

Ridgeville, SC 29472

Dear Mr. Duren:

The next scheduled motion hearing is not until August 29, 2016. Will let you know if your motion will be scheduled at that time. As we have told you before, the Clerk of Court is not responsible for you being transported.

Sincerely,

James C. Campbell

Clerk of Court

Clerk dismiss motion saying it had no merits. Sent letter to Court of Administration to Mrs Rosalyn W. Francis along with motion for defendant case file which she forwarded to Sumter County Clerk of Court, which I have to yet hear from them.

Exhibit 1A

Third Circuit Public Defender

215 North Harvin Street, Rm # 151, Sumter, SC 29150 ♦ Post Office Box 98, Sumter, SC 29151
(803) 774-6137 ♦ Fax (803) 436-2423

COPY

August 4, 2015

David A. Duren SCDC# 181965
Lieber Correctional Institution
Wando B 134
P.O. Box 205
Ridgeville, SC 29472

RE: Warrant # M936326

Dear Mr. Duren:

I have received your recent letter regarding Sumter County Warrant # M936326.

As requested, enclosed please find all discovery received from the Solicitor's office regarding that charge.

Very truly yours,

Jack D. Howle, Jr.

Jack D. Howle, Jr.

JDHjr/jea

Jack D. Howle, Jr., Esquire
Third Circuit Public Defender

(29)

Exhibit 13

Third Circuit Public Defender

215 North Harvin Street, Rm # 151, Sumter, SC 29150 ♦ Post Office Box 98, Sumter, SC 29151
(803) 774-6137 ♦ Fax (803) 436-2423

COPY

October 20, 2015

David A. Duren SCDC# 181965
Lieber Correctional Institution
Wando B-134
P.O. Box 205
Ridgeville, SC 29472

RE: Warrant # M936326

Dear Mr. Duren:

I have received your recent letter regarding Sumter County Warrant # M936326.

Please refer to my previous letter to you dated August 4, 2015 regarding this same request you sent in July, 2015. I previously provided you with all discovery received from the Solicitor's office regarding that charge. I have no additional information / documentation that I can send you.

Very truly yours,

Jack D. Howle, Jr.

Jack D. Howle, Jr.

JDHjr/jea

Jack D. Howle, Jr., Esquire
Third Circuit Public Defender

(30)

Exhibit 14

Third Circuit Public Defender

215 North Harvin Street, Rm # 151, Sumter, SC 29150 ♦ Post Office Box 98, Sumter, SC 29151
(803) 774-6137 ♦ Fax (803) 436-2423

November 18, 2015

David A. Duren SCDC# 181965
Lieber Correctional Institution
Wando B-134
P.O. Box 205
Ridgeville, SC 29472

RE: Warrant # M936326

Dear Mr. Duren:

As I advised you in my two (2) most recent letters dated August 4, 2015 and October 20, 2015 (copies of which I have enclosed). I previously provided you with all discovery received from the Solicitor's office regarding that charge. I have no additional information / documentation that I can send you.

Very truly yours,

Jack D. Howle, Jr.

Jack D. Howle, Jr.

JDHjr/jea

Jack D. Howle, Jr., Esquire
Third Circuit Public Defender

Exhibit 15

Third Circuit Public Defender

215 North Harvin Sheet, Rm # 151, Sumter, SC 29150 • Post Office Box 98, Sumter, SC 29151
(803) 774-6137 • Fax (803) 436-2423

February 24, 2016

David A. Duren SCDC# 181965
Lieber Correctional Institution
Wando B-134
P.O. Box 205
Ridgeville, SC 29472

RE: Warrant#: M936326

Dear Mr. Duren:

As I advised you in my three (3) previous letters dated August 4, 2015, October 20, 2015 and November 18, 2015 (copies of which I have enclosed), I previously provided you with all discovery received from the Solicitor's office regarding that charge. Even though the requested discovery has been previously sent to you, I am once and for all sending you the complete copy of discovery on warrant # M936326. I have no additional information / documentation that I can send you.

Very truly yours,

Jack D. Howle, Jr.

Jack D. Howle, Jr.

JDHjr/jea

jack D. Howle, Jr., Esquire
Third Circuit Public Defender



SUMTER COUNTY CLERK OF COURT

JAMES C. CAMPBELL

Sumter County Judicial Center ■ 215 North Harvin Street ■ Sumter, South Carolina 29150

Clerk's Office
(803) 436-2227
Fax (803) 436-2223

Family Court
(803) 436-2366
Fax (803) 436-2396

Common Pleas
(803) 436-2228
(803) 436-2231

Jury Information
(803) 436-2233

Fines & Restitution
(803) 436-2230

General Sessions
(803) 436-2264
(803) 436-2265

May 17, 2016

David A. Duren Jr. #181965
LCI, Wando B 134
P.O. Box 205
Ridgeville, SC 29472

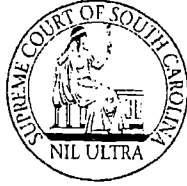
Dear Mr. Duren,

Enclosed are the records in your file of case # 2012-GS-43-01149. If you would like information from the Jacob Smith the Public Defender that was your attorney, you would have to write the Public Defenders Office and request that information from them.

You would need to contact your attorney to set up the court date for you to appear in court and also to set up transportation for you to court. The Clerk of Courts office does not arrange court dates or transportation service.

Clerk of Court's Office

Exhibit 17



South Carolina Court Administration
South Carolina Supreme Court
Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

August 30, 2016

The Honorable James Campbell
Sumter County Clerk of Court
215 North Harvin Street
Sumter, SC 29150-4974

RE: David A. Duren #181965

Dear Clerk Campbell:

Enclosed is a copy of a letter this office received from the above-referenced person. It would be appreciated if you would review this matter to assist him.

Sincerely,
Court Services Section/ar

cc: David A. Duren #181965
Lieber Correctional Institution
Wanda C-264
P O Box 205
Ridgeville, SC 29472

Notice for Clerk Case file

Exhibit 18

Third Circuit Public Defender

215 North Harvin Street, Rm # 151, Sumter, SC 29150 ♦ Post Office Box 98, Sumter, SC 29151
(803) 774-6137 ♦ Fax (803) 436-2423

April 3, 2017

David A. Duren SCDC# 181965
Lieber Correctional Institution
Wando C-264
P.O. Box 205
Ridgeville, SC 29472

RE: 2002-GS-43-109

Dear Mr. Duren:

I received your request for copies of all documents regarding the above referenced case. Please be advised that this office is unable to produce those records in that this office (Third Judicial Circuit Public Defender) was not in existence at the time you were represented. Also, records older than 7 years old are not required to be maintained by me per the S.C State Bar.

Any records request must be made to the Clerk of Court of Sumter County who is the official record keep for this matter.

Very truly yours,

Jack D. Howle, Jr.

Jack D. Howle, Jr.

JDHjr/jea

Jack D. Howle, Jr. , Esquire
Third Circuit Public Defender

(35)

Exhibit A



SUMTER COUNTY CLERK OF COURT

JAMES C. CAMPBELL

Sumter County Judicial Center ■ 215 North Harvin Street ■ Sumter, South Carolina 29150

August 28, 2017

Clerk's Office
(803) 436-2227
Fax (803) 436-2223

Family Court
(803) 436-2366
Fax (803) 436-2396

Common Pleas
(803) 436-2228
(803) 436-2231

Jury Information
(803) 436-2233

Fines & Restitution
(803) 436-2230

General Sessions
(803) 436-2264
(803) 436-2265

Mr. David A. Duren #181965

Lieber Correctional Institute

P O Box 205

Ridgeville, SC 29472

Dear Mr. Duren:

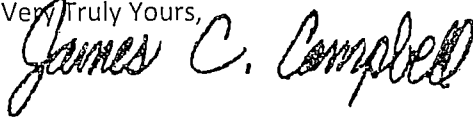
I have spoken to the Court, the Assistant Solicitor, the Public Defender's office, and Court Administration about your plethora of correspondence, "Motions", and other documents, many of which are duplicates, which you continue to flood this office with. I have been advised that both the Public Defender and the Solicitor have sent you copies of their entire files and there is nothing more for them to send. We have also furnished you with copies of everything in our file except the documents which you have sent us. There is nothing more for any of our offices to send to you.

Furthermore, this office does not set the docket for matters in the Court of General Sessions. Docket control is in the exclusive control of the Solicitor. There is nothing this office can do to get anything scheduled for you even if there was anything properly filed that needed scheduling.

With regard to your most recent "Motion" to schedule a hearing regarding the Order of The Honorable W. Jeffery Young dated November 1, 2016, the Assistant Solicitor advises that the DNA of the blood sample referred to in that Order was sent to the State law Enforcement Division (SLED) laboratory shortly after the Order was signed and no results have been received. Judge Young's Order indicates that the results do "not necessarily exculpate the Defendant" and the Solicitor has indicated to me that even if the results show the blood belonged to another it would not mean that you were not present, only that someone else was present as well since your DNA was found at the scene. None the less, the Assistant Solicitor has agreed to send you the lab results as soon as they are received from SLED so a hearing is not necessary.

This is to further advise that this office will not respond to further request for filing or correspondence that does not comply with the South Carolina Rules of Criminal Procedure, (SCRCrimP) Rule 29 which requires that all post-trial motions, except for after discovered evidence, must be filed within ten (10) days after the imposition of sentence. This office simply does not have the resources to continue to respond to your frivolous motions and request and will not do so in the future unless your request and/or filings comply with Court Orders and/or the Rules.

Very Truly Yours,



James C. Campbell

Clerk of Court

CC: Solicitor Ernest A. Finney III

Public Defender Jack D. Howle, Jr.

SC Court Administration

36



Exhibit 20

SUMTER COUNTY CLERK OF COURT

JAMES C. CAMPBELL

Sumter County Judicial Center ■ 215 North Harvin Street ■ Sumter, South Carolina 29150

Clerk's Office
(803) 436-2227
Fax (803) 436-2223

Family Court
(803) 436-2366
Fax (803) 436-2396

Common Pleas
(803) 436-2228
(803) 436-2231

Jury Information
(803) 436-2233

Fines & Restitution
(803) 436-2230

General Sessions
(803) 436-2264
(803) 436-2265

May 16, 2017

David A. Duren #181965
Lieber Correctional Inst.
Wando C-264
P O Box 205
Ridgeville, SC 29472

Dear Mr. Duren:

Your motion for "Client Complete Case File" is being returned to you. Reason being, the Public Defender's Office have given you everything that they had in reference to your file. This motion will not be scheduled.

Clerk of Court Office

I would like to know how can the Clerk of Court make this decision along with Attorney Jack Howle

5 MAY 2018

David Duren #181965
 Perry C.I. Q 38-103
 430 OAK LAWN Rd
 Pelzer, S.C. 29669

Office of Public Defender, Sumner County
 Third Federal Circuit
 Attn: Attorney Jack Howle
 215 N. Harvard St
 Sumner, S.C. 29150

RE: FORMAL Request for Production of Case File (Physical file)
 STATE V DUREN Indictment # 2012-GS-43-1149

Mr Howle,

Please permit this correspondence to serve as a formal request for production of documents, pursuant to the provisions of Rule 1.16(d) of Rule of Professional Conduct (See Rule 407, South Carolina Appellate Court Rule, SCAR).

Rule 1.16(d), provides in pertinent part: "upon termination of representation, a lawyer shall take steps reasonably practicable to protect a client's interests, such as... surrendering papers and property to which the client is entitled..."

According to: "In re Haddock 283 S.C. 116, 321 S.E.2d 601

under DR-2-110(A)(2) an attorney who withdraws from representation "must" deliver to the client all papers and property to which the client is entitled.

Exhibit 21

192 WL 510435 (Aug 1992) Retain file 6 years;
file belong to the Client under Substantive Law
[AHL] material that found their way into the file
is property of the Client.

Requestor would take the position and stance that these
types of Request for production are a proper vehicle
in which to seek disclosure of the Case/Manual file
that was amassed by Otisway Jacob Smith for use to work
for your office in the Criminal proceeding Judgment #
2012-GS-43-1149. Furthermore, this Request is not sought as
a means to harass, cause undue delay, for any form of
economic hardship upon your office. In fact, it is a
competent and economic means of seeking disclosure and
ensuring the rights to Confidentiality and meeting the
Requirements relating to any property entitlements. At any
time should this office take objection to any portion
of this formal Request for production, please serve a
formal Correspondence stating with specificity as to
the reason(s) and/or justifications for each such objection(s).

Requestor would respectfully demand that any objection
and/or compliance be made within thirty (30) days,
exclusive the date of service. Please take notice that
failure to object or make an effort to comply or
respond would give cause for Requestor to file for
declaratory Judgment in the Court of Common Pleas for
A declaratory, Compliance, Compel, and Sanctions consistent
with applicable Standard of Law. Please produce the
following materials, documents, and/or information

D. Please disclose and produce any and all documents, or copies thereof, within your office actual and/or constructive possession, relating to or otherwise relevant to the case of State v. Duran Indictment # 2012-GS-43-1149, described herein as, Notes, Handwritten Notes, Investigative Notes, Investigative Reports (John Davis), Reports, DNA Analysis/Reports, Chain of Custody for Item 3 Buccal Swab taken by Det Milton, SLED Chain of Custody for Item 3 Buccal Swab, Copy of Form A, B, C for Chain of Custody (Rule 6), Certified or sworn Statement of Each person in the Chain of Custody, Copy of the Guilty Plea that is signed Refusing It, Names, Address, phone # of witness that I gave to Attorney Jacob Smith as my Aitibi witness, SLED Reports, Notices (to include, but not limited to Rule 5, Brady, discovery, suppression, quash, direct verdict.), Chemical Analysis, Rule 6 evidence Reports, all Chain of Custody sheets, Search warrants, Application for appointment of Counsel, and any other written relevant to the pre-trial and or post trial proceeding of the case is referenced.

If Requestor may be of any further assistance to this firm, in these matter, please do not hesitate to contact him at the above-reference address.

Thank you very much for your precious time and consideration in this matter.

Respectfully

David Duran

Copy to: South Carolina Supreme Ct
Office of Disciplinary Counsel

PROOF OF SERVICE

I certify that I have served Forfeiture Request for Production of Case file/manual file pertaining to STATE v DUREN Indictment # 2019-GS-43-1149 on the Public Defender office / Attorney Jack Hurdle, by U.S. Postal Service, postage prepaid, to 215 N. Harvin St, Sumner, S.C. 29150 on MAY 7, 2018.

David Duren
David Duren
Perry Ct. Q3 B-103
430 OAK LAWN RD
Peltier, S.C. 29669

As of this 11th Day of May 2018

Tamara Conwell
May-11-2018

Commission Exp.
September 25, 2023

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER

(13) Duplicate

Exhibit 20
AFFIDAVIT OF INDIGENCY
AND
APPLICATION FOR COUNSEL

JS

STATE VS DAVID M DIMEN JR
CRIMINAL CASE # M 936326
CHARGE(S) Burglary 2nd Non Violent
RACE/SEX Blm D.O.B. [REDACTED] SSN [REDACTED]
ADDRESS 6825 [REDACTED] 1250 Winkles Rd
Sumter, S.C. 29153
TELEPHONE # 803-452-5462
DATE OF ARREST 28 Aug 2014
CO-DEFENDANT(S) (BY NAME) _____

PLEASE COMPLETE IN FULL AND BE SURE YOU WRITE CLEARLY, THIS APPLICATION WILL BE REJECTED IF NOT COMPLETED IN FULL.
A LETTER WILL BE SENT TO THE ADDRESS YOU LIST, ADVISING YOU IF YOUR APPLICATION HAS BEEN APPROVED.
C01414-484

1. Are you presently employed? Yes ___ No

a.) If "Yes", give name and address of employer and your wages.

b.) If "No" where did you last work; when did you stop work there; what were your wages?

0

c.) Single ___ Divorce or Separated Married ___

Is your spouse employed? Yes ___ No ___

If "Yes", where? _____

Income? _____

d.) What is the combined income for all working members of your household?

0

RECEIVED
SEP 02 2014

BY: pe

2. How many people (children, etc.) are dependent on you for support? _____

How much do you spend weekly for their support? 0

3. List any money you have received in the past twelve months, which has not already been listed, and the source of the money, such as: self-employment, gifts, inheritances, insurance benefits. _____

4. Do you have any cash money, a checking or savings account? Yes ___ No

If "Yes", how much? _____

5. Do you own any real estate or valuable personal property? Yes ___ No

If "Yes" describe the property and the value of the property. _____

6. Do you own an automobile? Yes ___ No Is it paid for? Yes ___ No ___

If "Yes" Make and Model _____ If not, what are the payments? _____

7. List the amount of all debts you owe, and to whom they are owed.

\$68,000 Child support \$19,000 Student Loans

SCANNED pe 9/12/14

8. If you have been released on bail, who paid your bond?

How much was the bond?

I do solemnly swear that all the information I have given in this affidavit is true to the best of my knowledge. I have made no attempts at any time to misrepresent my true financial status so as to present the appearance that I am unable to employ private counsel. I am financially unable to employ counsel and request that counsel be appointed to represent me.

I understand that the State may file a claim against me for the cost of my representation, and that such a claim will constitute a lien against my property after I have been given thirty days notice and the Court has reduced the claim to a Judgment.

I understand that I am entitled to thirty days notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

Louis D. Stevens Jr
DEFENDANT'S SIGNATURE

29 Aug 2014
DATE

Subscribed and witnessed by me this 29th day of Aug

AFC Nixon 307C
WITNESS

Approved for Appointment of Counsel _____

Rejected as non-indigent _____

Rejected, the Public Defender does not represent for offense charged _____

Other disposition _____

Determination made by: _____

Date: _____

0.00 Application Fee: Paid _____
Temp Waived _____
Other _____

State of South Carolina)
County of Sumter)

In the Court of Common Pleas
Third Judicial Circuit
2015-CP-43-2134

David A. Duren, Jr.,)
Applicant,)

vs.)

State of South Carolina,)
Respondent.)

Transcript of Record

July 26, 2016
Sumter, South Carolina

B E F O R E:

The Honorable Jocelyn Newman, Judge

A P P E A R A N C E S:

David A. Duren, Jr.
Self-represented Litigant

Julie A. Coleman, Esquire, Assistant Attorney General
Attorney for the Respondent

ALSO PRESENT:

Timothy L. Griffith, Esquire

61, 62, 63, 64 pg missing

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

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<u>Witness/Description</u>	<u>Page No.</u>
Jacob M. Smith	
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Certificate Page.	70

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Page No.</u>
------------	--------------------	-----------------

No Exhibits Introduced.

1 These all tie together.

2 THE COURT: Sir, David, I understand that you have a
3 certain position, that you are convinced that you are
4 absolutely correct in that position, so much -- you are
5 just as convinced as Ms. Coleman is that she is correct in
6 everything that she says to me. And my job here is to make
7 a decision as to who I think is right and what I believe
8 the law says. And I've heard you, and I know that you are
9 adamant about your position, but disagree with you, sir,
10 and so I'm done with that issue. We're not going to hear,
11 your post-conviction relief application as to the 2002
12 charges. I'm happy to hear from you about your 2015
13 conviction if you want to discuss that, but we're done with
14 the 2002 charges. I'm not going to hear that.

15 MR. DUREN: Okay. If we can't hear the 2002 charges,
16 they are inserted in my 2015 conviction.

17 THE COURT: And you will have to figure out how to
18 extract that. Do you have any other complaints about the
19 2015 conviction?

20 MR. DUREN: Yes, ma'am.

21 THE COURT: Well, that's what I want to hear.

22 MR. DUREN: Okay.

23 THE COURT: Okay.

24 MR. DUREN: We'll start with the warrant.

25 THE COURT: Well, like I said, I'm going to hear from

J. SMITH -- DIRECT EXAMINATION BY MS. COLEMAN

28

1 Ms. Coleman first. I just wanted to hear that motion. And
2 just so you understand my ruling, when it gets to be your
3 turn, all we're going to be talking about is your 2015
4 conviction, not the 2002 charges.

5 MR. DUREN: Okay.

6 THE COURT: Okay?

7 MR. DUREN: All right.

8 THE COURT: All right, Ms. Coleman.

9 MS. COLEMAN: Thank you, Your Honor. The state calls
10 Jacob Smith to the stand.

11 JACOB M. SMITH, BEING DULY SWORN,

12 TESTIFIES AS FOLLOWS:

13 BAILIFF: State your full name. Spell your last name
14 for the record.

15 WITNESS: ~~Jacob Smith, S=m=i=t=h.~~

16 DIRECT EXAMINATION BY MS. COLEMAN:

17 Q. Hi, Mr. Smith. How are you?

18 A. Good. How about yourself?

19 Q. Fine, thank you. How long have you been practicing
20 law?

21 A. Four years.

22 Q. And can you tell us some -- a little bit about your
23 involvement in this case? Were you appointed or retained?

24 A. I was appointed to this case. Actually we were
25 appointed from the bench, I believe. It was actually Tim

1 Murphy that was initially appointed. I worked in the
 2 public defender office. He came in one day, basically told
 3 me I was going to take over the case. So, I took over the
 4 case, picked up appointment on it, and proceeded forward
 5 with the preliminary hearing the next day.

6 Q. Okay, and how long did you represent Mr. Duren?

7 A. About four months.

8 Q. How many times did you met with him prior to his
9 trial?

10 A. Ten to fifteen.

11 Q. Did the applicant cooperate with you during the course
12 of your representation?

13 A. For the most part, yes, until the end. He decided he
 14 wanted to represent himself, so I filed the motion to be
 15 relieved and then also filed a motion to reduce bond, I
 16 believe it was, or reconsider bond.

17 Q. And he ultimately had a hearing about whether or not
18 he could go pro se at trial. Is that correct?

19 A. Correct.

20 Q. Okay. Did you file any Brady or Rule 5 motions in
21 this case?

22 A. I did.

23 Q. Okay. Did you review the discovery material with the
24 applicant?

25 A. I did.

J. SMITH -- DIRECT EXAMINATION BY MS. COLEMAN

30

1 Q. Did you discuss the elements of the charges and what
2 the state was required to prove?

3 A. I did.

4 Q. Did you discuss the applicant's version of the facts?

5 A. Yes, I did.

6 Q. And can you tell us a little about those?

7 A. He basically had an alibi. He said that his two
8 sisters -- he was down in Georgia. I hired a PI to
9 investigate that. PI came back with nothing. I informed
10 Mr. Duren that he has not -- had not been able to find
11 anything out on that end and that, you know, we were going

12 to proceed forward.

13 There was an issue in the discovery. DNA was not
14 processed as far as they have not collected it from Mr.

15 Duren to test what they had on the scene. So, a Schmerber
16 motion was filed or a Schmerber hearing was done, but I was
17 not representing him at that time. We -- I never had the
18 DNA to evaluate with Mr. Duren.

19 Q. Can you briefly describe the state's evidence against
20 the applicant?

21 A. Sure. There was a burglary. I believe there may have
22 been a video at one of the burglary sites, but it was
23 mainly a CODIS hit on DNA collected at the scene. I
24 believe it was blood DNA.

25 Q. Would you describe their evidence as overwhelming?

State of South Carolina)	Court of General Sessions
)	Third Judicial Circuit
County of Sumter)	Case No. 2012-GS-43-01149
)	
State of South Carolina,)	
)	
Plaintiff,)	
)	
-vs-)	Transcript of Record
)	
David A. Duren Jr.,)	
)	
Defendant.)	
)	

May 18-20, 2015
Sumter, South Carolina

B E F O R E:

The Honorable George C. James Jr., Judge

A P P E A R A N C E S:

Bronwyn K. McElveen, Esquire
Attorney for the Plaintiff

David A. Duren Jr., Pro Se

Krystal J. Smith
Court Reporter

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13 C-5 Administrative Order *MOTION*

14 C-6 Letter from S.C. Bar *MOTION*

15 C-7 DNA Collection

16 C-8 Letter to Defendant *MOTION*

17 from U.S. Dept. of Justice

18 C-9 Guilty Plea - Arson 437

19 ~~2 Judgment~~
20 Affidavits of Truth

1 there is a juror who does not ever show back up, and they
2 typically say that they didn't understand the voice mail or
3 that they didn't know the voice mail was meant for them. The
4 voice mail that you hear or the message that you hear after
5 six p.m. is meant for you. So please follow those
6 instructions and continue to follow those throughout the week.
7 Does anyone have any questions?

8 (WHEREUPON, there was no response.)

9 THE COURT: All right. Thank you for your patience and
10 you're free to go. Call that number after six.

11 (WHEREUPON, the jury panel was excused and exited the
12 courtroom.)

13 THE COURT: All right. Mr. Duren, you said you had some
14 motions?

15 THE DEFENDANT: Yes, sir, Your Honor.

16 ~~THE COURT: Okay. I'll be -- I'll be happy to take those~~
17 in the order that you want to bring those. So just tell me
18 about your first one.

19 THE DEFENDANT: Yes, sir, Your Honor. If it pleases the
20 Court, Your Honor, the defendant makes a motion for dismissal
21 of the case pursuant to -- pursuant to the Supreme Court of
22 South Carolina 365-day Bench Mark Administrative Order,
23 pursuant to the provisions of South Carolina Constitution
24 Article 5, Number 4.

25 Per Chief Justice Jean Hoefer Toal, it is ordered that

1 eighty percent of all criminal cases in each circuit in the
2 State of South Carolina shall be disposed of within 365 days
3 from the date of the defendant's arrest. Provided, however,
4 that the Circuit Court may continue a criminal case beyond 365
5 days by written order if the Court determines that exceptional
6 circumstances exist in this case. This order does not create
7 or define a right of a defendant to a speedy trial.

8 It is further ordered that the Chief Justice's order date
9 5 March, 1999, which states that all criminal cases shall be
10 disposed of within 180 days from the date of defendant's
11 arrest is hereby rescinded. It is so ordered.

12 THE COURT: Okay.

13 THE DEFENDANT: Your Honor, I was arrested in 2000 and --
14 let me get my arrest warrant. This one doesn't have the date
15 on it. Could you bear with me one second, Your Honor?

16 THE COURT: Yes, sir. Do you have his arrest date, Ms.
17 McElveen?

18 MS. McElveen: Yes, sir. He was arrested May 27th, 2012,
19 bonded out the next day, Your Honor.

20 THE COURT: Okay.

21 THE DEFENDANT: Yes, sir. Your Honor, I was arrested May
22 27th and if they have any order that extended this from the
23 court date that extends past this due date, I would be glad to
24 see it, sir, but I ask that this -- this indictment be
25 dismissed on these grounds, sir, the 365-day benchmark from

1 the South Carolina Supreme Court, sir.

2 THE COURT: All right. Ms. McElveen, any response?

3 MS. MCELVEEN: Well, Your Honor, basically, Chief Justice
4 Toal put together a scheduling order in order to have
5 solicitor's offices to move the cases quickly. Obviously,
6 those dismissal of cases are done on a discretionary basis.
7 This is certainly not the type of case that we would wish to
8 dismiss.

9 THE DEFENDANT: Your Honor, it says all criminal cases,
10 sir. Not -- not any one, sir.

11 THE COURT: Okay. All right. Your next motion?

12 THE DEFENDANT: The next motion, Your Honor, is the
13 suppressing of Indictment 2012-GS-43-1149, amended burglary,
14 filed after 6/28, violent, second degree, Your Honor.

15 THE COURT: Okay. You want the indictment suppressed?

16 ~~THE DEFENDANT: Yes, sir.~~

17 THE COURT: And the basis for that?

18 THE DEFENDANT: The basis for that?

19 THE COURT: All right. And if you've got something that
20 you're going to be reading, Mr. Duren, that's fine, but the
21 court reporter is going to count on you to read it slowly.
22 Okay?

23 THE DEFENDANT: All right.

24 THE COURT: Okay. You can hand -- you have some stuff
25 you want to hand up?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay.

3 THE DEFENDANT: Just --

4 THE COURT: Wait. Let me -- let me take a look at what
5 you handed up first. I'll glance through it real quickly and
6 then I'll be glad to hear you.

7 (WHEREUPON, there was a pause in the proceedings.)

8 THE COURT: All right. Are you going to be reading this
9 entire thing?

10 THE DEFENDANT: No, sir, Your Honor.

11 THE COURT: Okay. All right. I'll be glad to hear from
12 you.

13 THE DEFENDANT: Your Honor, with all due respect, if it
14 pleases the Court, sir. This case was presented to the grand
15 jury on direct presentation without my knowledge in 2012, sir.

16 At the time, the grand jury enhanced my crime from second-
17 degree burglary non-violent to first-degree burglary. On July
18 31st, 2014, Solicitor McElveen filed a notice of intent to seek
19 life in prison without my knowing. At -- at -- at that time,
20 I was presented at the hearing -- at that time, I was not
21 present at either one of my hearings, nor did I have a lawyer
22 present for me, Your Honor, because the Public Defender Office
23 has refused two of my applications for a public defender.

24 THE COURT: Who is -- they've done what with your
25 application?

1 THE DEFENDANT: They refused it. On this -- on this
2 case, they refused two of my applications for a public
3 defender. I was not represented by an attorney at that -- at
4 either one of those hearings, Your Honor.

5 THE COURT: Okay.

6 THE DEFENDANT: It appears that Ms. McElveen has used the
7 color of law to violate my Fifth Amendment, my Sixth Amendment
8 -- the Fourteen -- Fourteenth Amendment and the Rules of
9 Criminal Procedure. South Carolina Rules of Criminal
10 Procedure, sir, Rule 5(e) and 2, disclosure by prosecution
11 within ten days after defendant serves notice, but in no event
12 less than ten days before trial, or as the Court may direct
13 otherwise. I was not presented.

14 THE COURT: You weren't presented with what, sir?

15 THE DEFENDANT: I was not presented with any disclosure
16 of this case, sir.

17 THE COURT: Okay. Are you talking about discovery or are
18 you talking about --

19 THE DEFENDANT: Discovery.

20 THE COURT: Okay. Have you given him or his past
21 attorneys the proper discovery responses, Ms. McElveen?

22 MS. MCELVEEN: Your Honor, if I may just go through a
23 little bit of the timeline? Anticipating this, I can answer
24 your questions.

25 First of all, Mr. Duren bonded out of jail and he did --

(49)

1 he was rejected from the Public Defender's Office and then
2 reapplied July 25th, 2012. He's rejected again August 13th,
3 2012. And then when he accrued more burglary charges and he
4 got put back in jail, his bond was denied.

5 And at that point, I made sure to follow up with the
6 ~~Public Defender's Office. On January 7th, 2013, he went back~~
7 ~~down to the Public Defender's Office to reapply. I think his~~
8 ~~parents did. And Mr. Murphy said that he would definitely~~
9 ~~approve him. At one point, Mr. Murphy --~~

10 THE COURT: And just to make sure that the record
11 reflects, Mr. Murphy is a lawyer in the Public Defender's
12 Office.

13 MS. MCELVEEN: Yes, sir. At one point, Mr. Murphy did
14 represent him, and then Jacob Smith, who was formerly with the
15 ~~Public Defender's Office, as well. On August 13th, 2014, we~~
16 served discovery on Attorney Jacob Smith.

17 After that, Your Honor, Mr. Duren requested -- was not
18 able to work with his lawyers and requested that he be able to
19 represent himself. On March 25th, 2015, Judge Cothran
20 certified him as pro se. On January 22nd, 2015, two months
21 before that, I myself gave a copy of his whole file to Mr.

22 Duren in the courtroom to make sure that he had discovery.
23 And then --

24 THE COURT: And what date was that?

25 MS. MCELVEEN: January 22nd, 2015. So that's the second

Board Hearing for different warrant

○

1 time we provided him with discovery. On March 25th, 2015,
2 date he got certified --

3 THE COURT: Wait -- you've got to slow down just a lit
4 bit.

5 MS. MELVEEN: Okay.

*Lie
Pro SE
Hearing*

6 THE COURT: I know you're familiar with the dates, but
7 I'm not. January 22, 2015, you say you gave discovery
8 directly to Mr. Duren in the courtroom?

9 MS. MELVEEN: Yes, sir, on the record.

10 THE COURT: All right. And go ahead.

*Lie
Board
Hearing*

11 MS. MELVEEN: And then March 25th -- two months after
12 that, March 25th, 2015, is when Judge Cothran again official
13 certified him as pro se after -- in January, he let his
14 attorney know that he did not wish to have him represent hi
15 So March 25th, 2015, I brought him over and served him with
16 life without parole notice.

Lie

17 THE COURT: And that was what date?

18 MS. MELVEEN: March 25th, 2015.

→

19 THE COURT: You served Mr. Duren in the courtroom?

20 MS. MELVEEN: Yes, sir.

21 THE COURT: On the record?

○

22 MS. MCELVEEN: Yes, sir, in front of Judge Cothran wit
23 life without parole notice based upon his two -- his two pr
24 violent -- I'm sorry -- his two prior serious offenses. Th
25 are three: arson second degree from 2002, and two prior

1 burglary second degree violent from 2002, along with a --
2 certified copies of those sentencing sheets. And I also
3 served a direct presentment as to the defendant for burglary
4 first degree.

5 At that point, Your Honor, after that fact, I realized
6 that his prior convictions are not enough to get up to a
7 burglary first degree since he did not break into a dwelling.
8 I realized that the original charge was the proper charge,
9 burglary second degree violent. That does not change his life
10 without parole status. He still has two prior serious
11 convictions.

12 ~~And so on April 7th, 2015, in front of Judge McMahon, I~~
13 served Supplemental Rule 5, which included a SLED DNA analysis
14 report, so that he made sure I served it on him in person to
15 ~~make sure he had a copy of that report. Judge McMahon also~~
16 denied defendant's motion to dismiss, and the defendant told
17 the judge that he had no discovery issues because I made sure
18 ~~to go over discovery at that date as well. May 13th, 2015~~

19 THE COURT: Wait a second. That's last week?

20 MS. MCELVEEN: Yes, sir. Just to make sure we were ready
21 for trial, I brought the defendant before the Honorable
22 Ferrell Cothran. I went over discovery and attorney issues
23 again. Served him with a corrected burglary second violent
24 indictment and with -- even though it was a lesser offense, I
25 actually gave him a direct present notice, and made sure to

1 include a certified true-billed copy of the new -- the
2 original indictment, the new -- the original charged
3 indictment and it was re-presented to the grand jury.

4 We went over discovery and attorney issues again with
5 Judge Cothran, and the defendant stated that he is okay with
6 the attorney issues and he was concerned only about the copies
7 of the photos that were used in this case, and I handed him
8 color copies of all the photos that we knew we were going to
9 use in this case.

10 THE COURT: All right. Mr. Duren?

11 THE DEFENDANT: Yes, sir, Your Honor. 'If it please the
12 Court, Your Honor.

13 THE COURT: Yes, sir.

14 THE DEFENDANT: On the re-indictment of burglary second
15 that was served on me on May the 13th, given to me by Ms.

16 ~~McElveen at the court, another indictment, I looked up the~~
17 statute on that burglary second, Your Honor, and the statute
18 states that burglary second is punished by imprisonment for
19 not more than fifty years.

20 THE COURT: Fifteen.

21 THE DEFENDANT: Fifteen years. But section two on that
22 stated that the burglary is committed by a person with a prior
23 record of two or more convictions for burglary or
24 housebreaking or a combination of both. This -- and it says
25 up to -- it only carries up to fifteen years, not a life

1 sentence, sir, with two burglary second, with two or more
2 prior burglaries. And that's the 2014 statute off the South
3 Carolina Rules of Criminal Procedure.

4 THE COURT: All right. Ms. McElveen, is burglary in the
5 second degree violent a -- classified as a serious offense
6 under state law?

7 MS. MCELVEEN: Yes, sir.

8 THE COURT: And if he is convicted of this, how many
9 serious offense convictions will he have?

10 MS. MCELVEEN: This would be his fourth.

11 THE COURT: It would be his fourth? All right.

12 ~~MS. MCELVEEN: And so under the three -- or under the~~
13 two-strike law, which is pursuant to Section 17-25-45,
14 subsection (a) --

15 ~~THE COURT: Isn't it 145 or is it 45?~~

16 MS. MCELVEEN: It might be 145, Your Honor.

17 THE COURT: Okay. Whatever the case is, this is a
18 serious or most serious? This is --

19 MS. MCELVEEN: I believe --

20 THE COURT: You said two strikes.

21 MS. MCELVEEN: I'm sorry. This is --

22 THE COURT: It's the three-strikes law.

23 MS. MCELVEEN: Three strikes, I'm sorry.

24 THE COURT: Okay.

25 MS. MCELVEEN: And he's got the arson second degree, and

Proof of Service

I certify that I have served this formal Complaint upon the South Carolina Supreme Court, Attn: The Honorable Donald Beatty by placing said document along with Exhibits in U.S. Postal Service, postage prepaid to S.C. Supreme Court Post Office Box 11330, Columbia S.C. 29211 on June 13, 2018

David Duren

David Duren

Perry C.I. Q3 B-215
430 OAKLAWN RD
Pelzer, S.C. 29669

Sworn or Affirmed to and subscribed
before me this day June 13, 2018

Tamara Conwell
Notary Public

My Commission Expires _____

Commission Expires
September 25, 2023