

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court Of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2012-21322Z

The State Of South Carolina, ... Respondent.

V.

Jody Lynn Ward, #300644, ... Appellant.

RECORD ON APPEAL

Pages 1-100

Jody Lynn Ward, #300644
Lieber Corr. Inst. E-B-29
P.O. BOX 205
Ridgeville, S.C. 29472
Appellant Pro Se

Attorney General Of South Carolina
Allan Wilson, A.G.
P.O. BOX 11549
Columbia, S.C. 29211-1549
Attorney for Respondent

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STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
CASE NUMBERS: 2003-GS-22-1030
2003-GS-22-1031

State of South Carolina)

vs.)

Jody Lynn Ward,)

Defendant.)
_____)

**ORDER DENYING
MOTION FOR NEW TRIAL,
MOTION FOR APPOINTMENT OF COUNSEL
AND MOTION FOR EXPENSES**

Before the court are the defendant's Motion for New Trial based upon after discovered evidence, Motion for Appointment of Counsel and Motion for Investigative and Expert Expenses.¹

Defendant argues that he is entitled to a new trial based upon a purported letter from another person claiming to have hired the victims in this case to kill the defendant. However, the letter referenced by the defendant in his motion and attached as an exhibit thereto makes no such admission and the defendant has not presented anything to corroborate such an admission.

To prevail on a motion for a new trial based on after discovered evidence, a defendant must show (1) the evidence is such as will probably change the result if a new trial is granted; (2) the evidence has been discovered since the trial; (3) the evidence could not have been discovered prior to trial by the exercise of due diligence; (4) the evidence is material; and (5) the evidence is not merely cumulative or impeaching. *State v. Needs* (S.C. 1998) 333 S.C. 134, 508 S.E.2d 857, rehearing denied. In the case at hand, the defendant has not only failed to establish that he has new evidence that will probably change the result of his convictions if a new trial is granted, he has failed to show even the existence of newly discovered evidence. Therefore, the defendant's motion for a new trial should be denied.

¹ These motions are based upon the contents of the defendant's motions without oral arguments.

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/KHC

Since the defendant's motion for a new trial is denied, his motions for appointment of counsel and funds for investigative and expert services are moot.

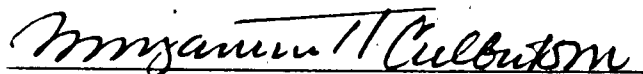
NOW, THEREFORE, based upon the above, it is hereby

ORDERED, that the defendant's Motion for a New Trial is DENIED; it is further

ORDERED, that the defendant's Motion for Appointment of Counsel is MOOT; it is further

ORDERED, that the defendant's Motion for Funds for Investigative and Expert Services is MOOT.

AND IT IS SO ORDERED.



Benjamin H. Culbertson

Administrative Judge

Court of General Sessions, 15th Judicial Circuit

July 31, 2012
Georgetown, SC

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

IN THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
CASE NUMBERS: 2003-GS-22-1030
2003-GS-22-1031

State of South Carolina)

vs.)

Jody Lynn Ward,)

Defendant.)

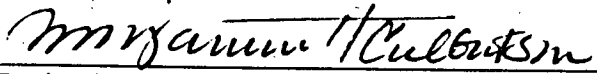
ORDER DENYING
MOTION FOR RECONSIDERATION

FILED
2012 AUG 20 PM 2:15
CLERK OF COURT
GEORGETOWN COUNTY, SC

The defendant's Motion for Reconsideration dated August 8, 2012 is DENIED.

This motion was decided without oral arguments.

AND IT IS SO ORDERED.


Benjamin H. Culbertson
Administrative Judge
Court of General Sessions, 15th Judicial Circuit

August 20, 2012
Georgetown, SC

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
CASE NUMBERS: 2003-GS-22-1030
2003-GS-22-1031

State of South Carolina)
vs.)
Jody Lynn Ward,)
Defendant.)

ORDER DENYING
MOTION TO ARREST JUDGMENT

ALMA Y. WHITE
CLERK OF COURT

2012 SEP 26 PM 3:10

FILED
GEORGETOWN COUNTY, S.C.

The defendants Motion to Arrest Judgment in this case is DENIED.¹

Benjamin H. Culbertson

Benjamin H. Culbertson
Administrative Judge
Court of General Sessions, 15th Judicial Circuit

September 25, 2012
Georgetown, SC

¹ This motion was decided on the contents of the defendant's motion and without oral arguments.

Petitioner Copy
1

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

JODY LYNN WARD,
Petitioner,

vs.

STATE OF SOUTH CAROLINA
Respondent.

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

INDICTMENT CASE No:
03-GS-22-1030 & 1031

MOTION FOR NEW TRIAL BASED ON
AFTER DISCOVERED EVIDENCE

Pursuant to: SCRCrimp Rule 29(b)

ALMA Y. WHITE
CLERK OF COURT

2012 MAY 16 PM 2:42

FILED
GEORGETOWN COUNTY, S.C.

The above named Petitioner, moves before this Court for a Motion for a New Trial Based on After-Discovered Evidence pursuant to South Carolina Rules Criminal Procedure Rule 29(b).

JURISDICTION

AFTER DISCOVERED EVIDENCE: In order to be entitled to a new trial on the ground of after discovered evidence, the movant is required to demonstrate that the evidence:

- (1). is such that it will probably change the result if a new trial is granted;
- (2). was discovered after trial;
- (3). could not have been discovered before trial by exercise of due diligence;
- (4). is material to the issue; and
- (5). is not impeaching or merely cumulative.

See also: SCRCrimp Rule 29(b) - POST TRIAL MOTIONS:

(b) New Trials Based on After - Discovered Evidence.

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PROCEDURAL HISTORY OF THE CASE

Petitioner (Jody Lynn Ward) was indicted in July 2003 in Georgetown County for the alleged murders of Wilford Brown and Elton Rutledge, Jr.

Petitioner proceeded to trial by a jury and Judge on March 15-18, 2004. The jury ultimately convicted Petitioner as indicted and the Honorable Paula H. Thomas sentenced Petitioner to two-2 concurrent life sentences. A timely notice of appeal was filed and the appeal was reviewed pursuant to Anders vs. California in which the Court of Appeals affirmed the sentences and convictions January 26, 2007 (2007-UP-048). A timely rehearing was filed and rehearing was denied March 22, 2007. Subsequently thereafter Petitioner filed petition for Writ of Certiorari. The petition for certiorari was withdrawn by Petitioner June 29, 2007 and the remittitur was thereafter handed down the the circuit court. Petitioner filed his first application for Post Conviction Relief ("PCR") July 11, 2007. An evidentiary hearing was convened May 1, 2008. By way of written Order the Honorable Judge John denied the application.

On May 27, 2008, Petitioner submitted a timely Rule 59(e), SCRCP, motion to alter/amend judgement. August 6, 2008, Judge John denied the Rule 59(e) motion. A timely notice of appeal was filed and Petitioner for Writ of Certiorari August 20, 2009 and the remittitur was handed down September 8, 2009.

Petitioner filed his second PCR application July 13, 2009 based on "new rule" of law, while his first PCR was currently

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being reviewed on certiorari. Respondent made a Return and Motion to dismiss. A Conditional Order of Dismissal was issued and Petitioner made his timely opposition to the dispositive pleading. January 13, 2010 a final order was issued granting the Respondents motion to dismiss.

A timely notice of appeal was filed in this Court that was ultimately denied and dismissed. The remittitur was handed down about April 1, 2010.

Petitioner filed a third PCR application May 4, 2010 based on a "new rule" of law. The Respondent filed a Return and Motion to dismiss June 1, 2010. Petitioner lodged a timely opposition to the Respondent's dispositive pleading June 14, 2010. A Conditional order was issued and Petitioner lodged a timely opposition to the Conditional Order. A final Order was issued granting the Respondent's motion on July 20, 2010. A timely notice of appeal was filed, accompanied with a pro-se petition August 18, 2010. Petitioner filed a Reply brief. certiorari was ultimately denied August 18, 2011.

Petitioner filed a Notice of Petition for Original Jurisdiction; Petition for Original Jurisdiction; Petition for Writ of habeas Corpus in South Carolina Supreme Court on October 31, 2011.

It was ultimately denied on November 16, 2011; to fully exhaust all State remedies. Petitioner herein files his motion for New trial Based On After-Discovered Evidence herein.

FACTS AND ISSUE

Petitioner herein is informed and believes in good faith that Michael Andrew Abner payed "Murder For Hire" to his alleged victims that Petitioner was convicted for murdering by trial jury.

Petitioner directs the Court herein to what's been marked as Fortior Exhibit A - Letter written to Lynn Ward Petitioner's mother from Michael Andrew Abner. By reading the letter it is in fact evidence of After-Discovered Evidence that Petitioners trial jury never heard and it will probably change the results if a new trial is granted; was discovered on or about October 2011 therefore this is after Petitioner's 2004 trial, which could not have been discovered before trial by exercise of due diligence, see: Fortior Exhibit B- Michael Andrew Abner is a serial killer and never started admitting to any crimes he committed until whenever his killed his last victim on or about January 12, 2010 where he admitted to killing (2) two other victims more than (20) twenty years ago, in the State of Kentucky. see: Fortior Exhibit C- where Petitioner was treated at Georgetown Memorial Hospital for five (5) stab wounds (3) three stab wounds under left armpit on side; (1) stab wound to left elbow; (1) one stab wound between left index and middle finger that was treated with stitches and was inflicted by Michael Andrew Abner, see: Fortior Exhibit D- incident report.

Fortior Exhibit E- is proffer testimony of witnesses that will

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testify at the hearing of this case herein. (2) witnesses being Rondie J. Ward and carol S. Ward who Michael Abner called on the telephone and admitted to paying Petitioner (2) alleged victims "Murder for Hire". Therefore is material to the issue herein and is not impeaching or merely cumulative.

Petitioner submits that he is entitled to a hearing as a matter of law.

See: Fortier Exhibit F- Affidavit Ashton J. Ward

The After-Discovered Evidence must reflect upon the defendant's innocence. Generally, A motion for a New Trial should be considered when New Evidence is Discovered; or when New Evidence is discovered after the completion of State PCR, see: Simpson v. Moore, 627 S.E.2d 701, 708 (S.C. 2006). In this case at hand Petitioner has exhausted a trial by Jury in 2004; and all State remedies; PCR was held May 1st, 2008. This New After-Discovered Evidence was not discovered until well after 2008.

The Petitioner bares the burden of proof and must satisfy each element for the Court to grant the motion, see: Hayden v. State, 299 S.E.2d 854, 855 (S.C. 1983). The motion must be filed before the trial court with jurisdiction over the conviction, see: S.C.R. Crim.P. 29.

The provisions of Rule 29(b) place no time limitations on a motion for a New trial based on After-Discovered Evidence. See: State v. Spann, 513 S.E.2d 98, 100 (S.C.1998), (Granting motion

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for New Trial where New Evidence was discovered eighteen years after the original trial)but does require that it be filed within a reasonable time after discovery of the Evidence. See: Town of Hilton Head Is. -vs- Godwin, 634 S.E.2d 59, 61-61 (S.C.Ct.of App.2006).

Petitioner submits that his motion herein is timely. The motion must be supported by affidavits and, if available other relevant evidence. The moving party must also submit a personal affidavit supporting the motion; that he could not have discovered it by the exercise of due diligence. See: State v. DeAngelis, 182 S.E.2d 732, 735 (S.C.1971), see also hereto attached Petitioners Affidavit. The trial Judge has broad discretion to either grant or deny the motion, and his decision will not be reversed on appeal unless the defendant can show that it meets the onerous "abuse of discretion" standard, see: State v. Euen, 250 S.E.2d 116, 118 (S.C.1978); State v. Pierce, 207 S.E.2d 414,417 (S.C.1974).

Therefore Petitioner respectfully ask this Court for counsel to be appointed due to his indigence and respectfully ask for a hearing in the Matter to resolve the issue here at hand.

DISCUSSION

AFTER DISCOVERED EVIDENCE: In order to be entitled to a new trial on the ground of after discovered evidence, the movant is required to demonstrate that the evidence:

- (1). is such that it will probably change the result if a new trial is granted.
- (2). was discovered after trial.
- (3). could not have been discovered before trial by exercise of due diligence.
- (4). is material to the issue; and
- (5). is not impeaching or merely cumulative.

see: state v. Allen, 276 S.C. 412, 279 S.E.2d 365 (1981);

State v. Caskey, 273 S.C. 325, 256 S.E.2d 737 (1979);

State v. Prince, 316 S.C. 57, 447 S.E.2d 177 (1993);

State v. Freeman, 319 S.C. 110, 459 S.E.2d 867 (Ct.App.1995);

State v. Needs, 333 S.C. 134, 508 S.E.2d 857 (1998);

State v. Taylor, 333 S.C. 159, 508 S.E.2d 870 (1998);

State v. Hill, 360 S.C. 13, 598 S.E.2d 732 (Ct.App.2004).

A motion made on the ground of after-discovered evidence is addressed to the sound discretion of the trial court, and a denial of the motion will not be overturned on appeal unless an abuse of discretion amounting to an error of law is shown. Bettis v. Busbee, 283 S.C. 502, 323 S.E.2d 536 (Ct.App.1984).

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It is the better practice for a trial judge to specify the grounds upon which he denies a motion for new trial based on after discovered evidence. State v. Pierce, 263 S.C. 23, 207 S.E.2d 414 (1974).

Although "due diligence" for the purposes of this motion has not been fully defined in South Carolina, in one recent case the Court applied some limitation to the concept. In State v. Spann, Spann was convicted of the 1981 Sexual assault, robbery, and murder of Melvin Neill, as well as the burglary of her home, and received a death sentence. See: State v. Spann, 279 S.C. 399, 308 S.E.2d 518 (1983). Between July and November 1981, within a twelve mile radius in York County, Mrs. Neill and two other women were killed in a similar fashion. After Spann was convicted, another person, Johnny Hullett, was convicted of one of the other killings.

Spann filed a new trial motion based on after-discovered evidence. At the new trial hearing, Spann presented the testimony of three expert witnesses: a forensic pathologist (Dr. Spitz); a forensic psychiatrist (Dr. Taney); and an expert in crime scene analysis and criminal personality profiling (Mr. Ressler).

Dr. Spitz testified that all three women were strangled in a unique way, a method he had never before observed in forty three years of practice. He testified to other factual similarities between the crimes, and opined that one perpetrator was responsible for all three murders. Dr. Taney testified the three murders were committed by a single individual, a sexual sadistic murderer. He testified to the psychiatric characteristics of

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these types of killers, and opined based upon his examination of the appellant that it was "impossible" that Spann had committed these offenses. Dr. Taney also testified that sexual sadistic killers are almost always psychiatrically disturbed white males. Spann was a black man with no history of psychiatric problems; Hullett was a white male with a long psychiatric history. Finally, Mr. Ressler profiled the killer of these three women as a white male in his mid-twenties to mid-thirties with a history of mental illness, who was either single or had a dysfunctional marriage, a person with bizarre fantasies, a history of childhood abuse, and knowledge of the area. Spann did not fit this profile.

The circuit Court Judge found the expert testimony "thought provoking" and "intriguing" and specifically found that Mr. Ressler's testimony "raise[d] a reasonable inference as to [Spann's] innocence." The Judge rejected the testimony of all three experts as grounds for the granting of a new trial, however, finding the evidence and science upon which their opinions were based were all in existence at the time of Spann's trial, and thus could have been discovered by his attorney's with the exercise of due diligence. The Supreme Court disagreed with the trial judge. The Court stated, "for the attorney's to have pursued these types of experts, they would first have needed to recognized the similarities between the crimes, similarities not apparent at the time even to the experts (i.e. law enforcement investigators and the pathologist) involved in all three cases. We hold that the due diligence standard imposed upon trial

11.

attorney's can not be said to be this high". The Supreme Court held "the circuit court judge committed an error of law, under the unusual facts of this case, in holding that the newly discovered expert's evidence could have been discovered by the exercise of due diligence". The Court reversed the trial Court's ruling and remanded for further proceedings.

NOTE: A motion to reopen a case for additional testimony will be denied where counsel does not proffer the testimony and does not show that it would make a difference in out come of the case. Wright v. Strickland, 306 S.C. 187, 410 S.E.2d 596 (Ct.App.1991).

Petitioner submits that under the unusual facts of his case that he is entitled to a new trial. He submits that he meets all five criteria to be entitled to a new trial on the grounds of after discovered evidence.

Petitioner herein submits Fortior Exhibits which will demonstrate that the new evidence meets the requested criteria that was explained in his facts and issues of this motion. Petitioner further submits that the hereto attached proffer of the testimony of the witnesses that he wishes to call at the new trial hearing of this motion herein.

CONCLUSION

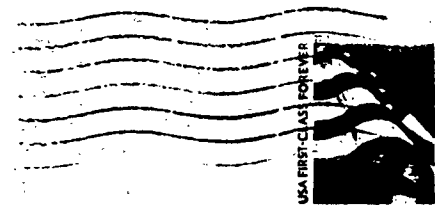
WHEREFORE, based on the foregoing Motion for a New Trial should issue in the instant matter or in the alternative this Court should fashion any available equitable relief warranted.

Respectfully Submitted,

Jody Lynn Ward, #300644
Jody Lynn Ward, 300644
Lieber Correctional Inst.
P.O. Box 205
Ridgeville, S.C. 29472

FORTIOR
EXHIBIT
A

Michael Abner #207751
K.S.P.-3 9/12 R14
266 WATER ST.
Eddyville, Ky. 42038



Lynn Ward
P.O. Box 923
Georgetown, S.C.

2944230923

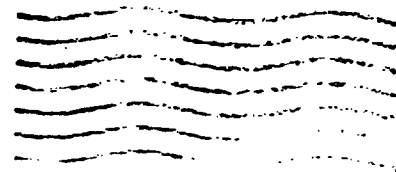
29442

10-16-2011

Dearest Lynn

I know you don't want to
hear from me and I truly
understand why but this time
I had no choice since I
am doing everything in my
power to help Jody but not
for him but for Ashton and
the girls, they need not just
any Daddy but their Daddy.
The reason I am writing to
you is because it seems
everytime Ashton writes me
the letter will be postmarked
like on the 5th of October
but I don't get it to like
the 14 of October. I know this
letter and all my letters coming
is being read by INTERNAL AFFAIRS.
That's the law in prison just like
Cops on the streets. It seems
the FBI thinks I have killed
in more states than this so
they go thru all going out mail
and all coming in mail I get.
So make sure everyone knows
OVER

all letters I send and get are
 read by these people. They
 shook me down my cell just
 as soon as I got that A F A D A V I T
 from Ashton spilled coffee on it
 and took me to the Internal
 Affairs office asking me what it's
 about. I told them the truth
 that I was trying to make
 a wrong right. So please
 send me another one and
 the A F A D A V I T I know I did
 not spell it right but you all
 know what I am talking about.
 Send it to me and I will see
 my caseworker get it notarized
 and send it back fast as I
 can. So tell all the family
 my letters are being read coming
 in and going out. Well we
 don't have anything to hide
 so please send me a new one
 fast as you can so I can get
 it back to you all
 Michael



FORTIOR
EXHIBIT
B



KENTUCKY
DEPARTMENT of CORRECTIONS
OFFENDER ONLINE LOOKUP SYSTEM

Home



Offender Detail Listing
Information current as of 04/08/2011 03:00 PM

NOTICE: Inmate data newer than 120 days might not have been finalized.

Offender Information

Name: ABNER, MICHAEL A
Inmate SPN/ID: 83679 / 207751
Facility:
Age: 48
Race: White
Gender: Male
Eye Color: Green
Hair Color: Gray or Partially Gray
Height: 5' 07"
Weight: 150lbs.
Inst Start Date: 04/14/2010



207751

----- Offender Photo -----

Aliases

No aliases found for this offender.

Conviction Information

Offense Number 1

Indictment #: 10-CR-0006
Crime Date: 03/08/2010
Conviction Date: 04/27/2010
Conviction County: Pulaski

Indictment Count: 001
KRS Code: 439.3401
Felony Class: X
Sentence Length: 0999 years 99 months 99 days

20

Offense: MURDER - H8455**Offense Number 2****Indictment #:** 10-CR-0006
Crime Date: 01/12/2010
Conviction Date: 04/27/2010
Conviction County: Pulaski**Indictment Count:** 001
KRS Code: 439.3401
Felony Class: X
Sentence Length: 0999 years 99 months 99 days**Offense: MURDER - H8455****Offense Number 3****Indictment #:** 10-CR-0006
Crime Date: 03/08/2010
Conviction Date: 04/27/2010
Conviction County: Pulaski**Indictment Count:** 001
KRS Code: 439.3401
Felony Class: X
Sentence Length: 0999 years 99 months 99 days**Offense: MURDER - H8455****Offense Number 4****Indictment #:** 10-CR-0006
Crime Date: 01/12/2010
Conviction Date: 04/27/2010
Conviction County: Pulaski**Indictment Count:** 003
KRS Code: 511.020
Felony Class: 8
Sentence Length: 0020 years 00 months 00 days**Offense: BURGLARY, 1ST DEGREE****Offense Number 5****Indictment #:** 10-CR-0006
Crime Date: 03/08/2010
Conviction Date: 04/27/2010
Conviction County: Pulaski**Indictment Count:** 003
KRS Code: 511.020
Felony Class: 8
Sentence Length: 0020 years 00 months 00 days**Offense: BURGLARY, 1ST DEGREE****Offense Number 6****Indictment #:** 10-CR-0006
Crime Date: 03/08/2010
Conviction Date: 04/27/2010
Conviction County: Pulaski**Indictment Count:** 004
KRS Code: 513.020
Felony Class: A
Sentence Length: 0020 years 00 months 00 days**Offense: ARSON IN THE 1ST DEGREE****Offense Number 7****Indictment #:** 10-CR-0006
Crime Date: 03/08/2010
Conviction Date: 04/27/2010
Conviction County: Pulaski**Indictment Count:** 002
KRS Code: 515.020
Felony Class: 8
Sentence Length: 0020 years 00 months 00 days**Offense: ROBBERY, 1ST DEGREE****Offense Number 8****Indictment #:** 10-CR-0006
Crime Date: 01/12/2010**Indictment Count:** 002
KRS Code: 515.020

21

Conviction Date: 04/27/2010 Conviction County: Pulaski	Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	
Offense Number 9	
Indictment #: 10-CR-0006 Crime Date: 03/08/2010 Conviction Date: 04/27/2010 Conviction County: Pulaski	Indictment Count: 002 XRS Code: 515.020 Felony Class: B Sentence Length: 0020 years 00 months 00 days
Offense: ROBBERY, 1ST DEGREE	

Parole Information**No parole information found for this offender.**Send comments and suggestions to [KOOL Resource Team](#)Copyright © 2004 Commonwealth of Kentucky
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April 15, 2010



Abner gets life for triple homicides ([http://someset-](http://someset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)



Michael Abner, 47, of Eubank, admitted in Pulaski Circuit Court Wednesday that he killed Jack Roerink, 79, and — more than 20 years ago — Mamie Mercer, 80, and Mae Stringer, 88. Pulaski Circuit Judge Jeffrey T. Burdette sentenced Abner to life in prison without the possibility of parole.

[kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides](http://someset-kentucky.com/local/x1299802608/Abner-gets-life-for-triple-homicides)

local news

By HEATHER#8200;PYLES, CJ Staff Writer
(<http://someset-kentucky.com>)

Somerset — SOMERSET—A man accused of killing no fewer than three people pleaded guilty to murder and other charges in court yesterday.

Family and friends of Jack Roerink, Mamie Mercer and Mae Stringer crowded into the Pulaski County Circuit Courtroom Wednesday morning to hear Michael Andrew Abner, 47, plead guilty in the killings of the three victims.

"I'm just glad it's over," said Andy Mercer, grandson of Mamie Mercer, who Abner admitted to killing more than 20 years ago.

Abner appeared to be fighting tears Wednesday morning as he, several law enforcement officials, several attorneys and onlookers waited for a hearing that would last no more than 20 minutes.

Abner appeared with his attorney, Jim Cox, before Pulaski Circuit Judge Jeffrey T. Burdette Wednesday for the pleadings. He was originally scheduled to appear for an arraignment today, but those plans were moved up once a plea deal was met.

Abner was arrested on Tuesday, Jan. 12 after authorities discovered he'd broken into the home of Jack Roerink, who was 79 at the time of his death.

Authorities discovered Roerink's body in his home in Eubank and Abner, who reportedly knew Roerink, was found a short while later after officers traced Roerink's missing truck to Abner's ex-wife's home. Investigators said Abner stabbed Roerink multiple times with a kitchen knife during the incident before taking several items and fleeing with some of Roerink's property, including his truck.

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Once he was in custody, Abner told law enforcement officials that he'd killed twice before.

Mamie Mercer's body was discovered in her South Hart Road home in the Saline community on Wednesday, Oct. 12, 1983 in her bed, a victim of strangulation, and Abner was questioned during an investigation by Kentucky State Police. He was never arrested, and the case remained open and unsolved throughout the years until Abner's arrest this year.

"When something like this happens, and it goes so long, people start looking at other people in the community," Andy Mercer said about the murder that sent him and the rest of his family reeling.

Commonwealth's Attorney Eddy F. Montgomery, reading from evidence received from authorities outlining Abner's confessions, said Abner entered Mamie Mercer's home while another woman, who lived with Mercer, was in the shower and strangled Mercer, unbeknownst to the other female.

"You learn to live with this, but it's never forgotten," Andy Mercer said.

Mercer said his grandmother, who was a religious woman and could be seen walking everywhere for her health, bought fire wood from Abner.

"It rocked the neighborhood," Andy Mercer said about the murder.

Mamie Mercer was 80 years old at the time of her death, and Abner was 20 years old at the time of the incident.

"This brings closure to all of that," Andy Mercer added.

Abner strangled 83-year-old Mae Stringer in 1988, when he was 25 years old.

Stringer's family and investigators believed she had perished in a house fire on Dec. 2, 1988, but investigators said Abner stated he strangled the 83-year-old woman to death in her home on Ringgold Road before setting the house on fire.

Montgomery, reading from statements received from the authorities, said Abner poured perfume over Stringer's body and set fire to the home.

"There's been three victims that we've talked about here, and there's been more than 30 days in between the murders of each of these victims," Burdette stated to Abner during the hearing. "You've had an opportunity between the first and second victims to ... admit, to offer some peace of mind to the family of the first victim, but after 30 days and after that time period, you did kill again.

"Another 30 days or more passed, matter of fact, years," Burdette continued. "(You had) an opportunity ... to redeem, or to talk to the families or the authorities to admit your wrongdoings, but you did not."

During Wednesday's hearing, Montgomery and Cox stated that it was revealed during a competency hearing that Abner's IQ was over 70, which means he qualified for the death penalty if he'd been found guilty through trial of the charges he faced.

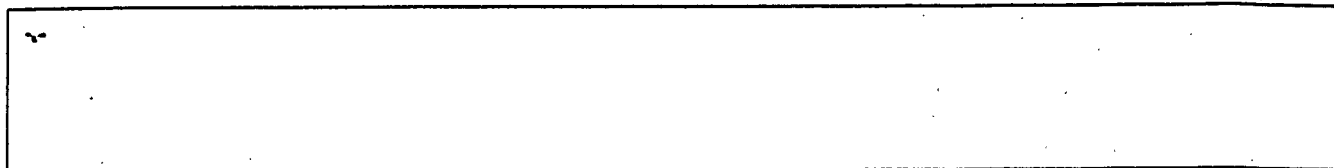
Abner had been indicted on one charge of murder, one charge of first-degree robbery and one charge of first-degree burglary in connection with Roerink's death. He was also indicted on one count of murder and one count of first-degree robbery in connection with Mercer's death, and he was indicted by a grand jury on one count of murder, one count of first-degree robbery, one count of first-degree burglary and one count of first-degree arson in connection with Stringer's death.

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Abner pleaded guilty Wednesday to those same charges. Montgomery recommended that he receive life in prison without the possibility of parole for each of the murder charges, 20 years in prison for each of the burglary charges, 20 years in prison for each of the robbery charges, and 20 years in prison for the arson charge.

Burdette accepted that recommendation after Montgomery stated that he'd spoken to the relatives of Roerink, Stringer and Mercer and received their approval of the plea and the sentences.

"I believe that you deserve to be incarcerated for the remainder of your life," Burdette told Abner.



Commonwealth Journal 110-112 E. Mt. Vernon St. Somerset, KY 42501

FORTIOR
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GEORGETOWN MEMORIAL HOSPITAL
PO Drawer 1718/606 Black River Road/Georgetown, SC 29442/(803) 527-7000
EMERGENCY DEPARTMENT

SUMMARY

PATIENT

WARDS, JODIE Sody

MEDICAL RECORD #

817968

EMERGENCY DEPT. PHYSICIAN

S. O. Compagnone, M.D.

ACCOUNT #

ADMISSION DATE

12/13/2000

PRIMARY CARE PHYSICIAN

HISTORY OF PRESENT ILLNESS: This 26-year-old white male presents to the emergency room because of multiple stab wounds. He was involved in an altercation prior to coming to the ER. Slashing-type wounds evidently done with a carpenter's chisel. This was of the left upper posterior chest wall. The wounds are about 3 cm and two wounds of 2 and 1.5 cm of his left upper arm. He also has a wound over his left elbow; this is approximately 2 cm and 1-cm wound over the palm of his left hand. When he first came in, he had a chest x-ray done, which showed no pneumothorax. The remainder of his physical examination, other than his lacerations, were grossly normal.

IMMUNIZATIONS: He is getting his tetanus diphtheria shot.

PHYSICAL EXAMINATION:

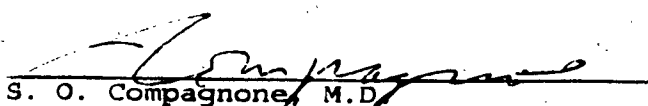
VITAL SIGNS: Grossly normal. The patient does have panic attacks and his pulse was 132, blood pressure 184/78.

EMERGENCY ROOM COURSE: He was given Ancef 2 g. All wounds were cleansed and irrigated. They were then all sutured with interrupted #4-0 nylon sutures. He was given a prescription for some Keflex 500 mg q.6h.

DIAGNOSIS:

Multiple stable wounds.

DISCHARGE INSTRUCTIONS: He is to start on his medication, i.e. the Keflex in the morning. Take Tylenol or Advil for pain and to return in about 10 days for suture removal.


S. O. Compagnone, M.D.

DD: 12/13/2000 TD:19:05
DT: 12/14/2000 TT:16:19
744/53270



GEORGETOWN MEMORIAL
HOSPITAL
P.O. BOX 1718
GEORGETOWN, S.C. 29412-1718
343 521-7000

AMBULATORY SURGERY RECORD
EMERGENCY ROOM AND
OUTPATIENT RECORD

PATIENT NAME AND ADDRESS WARD, JODY R 499 DEER SPRING LOOP GEORGETOWN SC 29440 (843) 520-4442		DATE OF BIRTH 05/14/74	AGE 26Y	SEX M	RACE W	M/S M	P/T 3	MEDICAL RECORD NO. 817968
PHONE FAMILY		COUNTY GEORGETO	COMPLAINT MULTIPLE STAB WOUNDS	DATE OF ADMISSION 12/13/00	TIME 1212	ACCOUNT NUMBER 960830		
OPER. BY WILKINSON JR., GEORGE		TETANUS STATUS	WEIGHT	ALLERGIES A				
VITAL SIGNS: T 98.3 P 132 R 18 B.P. 104/56								

PHYSICIAN'S REPORT

*I.D.
Ancef 2 Gm
Shing 6 am*

ORDERS/TREATMENT

- | | |
|----------|------------------|
| LABS: | X-RAYS |
| CBC | CXR |
| ABG | ECG |
| SMA7 | C-SPINE |
| SMA12 | P-C-SPINE |
| AMYLASE | KUB |
| PT/PTT | ABD |
| UA/U-CRS | PELVIS |
| GLUCOSE | LYTES |
| OTHER: | O. VIA |
| EKG/RS | IV |
| MONITOR | ULTRASOUND |
| CARDIAC | NST/NIP/STIM/CCT |
| B/P | OBSERVE |
| PULSE OX | |

B2 kepler

*4 lac's
C solmed
C red of chest
C an x2
C elbow
C h2*

DIAGNOSIS

M ulty stab wound

DISPOSITION OF PATIENT	DOA ☐	AMA ☐	TREATED AND DISCHARGED ☒	ADMITTED	EXAMINED	DISC. OUT
TO PRIVATE PHYSICIAN	☐	TO OTHER FACILITY	TO OTHER FACILITY	PERMANENTLY	DISC. OUT	1355
CONDITION ON DISCHARGE OR TRANSFER	IMPROVED ☒	UNIMPROVED	NOT TREATED	EXPIRED	DATE	
FOLLOW-UP INSTRUCTIONS						DATE

INSTRUCTIONS GIVEN

I UNDERSTAND THESE INSTRUCTIONS

*To start no diet
To take all AL for pain
To return in 10 days - C. W. King*



Georgetown
Memorial
Hospital

5-14-74 0000

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EMERGENCY DEPARTMENT
TRAUMA FLOW SHEET

DATE: 12/13/00	NAME: Jodie Ward	AGE:	RACE: ☒ MALE ☐ FEMALE	TRIAGE CATEGORY: ☒ EMERGENCY ☐ URGENT ☐ NON URGENT
TIME OF ARRIVAL: 12/12	CHIEF COMPLAINT: Multiple stab wounds	LMP: NA	TIME: 12/12	TIME: TIME
METHOD OF ARRIVAL: 14 Vehicle	PULSE: 98 132 18	RESP: 18 47 16	BP: 184/76	ALLERGIES: NKDA
ASSESSMENT ON ARRIVAL		PRE-HOSPITAL CARE		
AIRWAY	☒ Maintained ☐ obstructed ☐ Oral/nasal airway ☐ intubated ☐ other:	☐ C-COLLAR ☐ RESTRAINTS ☐ IV FLUIDS ☐ BACKBOARD ☐ SPLINTS/ARMS ☐ OXYGEN ☐ MAST ☐ SPLINT/LEGS ☐ MEDICATIONS ☐ CPR ☐ OTHER (See Nurses Notes)		
BREATHING	☒ Spontaneous ☐ O ₂ Pulse Ox: 98% on RA ☐ assist ☐ comments:	Time I.V. Solution, Albumin, Blood, Blood Products - Amount Started Gauge Site Rate Amt. Infused Nurse Initial		
CIRCULATION	Pulse: ☒ Present ☐ Absent ☐ CPR Monitor rhythm Skin: ☒ Pink ☐ Warm ☐ Dry ☐ Pale ☐ Cool ☐ Diaphoretic ☐ Ashen ☐ Cyanotic	1219 Saline Lock #18 RH 1222/1000 cc NS " " 100		
HEAD	Pupils: RIGHT: ☒ Equal ☐ Reactive ☐ Sluggish LEFT: ☒ Equal ☐ Reactive ☐ Sluggish Other: Ears: RIGHT: ☒ WNL ☐ Drainage ☐ CSF ☐ Blood LEFT: ☒ WNL ☐ Drainage ☐ CSF ☐ Blood Appearance:	Time Medication Dose Route Initial 1255 100 mg 200mg 0.5 IM (15) 1255 100 mg 200mg 2gm IV (15)		
ABDOMEN	☒ Soft ☐ Tender LMP ☐ Distended ☐ Nontender FHT ☐ Firm Bowel sounds: ☐ WNL ☐ Hypoactive ☐ Hyperactive ☐ Other Appearance: 12 stab wounds under umbilicus + 1 stab flap posterior	Time Medication Dose Route Initial		
EXTREMITY	Upper: R L: 12 stab wounds (4 elbow) - 12 stab wounds (4 index + middle finger) Lower: R L	GLASGOW COMA SCALE EYE OPEN TO Time 12/12 Spontaneous 4 4 4 Speech 3 3 3 Pain 2 2 2 Remain closed 1 1 1 VERBAL Oriented 5 5 5 Confused 4 4 4 Words 3 3 3 Sound 2 2 2 No response 1 1 1 MOTOR Obeys commands 6 6 6 Localizes pain 5 5 5 Withdraws 4 4 4 Abnormal flexor 3 3 3 Extension 2 2 2 No response 1 1 1		
REVISED TRAUMA SCORE		ABG EKG ☐ Other TOTAL INTAKE IVF NG TOTAL OUTPUT URINE NG DRAINAGE		
GLASGOW COMA SCORE	SYSTOLIC BP	RESPIRATORY RATE	CODE VALUE	RTS SCORE
13-15	> 89	10-29	4	12
9-12	76-89	> 29	3	
6-8	50-75	6-9	2	
4-5	1-49	1-5	1	
3	0	0	0	
FORM # 7558		ASSESSMENT COMPLETED BY:		

LABORATORY REPORT
GEORGETOWN COUNTY MEMORIAL HOSPITAL

7124

960830
WARD, JODY R
DOB 05/14/74 AGE 20Y
PATIENT WILKINSON JR., GEORGE
1771110 SPRING LOOP
GEORGETOWN SC 29440
17711200
MR UNIT 4-17768 EMERGENCY RD
PS-2

1st REPORT

955 - EXCESS TOWER ONE PRESSURE LEVEL

BP 164/78
MAP 119
DPA 115

BP 177/90
MAP 119
DPA 118

BP 177/90
MAP 119
DPA 118

BP 177/90
MAP 119
DPA 118

BP 177/90
MAP 119
DPA 118

BP 156/87
MAP 108
DPA 105

BP 177/90
MAP 119
DPA 118

BP 155/84
MAP 108
DPA 105

BP 177/90
MAP 119
DPA 118

2nd REPORT

BP 174/76
MAP 114
DPA 117

BP 174/76
MAP 114
DPA 117

BP 174/76
MAP 114
DPA 117

BP 174/76
MAP 114
DPA 117

BP 174/76
MAP 114
DPA 117

BP 185/89
MAP 128
DPA 125

BP 176/75
MAP 115
DPA 119

BP 165/67
MAP 110
DPA 107

BP 177/90
MAP 119
DPA 118

1st REPORT

Jody R. Ward

Jody R. Ward



**Georgetown
Memorial
Hospital**

P.O. DRAWER 1718 • GEORGETOWN, SC 29442 • 803-527-7000

SINGLE COPY

Exam Date: 12-13-2000
ReqSeq: 486505

Typed Date: 12-13-2000 Time: 1333
Transcriptionist: VJ

WILKINSON, GEORGE A.
Adm Dr: WILKINSON, GEORGE A.

Adm Diag: MULTIPLE STAB WOUNDS

Name: WARD, JODY R
DOB: 05-14-1974 MR#: 817968

499 DEER SPRING LOOP
GEORGETOWN SC 29440

Pt Type: 3 Room No:

MM

PORTABLE AP CHEST:

THE HEART AND MEDIASTINAL CONTOURS HAVE AN UNREMARKABLE APPEARANCE.
THE LUNGS ARE CLEAR AND PULMONARY VASCULARITY IS WITHIN NORMAL LIMITS.
THE VISUALIZED STRUCTURES ARE INTACT.

IMPRESSION: NO ABNORMALITIES DETECTED.

DICTATED BY: RADIOLOGIST: G.T. DESCHAMPS JR, M.D.

If you are allergic to penicillin, there is a small risk you will have a similar reaction to cephalosporin antibiotics. Be sure to take antibiotics until all the medicine is gone unless you develop severe side effects.

Please note that birth control pills may not work as well as normal when you are taking an antibiotic. The most common side effects of these drugs are: diarrhea, indigestion, stomach cramps, and vomiting; women can get yeast infections with antibiotic treatment. Please stop taking your medicine and call your doctor right away if you have severe side effects, or any symptoms of drug allergy: hives, itching, rash, fever, or breathing problems. Cephalosporins have not been shown to be completely safe in pregnancy.

ADDITIONAL INSTRUCTIONS:

TAKE ANTIBIOTIC AS DIRECTED AND UNTIL ALL GONE - START IN AM
TYLENOL/ADVIL AS NEEDED FOR PAIN
HAVE SUTURES OUT IN 10 DAYS

FOLLOW-UP CARE:

Your physician today has been DR. COMPAGNONE

For follow-up care you should see your doctor or return here in ____ days. When you see your doctor, bring your medicines and instructions to the office. If you had x-rays, an EKG, or lab tests today, they have been reviewed by your doctor. We will contact you at once if other important findings are noted after further review by our staff. If you do not continue to improve or if your condition worsens, please call your doctor or the emergency room right away.

I acknowledge receipt of these instructions. I understand that my condition may require more care and will arrange for further treatment as recommended.

Cullen
Staff Signature

Jody L Ward
Patient or Representative Signature

Wednesday, December 13, 2000 - 01:38 PM

FORTIOR
EXHIBIT
D

INCIDENT REPORT

ONLY

12000000

INQ. No

END. Yes

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INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM						
1. 13A ABHAN				☐ YES ☐ NO	☐ YES ☐ NO			☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off						
2.				☐ YES ☐ NO	☐ YES ☐ NO									
3.				☐ YES ☐ NO	☐ YES ☐ NO									
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) 1714 GAPWAY RD, GEORGETOWN, SC						ZIP CODE 29440-	WEAPON TYPE LETHAL CUTTING INSTRUMENT							
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	TIME ARRIVED	DEPART TIME						
12/13/2000	11:45		12/13/2000	12:05	12/13/2000	12:05	12:14	13:38						
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE			
			#1 #2 #3					/		F _B	F _E			
ADDRESS					CITY		STATE	ZIP CODE	LOCATION NO.					
VICTIM'S NAME (LAST, FIRST, MIDDLE) ABNER, MICHAEL, A					RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE	
					#1 #2 #3		J	W	M	37	N	843-520-0650	F _B	
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										
508	145	BROWN	BROWN											
ADDRESS					CITY		STATE	ZIP CODE	LOCATION NO.					
195 MEADOW LN					GEORGETOWN		SC	29440-						
VISIBLE INJURY (MCT.1) ☐ YES ☐ NO ☐ EXPLAIN-					Lacerations					COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO ☐				
VICTIM (NO. 1) USING ALCOHOL ☐ YES ☐ NO ☐ UNK. ☐					DRUGS: ☐ YES ☐ NO ☐ UNK. ☐					TYPE:				
TWO MAN VEH. ☐					ONE MAN VEH. ☐					DETECTIVE PLASMT. ☐				
OTHER: ☐					ALONE: ☐					ASSISTED: ☐				
NAME (LAST, FIRST, MIDDLE)					RACE		SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
								/						
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										DAYTIME PHONE		EVENING PHONE		
										F _B		F _E		
ADDRESS					CITY		STATE	ZIP CODE	LOCATION NO.					
SUBJECT (NO. 1) USING ALCOHOL ☐ YES ☐ NO ☐ UNK. ☐					ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☐					DATE/TIME OF OFFENSE				
DRUGS ☐ YES ☐ NO ☐ UNK. ☐					TOTAL # ARRESTED					DATE/TIME OF ARREST				
DAY OF THE WEEK					HOW REPORTED					A= OFFICER DISPATCHED ON CALL B= REPORT TAKEN BY PHONE C= COMPLAINANT WALKED IN				
S M T W T F S UNK										D= COMPLAINT WRITTEN IN E= OFFICER INITIATED F= OTHER				
										DIFF FACTOR				
										A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT				
										E= COMPLAINANT FRE- QUENTLY INTOXICATED F= DOMESTIC N= NORMAL				
ABHAN														
UNITS FROM THE SHERIFF'S OFFICE WERE CALLED TO 195 MEADOW ST. IN REFERENCE TO A STABBING AT APPROXIMATELY 12:00 PM ON 3-13-200. MICHAEL ABNER WAS SEATED ON THE FLOOR OF THE RESIDENCE AND APPEARED TO HAVE SEVERAL INJURIES ON HIS FACE AND HEAD AREAS. ABNER STATED THAT HE WENT TO 1714 GAPWAY ROAD TO TALK TO JODY WARD. ABNER STATED THAT WARD RAN OUT OF THE RESIDENCE AND ATTACKED HIM WITH A KNIFE. ABNER SAID THAT FEARING FOR HIS LIFE, HE PULLED A WOOD CHISEL AND DEFENDED HIMSELF AGAINST WARD. ABNER WAS TRANSPORTED TO THE EMERGENCY ROOM BY EMS. APPROXIMATELY TWENTY MINUTES LATER CENTRAL DISPATCH ADVISED UNITS THAT WARD WAS AT THE EMERGENCY ROOM FOR TREATMENT ON THE INJURIES HE SUSTAINED. ACCORDING TO WARD ABNER CAME TO THE RESIDENCE ON GAPWAY RD. AND IMMEDIATELY ATTACKED HIM (WARD) WITH THE WOOD CHISEL STABBING HIM SEVERAL TIMES														
					JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY					JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY				
TYPE (GROUP)										TOTAL VALUE				
STOLEN										0				
DAMAGED										0				
BURNED										0				
RECOVERED										0				
SEIZED										0				
SUBJECT IDENTIFIED ☒ YES ☐ NO ☐					SUBJECT LOCATED ☒ YES ☐ NO ☐					S. F. ☐				
										☒ ACTIVE ☐ ADM. CLOSED ☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18				
										☐ UNFOUNDED ☐ ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER				
REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION 5 ☐ JUVENILE NO CUSTODY														
REPORTING OFFICER(S)					DATE					UNIT NUMBER				
Edwards, James					12/13/2000 12:05 00					1ED31				
Owens, Wayne					12/13/2000					10W78				
					FOLLOWUP INVESTIGATION ☒ YES ☐ NO ☐					OFFICER Jackson, Randy				
										12/19/2000 9:47:28				
										1JA68				

ADDITIONAL NARRATIVE

35

Agency Name: Georgetown County Sheriff	ORI #: SC0220000	Report Date/Time:	OCA #: 12000800
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IN THE LEFT SIDE. BRUCE RICHARDSON (248-3954) WHO WAS AT THE RESIDENCE SAID THAT HE HEARD A COMMOTION AND WHEN HE WENT OUTSIDE HE SAW THE TWO MEN FIGHTING AND ABNER HAD A YELLOW HANDLED WOOD CHISEL AND WAS TABBING WARD IN THE SIDE WITH IT AS WARD WAS HITTING HIM (ABNER) IN THE FACE WITH HIS FIST. RICHARDSON TOOK THE CHISEL FROM ABNER AND BROKE THE TWO UP. ABNER THEN GOT IN HIS TRUCK AND LEFT THE AREA. BOTH MEN WERE BEING TREATED AT THE HOSPITAL AND INVESTIGATOR JACKSON WAS CALLED TO PROCESS THE SCENE. A YELLOW HANDLE WOOD CHISEL, A LEATHER JACKET WORN BY ABNER, AND A WHITE SHIRT WORN BY WARD WERE TAKEN FOR EVIDENCE. THERE IS NO FURTHER INFORMATION AT THIS TIME.

FORTIOR
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(1). PROFFER TESTIMONY OF RONDIE J. WARD

Michael Andrew Abner called Rondie J. Ward and told him that he paid Jody Lynn Ward's alleged victims "Murder For Hire", to kill him/ Petitioner.

DIFFERENCE IN THE OUTCOME OF THE CASE

Since the trial jury never heard this at the first trial it would make a difference in the outcome of the case if a new trial was granted; because the jury could infer reasonable doubt of Petitioner's guilt.

(2). PROFFER TESTIMONY OF CARL S. Ward

Carl S. Ward was on the joint spare phone line and also heard Michael Andrew Abner tell her husband Rondie J. Ward that he paid Jody L. Ward's alleged victims "Murder For Hire" to kill him.

DIFFERENCE IN THE OUTCOME OF THE CASE

Since the trial jury never heard this at the first trial it would make a difference in the outcome of the case if a new trial was granted; because the jury could infer reasonable doubt of Petitioner's guilt.

(3). Proffer Testimony of Michael Andrew Abner

The testimony of Michael will show from the letter that was written to Lynn Ward in October 2011 that he had something to do with the Jody Lynn Ward case and that Jody will go home when he tells it; The testimony from reasonable inference is that he did in fact pay Wilford Brown and Elton Rutledge Jr. to kill "Murder for Hire" Petitioner, Jody Lynn Ward.

Difference in the outcome of the case

Had the first trial jury heard this after-discovered evidence there's a reasonable probability that the result would have been different because it raises reasonable doubt of Petitioner's guilt.

(4). PROFFER TESTIMONY OF LYNN WARD

That on or about October 2011 she received a letter to her P.O. Box 923 addressed from Michael Abner to her.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(5). PROFFER TESTIMONY OF ASHTON J. WARD

That on or about October 2011 he went to his grandmothers and she told him that she had a letter from Michael Abner which

he took and opened and his testimony will be that the Fortier Exhibit envelope and the letter was in fact the letter that was inside the envelope whenever it was opened.

DIFFERENCE IN THE OUTCOME OF THE CASE

It will show that the Fortier Exhibit letter from Michael A. Abner was in fact the letter inside the envelope that was addressed to his grandmother.

(6). PROFFER TESTIMONY OF WESLEY LOCKLAIR

That on or about March 2004 he conducted an interview via/telephone with Michael A. Abner whether he had involvement with Jody Lynn Ward and at that he denied having any involvement with the case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

(7). PROFFER TESTIMONY OF MARGARET ANN KNEECE

That on or about March 2004 she conducted a interview via/telephone with Michael A. Abner whether he had anything to do with my (2) alleged murders and at that time he denied having any involvement with my case.

DIFFERENCE IN THE OUTCOME OF THE CASE

Proves under the exercise of due diligence my trial attorney exercised due diligence and that he did not know of this after-discovered evidence that will change the results of my case.

FORTIOR
EXHIBIT
F

SWORN AFFIDAVIT OF

ASHTON WARD

I, Ashton Jody Ward hereby swear
this statement to be true to the best
of my knowledge that I opened a
letter that was addressed to my
grandmother from Michael Abner and
read it.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 30 DAY OF April, 2012

Ellen T. Hansen

NOTARY PUBLIC

MY COMM. EXPIRES May 11, 2014

I AM, Ashton Ward

/s/ Ashton Jody Ward

Ashton Ward

dated 4/30, 2012

43

FILED
GEORGETOWN COUNTY, S.C.

2012 MAY 16 PM 2:42

ALMA Y. WHITE
CLERK OF COURTSWORN AFFIDAVIT OFJODY LYNN WARD

I hereby, Jody Lynn Ward, 300644 acting as a pro se litigant swear that the affidavit I'm about to give herein is true and correct to the best of my ability.

On or about October 2011 I was contacted by my son, Ashton J. Ward and was informed that Michael A. Abner had written a letter that was addressed to my mother Lynn Ward, and that she called him and that he came over and at that time he opened the letter and forwarded a copy to me. I'm filing under the Due Diligence for After-Discovered Evidence. I herein state that this evidence involves whether I'm innocent of the charges of (2) alleged murders vs. my guilt.

Michael A. Abner stabbed me five times on or about December 14, 2000. Before my trial of 2004 my two trial attorney's Margaret Ann Kneece; and Wesley Locklair did a interview with michael A. Abner and at that time he denied having any involvement in the case.

It's just been recently that he went back and confessed to two murders dating back to 1983 and 1988 2when he was arrested for murdering a man in Kentucky on or about January 2010.

My uncle Rondie J. Ward informed me that Michael A. Abner called him and told him that he did in fact pay my (2) two alleged victims to kill me and my first Trial Jury never heard this information.

I meet all (5) criteria for After-Discovered Evidence; and I could not have discovered the evidence by exercise the exercise if Due-Diligence, see State v. DeAngelis, cited as; 182 S.E.2d. 732 (1971).

SWORN AND SUBSCRIBED Before me

On This 7th day of May 2012

Sylvia Jones
Notary Public for South Carolina

My Commission Expires 1/24/2018

Respectfully Submitted,

Jody L. Ward, 300644

Jody L. Ward *300644
Jody L. Ward, 300644
Lieber C.I. E-B
P.O. Box 207
Ridgeville, S.C.

29472

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Jody Lynn Ward, 300644
Petitioner,

C/A No: 03-GS-22-1030-1031

v.

MOTION FOR EXPENDITURE OF
FUNDS FOR INVESTIGATIVE AND EXPERT
SERVICES, PURSUANT TO: § 17-3-50 (b)

State of South Carolina)
Respondent.

FILED
GEORGETOWN COUNTY, S.C.
2012 MAY 16 PM 2:42
ALMA Y. WHITE
CLERK OF COURT

Petitioner, Jody Lynn Ward, Pro se (awaiting appointed counsel) hereby moves, pursuant to S.C. Code § 17-3-50(b) for Expenditure of Funds for expert services. In support of this motion, Petitioner apprises the Court of the following facts and legal principles.

(1). Petitioner hereby seeks Investigator; forensic pathologist; Forensic Psychiatrist; and expert in crimes scene analysis and Criminal personality profiling; attorney.

See: §17-3-50 Determination of fees for appointed counsel and public defenders; maximum amounts; authorization to exceed maximums; payment for certain services.

§ 17-3-50(b) upon finding in exparte proceedings that investigative, expert, or other services are reasonably necessary for representation of the defendant the Court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, for funds available to the

Office of Indigent Defense of fees and expenses not to exceed five hundred dollars as the Court considers appropriate.

- (2). Petitioner believes in good faith that Independent Investigation services are needed due to the extreme circumstances of this case.
- (3). Michael A. Abner, is a serial killer and the above named expert witnesses is necessary in this case as a matter of law.
- (4). Michael Andrew Abner stabbed Petitioner five times with a wood chisel and was treated with stitches at Georgetown Memorial Hospital.
- (5). Petitioner is a mental health patient currently confined within the S.C. Department of Corrections Services, and resides within Edisto Unit and also request expert services.
- (6). Petitioner believes in good faith that he needs funds for indigent private investigator services due to the fact that Michael A. Abner has already given a confession to the Internal Affairs after he was questioned, See: Below pursuant to Fortier Exhibit A; which reads... as I got that affidavit from Ashton spilled coffee on it and tuck me to the Internal Affairs Office asking me what it's about. I told them the truth that I was trying to make a wrong right."

See: State v. Bailey, 424 S.E.2d at 506, also see: Ake v. Oklahoma, 470 U.S. 68 (1985), wherefore, for all the foregoing

reasons, Petitioner submit he has presented good cause for expenditure of funds for investigative services and other expert services associated with this matter, and therefore respectfully request pursuant to S.C. Code Ann. § 17-3-50(b), that the Court issue a order for the requested funds and thereby Order the payment, from funds available from the Office of Indigent Defense. Petitioner prays for any and all relief this Court deems just and proper.

Respectfully Submitted,

Jody Lynn Ward.
Jody Lynn Ward

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE FIFTEENTH JUDICIAL CIRCUIT

JODY LYNN WARD, 300644)
Petitioner,)

INDICTMENT CASE NUMBER
03-GS-22-1030 & 1031

-vs-

MOTION FOR APPOINTMENT
OF COUNSEL / INDIGENT FUNDS

STATE OF SOUTH CAROLINA)
Respondent.)

PUSUANT TO § 17-3-10

FILED
GEORGETOWN COUNTY, S.C.
2012 MAY 16 PM 2:42
ALMA Y. WHITE
CLERK OF COURT

The above-named Petitioner, moves before this Court for a Motion For Appointment of Counsel / Indigent Funds, see: Hereto attached of indigent status form from SCDC.

Petitioner herein filed a motion for a New trial based on After-Discovered Evidence pursuant to: SCRCrimP. Rule: 29(b) and a hearing into this matter is necessary and Petitioner is a indigent inmate therefore indigent funds are proper in this instant matter, see: §17-3-10. Person entitled to counsel shall be so advised; when counsel shall be provided.

Any person entitled to counsel under the Constitution of the United States shall be advised and if it is determined that the person is financially unable to retain counsel shall be provided upon of the appropriate Judge unless such person voluntarily and intelligently waives his right thereto...

Order of Counsel should order herein

Respectfully Submitted,

Jody Lynn Ward, 300644
Jody Lynn Ward, 300644

State
RECEIVED

OCT 13 2011

MAILED ROOM
LEBBER

**INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES**

66666
RECEIVED 46

OCT 06 2011

MAIL ROOM

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. **LEBBER**
If you are from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

INMATE NAME (print): Jody Lynn Ward EA-15

SCDC# 300644

INMATE SIGNATURE: Jody Lynn Ward

I plan to file this action in the SC County of Georgetown

This section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period* \$ 0
- (2) Twenty percent (20%) of line 1 \$ 0
- (3) Account balance - current date \$ 0
- (4) **PAYMENT AMOUNT ****
(lesser of line 2 or line 3)
Enclosed check # _____ \$ 0

****NOTE to COURT:** If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21787
Columbia, SC 29221-1737

*Admission date is noted here if inmate incarcerated less than six months _____

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

) IN THE COURT OF GENERAL SESSIONS
) FOR THE FIFTEENTH JUDICIAL CIRCUIT

JODY LYNN WARD, #300644
Petitioner

) C/A No: 03-GS-22-1030 & 1031

VS.

) CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA
Respondent.

I hereby certify that I have served a true copy on below named parties by placing the same in U.S. Postal Mail; postage prepaid on this 7th day of May, 2012. (1).Cover letter; (2).Motion for new trial based on after-discovered evidence; (3).Motion for counsel; Fortior Exhibits as attachments; (4).Proffer of testimony of witnesses; (5).Certificate of Service. (6.) Motion for Expenditure of Funds for Investigative & Expert Services.

(1).Georgetown County Clerks Office
Ms. Alma Y. White (Clerk)
P.O. Box 479
Georgetown, S.C. 29442

(2).Mr. Gregg Hembree
Solicitor 15th. Judicial Circuit
P.O. Box 1688
Georgetown, S.C. 29442

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 7th DAY OF May 2012

/s/ Sylvia Jones
Notary Public For South Carolina

My Commission expires: 1/24/2018

Respectfully Submitted,

Jody Lynn Ward.
Jody Lynn Ward, 300644

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT

Jody Lynn Ward, #300644

Petitioner,

vs.

State of South Carolina

Respondents,

C/A No. 03-GS-22-1030 & 1031

MOTION FOR RECONSIDERATION ^{and/or}

Motion To Reconsider Order/

Judgment Denying Motion For

New Trial; Motion For Appointment

OF COUNSEL AND MOTION FOR

INVESTIGATIVE & EXPERT

EXPENSES

CLERK OF COURT
JAN 13 PM 3:18
GEORGETOWN, SC

The above named Petitioner Pro se, moves before this Court for a Reconsideration based on the Following grounds

1 - Exhibit - A - Affidavit of Randie James Ward which was my Fortior Exhibit G - that the clerk of Court denied to file see: Exhibit B - Affidavit of Petitioner / Pro se litigator / and also a Mental Health Patient. This Affidavit clearly states that Petitioner Due Process Rights & Equal Protection and Access to the courts is being violated. see: Exhibit C - Step 1 Grievance filed on Lieber Comm. Inst. Mailroom Personnel Ms. Sylvia Jones.

see: Exhibit D - a letter to clerk of Court addressed to Mr. Keith Moore about Petitioner's uncle not being able to File the Fortior Exhibit G - Affidavit of Rondie James Ward. and it's notarized I served them.

Exhibit A - Affidavit of Rondie James Ward was also Notarized by the Georgetown Clerk of Court but they would not File it. It had a proper case No. 03-GS-22-1030 & 1031 and it was Evidence that clearly supported the motion for New Trial based on After Discovered Evidence that's Newly.

see: Exhibit E - A letter to clerk of Court Ms. White about Appointment of Counsel so Petitioner could file the Affidavit of Rondie James Ward. I further wrote the public Defenders office with no response at all as requested by the clerks office.

see: Exhibit F - Requested Witnesses Petitioner ask Court to Subpoena For Evidentiary Hearing.

see: Exhibit G - Order of Transportation so Petitioner could see a Judge to discuss his denial of Access to the Courts; Due Process & Equal Protection being violated.

Miller v. State, 377 S.C. 99 (2008) Clerks duties.
Ake v. Oklahoma, 470 U.S. 68 (1985) Funds for mental health.

It's clear that Petitioner has diligently been trying to use Due Diligence in filing the Affidavit of Rondie James Ward that was Notarized by the Georgetown County Clerks Office but beyond his control he has been denied Due Process & Equal Protection & Access to the Courts; and Lieber Corr. Inst. mailroom worker. Failed to give the petitioner the Affidavit his uncle sent.

Petitioner respectfully ask that the court Grant this Motion & Order Counsel to represent Petitioner; and Investigator & Expert Funds for Services. And Grant an Evidentiary Hearing to hear Testimony & other Evidence.

See: Attached Exhibits B; C; D; E; F; G.

Exhibit A - will be Certified Greencard return receipt upon service on all parties, Due to they want allow it in the Prison. This Motion is timely see: attached Order dated July 31, 2012 it's within 10 days.

Respectfully Submitted
Jody Lynn Ward
 Jody Lynn Ward

August 8, 2012

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
CASE NUMBERS: 2003-GS-22-1030
2003-GS-22-1031

State of South Carolina)
vs.)
Jody Lynn Ward,)
Defendant.)

ORDER DENYING
MOTION FOR NEW TRIAL,
MOTION FOR APPOINTMENT OF COUNSEL
AND MOTION FOR EXPENSES

Before the court are the defendant's Motion for New Trial based upon after discovered evidence, Motion for Appointment of Counsel and Motion for Investigative and Expert Expenses.¹

Defendant argues that he is entitled to a new trial based upon a purported letter from another person claiming to have hired the victims in this case to kill the defendant. However, the letter referenced by the defendant in his motion and attached as an exhibit thereto makes no such admission and the defendant has not presented anything to corroborate such an admission.

To prevail on a motion for a new trial based on after discovered evidence, a defendant must show (1) the evidence is such as will probably change the result if a new trial is granted; (2) the evidence has been discovered since the trial; (3) the evidence could not have been discovered prior to trial by the exercise of due diligence; (4) the evidence is material; and (5) the evidence is not merely cumulative or impeaching. *State v. Needs* (S.C. 1998) 333 S.C. 134, 508 S.E.2d 857, rehearing denied. In the case at hand, the defendant has not only failed to establish that he has new evidence that will probably change the result of his convictions if a new trial is granted, he has failed to show even the existence of newly discovered evidence. Therefore, the defendant's motion for a new trial should be denied.

¹ These motions are based upon the contents of the defendant's motions without oral arguments.

1
JHC

Since the defendant's motion for a new trial is denied, his motions for appointment of counsel and funds for investigative and expert services are moot.

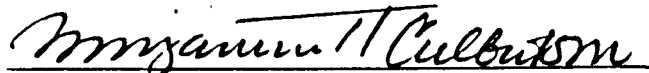
NOW, THEREFORE, based upon the above, it is hereby

ORDERED, that the defendant's Motion for a New Trial is DENIED; it is further

ORDERED, that the defendant's Motion for Appointment of Counsel is MOOT; it is further

ORDERED, that the defendant's Motion for Funds for Investigative and Expert Services is MOOT.

AND IT IS SO ORDERED.



Benjamin H. Culbertson
Administrative Judge
Court of General Sessions, 15th Judicial Circuit

July 31, 2012
Georgetown, SC

ATTACHMENT

TO

Motion to Reconsider the
Motion For New Trial Based on

After Discovered Evidence denial

Order / Judgment in the case

of : C/A : No: 03-GS-22-1030 &

1031

Exhibits B; C; D; E; F; G

Dear Alma White,

Please file under attachment to motion
for reconsideration of denial of motion
for new trial based on after discovered
evidence.

File under

cla no. 03 GS 22
1030 & 1031

Jody Ward #300644
Lieber Cor. Inst.
P.O. Box 205 EB-2A
Bridgeville SC 29472

FILED
ALBANY COUNTY, N.Y.
2012 AUG 13 PM 3:21
ALMA Y. WHITE
CLERK OF COURT

69

Exhibit A

70

Attachment to motion for reconsideration
of denial of motion for new trial based
on after discovered evidence.

FILED
CLERK OF COURT
2012 AUG 13 PM 3:21

FILED
CLERK OF COURT
2012 AUG 13 PM 3:21
ALABAMA
COUNTY

Jodie Ward

Case # 03GS22

1030 & 1031 Pending motion for new trial based on after discovered evidence.

Forces Exhibit G

July 23, 2012

I Rondie J. Ward to the best of my knowledge did speak with Michael Cline at my home of 152 Bear Loop, Georgetown

Michael called late one night and told me that he and Jodie had gotten into a fight at the railroad tracks and me ~~was~~ there. And Michael told me that he paid them boys to beat Jodie.

And this is all I know about the whole case.

Rondie Ward
7-23-12

Rondie Ward
7-23-12

Sworn to before me this
23rd day of July, 2012.

Jennifer M. Lawrence
NOTARY PUBLIC FOR SOUTH CAROLINA

General Sessions

Clerk : Alma Y. White

P. O. Box 479

Georgetown, SC 29442

(843) 545-3037

72

Received From: Rondie Ward

Date : 7/23/2012

Paying for: Rondie Ward,

RECEIPT # 38004

Clerk: c22dnewton

Payment Type: Cash \$0.50

Reference #

Total Paid 0.50

Comment: Notarized Signature

Total Received \$0.50
Change Due \$0.00



CLERK OF COURT
ALMA Y. WHITE

2012 AUG 13 PM 3:21

Certificate of service

73

FILED
CLERK OF COURT

2012 AUG 13 PM 3:21

I, Jody L. Ward certify that I have served the below name parties, by way of Certified Green Card Certificate of Service of this 10th day of August 2012

Jody L. Ward

Georgetown County Clerk of Court

Alma White

P.O. Box 479

Georgetown SC 29440

Scott Hickson - The Solicitor's Office

P.O. Box 1688

Georgetown SC 29440

The Honorable Benjamin Culbertson

P.O. Box 479

Georgetown SC 29440

Exhibit B

Affidavit of Jody Lynn Ward
acting as Pro Se litigant is
using this Exhibit to Support his
Motion For Reconsideration of the
Motion For New Trial Based on After-
Discovered Evidence Order Denying it.

SWORN AFFIDAVIT OF
JODY LYNN WARD

I hereby, Jody Lynn Ward, 300644, acting as a pro se litigant swear that the affidavit I'm about to give herein is true and correct to the best of my ability.

On or before June 29, 2012 my uncle Rondie James Ward went to the Georgetown County Clerk of Courts office to have his Affidavit notarized and filed in my behalf. And Mr. Keith Moore told him that he had to talk to a public defender. Well Clerk Keith Moore was well aware I did not have an Attorney and I was acting Pro se. Family members are / can file papers / Affidavits in my place.

I wrote to Mr. Moore dated June 29, 2012 and also had a meeting by phone with all 4 clerks who advised me to have my uncle come back down there. I wrote again dated July 9, 2012 see: attached Fortior Exhibit B and I was never contacted by the Public Defenders Office. Now on or about July 13, 2012 my uncle Rondie J. Ward went back to the clerk of courts office and the Clerk of Court for Georgetown is the ones that notarized his Affidavit and he paid .50¢ charge. And in that Affidavit he said that Michael A. Abner called him and told him by phone that he paid my 2 alleged victims "murder for hire" to kill me. Now the

Clerk of Court then told him that he could not file that affidavit in my place to support the motion. Then my uncle left with the Affidavit and mailed the Original to me on or about July 25th, 2012 Address to Lieber Corr. Inst. where I reside in the Mental Health Dorm as I'm a mental Health patient inmate. Now Lieber mailroom personnel has been holding the Affidavit of Rondie J. Ward due to the contents has to be reviewed before it can be given to me. I filed an Emergency step 1 Grievance so the warden will get her to release this Affidavit/envelope which is still pending and I receive an Order denying my Motion For New Trial. That Order is wrong/Erroneous I've been denied Access to the Courts in a violation of My Constitutional Rights to Due Process of Law, at no fault of my own. It's also in a violation of Ake v. Oklahoma, 470 U.S. 68 (1985) I'm a mental Health patient denied Legal Counsel; and Investigator at the letter that Michael Abner wrote clearly shows that they poured coffee on the Affidavit and he is not getting a Affidavit as his mail also is being damaged and withheld, tampered with.

SWORN TO AND SUBSCRIBED before me

Affiant

On This 6th day of August 2012 1st Jody Lynn Ward, #300644

1st Sylvia Jones
Notary Public for South Carolina

Jody Lynn Ward, #300644

MY COMMISSION EXPIRES 1/24/2018

EXHIBIT C

Step 1 Grievance I filed on
the Lieber Mail Personnel Ms.
Sylvia Jones same one that
notarized Exhibit B - Affidavit
of Petitioner Jody Lynn Ward
Pro Se litigator / Mental Health Patient

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCE FORM**

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STEP 1

INMATE NAME: Jody Lynn Ward
 SCDC NUMBER: 300644
 INSTITUTION: Lieber Corr. Inst.
 HOUSING UNIT: Edisto B-29 / Mental Health
 WORK ASSIGNMENT: NONE

Office Use Only

Grievance No. _____
 Code: General _____
 Policy _____
 Disc. Hear. _____
 Class. _____
 Date Received _____
 IGC Initials _____

STATE GRIEVANCE (Include documentation, and date of incident; if SCDC Policy, indicate which policy) My Uncle
Rondie J. Ward mailed me an envelope which contained Affidavit to support my
Motion For a New Trial S.C.R.Crim.P. Rule 29(b); and Ms. Jones at the Lieber
mailroom has held my Affidavit a week now. It is Legal mail and to hold
my paperwork which supports that Motion has/and will deny my Access
to the courts. I'm filing this as an Emergency Grievance
as I need that Envelope for my case: 3003-GS-22-1030 & 1031
Affidavit that supports my motion for New Trial. I have a property
interest and Rights Under Due Process of Law.

ACTION REQUESTED: I spoke with the mailroom personnel she said that she's the
only 1 in the mailroom, and hasn't had time to look. That I be given my
Affidavit and the Court to not hold me responsible for the delay.
And to stop holding my mail denying me Access of Courts.

SPECIFY HOW AND WHEN INFORMAL RESOLUTION WAS ATTEMPTED BY GRIEVANT:

I talked to my Unit Lt. King and she said she was going to talk
to Ms. Jones at mailroom on Aug. 2nd, 2012; Talk to Ms. Jones at
the mailroom on Aug. 3rd 2012 at 10:00 A.M. she said she's the only 1
in the mailroom and she would have to
look for it later on.

Jody Lynn Ward 8/3/12
 Grievant Signature Date

ACTION TAKEN BY IGC:

- ☐ I accept the action taken by the IGC and consider the matter closed.
☐ I do not accept the action taken and wish to appeal.

 IGC Signature Date

 Grievant Signature Date

EXHIBIT D

Letter that I wrote to
the Clerk of Court
Mr. Keith Moore about Exhibit
A - Rondie James Ward Affidavit
And about legal Counsel.

Jody Lynn Ward, #300644
Lieber Corr. Inst. E-B-29
P.O. Box 205
Ridgeville, S.C. 29472

80

June 29, 2012

Georgetown County Clerk's Office
Attn: Mr. Keith Moore, Clerk
General Sessions Court Clerk
P.O. Box 479
Georgetown, S.C. 29442

RE: C/A No. 03-GS-22-1030 & 1031 / Jody Lynn Ward v. State of
South Carolina status on Motion for Appointment of Counsel that's
pending on Motion For New Trial Based on After Discovered Evidence
Pursuant to S.C.R.Crim.P. Rule 29(b).

Dear Mr. Moore,

I'm writing to you in referenced to the above pending matter
that was clocked-stamped filed on May 16, 2012. My uncle Rondie
J. Ward said that he talked to you when he went down there to
file his Affidavit where Michael Andrew Abner called him and told
him that he payed my (2) alleged victims "Murder for Hire" and
that you wouldn't file it but referred him to the public defenders
office. Well as of this date I have heard nothing in referenced to

the above filing as to who my Attorney is that was Appointed by the Court. Well first thing my uncle's Affidavit is necessary because it supports my Motion. I need to know who my Attorney is at the public defenders office that he's suppose to take his Affidavit to. And also I have other Legal Documents to file in reference to the motion that supports it and I need a private investigator and the expert witnesses that I've requested in my Motion for expenditure of funds for investigative and expert services, Pursuant to §17-3-50(b) that's also pending before I go to a hearing on this matter.

I thank you for all your time and help with this matter.

May God Bless You All Abundantly. [CERTIFICATE OF SERVICE]

I swear that on This 29th day of June, 2012 I have served the below named clerk of Court Mr. Keith Moore, General Sessions clerk with the above letter requesting Counsel Appointment and the disposition, by depositing it in the U.S. postal mail postage prepaid to the following below address. This letter is true to the best of my knowledge and belief sworn. (1.) Georgetown County Clerk's Office

Attn: Mr. Keith Moore, Clerk

SWORN TO AND SUBSCRIBED before me

P.O. Box 479

On This 29 day of June, 2012 Georgetown, S.C. 29442

/s/ Yvette Blome
Notary Public for South Carolina

MY COMMISSION EXPIRES 8/20/2016 Respectfully Submitted,

/s/ Jody Lynn Ward #300644
Jody Lynn Ward, #300644

2.

Petitioner Pro se

Verbatim Copy / File

EXHIBIT E

Letter to Clerk of Court
Ms. White about Appointment
of Counsel to file Affidavit
of Rondie James Ward since
the clerk of Court refused
to do it on 2 occasions.

Jody Lynn Ward, # 300644
Lieber Corr. Inst. E-8-29
P.O. Box 205
Ridgeville, S.C. 29472

83

July 9, 2012

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

RE: Jody Lynn Ward -vs- State of South Carolina
c/A No. 03-GS-22-1030 & 1031 / Application for an
Appointment of Public Defender

Dear Ms. White,

I am contacting you in referenced to the above matter.
I filed on May 16, 2012; ⁽¹⁾ Motion For a New Trial Based
on after-discovered evidence; ⁽²⁾ Motion For Counsel; ⁽³⁾ And
Motion For Investigator & expert services. Well I was told
by Mr. Keith Moore that I had to contact the Public
Defender's Office. Well to be honest I don't even know
where that office would even be, I've been locked up 10 years
now. If you will be so kind and forward this request
to Public Defender's office or if you can send me an
Application for Public Defender. I was under the impression
that the clerk's office would Appoint Counsel pursuant to

my ⁽¹⁾ Motion For Counsel Appointment / Indigent Funds Pursuant to § 17-3-10 guess that under Special Appointment's as in my case the Court don't follow the South Carolina Code Ann. § 17-3-10. My uncle Rondie J. Ward has an Affidavit to file in My behalf, he was told that he couldn't file it and it supports my Motion For New Trial. I need Appointed Counsel and Investigator to collect all of the rest of my Evidence that I can not do from prison. Well I thank you for all your time and help with this matter. I look forward to hearing from you as soon as possible. May God Bless You All Abundantly.

Respectfully submitted,

151 Jody Lynn Ward, #300644

Jody Lynn Ward, #300644

Pro se Petitioner

Verbatim Copy / File

85

Alma Y. White
Georgetown County Clerk of Court



P. O. Box 479 • 401 Cleland St.
Georgetown, SC 29442

July 10, 2012

Jody Lynn Ward #300644
Lieber CI E-B-29
PO Box 205
Ridgeville, SC 29472

In response to your request regarding:

- ☐ PCR Form Enclosed.
- ☐ *Legal advice.* The Clerk of Court is prohibited from providing *legal advice*. Contact your attorney for assistance.
- ☐ *Information from file(s).* Please contact a relative, friend or your attorney to research your case(s) and make copies at a minimum cost or you will have to supply this office with warrant numbers and/or indictment numbers and pay a \$15.00 charge, to be paid in advance, to research your files, and pay \$.25 per copy thereafter.
- ☐ Being relieved from your attorney. The Clerk of Court has no authority to relieve a Defendant of an attorney. A Circuit Court Judge must address this request.
- ☐ Correction(s) on *Sentencing Sheet*. The Clerk of Court has no authority to adjust or change information on a sentencing sheet. Please contact your attorney for legal advice.
- ☐ *Forwarding information* to the Solicitor/attorneys/judges/etc. Your documents are being returned. The Clerk's office accepts no responsibility for forwarding information to a third party.
- ☐ *Clocking and filing motions/documents etc.* Contact your attorney to properly file motions/documents/etc. [This is a Pro Se case. Your document(s) have been clocked and filed].
- ☐ *A copy of a deposition(s).* Contact the attorney(s) involved in the case for copies.
- ☐ *Expungement* information/application Contact the Solicitor's Office. Solicitor's Office, PO Box 1688, Georgetown, SC 29442.
- ☐ *A detainer,* Contact the Solicitor's Office. Solicitor's Office at PO Box 1688, Georgetown, SC 29442.
- ☐ Information on the following *warrants(s)*: _____
At this time, this office has no record of the warrant(s) in question. Contact the arresting agency.
- ☐ A copy of a transcript(s). You will need to contact the Court Reporter.
- ☒ Other/Comments: Georgetown County Public Defender, PO Box 2898, Georgetown, SC 29442

A handwritten signature in cursive script, appearing to read "Debbie Deuster", is written over a horizontal line.

Georgetown County Court of General Sessions

Circuit Court Office
(843) 545-3215

Circuit Court Fax
(843) 545-3281

Family Court Fax
(843) 545-3294

EXHIBIT F

Requested Witnesses to be
present since I've been denied
Due Process and Equal Protection.
By the Clerk of Court for
Georgetown County and the S.C.D.C.
Lieber Mail Personnel Ms. Sylvia Jones

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE 15TH JUDICIAL CIRCUIT
))
Jody Lynn Ward,) Indictment Case No.
Petitioner Pro se,) 03-GS-22-1030 & 1031
vs.)
State of South Carolina,) REQUESTED WITNESS
Respondent,) COURT TO SUBPOENA
) FOR EVIDENTIARY
) HEARING

On the Motion For New Trial Based on After Discovered Evidence Pursuant to: S.C.R.Crim. P. Rule 29(b) Petitioner herein Pro se request the Following witnesses to be Subpoena for any Evidentiary hearing into this matter:

- 1.) Michael Andrew Abner [out-of-state witness]
- 2.) Rondie James Ward.
- 3.) Carol S. Ward
- 4.) Jessie Lynn Ward
- 5.) Ashton Jody Ward
- 6.) John Wesley Locklair, Esquire
- 7.) Margaret Ann Kneece, Esquire
- 8.) Investigator ; Expert witnesses

FILED
2012 JUL 19 PM 4:19
CLERK OF COURT

Jody Lynn Ward, #300644
Lieber Corr. Inst. E-B-29
P.O. Box 205
Ridgeville, S.C. 29472

88

July 16, 2012

Georgetown County Clerk of Courts Office
Attn: Ms. Alma Y. White, Clerk

P.O. Box 479

Georgetown, S.C. 29442

FILED
ALMA Y. WHITE
CLERK OF COURT
2012 JUL 19 PM 4:19
GEOGRAPHIC COUNTY, S.C.

RE: Notice to Clerk; court; and Solicitor of witnesses
that need to be Summoned /supona's served before any
hearings on Motion For New Trial SCRCrim.P Rule 29(b)

C/A No. 03-GS-22-1030 & 1031

Dear Ms. White,

I am requesting that the following witnesses be Supona's
served before any hearing on the above matter. Please File this.

- 1.) Michael Andrew Abner; Kentucky State Prison
- 2.) Rondie James Ward, 152 Bear Loop Gtown, S.C. 29440
- 3.) Carel S. Ward, 152 Bear Loop. Gtown, S.C. 29440
- 4.) Jessie Lynn Ward P.O. Box 923, Gtown, S.C. 29442
- 5.) Ashton Jody Ward, 335 Sir Fields st. Gtown S.C. 29440
- 6.) Wesley Locklair, Esquire Locklair & Locklair Attorneys at Law
- 7.) Margaret Ann Kneece, Esquire P.O. Box 3966 Pawleys Island
S.C. 29585
- 8.) Investigator, & Expert witness(1.)

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT

Jody Lynn Ward,

Petitioner Pro,

vs.

State of South Carolina,

Respondent

Indictment Case No.

03-GS-22-1030 & 1031

CERTIFICATE
 OF
 SERVICE

FILED
 CLERK OF COURT
 2012 JUL 19 PM 4:11

I hereby swear that the below named address was served on This 17th day of July, 2012. By placing the same in the U.S. Postal mail; Postage Prepaid.

(1) Requested witness Court to Subpoena For Any Evidentiary Hearing; (2) Certificate of Service.

Georgetown County Solicitor's Office

P.O. Box 1688

Georgetown, S.C. 29442

Respectfully Submitted

19 Jody Lynn Ward

Jody Lynn Ward

Petitioner Pro se

SWORN TO AND SUBSCRIBED before me

On This 17th day of July, 2012

151 Sylvia Jones
 Notary Public for South Carolina

MY COMMISSION EXPIRES: 1/24/2013



90

July 19, 2012

Jody Lynn Ward #300644
Lieber CI E-B-29
PO Box 205
Ridgeville, SC 29472

In response to your request regarding:

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

Georgetown County Court of General Sessions

EXHIBIT G

Order of Transportation I
prepared so I would be taken
in front of a Judge and tell
about Equal Protection violation &
Due Process Violated to hear me
and Order Counsel and Investigator
to collect Evidence I'm being denied
to File. See: Exhibit A - Fortior Exhibit C
To Motion For New Trial on After-Discovery
Evidence

Jody Lynn Ward, #300644
Lieber Correctional Inst. E-B-29
P.O. Box 205
Ridgeville, S.C. 29472

92

July 11, 2012

FILED
ALMA Y. WHITE
CLERK OF COURT
2012 JUL 16 AM 10:33
JUDICIAL DISTRICT 1 & 2

Georgetown County Clerk's Office

Attn: Ms. Alma Y. White, clerk

P.O. Box 479

Georgetown, S.C. 29442

RE: Order of Transportation / Motion's hearing / C/A No. 03-GS-22-1030-1031

- (1) Motion for Appointment of Counsel / Indigent Funds Pursuant to § 17-3-10
- (2) Motion for Expenditure of Funds Pursuant to § 17-3-50(b) for investigative and expert services Pending since May 16, 2012.

Dear Ms. White,

Please find here an Original Court's copy to be file clock-stamped of the above referenced matter. Please be so kind, since we are on a lock-down and send me a clocked stamp copy back for my files in the envelope provided. I thank you for all your time and help with this matter. May God Bless You All Abundantly.

I AM,

Sincerely yours,

/s/ Jody Lynn Ward, #300644

Jody Lynn Ward, #300644
Petitioner Pro se

verbatim copy / File



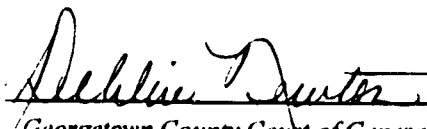
93

July 16, 2012

Jody Lynn Ward #300644
Lieber CI E-B-29
PO Box 205
Ridgeville, SC 29472

In response to your request regarding:

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



Georgetown County Court of General Sessions

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN) FOR THE FIFTEENTH JUDICIAL CIRCUIT

Jody Lynn Ward, # 300644) C/A No. 03-GS-22-1030 & 1031

Petitioner Pro se,)

v.) ORDER OF TRANSPORTATION

State of South Carolina)

Respondent)

It appears that the Petitioner Pro se presence is needed for a Motion's Hearing to hear (1) Motion For Appointment of Counsel/Indigent Funds Pursuant to § 17-3-10; (2) Motion For Expenditure of Funds Pursuant to § 17-3-50(b) for investigative and expert services. At the Georgetown County Judicial Center on the _____ day of _____ 2012, and the Petitioner is incarcerated at Lieber Correctional Institution.

IT IS THEREFORE ORDERED, that the Department of Corrections make arrangements to transport the Petitioner to the Georgetown County Judicial Center; General Sessions Court no later than (time) _____ on (Date) _____ (Month) _____, 2012, and deliver him back to Lieber Correctional Institution after all hearings are over.

/s/ _____

Georgetown, South Carolina

General Sessions Judge

Date: _____, 2012



95

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

Benjamin H. Culbertson
Resident Circuit Judge

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

July 31, 2012

Jody Lynn Ward, #300644
Lieber Correctional Institute, E-B-29
Post Office Box 205
Ridgeville, SC 29472

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

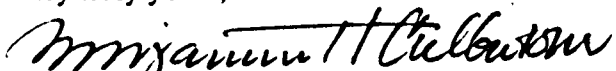
Dear Mr. Ward:

I return to you, unsigned, the proposed Order Of Transportation submitted in the above referenced cases for the following reason(s):

- ☐ does not comply with S. C. Code Annotated section(s) _____;
- ☐ does not comply with Rule(s) _____, SCRCP;
- ☐ Form 4 required in addition to the proposed order;
- ☐ motion, motion coversheet and motion fee required;
- ☐ hearing required;
- ☐ consent signature of _____ is required;
- ☐ without consent signature(s), a formal hearing is required;
- ☐ a different order, attached hereto, was issued by the court;
- ☐ file the order signed by the judge;
- ☐ serve a copy of the signed order on the attorneys and *pro se* parties in this case;
- ☒ other: No hearings are scheduled in these cases.

With kindest regards, I remain

Very truly yours,


Benjamin H. Culbertson

BHC/bhc

Enclosure (a/s)

pc: Scott Hixson, Assistant Solicitor

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSION
COUNTY OF GEORGETOWN / FOR THE 15TH JUDICIAL CIRCUIT

Jody Lynn Ward, # 300644

Petitioner,

vs.

State of South Carolina

) C/A No. 03-GS-22-1030 & 1031

CERTIFICATE

OF

SERVICE

CLERK OF COURT
ALMA Y. WHITE

2012 AUG 13 PM 3:18

FILED
GEORGETOWN COUNTY, S.C.

I hereby certify that I have served a true copy on the below named parties by placing the same in the U.S. Postal Mail; postage prepaid on This 9th day of August, 2012, (1) cover letter; copy of the Order of Denial; along with Attachment & to Motion to Reconsideration Exhibit A; its also been filed today also by certified greencard return receipt. This is Attachment Exhibits A; B; D; E; F; G.

SWORN TO AND SUBSCRIBED before me

On This 9th day of August, 2012

1st Sybil Jones

Notary Public for South Carolina

MY COMMISSION EXPIRES

11/24/2013

1) Georgetown County Clerk &
Honorable Benjamin Culberts
P.O. Box 479
Georgetown S.C. 29442

2) Mr. Scott Hixson, Solicitor
Georgetown County Solicitor
P.O. Box 1688
Georgetown, S.C. 29442

Respectfully Submitted,

1st Jody L. Ward

Attachment to Motion For Reconsideration
On denial of Motion For New Trial Based on After-
Discovered Evidence

FORTIOR EXHIBIT H

Clerk of Court Employee Ms. Jennifer Lawrence
signed a Petition to have my 3rd Bond hearing
denied see: signature on # 35 signed on or about
Sept. 22, 2003.

* Georgetown County Clerk Jennifer Lawrence

Note: She is the same one that would not file
my uncle Rondie J. Ward Affidavit that supports my
Motion For New Trial. see: Signature at the
very same one that Notarized Rondie J. Ward Affidavit
on July 23, 2012 8 days before the Honorable Court denied it.

To Whom It May Concern:

On the 22nd of September, Jody Ward, who is currently in jail and awaiting trial for the murders of Elton Rutledge Jr. and Wilfred Wescott Brown, is scheduled for a third bond hearing. The first and second hearings did not result in bond reduction! We, the undersigned, strongly believe that there should not be a third bond hearing, due to the serious and extreme nature of the charges!!!

Name (Please Print)	Signature
1. <u>Jimmy Young</u>	<u>Jimmy Young</u>
2. <u>Golden Bloom</u>	<u>Golden Bloom</u>
3. <u>Ollie B. Walker</u>	<u>OLLIE B. WALKER</u>
4. <u>Odessa J Davis</u>	<u>Odessa Davis</u>
5. <u>AL Meliswright</u>	<u>Alma Wright</u>
6. <u>Ethel King</u>	<u>ETHEL KING</u>
7. <u>Sadie Wallace</u>	<u>SADIE WALLACE</u>
8. <u>Julia Linn</u>	<u>Julie Linn</u>
9. <u>Margie Linn</u>	<u>MARGIE Linn</u>
10. <u>Evelyn Holmes</u>	<u>Evelyn Linn Holmes</u>
11. <u>King Holmes</u>	<u>King Holmes</u>
12. <u>CHUCK GRATE</u>	<u>Chuck Grate</u>
13. <u>Ollie Bell Grate</u>	<u>Ollie Bell Grate</u>
14. <u>Ruth B. Holmes</u>	<u>Ruth B. Holmes</u>
15. <u>Hank Holmes</u>	<u>Hank Holmes</u>
16. <u>Rebecca Holmes</u>	<u>Rebecca Holmes</u>
17. <u>Barbara Lawson</u>	<u>Barbara Lawson</u>
18. <u>Karen Allen</u>	<u>Karen Allen</u>
19. <u>Reginald Priest</u>	<u>Reginald Priest</u>

20. Paul Drayton
21. Olivia Deas
22. Peggy M. Smith
23. Emily Woodberry
24. Ervin Woodberry
25. Alfred Gerson
26. Barbara Brunson
27. Rosa Smith
28. Thomas Smith
29. Patricia Brown
30. Darren E. Brown
31. Lisa Wracc
32. Joseph Wracc
33. Demond Lawrence
34. Robert T. John
35. Jennifer Lawrence
36. Gwen Reid
37. Robert Reid
38. Kenneth C. Wright
39. Sylvia Dorian
40. Nickole Young
41. Andrew J. Brown
42. Julia R. Brown
43. John R. Grant
44. Levern Deas

- Paul Drayton
- Olivia Deas
- Peggy M. Smith
- Emily Woodberry
- Ervin Woodberry
- Alfred Gerson
- Barbara Brunson
- Rosa Smith
- Thomas Smith
- Patricia Brown
- Darren E. Brown
- Lisa Wracc
- Joseph Wracc
- Demond Lawrence
- Robert T. John
- Jennifer Lawrence
- Gwen Reid
- Robert Reid
- Kenneth C. Wright
- Sylvia Dorian
- Nickole Young
- Andrew J. Brown
- Julia R. Brown
- John R. Grant
- Levern Deas

44. Richard A. GeathersRichard A. Geathers45. Mary L. DavisMary L. Davis46. MARINE G. GeathersMarine G. Geathers47. PAMELA BLAKEPamela Blake48. Alicia LawrenceAlicia Lawrence49. Will DensWill Dens50. Brenda CollinsBrenda CollinsZona HolmesZona HolmesWanda Walker

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2012-213222

The State of South Carolina, ...Respondent.

v.

Jody Lynn Ward, #300644, ...Appellant.

RECORD ON APPEAL

PAGES 101 - 155

Jody Lynn Ward, #300644
Lieber Corr. Inst. E-B-29
P.O. BOX 205
Ridgeville, S.C. 29472
Appellant Pro Se,

Attorney General of S.C.
Ms. Salley W. Elliott, A.G.
P.O. BOX 11549
Columbia, S.C. 29211-1549
Attorney for Respondents,

General Sessions

Clerk : Alma Y. White

P. O. Box 479

Georgetown, SC 29442

(843) 548-3037

101

Received From: Rondle Ward

Date : 7/23/2012

Paying for: Rondle Ward,

RECEIPT # 38004

Clerk: c22dnewton

Payment Type: Cash \$0.50

Reference #

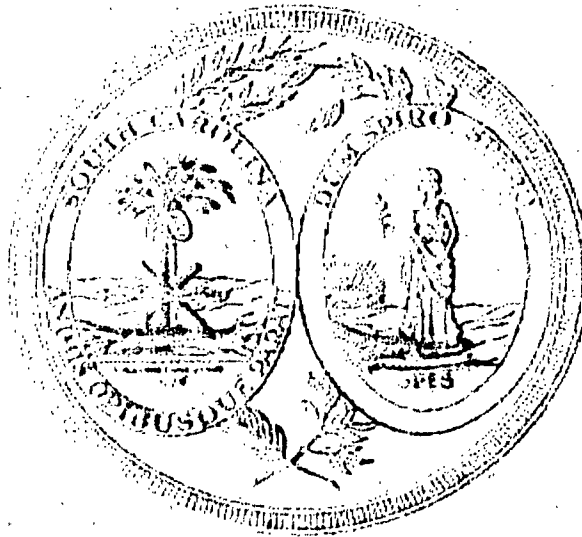
Total Paid 0.50

Comment: Notarized Signature

Total Received \$0.50
Change Due \$0.00

FILED
CLERK OF COURT

2012 AUG 13 PM 3:21



Jodie Ward

Case # 03GS22

1030 & 1031 Pending motion for new trial based on after discovered evidence.

Forwards Exhibit G

FILED
CLERK OF COURT

2012 AUG 13 PM 3:21

July 23, 2012

I Rondie J. Ward to the best of my knowledge did speak with Michael Colner at my home of 152 Bear Loop, Georgetown

Michael called late one night and told me that he and Jodie had gotten into a fight at the railroad tracks and me ~~was~~ there. And Michael told me that he paid them boys to beat Jodie.

And this is all I know about the whole case.

Rondie J. Ward
7-23-12

Rondie J. Ward
7-23-12

Sworn to before me this
23rd day of July, 2012.

Jennifer M. Lawrence
NOTARY PUBLIC FOR SOUTH CAROLINA

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT
)

Jody Lynn Ward, # 300644) C/A No. 03-GS-22-10302 1031

Pro Se Petitioner,)

vs.)

CERTIFICATE

State of South Carolina,)

OF

Respondent)

SERVICE

I hereby certify that I have served a true copy on the below
 named Parties by placing the same in the U.S. Postal mail;
 Postage Prepaid on This 30th day of August, 2012. (1) Portion Exhibit
 H - attachment to Motion for Reconsideration; (2) certificate of
 service

1.) Honorable Benjamin Culbertson
 P.O. Box 479
 Georgetown, S.C. 29442

3.) Georgetown County Solicitor
 Attn: Mr. Scott Hixson
 P.O. Box 1688
 Georgetown, S.C. 29442

2.) Georgetown County Clerk's Office

Attn: Ms. Alma Y. White, Clerk

P.O. Box 479

Georgetown, S.C. 29442

Respectfully Submitted,

/s/ Jody Lynn Ward #300644
 Jody Lynn Ward, # 300644
 Pro Se Petitioner

SWORN TO AND SUBSCRIBED before me

On This day of , 2012

/s/ Refuse to Sign

Notary Public For South Carolina

MY COMM. EXPIRES:

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF GEORGETOWN) FOR THE 15th JUDICIAL CIRCUIT

Jody Lynn Ward, #300644

Petitioner,

vs.

State of South Carolina

Respondent

Indictment Case No.:

03-GS-22-10308 1031

) MOTION TO ARREST OF
) JUDGMENT / ORDER
) DENYING MOTION FOR
) NEW TRIAL, MOTION FOR
) APPOINTMENT OF COUNSEL
) AND MOTION FOR EXPENSES
) FOR EXPERT WITNESS

Petitioner herein moves before the Court Motion to Arrest of Judgment / Order denying motion For New Trial based on after-discovered evidence SCRCrim.P Rule 29(b); Motion for appointment of Counsel; and Motion For Expenses for investigator / Expert witness, based on the following reasons and allegation. See hereto attached copy of order; and copy of Petition signed by clerk of Court Mrs. Jennifer Lawrence [#][35.] to deny Petitioners third bond hearing; also see attached affidavit of Rondie Ward signed and notarized on July 23, 2017; 8 days before Order was denying Motion for New Trial, this was also signed Notarized by

Ms. Jennifer Lawrence which I have highlighted signature as proof of Conflict of Interest within the Clerk's Office as a duty. It's clear Due Process was violated by Clerk Ms. Jennifer Lawrence misconduct in office. See also a Complaint filed against Ms. Jennifer Lawrence with the South Carolina Supreme Court disciplinary Counsel / Public office. I'm a pro se litigant and was awaiting Counsel and the Affidavit clearly states as follows: Michael told me that he paid them boys to Kill Jody

The affidavit had Name; Case No; Pending Motion For New Trial based on after-discovered evidence Fortior Exhibit G which clearly supported Motion For New Trial and it's a denial of access to the Courts; Conflict of Interest; Misconduct in office. It's clear that if Ms. Jennifer Lawrence wanted to keep me in jail then she's abusing her authority as a Public official clerk of Court to file my paperwork then she wanting to keep me in Prison. I'm asking the Court to take this in Consideration Grant this Motion And Grant Motion For Counsel; Motion For New Trial Motion For Expert Funds and/or call this case for an Evidentiary Hearing as a Matter of Right & Law.

Arrest of Judgment - The staying of a judgment after its entry; esp., a Court's refusal to render or enforce a judgment because of a defect apparent from the record.

See: Blacks Law Dictionary...

Pursuant to Miller v. State, 377 S.C. 99 (2008) wherein our Supreme Court explicitly held that a clerk of Court has the ministerial duty to verify the petition/document contains a case caption, a proper county designation. The clerk of Court's duty is not discretionary, and Clerk should [not construe] a petition / Affidavit. It is not within the Clerk's authority to refuse to perform the duty, no matter if she does not like the Petitioner; upon information & belief Ms. Lawrence is related to alleged victims.

See: Fortior Exhibit A - Order denying Motion For New Trial, Motion For Appointment of Counsel, and Motion For expenses.

See: Fortior Exhibit B - Affidavit of Rondie Ward dated July 23, 2012 Notarized by Jennifer M. Lawrence clerk

See: Fortior Exhibit C - Petition signed # 35 by Ms. Jennifer Lawrence clerk of Court to keep me in jail on my 3rd Bond hearing, dated³ sept. 22, 2003.

see: Fortior Exhibit D - Complaint filed against Ms. Jennifer M. Lawrence with the S.C. Supreme Court disciplinary Counsel and Public officials.

Wherefore, for all the reasons stated Petitioner herein request an Evidentiary Hearing; Appointment of Legal Counsel; Investigator Funds and Expert witnesses to better prepare this case. This Affidavit of Rondie Ward clearly corroborates admission that Michael A. Abner told him that he paid them boys to kill me.

Further Petitioner ask that Arrest of Judgment Order Denying Motion For New Trial based on After Discovered Evidence Pursuant to S.C.R.Crim. P. Rule 29(b). And Grant Motion For Reconsideration And call this case for Evidentiary Hearing for oral Arguments. Note: Respondents has abandoned / failed to even answer Motion For New Trial.

Respectfully Submitted,

/s/ Jody Lynn Ward
Jody Lynn Ward

FORTIOR EXHIBIT A

Order Denying Motion For New Trial,
Motion For Appointment of Counsel and Motion
For Expenses