

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 - 147

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 Respondent

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

FILED
GEORGETOWN COUNTY, S.C.

2012 JUL 31 PM 4:58

ALMA Y. WHITE
CLERK OF COURT

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

110

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.

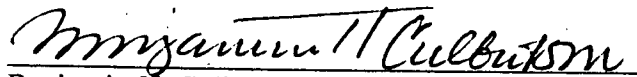
NOW, THEREFORE, based upon the above, it is hereby

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

III

FORTIOR EXHIBIT B

Affidavit of Rondie Ward dated July 23, 2012
Notarized by Clerk Ms. Jennifer M. Lawrence

Important Notice: Affidavit was made 8 days
before Order denying Motion for New Trial
was done on July 31, 2012

Jodie Ward

Case # 03GS22

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

Further Exhibit G

FILED
CLERK OF COURT
2012 AUG 21
PH 3:21
ALLA WHITE
CLERK OF COURT

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 ~~from~~ ~~at~~ 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

MY Commission expires: 05/12/2018

FORTIOR EXHIBIT

C

Petition signed by Clerk Ms. Jennifer Lawrence
dated Sept 22, 2003 Third bond hearing she
signed it on Number 35

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. Jimmy Young
2. Golden Bloom
3. Ollie B. Walker
4. Odessa J Davis
5. AL Meliswright
6. Ethel King
7. Sadie Wallace
8. Julie Linn
9. Margie Linn
10. Everleen Holmes
11. King Holmes
12. CHUCK GRATE
13. Ollie Bell Grate
14. Ruth B Holmes
15. Hank Holmes
16. Rebecca Holmes
17. Barbara Lawson
18. Loren Allen
19. Reginald Priest

- Jimmy Young
- Golden Bloom
- OLLIE B. WALKER
- Odessa Davis
- Alma Wright
- ETHEL KING
- SADIE WALLACE
- Julie Linn
- MARGIE LINN
- Everleen Holmes
- King Holmes
- Chuck Grate
- Ollie Bell Grate
- Ruth B Holmes
- Hank Holmes
- Rebecca Holmes
- Barbara Lawson
- Loren Allen
- Reginald Priest

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

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

- 44. Richard A. Geathers
- 45. Mary L. Davis
- 46. MARINE G. Geathers
- 47. PAMELA BLAKE
- 48. Alicia Lawrence
- 49. Jill Dens
- 50. Brenda Collins
- Renee Holmes
- Wanda Walker

- Richard A. Geathers
- Mary L. Davis
- MARINE G. Geathers
- Pamela Blake
- Alicia Lawrence
- ~~Renee Holmes~~
- Brenda Collins
- ~~Renee Holmes~~

FORTIOR EXHIBIT D

Complaint filed on Clerk of Court Ms.
Jennifer Lawrence with the S.C. Supreme
Court Disciplinary Counsels Office

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

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August 27, 2012

S.C. Supreme Court Disciplinary Counsel
P.O. Box 12159
Columbia, S.C. 29211

RE: Complaint Filed Against Clerk of
Court Employee Ms. Jennifer M. Lawrence
For Georgetown County South Carolina
To whom it may Concern,

I filed a motion For a New Trial Based on
After-discovered Evidence with the Georgetown
County Clerk of Courts office. And my uncle
Rondie J. Ward telephone # (843) - 546-8774
152 Bear Loop Georgetown, S.C. 29440
Went down to the Clerk of Courts Office
3 times and he was given a run around
about Filing an Affidavit to support my
Motion For New Trial where a serial killer
Michael A. Abner told him by phone that he
paid my alleged 2 victims to kill me.

Well the last time he went to the Clerks Office he told Ms. Jennifer Lawrence that the sign says that ya'll Notarize paperwork / Affidavits he paid .50¢ to Ms. Lawrence to Notarize which she did. I'm a pro se litigant awaiting counsel and I ask him to file as Fortior Exhibit G Affidavit of Rondie Ward well she refused to file it and ultimately 8 days later the Judge Honorable Benjamin Culbertson denied Motion For New Trial based on after-discovered Evidence Pursuant to S.C.R. Crim. P. Rule 29 (b).

Well hereto attached is a pending Motion to Reconsider with attached Affidavits and all paperwork filed on this behalf. I want to point out that the Clerk of Court Employee named in this Complaint Ms. Jennifer Lawrence signed a Petition to have my 3rd Bond reduction denied and Now she in a Position as a Public Official blocking me from Filing an Affidavit that clearly supports My Motion For a New Trial. She is a Conflict of Interest / Mis Conduct in Office as Clerks duty in violation of my Due Process & Equal Protection; denying access to Court & Please investigate this matter and see that Justice is done.

Respectfully Submitted
Jody Lyn Ward

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-22-1030
Petitioner.) & 1031

vs.

State of South Carolina)
Respondent)
CERTIFICATE
OF
SERVICE

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 30th day of August, 2012.

(1) Motion to Arrest of Judgment/order denying Motion For
New Trial ; with attached Exhibits A ; B ; C ; D.

1.) Honorable Benjamin Culbertson &
Georgetown County Clerks Office

2.) Ms. Alma Y. White, Clerk
P.O. Box 479
Georgetown, S.C. 29442

3.) Mr. Scott Hixson
Solicitor 15th Judicial Circuit
P.O. Box 1688
Georgetown, S.C. 29442

SWORN TO AND SUBSCRIBED before me
This ____ day of _____, 2012

/s/ Refused to Sign

Notary Public for South Carolina
MY COMM. EXPIRES _____

Respectfully Submitted,

/s/ Jody Lynn Ward
Jody Lynn Ward
Pro se Petitioner

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

September 24, 2012

Honorable Benjamin H. Culbertson
ADMINISTRATIVE JUDGE
COURT OF GENERAL SESSIONS,
15th JUDICIAL CIRCUIT
P.O. Box 479
Georgetown, S.C. 29442

RE: PROPOSED ORDER FOR HONORABLE COURT C/A NO. 2003-GS-22-1030-1031

Dear Honorable Culbertson,

Please find hereto attached a proposed order for the courts consideration. I thank you for your time and consideration in this matter. May God Bless you abundantly!

By a copy of this has also been served on the respondent Mr. Scott Hixson, Assistant Solicitor addressed as P.O. Box 1688, Georgetown, S.C. 29442.

CC. File
Scott Hixson

Respectfully Submitted
/s/ Jody Lynn Ward
Jody Lynn Ward, #300644
Petitioner pro-se

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT

State of South Carolina)
vs.)

CASE NUMBERS: 2003-GS-22-1030
2003-GS-22-1031

Jody Lynn Ward,
Defendant.)

ORDER GRANTING
ARREST OF JUDGMENT & MOTION
FOR RECONSIDERATION OF ORDER
DENYING MOTION FOR NEW TRIAL,
MOTION FOR APPOINTMENT OF
COUNSEL AND MOTION FOR
EXPENSES

Before the court are the defendant's Motion to Arrest of the Judgment, and Motion for Reconsideration of courts Order Denying Motion For New Trial, Motion For Appointment Of Counsel And Motion For Expenses.

Defendant argues that he has an Affidavit from Rondie J. Ward that should have been added as part of the record beyond his control the Affidavit was not filed due to an alleged conflict of interest by an employee Ms. Jennifer M. Lawrence, who is an employee with the Georgetown County Clerks Office. After careful consideration by the court and pursuant to AKE V. OKLAHOMA, 470 U.S. 68 (1985). This Court for that reason Therefore, defendants Motion for Arrest Of Judgment, and motion for reconsideration is Granted.

It is further Ordered that COUNSEL be appointed to represent this Defendant, and Funds Ordered pursuant to S.C. Code Ann § 17-3-50(b) Expenditure of Funds for Investigative, and expert services as this court finds necessary and just.

It is further Ordered that this case calls for an Evidentiary Hearing for Oral Arguments.

NOW, THEREFORE, based upon the above, it is hereby
ORDERED, THAT THE DEFENDANTS MOTION FOR ARREST OF JUDGMENT IS
GRANTED.

ORDERED, that the defendants motion for reconsideration is
GRANTED.

ORDERED, that the defendant be Appointed Counsel; it is further
ORDERED, THAT the defendant be GRANTED funds for investigative,
and expert services.

ORDERED, THAT AN EVIDENTIARY HEARING FOR ORAL ARGUMENTS be
GRANTED before the court makes a ruling and findings of fact on
Motion for new trial as it is premature at this time.

AND IT IS SO ORDERED.

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

Date; _____
Georgetown, S.C.

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 Prose)

V/S.

State of South Carolina)
Respondents,)
_____)

ORDER
OF
TRANSPORTATION

It appears that the Petitioner Pro Se presence is needed for a
Motions Hearing, At the Georgetown County Judicial Center.

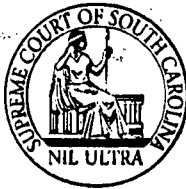
On This ___ Day of _____, 2012, and the Petitioner Is
Incarcerated at the Lieber Correctional Institution.

It is THEREFORE ORDERED, that the South Carolina 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/ _____

Honorable Benjamin Culbertson
General Sessions Judge

Georgetown, South Carolina
Date: _____, 2012



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The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

Barbara M. Seymour
Deputy Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

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

September 18, 2012

PERSONAL AND CONFIDENTIAL

Jody Lynn Ward #300644
Lieber Correctional Institution
Post Office Box 205
Ridgeville, SC 29472

Dear Mr. Ward:

Thank you for your recent letter. The authority of this office is limited to issues of whether a lawyer or judge has committed misconduct or is incapacitated within the guidelines of the conduct rules adopted by the Supreme Court of South Carolina.

This office does not have jurisdiction over Clerks of Court or their employees. For this reason, we are unable to assist you. If you believe that your rights have been violated or your interests compromised, we suggest that you seek the advice of a lawyer.

If you have a complaint about a lawyer or judge, you will need to provide us with the name of the lawyer or judge and a statement of your allegations. Feel free to contact us if you have any questions.

Sincerely,

Tiffany Richardson
Tiffany N. Richardson
Staff Attorney

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

October 11, 2012

South Carolina Court Of Appeals
Attn: Clerk's Office
P.O. BOX 11629
Columbia, S.C. 29211

RE: Attachment to Notice Of Appeal 2003-GS-22-1030&1031
to be filed, And certificate of service and a copy of my first
Notice of appeal filed in this matter, Record on Appeal pgs. 51-67

Dear Clerk Sir, Madam,

Please find hereto attached for filing an order denying
Motion for reconsideration dated August 8, 2012. I did not receive
a copy of this until today, October 11, 2012. Also see hereto attached
a copy of my first Notice of appeal I filed along with a Certificate
of service that I filed on August 6, 2012.

And Please find hereto attached a certificate of service
to show that all parties to this action have been served.

And find hereto attached a copy of all orders unto this
case and Notice of Appeals Appellants Record on Appeal Pages
51-67, as proof of pending filings in this case that's pending.

Respectfully Submitted,

181 Jody Lynn Ward #300644
Jody Lynn Ward, #300644
Appellant pro se

CC: File
Georgetown County Clerk Of Court
Mr. Scott Hixson, Solicitors Office
Mr. Allan Wilson, Attorney General

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

October 11, 2012

Georgetown County Clerk of Court
Attn: Ms. Alma Y. White, Clerk
P.O. BOX 479
Georgetown, S.C. 29442

Re: Filing Attachments of Order I received Just today to my
pending Notice Of Appeals Case No. 2003-GS-22-1030&1031

Dear Ms. White,

I recieved an order today hereto attached to be filed along
with my record on appeal pages 51-67, thats all a part of this
pending Notice of Appeal. I do not know why I never recieved a
copy of the order denying Motion for reconsideration, but thats
really neither here nor there. I thank you for your time with this
matter.

Respectfully Submitted,

131 Jody Lynn Ward, #300644

Jody Lynn Ward, #300644
Appellant pro se

CC. File
S.C. COURT OF Appeals, Clerks Office
Mr. Scott Hixson, Solicitor
Mr. Allan Wilson, Attorney General

Filing of
Attachments
to
Be Made A
Part Of Pending
Notice Of Appeal

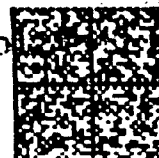
All Orders & Notice of Appeals filed.

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Alma Y. White
Georgetown County Clerk of Court
General Sessions Court
P.O. Box 479
Georgetown, SC 29442

CHARLESTON SC 294

10 OCT 20



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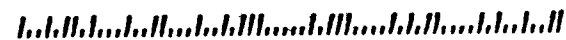
RECEIVED

OCT 11 2012
MAIL ROOM
LIEBER C.I.

Jody Lynn Ward #300644
Lieber CI
PO Box 205
Ridgeville, SC 29472

E-B-29

29472+0205





October 9, 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: Copy of "Order Denying Motion for Reconsideration" enclosed


Georgetown County Court of General Sessions

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

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

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

ORDER DENYING
MOTION FOR RECONSIDERATION

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

August 20, 2012
Georgetown, SC

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JODY LYNN WARD, #300644
LIEBER CORR. INST. E-B-29
P.O. BOX 205
RIDGEVILLE, S.C. 29472

SEPTEMBER 29, 2012

GEORGETOWN COUNTY CLERKS OFFICE
ATTN: MS. ALMA Y. WHITE, CLERK
P.O. BOX 479
GEORGETOWN, S.C. 29442

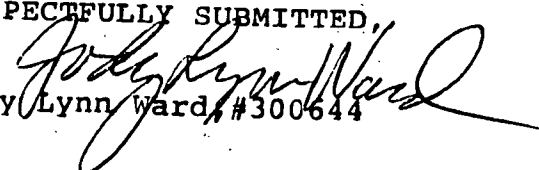
Re: Disposition on Reconsideration of denial of motion for new
trial C/a no. 2003-GS-22-1030; 1031

Dear Ms. White,

I am writing to you to see if the court has made a ruling in
the above referenced matter. Please send me a copy of an order if
there has been a disposition. Thank you and God Bless You!

Or let me know if its still pending.

RESPECTFULLY SUBMITTED,

/s/ 
Jody Lynn Ward, #300644

CC.File



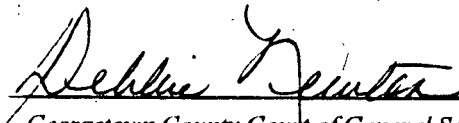
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October 9, 2012

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.
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- ☐ 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

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

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August 6, 2012

South Carolina Court of Appeals

Clerk's Office

P.O. Box 11629

Columbia, S.C. 29211

RE: Filing of Notice of Appeal with Attached Fortior Exhibit/
Order denying Motion For New Trial; attached Certificate of
Case No. 2003-GS-22-1030-1031 Service.

Dear Clerk Madam, Sir,

Please find here enclosed for Filing Notice of Appeal
with Attached Fortior Exhibit / Order Denying Motion For New
Trial that I received written copy of Order on August
3, 2012; along with Certificate of Service that all
parties to this appeal was served. Thank you for all
your time and help with this matter. May God Bless
You All Abundantly!

cc. File

Georgetown County Solicitor,
Mr. Scott Hixson, Solicitor.

Georgetown County Clerk's Office,
Ms. Alma Y. White, Clerk.

Office of Attorney General S.C.
Mr. Allan Wilson, Attorney General

Respectfully Submitted,

1st Jody Lynn Ward, #300644

Appellant, Pro Se

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. 2003-GS-22-1030 & 1031

The State of South Carolina Respondent,

v.

Jody Lynn Ward, # 300644 Appellant,

NOTICE OF APPEAL

Jody Lynn Ward appeals his conviction and sentence in this case from Order Denying Motion For New Trial, Motion For Appointment of Counsel and Motion For Expenses for Investigator and Experts. This order of the Honorable Benjamin H. Culbertson dated July 31, 2012, which denied appellants motion for a New Trial. Appellant received written notice of entry of this Order on August 3rd, 2012.

August 3rd, 2012

Respectfully Submitted,
1st Jody Lynn Ward, #300644
Jody Lynn Ward, # 300644

FORTIOR

EXHIBIT

Attachment to Notice of Appeal /

Copy of Order Denying Motion
For New Trial, Motion For Appointment of
Counsel And Motion For Expenses

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
/s/ HC

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.

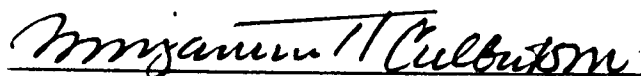
NOW, THEREFORE, based upon the above, it is hereby

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

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. 2003-GS-22-1030 & 1031

The State of South Carolina Respondents,

v.

Jody Lynn Ward, #300644 Appellant

Certificate of Service

I Jody Lynn Ward hereby certify that a true copy has been sent to the below addressed on This 6th day of August, 2012. By placing the same in U.S. postal mail postage prepaid. ⁽¹⁾ Notice of Appeal with ⁽¹⁾ Fortior Exhibits

SWORN TO AND SUBSCRIBED before me

On This 6th day of August, 2012

151 Sylvia Jones
Notary Public for South Carolina

MY COMMISSION EXPIRES 1/24/2018

Respectfully Submitted,

151 Jody Lynn Ward, #300644
Jody Lynn Ward, #300644

- 1.) Georgetown County Solicitor
P.O. Box 1688
Georgetown, S.C. 29443
- 2.) Georgetown County Clerk
P.O. Box 479
Georgetown, S.C. 29443
- 3.) Office of Attorney General
Alan Wilson AG
P.O. Box 11549
Columbia, S.C. 29211-1549

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

Date: October 4, 2012

South Carolina Court Of Appeals
Attn: Clerk's Office
P.O. BOX 11629
Columbia, S.C. 29211

Re: Filing Notice Of Appeal/Case No. 2003-GS-22-1030&1031

Dear Clerk Sir or Madam,

Please find here for filing a Notice of Appeal in the above referenced matter. By a copy of this I have also served all the interested parties to this matter. I thank you for all your time and help with this matter, May God Bless You All Abundantly. Also please send me the Indigent Form for Appellate Counsel.

Respectfully Submitted,

151 Jody Lynn Ward, #300644
Jody Lynn Ward, #300644
Appellant pro se

CC: File
Ms. Alma Y. White, Clerk
Scott Hixson, Assistant Solicitor
Allan Wilson, Attorney General

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Case No.2003-GS-22-1030&1031

The State,.....Respondent.

v.

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

PROOF OF SERVICE

I certify that I have served the Notice Of Appeal on the below named parties by depositing a copy of it in the United States Mail, postage prepaid on This 4th Day of October, 2012. Addressed as Follows:

- | | |
|--|---|
| 1.)Georgetown County Clerk's Office
Attn:Ms. Alma Y.White,Clerk
P.O. BOX 479
Georgetown,S.C.29442 | 2.)Georgetown County Solicitor
Scott Hixson,Assistant
P.O. BOX 1688
Georgetown,S.C.29442 |
| 2.)Attorney General of S.C
Attn:Allan Wilson
P.O. BOX 11549
Columbia,S.C.29211-1549 | 3.)S.C. Court of Appeals
Attn:Clerks Office
P.O. BOX 11629
Columbia,S.C 29211 |

Respectfully Submitted,

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

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. 2003-GS-22-1030&1031

The State, ... Respondent.

V.

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

NOTICE OF APPEAL

Jody Lynn Ward appeals his conviction and sentence in this case, from the denial of motion for new trial based on after discovered evidence, denial of motion for arrest of judgment; and the denial of motion to reconsideration of order denying motion for new trial. All the listed Orders was denied by the Honorable Benjamin H. Culbertson. [This appeal is taken from the following Orders of the Honorable Benjamin H. Culbertson, dated July 31, 2012; September 25, 2012; and finally September 25, 2012, which denied appellants motions for a new trial or related in nature. Appellant received written notice of entry of these Orders on August 3, 2012; September 28, 2012 and finally October 3, 2012.] It appears that motion to reconsideration was also made in the denial of arrest of judgment.

Date: October 4, 2012

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

Other Counsel of Record:
Scott Hixson
Assistant Solicitor
P.O. BOX 1688
Georgetown, S.C. 29442
Attorney for Respondent

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
/s/ HC

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.

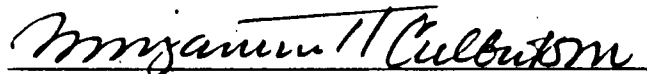
NOW, THEREFORE, based upon the above, it is hereby

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)

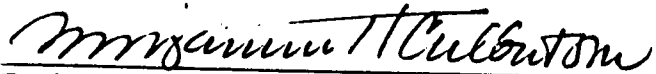
THE COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
CASE NUMBERS: 2003-GS-22-1030
2003-GS-22-1031

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

ORDER DENYING
MOTION TO ARREST JUDGMENT

FILED
GEORGETOWN COUNTY, S.C.
2012 SEP 26 PM 3:10
ALMA Y. WHITE
CLERK OF COURT

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



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.

146

JODY LYNN WARD, #300644
LIEBER CORR. INST. E-B-29
P.O. BOX 205
RIDGEVILLE, S.C. 29472

SEPTEMBER 29, 2012

GEORGETOWN COUNTY CLERKS OFFICE
ATTN: MS. ALMA Y. WHITE, CLERK
P.O. BOX 479
GEORGETOWN, S.C. 29442

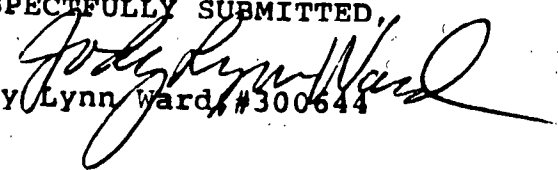
Re: Disposition on Reconsideration of denial of motion for new trial C/a no. 2003-GS-22-1030; 1031

Dear Ms. White,

I am writing to you to see if the court has made a ruling in the above referenced matter. Please send me a copy of an order if there has been a disposition. Thank you and God Bless You!

Or let me know if its still pending.

RESPECTFULLY SUBMITTED,

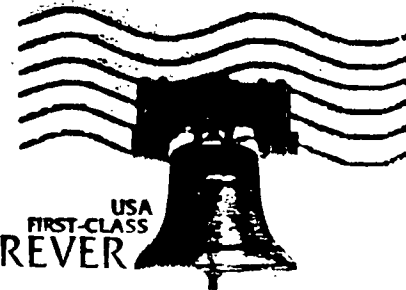
/s/ 
Jody Lynn Ward, #300644

CC.File

147
GEORGETOWN COUNTY CLERK OF COURT
COURT OF GENERAL SESSIONS
ALMA Y. WHITE, CLERK
P.O. BOX 479
GEORGETOWN, S.C. 29442

CHARLESTON SC 294

02 OCT 2012 PM 1 T



RECEIVED

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MAIL ROOM
LIEBER C.I.

JODY LYNN WARD, #300644
LIEBER CORR. INST. E-B 29
P.O. BOX 205
RIDGEVILLE, S.C. 29472

FOR LEGAL MAIL USE ONLY
ONLY MAIL ADDRESSED TO A COURT,
A LAWYER OR TO A JUDGE. ANY
OTHER USE AND THE MAIL WILL BE
RETURNED TO THE INMATE.

29472+0205





October 2, 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: A copy of "Order Denying Motion to Arrest Judgment" is enclosed.


Georgetown County Court of General Sessions

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.

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

**Appeal From Georgetown County
Court of General Sessions**

Case No. 2003-GS-22-1030 & 1031

The State of South Carolina,.....Respondent.

V.

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

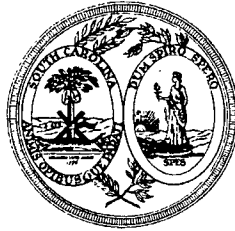
CERTIFICATE OF SERVICE

I certify that I served the attached Order of Dismissal of Motion for Reconsideration, And attached Notice of Appeal which was actually my 1st, first Notice of Appeals filed in this case and another copy of my second Notice of Appeal Attached with a copy herein of all Orders unto this matter. On This 12th Day of October, 2012. Has been served on all below addressed parties by placing a copy in the United States Postal Mail Postage prepaid; Also record on appeal numbers 51-67, Notice of Appeals, All Orders.

- | | |
|--|---|
| <p>1.) Georgetown County Clerks Office
Attn: Ms. Alma Y. White, Clerk
P.O. BOX 479
Georgetown, S.C. 29442</p> | <p>2.) Attorney Generals Office
Mr. Allan Wilson, A.G.
P.O. BOX 11549
Columbia, S.C. 29211-1549</p> |
| <p>3.) Georgetown County Solicitors Office
Attn: Mr. Scott Hixson, A.S.
P.O. BOX 1688
Georgetown, S.C. 29442</p> | <p>4.) S.C. court of Appeals
Attn: Clerk's Office
P.O. BOX 11629
Columbia, S.C. 29211</p> |

Respectfully Submitted,

18/ Jody Lynn Ward, #300644
Jody Lynn Ward, #300644



151

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

Benjamin H. Culbertson
Resident Circuit Judge

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

October 31, 2012

Jody Lynn Ward, #300644
Lieber Correctional Institute, E-B-29
P.O. Box 205
Ridgeville, SC 29472

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

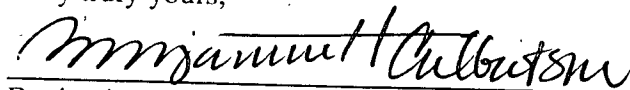
Dear Mr. Ward:

I return to you, unsigned, the proposed Order Granting Motion for Reconsideration, Motion for New Trial Based on After Discovered Evidence 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: The motion was previously ruled upon and denied.

With kindest regards, I remain

Very truly yours,


Benjamin H. Culbertson

BHC/bhc

Enclosure (a/s)

pc: Georgetown County Clerk of Court

152

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

October 1, 2012

Honorable Benjamin H. Culbertson
Administrative Judge
Court of General Sessions
15th Judicial Circuit
P.O. Box 479
Georgetown, S.C. 29442

RE: Proposed order for Honorable Court C/A No. 2003-Gs-22-1030-1031

Dear Honorable Culbertson,

Please find hereto attached a proposed order for the courts
consideration. I thank you for your time and help with this matter
May God Bless You Abundantly!

By a copy of this has also been served on the Respondent
Mr. Scott Hixson, Assistant Solicitor addressed as P.O. BOX 1688,
Georgetown, S.C. 29442

Respectfully Submitted,

/s/ Jody Lynn Ward

Jody Lynn Ward, #300644

Petitioner prose

CC. File
Mr. Scott Hixson

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GEORGETOWN)

State of South Carolina)
)

vs.)
)

Jody Lynn Ward,)
)
 Defendant.)

THE COURT OF GENERAL SESSIONS

FIFTEENTH JUDICIAL CIRCUIT

CASE NUMBERS: 2003-GS-22-1030
 2003-GS-22-1031

ORDER GRANTING
 MOTION FOR RECONSIDERATION
 MOTION FOR NEW TRIAL BASED ON
 AFTER DISCOVERED EVIDENCE

The defendants Motion For Reconsideration Of Motion For New Trial in this case is GRANTED.'

The defendant did supply the court with an Affidavit of one Rondie J. Ward that supported his Motion for New Trial and beyond his control it wasn't filed and since the courts denial and since it was signed and notarized on July23,2012 by the Georgetown County Clerks Office it is THEREFORE ORDERED THAT AN ATTORNEY BE APPOINTED TO REPRESENT THIS DEFENDANT FOR AN EVIDENTIARY HEARING, FOR ORAL ARGUMENTS ON MOTION FOR NEW TRIAL.

IT IS FURTHER ORDERED THAT FUNDS FOR INVESTIGATIVE AND EXPERT WITNESS BE ORDERED.

DATE: _____, 2012
 Georgetown, S.C.

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

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

154

Benjamin H. Culbertson, Judge
The Circuit Court of the Fifteenth Judicial Circuit
Post Office Box 479
401 Cleland Street
Georgetown, SC 29442

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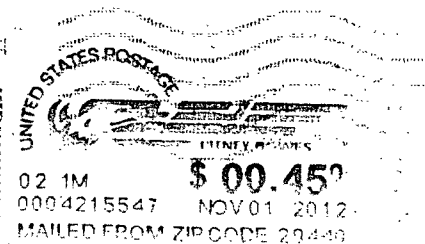
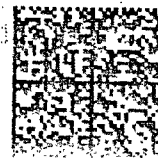
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LIEBER C

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

CHARLESTON, SC 294

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

155

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.

CERTIFICATE OF COUNSEL

The undersigned hereby Certifies that the Record on Appeal
contains all material proposed to be included by any of the party
and not any other material.

/s/ Jody Lynn Ward, #300644

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

/s/ Jody Lynn Ward Pro se

Attorney of Record/Appointed

Date: August 14, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Case No. 2012-213222

RECEIVED
AUG 19 2013
SC Court of Appeals

The State of South Carolina,.....Respondents.

V.

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

CERTIFICATE OF SERVICE

I Certify that I have served the attached 1.)Reply to the
Respondents Initial Brief Pursuant to SCACR Rule 208 (a),(3)
2.)Designation of matter to be included in the Appeal Pursuant
to SCACR Rules 209 (a),3.)Certificate of Service ON THIS 14th Day
of August, 2013, by placing a true and correct copy in the
United States Postal mail Postage prepaid to the below named
Respondents Attorney of record to this Appeal, Addressed as follow
4. Motion for leave/relax rules;⁵⁾ Record on Appeal;⁶⁾ Final Brief.

1.) Office of the Attorney General

Attn: William Edgar Salter III, Assistant Attorney General

P.O. BOX 11549

Columbia, S.C. 29211-1549

William Edgar Salter III, Assistant A.G.

Respectfully Submitted,

/s/ Jody Lynn Ward, #300644

Jody Lynn Ward, #300644

Appellant Pro Se