

April 12, 2019

Honorable Daniel E. Shearouse  
Clerk of South Carolina Supreme Court  
P.O. Box 11330  
Columbia, SC, 29211

RECEIVED

APR 16 2019

S.C. SUPREME COURT

Re: Lord Slater #279992

v.  
State of South Carolina  
Case No.: 2018-CP-10-3205

Dear Mr. Shearouse:

Enclosed please find Notice of Intent To Appeal, the Final Order of Dismissal, Certification of Service and Mailing, the signed deposition of Private Investigator George W. Hawkins, State's Exhibit 35 stipulation, the signed deposition of Dr. Kim Collins, and Cole B. Gray's defense stipulation, in the above referenced matter.

Enclosure

Cc:

Attn General Benjamin Limbaugh  
SC Office of App Defense

Julie J. Armstrong  
Chas County Clerk of Court

Thank you

Sincerely,

Lord Slater  
Lord Slater #279992  
McCI F4A177  
386 Redemption Way  
McCormick, SC, 29899



The State of South Carolina  
In the Supreme Court

Appeal From Chas County  
Court of Common Pleas

Honorable Roger M. Young  
Chief Admin Judge  
Ninth Judicial Circuit

Case No: 2018-CP-10-3205

RECEIVED

APR 16 2019

S.C. SUPREME COURT

Lord Slater <sup>#279992</sup>  
Appellant,  
v.  
The State  
Respondent

[ Proof of Service ]

Applicant do hereby certify that on this 12th day of April 2019  
I served the foregoing Notice of Appeal, Final Order of Dismissal, as well as  
Proof of Service in this matter by depositing a true copy of it in  
the United States Mail, addressed to the following as indicated  
below:

1. South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC, 29211

3. SC Office of App Defense  
1330 Lady Street, Suite 401  
P.O. Box 11589  
Columbia, SC, 29211

2. Office of Attorney's General  
Attn: Benjamin Limbaugh  
P.O. Box 11549  
Columbia, SC, 29211

4. Julie J. Armstrong  
Clerk of Court  
Chas County  
100 Broad Street, Suite 106  
Chas, SC, 29401

sworn to and subscribed before me this 12  
day of April, 2019  
[Signature]  
Notary Public (L.S.)

My Commission Expires: 9-30-26

Date: 4/12/2019  
Respectfully Submitted  
Lord Slater

MccI FH A177  
386 Redemption Way  
McLomick, SC, 29844

CL  
AT  
AG  
JDL  
G

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
Lord Slater, #279992, )  
 )  
Applicant, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2018-CP-10-3205

**FINAL ORDER OF DISMISSAL**

FILED  
2019 APR -4 AM 11:36  
JULIE ARMSTRONG  
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed June 25, 2018. Respondent made its return on December 20, 2018, requesting the application be summarily dismissed based upon untimeliness and is successive to Applicant's prior post-conviction relief action

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed January 8, 2019 and filed January 11, 2019, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated January 12, 2018, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant has responded to this Court's Conditional Order of Dismissal with two filings entitled "Reasons Why the Conditional Order of Dismissal Should Not Become Final" and another with the same title. These filings argue that the statute of limitations should not apply

because he did not discover the evidence until recently, and therefore could not have filed this application before the discovery of said evidence. Applicant also argues in these filings that the application is not successive because these allegations were not raised in the previous application and were only recently discovered.

Applicant's responses fail to provide sufficient reasons as to why the Conditional Order of Dismissal should not become final. The first of Applicant's responses to the Conditional Order was the claim that the Statute of Limitations should not apply because his allegations related to newly discovered evidence. Applicant's argument does not have legal footing, as the evidence underlying the allegations could have been discovered with reasonable diligence within the one year filing deadline. Applicant's argument that this application is not successive also does not have merit, as Applicant clearly could have raised these allegations in the first application had a reasonable investigation been done to discover the underlying evidence.

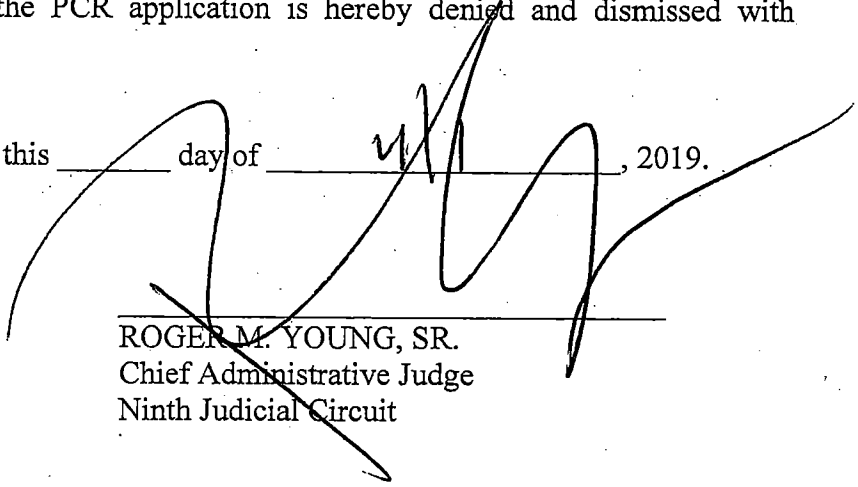
Therefore, this Court finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

**IT IS THEREFORE ORDERED** that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby denied and dismissed with prejudice.

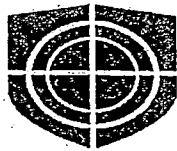
**AND IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.



\_\_\_\_\_, South Carolina.



\_\_\_\_\_  
ROGER M. YOUNG, SR.  
Chief Administrative Judge  
Ninth Judicial Circuit




# PREMIER

INVESTIGATIVE ASSOCIATES

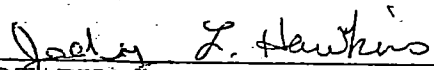
MAY 15, 2018

TO WHOM IT MAY CONCERN:

- 1- IN MARCH, 2018 PREMIER INVESTIGATIVE ASSOCIATES (PIA) WAS RETAINED BY LORD BYRON SLATER TO OBTAIN DOCUMENTS, SPECIFICALLY STATE'S EXHIBIT 35 (STIPULATION), FROM THE CRIMINAL DEFENSE FILE RELATIVE TO THE CHARGE OF MURDER FROM HIS ATTORNEY, ASHLEY PENNINGTON.
- 2- ON APRIL 11, 2018 I MET WITH ASHLEY PENNINGTON AND REVIEWED SLATER'S CRIMINAL DEFENSE FILE. THE DOCUMENT (STIPULATION) WAS NOT FOUND IN THE ATTORNEY'S FILE.
- 3- ON APRIL 18, 2018 I WENT TO THE CHARLESTON COUNTY CLERK OF COURT'S OFFICE AND REVIEWED THE MURDER TRIAL FILE. I LOCATED STATE'S EXHIBIT 35 (STIPULATION) SIGNED BY THE PROSECUTOR AND THE DEFENSE ATTORNEY.
- 4- A COPY OF THE STIPULATION WAS PROVIDED TO LORD BYRON SLATER.

  
GEORGE W. HAWKINS  
INVESTIGATOR

SWORN TO BEFORE ME THIS  
15<sup>TH</sup> DAY OF MAY, 2018

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 8-18-26

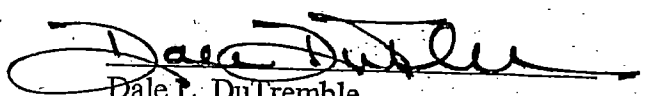
STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF CHARLESTON ) Indictments 2001-GS-10-3221, 3223, 3226

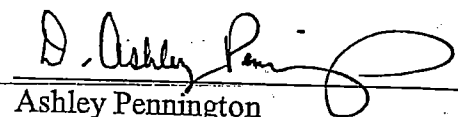
THE STATE )  
VS. ) STIPULATION  
LORD BYRON SLATER )

The State of South Carolina, by and through its undersigned attorney, and the Defendant, by and through his undersigned attorney, hereby stipulate and agree:

1. If Dr. Kim Collins were called to testify she would testify that she is a Forensic Pathologist at the Medical University of South Carolina in Charleston, South Carolina,
2. That on February 4, 2001, she was called upon to perform an autopsy on the body of Sharone Middleton, who had died on February 3, 2001,
3. That on February 4, 2001, she performed the autopsy on Sharone Middleton to determine the cause of his death,
4. That after examining the body of Sharone Middleton she determined that he suffered two (2) indeterminant range, penetrating and perforating gunshot wounds to the chest,
5. That she would testify that in her expert opinion, to a reasonable degree of medical certainty, Sharone Middleton died as a result of the two (2) gunshot wounds to the chest.

AND IT IS SO STIPULATED THIS 13TH DAY OF NOVEMBER, 2001.

  
Dale L. DuTremble  
Attorney for the State

  
Ashley Pennington  
Attorney for the Defendant

STATE'S  
EXHIBIT *MD*  
35  
11-14-01

KIM A. COLLINS, MD, FCAP  
FORENSIC PATHOLOGIST  
P.O. BOS 835  
CHARLESTON, SOUTH CAROLINA 29402

2018-CP-10 - 3205

January 26, 2019

Mr. Lord Slater  
386 Redemption Way  
McCormick, South Carolina 29899

Re: South Carolina v. Lord Byron Slater

Dear Mr. Slater and the Court:

I am a Forensic Pathologist, board certified in Anatomic Pathology, Clinical Pathology, and Forensic Pathology. I practiced Forensic Pathology from 1995-2008 at the Medical University of South Carolina as a Professor of Pathology and Laboratory Medicine and have served as Director of both the Autopsy Pathology and Forensic Pathology Sections during this time. I also served as Chief Medical Examiner of Charleston County.

On 2-4-2001, I autopsied the body of Sharone W. Middleton, autopsy number FA-01-64. I identified two indeterminate range penetrating and perforating gunshot wounds to the chest. Resultant injuries were to multiple viscera and the aorta. I retrieved one projectile from the body. Projectile 1, recovered from the 10<sup>th</sup> right posterior-lateral intercostal space, was described as a severely deformed, yellow metal jacketed bullet, base = 0.30 x 0.30 inch and length = 0.50 inch. A numeral one (1) was inscribed on the base. The second projectile caused a perforating wound and thus was not within the body (the projectile exited the body). The cause of death was listed as "Two indeterminate range, penetrating and perforating gunshot wounds to the chest". The manner of death was deemed homicide. It is my understanding that the solicitor and public defender agreed to stipulate to the autopsy report. I was not subpoenaed to testify. If I had been subpoenaed to testify as to the autopsy findings, I would certainly have done so.

Respectfully,



Kim A. Collins, MD  
Forensic Pathologist

FILED  
2019 FEB - 8 PM 3:21  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

Sworn to and subscribed  
before me this

26<sup>th</sup> day of January, 2019

Elizabeth G. Ribenberg





# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

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

May 24, 2018

Mr. Cole Brooks Gray #330061  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899

Re: Your Case

Dear Mr. Gray:

I received a call from your trial lawyer Mr. Oppermann this week. He let me know that you contacted him to request a copy of the stipulation that was entered as an exhibit at your trial. I am enclosing a copy of that exhibit for you with this letter.

I have not filed a brief in your case yet. When I do, I will send you a copy, and keep you updated on the case.

Please feel free to contact me if you have any questions or concerns about your case. A telephone privilege form is on file with SCDC that allows you to call me collect, or you can write to me if you prefer.

Sincerely,

Joanna K. Delany  
Appellate Defender

JKD/cp

Enclosure

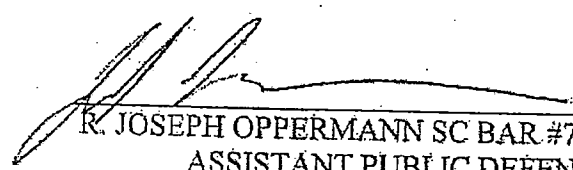
STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )  
THE STATE, )  
-vs- )  
COLE B. GRAY, )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS  
10<sup>TH</sup> JUDICIAL CIRCUIT

STIPULATION BY THE DEFENSE  
Indictment Nos.: 2017-GS-04-1220;1850;1851

The Defendant, Mr. Cole B. Gray, stipulates, by and through his attorney, Mr. Joseph Oppermann, the following:

- 1) That on November 12<sup>th</sup>, while operating a motor vehicle and driving on a road, street and/or highway of the State of South Carolina, fail to stop when signaled by a law enforcement vehicle by means of a signal and a flashing light; and
- 2) That he failed to stop despite knowledge that he had been so signaled.

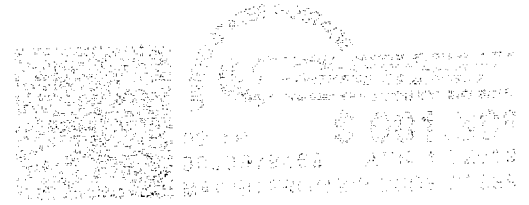
  
R. JOSEPH OPPERMAN SC BAR #77943  
ASSISTANT PUBLIC DEFENDER

Anderson, South Carolina  
October 16<sup>th</sup>, 2017

FILED CLERK'S OFFICE  
ANDERSON SC  
2017 OCT 20 AM 10:37  
COMMON PLEAS AND  
GENERAL SESSIONS

DEFENDANT'S  
EXHIBIT NO. 18  
FOR IDENTIFICATION  
DATE: 10/16/17 BY: [Signature]

Lord Slater #27992  
McC I F4A177  
386 Redemption Way  
McCormick, SC, 29899



Honorable Daniel E. Shearouse  
Clerk of SC Supreme Court  
P.O. Box 11330  
Columbia, SC, 29211