

COPY



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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

April 17, 2019

Eddie Dean Dogan, Jr., #256596
Tyger River Correctional Institution
Upper Yard
200 Prison Road
Enoree SC 29335-9308

Re: Eddie D. Dogan, Jr., v. The State
Appellate Case No. 2017-001164

Dear Mr. Dogan:

The Court received your correspondence dated April 11, 2019, addressed to Chief Judge Lockemy. A copy of your correspondence was forwarded to me for response. Our records reflect that remittitur has been sent, thus ending our court's jurisdiction over your appeal. Accordingly, we will not take any further action on your filing.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Abbott Kitchings".

CLERK

DEAR SIRs,

MY NAME IS BETTY MAYFIELD.

I'M COMING TO YOU ON BEHALF OF MY BROTHER EDDIE D. DOGAN JR.#256596 WHO IS CURRENTLY INCARSERATED AT TYGER RIVER CORRECTIONAL INSTITUTION MY BROTHER HAS BEEN FIGHTING FOR HIS FREEDOM FOR YEARS NOW AND IT SEEMS THAT NO-ONE IS SHOWING MUCH OR ANY CONCERN. ENCLOSED YOU WILL FIND DOCUMENTS RELATING TO THE CITY THAT MY BROTHER EDDIE D. DOGAN HAS TAKEN TIME TO RESEARCH AND STUDY TRYING TO FIND SOME KIND OF RELIEF AND HOPEFUL ANSWERS. WE PRAY THAT YOU WILL PLEASE TAKE A MOMENT AND LOOK OVER THE DOCUMENTS ENCLOSED AND SEE THAT MY BROTHER IS FIGHTING A CASE THAT NEVER SHOULD HAVE GONE THIS FAR. I BELIEVE THAT WE ARE ON THE RIGHT TRACK BY CONTACTING YOU SEEKING HELP IN THIS SITUATION. SIR PLEASE CONSIDER HELPING MY BROTHER IN THIS DESPERATE PLEA FOR HELP. WE WILL BE FOREVER GRATEFUL. WE BELIEVE THAT YOU WERE PUT IN OUR PATH FOR A REASON. THANK YOU IN ADVANCE FOR ALL THAT YOU DO.

RESPECTFULLY,

BETTY MAYFIELD

DJ EDDIE DEAN DOGAN, JR. #256596
TYGER RIVER CORRECTIONAL INSTITUTION
HOUSING - UNCT-3-A-214-LOWER YARD
200 PRISON ROAD
EVOREE, SOUTH CAROLINA, 29335

RECEIVED

APR 11 2019

SC Court of Appeals

APRIL 1st 2019

ATTN: CHIEF JUDGE
S.C. COURT OF APPEALS
1015 SUMNER STREET
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

SUBJECT: DENIAL OF CRIMINAL GRAND JURY JUDICIARY-
INVESTIGATIONS [F-654895, F-654896, F-654897]

DEAR HONORABLE,

THIS LETTER MOTION SEEKS YOUR DISCRETIONARY POWER(S) UNDER THE ACCESS OF JUSTICE ACT, A DEPRIVATION HAS TAKEN PLACE IN THE CAPACITY OF SPARTANBURG CITY PUBLIC SAFETY DEPARTMENT, LOCAL ORDINANCE(S), AS OF APRIL 25th 1998, UNDER THE AUTHORITY OF FORMER DIRECTOR / CHIEF TONY A. FISHER, AND HIS OFFICER'S, ED. MEMBEND, AND DETECTIVE CHERYL ANN BOYD, WHO WENT OFF OF AFFIANT BELIEF, OF SAID CRIME DATED APRIL 25th 1998. ON MAY 05, 1998 TWO SUBPOENA(S) WERE SENT OUT REQUESTING, FOR ANY TEST RESULT(S) OF SAID CRIME. F-654895, ONE WAS SENT TO TONY A. FISHER, AND THE OTHER SENT TO HOLMAN C. GOSSETT, AT THE COUNTY DETENTION CENTER, SINCE I WAS BEING DETAINED THERE FOR CITY MAGISTRATE HEARING, DURING THAT TIME PERIOD, I WAS SERVED WITH ANOTHER WARRANT DATED FOR TRIAL MAY 22, 1998; WARRANT NO. F-834530, WHICH STEM FROM 4-25-98, JUDGE RULED IN MY FAVOR, ON MAY 07, 1998, YET, NO HEARING ON ARREST OF F-654895, OF APRIL 25, ON OCTOBER 16, 1998, I WAS SERVED ANOTHER WARRANT IN THE FORM OF A DIRECT-INDICTMENT 98-65-42-5180, FOR KIDNAPPING, I ASK THE VIEWER OF THIS PIVOTAL MOVEMENT, VIOLATION OF SENTENCING PROCEDURES OF §17-25-50, ALL OF THESE ALLEGED ACTS WHETHER FALSE OR UNCONSTITUTIONAL, IS FROM SAME DAY AND I SHOULD BE ENTITLED TO REAP THE BENEFITS OF THIS §17-25-50 THE DOCUMENT(S) SHOW DATE(S), FOR THE RECORD AT HAND, SINCE I WAS GIVEN A 30 YEAR SENTENCE AND A 15 YEAR SENTENCE AND A 3 YEAR SENTENCE, THESE LESSERS SHOULD RUN IN WITH THE GREATER SENTENCE, ONE CRIME, ONE DAY. MANY ALLEGATIONS, ALSO SEE GORDON'S DOCTRINE §17-25-50 CLOSELY CONNECTED CRIMES TREATED AS ONE.

IN RELYING ON CASE BRYANT v. STATE, 384 S.C. 525, [S.C. 2009], JUSTICE BEATTY, STATED: THE ISSUE IN THIS CASE IS THE SAME AS GORDON; THAT IS THE CORRECT INTERPRETATION OF SECTION §17-25-50. SECTION §17-25-50 IS UNQUESTIONABLY AMBIGUOUS IN ITS USE OF THE LANGUAGE--COMMITTED AT TIMES SO CLOSELY CONNECTED IN POINT OF TIME, THAT THEY MAY BE CONSIDERED AS ONE OFFENSE

THE JURISPRUDENCE CITED ABOVE IN CASE LAW SHOULD EASELY APPLY TO MY SITUATION SINCE ALL ALLEGED ALLEGATIONS IN DOCUMENT FORM SPEAK SAME DAY, AND EVEN-THOUGH IT WASN'T BROUGHT UP IN TRIAL OR ANY APPEAL, IT SHOULD APPLY NOW SINCE I'M STILL CHALLENGING SAME SENTENCE THAT I WAS ARRESTED FOR 21 TWENTY-ONE YEARS AGO, THE LAST ORDER OF MY REQUEST, FOR A HEARING ON MY OWN DNA, JUDGE HAYES, STATED, MY FILING WAS UNTIMELY. THIS WAS DATED APRIL 24, 2017. I REBUTTED THIS IN A 59(e) MOTION CLAIMING THERE WAS NO TIME LIMIT ON DNA, SINCE I TOOK A TRIAL §17-28-30 (A) 2008 ACT 413, AND CITED SMITH v. STATE, 412 S.C. 492, 992 S.E.2d 286 [Ct. App. 2015],

THE LEGISLATURE HAS HAD AMPLE OPPORTUNITY SINCE GORDON, TO FURTHER CLARIFY SECTION §17-25-50, BUT HAS NOT DONE SO. THUS, IT WOULD APPEAR THAT GORDON'S INTERPRETATION OF LEGISLATIVE INTENT, IS CORRECT. DOGAN, CLAIM SAME LEGISLATIVE INTENT, BY STATING, "CLOSE IN TIME" "THE FOCUS IS RECIDIVISM, AND FLEXIBILITY IN INTERPRETING "CLOSE IN TIME" IS NECESSARY TO GIVE EFFECT TO LEGISLATIVE - INTENT.

ALSO SEE WEARY v. STATE, 2016 WL 916944. WHERE THE COURT UPHELD THIS LANGUAGE. HERE, THE RECORD REFLECTS THAT WEARY HAD THREE PRIOR BURGLARY CONVICTIONS, TWO OF WHICH COULD NOT BE CONSIDERED "AS CLOSELY CONNECTED IN POINT OF TIME THAT THEY MAY BE CONSIDERED AS AN OFFENSE. THEREFORE, WE REVERSE

MY SITUATION IS DIFFERENT FROM THE LANGUAGE SET-OUT IN GORDON'S §17-25-50, WHERE CHIEF JUSTICE CLEARLY STATE IN RELYING ON LEGISLATIVE INTENT, JURISPRUDENCE, WHICH I, AGREE, AND THEREFORE, THIS §17-25-50 SHOULD BE APPLIED TO ME, WHEN LOOKED UP, TIME AND DAY OF CHARGE, EVEN, THOUGH I'VE BEEN DILIGENTLY SEEKING AN ADJUDICATION ON THE MAGISTRATE ARREST WARRANT, AND SEEKING MATERIAL THAT WAS CARRIED TO THE ALLEGED SGS, TO ROUND ME OVER TO A CIRCUIT CAPACITY JUDGE. WHEN SOLICITOR OVER CASE WAS FOUND TO BE UNETHICAL IN HIS OBLIGATION TO THE PEOPLE, BY STAMPING 1,800 INDICTMENTS IN 22 SECONDS BY CHIEF TONY A. FISHER SPTRG, PUBLIC SAFETY DEPARTMENT.

EXPLANATION FOR CAUSE 243(C).SCACR.

MARCH 31st 2019

THIS IS BEING PRESENTED PURSUANT TO 18 USC: §401, and §23-23-10. POWER OF AGENCY TO ENTERTAIN A FALSE RECORD CREATED BY OFFICER ED. MEMBEND #0057, AND DETECTIVE CHERYL ANN BOYD, OF SPARTANBURG PUBLIC SAFETY DEPARTMENT [CITY JURISDICTION], UNDER THE AUTHORITY OF CHIEF TONY A. FISHER., also see, 18 USC § 1506, 2071, 2073, ATTACHED IS: EDDIE DEAN DOGAN, JR., EXHIBIT(S), IN THE FORM OF STATE CREATED DOCUMENT(S) THAT SPEAK VOLUM AND CARRIES THE JURISPRUDENCE OF COMMERCE, AND S.C. LEGISLATIVE §17-28-100(B), WHO CAN USE THE DELICTI EXCULATORY DNA RESULT. MAY BE USED BY APPLICANT SOLICITOR, ATTORNEY GENERAL, A PRIMA FACIE PRESUMPTION, THAT SPEAK "NO CRIME AGAINST THE STATE OF SPARTANBURG CITY LAW(S) OR SOUTH CAROLINA LEGISLATION BILL (H) 2821, WHICH IS A CONDUIT OF §16-3-655(1), ARREST WARRANT NOS. F-654895, F-654896, F-654897.

IN 1998 APRIL 25, I EDDIE DEAN DOGAN, JR. WAS ARRESTED, FOR ALLEGEDLY COMMITTING A CRIME AGAINST A CHILD [CRIMINAL SEXUAL CONDUCT], ARRESTED BY SPTBG, CITY PUBLIC SAFETY DEPT., APRIL 27, 1998 I WAS FORCED TO GIVE DNA MATERIAL FROM MY BODY TO SEE IF DID OR DID NOT COMMIT A RAPE ON A CHILD, SINCE NO ONE WANTED TO BELIEVE THE HOSPITAL REPORT, DETECTIVE C.A. BOYD SEEKED OUT DOGAN'S DNA, BY HAVING A JUDGE PROVIDE HER WITH A AFFIDAVIT FOR PROBABLE CAUSE, PURSUANT TO §17-13-140, ALSO, TO SUPPORT ARREST WARRANT-F-654895, DATED 4/25/98, THIS ALSO WEIGHED ON FOURTH AMENDMENT DUE PROCESS OF PROBABLE CAUSE, §17-28-100(B), 2008 ACCESS TO JUSTICE ACT, ON APRIL 29, 1998, I REQUESTED THE EVIDENCE TO BE PRESENTED TO THE PRELIMINARY HEARING OR TRIAL, EVEN PUBLIC DEFENDER REQUESTED ANY TEST RESULTS OR EXCULATORY connected to F-654895, to city Dir. TONY A. FISHER on 5/04/1998, YET, I DID NOT RECEIVE THIS RESULTS OF REQUEST TILL SEPTEMBER, 6, 2005, 7 1/2 SEVEN AND A HALF YEARS LATER.

IN 2008, THE HONORABLE J. MARK HAYES II, stated in his Ruling that I SHOULD HAVE HAD THIS SLED TEST DNA RESULTS IN CHIEF AT trial, in 1999, But that WAS IMPOSSIBLE BECAUSE THE SPTBG, CITY PUBLIC SAFETY "CHERYL ANN BOYD" DETECTIVE HAD IT IN HER POSSESSION, I DID NOT RECEIVE IT IN TIME FOR TRIAL, FIRST POSTCONVICTION HEARING, of 2003, NOW IN 2017, Judge HAYES DENY'S MY CLAIM BY CIVIL §17-28-30(B), untimely, Seven Year Limitation, But, since I TOOK A TRIAL He should have cited §17-28-30(A), NO TIME LIMITATION ON DNA, S.C. SUPREME COURT cited in SMITH v. STATE, 412 S.C. 412, 772 S.E.2d 286, (Ct. App. 2015), Honorable JUDGE CHIEF DONALD W. BEATTY.

CARPUS DELICTI

IF THE LEGISLATIVE DELEGANT, IS THE LAWMAKERS FOR THE S.C. JURISDICTION FOR ITS CONSTITUENTS, WHICH IS THE GENERAL ASSEMBLY, IF THEY BRING FORTH A BILL AND CITE IN IT, THIS 2821 IS VIOLATED WHEN THE RESULTS OF SUCH CRIME POINTS TO ONE CONCLUSION, THE ARRESTEE MUST BE PUNISHED, BUT IF HE IS FOUND NOT TO BE GUILTY IN VIOLATION OF 2821 OR 16-3-655(1) BASED ON RESULTS OF CARPUS DELICTI "EXCULATORY" HE MUST BE ACQUITTED OR IF INCARCERATED RELEASED AS ACQUITTED, PURSUANT TO RULE 2(a)(c) SCRCRIM PROC, and 17-28-100(B), ACCESS TO JUSTICE ACT, FOURTH AMENDMENT TO THE CONSTITUTION OF S.C. AND U.S.A.

RELIEF REQUESTED

FILE WITH THE COURT(S) ARREST WARRANT / AFFIDAVIT RESULTS OF F-654895, F-654896 and F-654897. AND ALLOW ME THE OPPORTUNITY TO HAVE THE RULES APPLIED TO ME AS OTHERS FOR RELIEF: IM INNOCENCE, IN 2019 JUST AS I WAS IN 1998. RULE 2(a)(c), SCRCRIM PROC,

110 Gowan Street
Spartanburg, SC 29301
January 5, 2018

The Honorable Shane Martin
P.O. Box 575
Pauline, SC 29374

Dear Senator Martin:

I hope that you will not object to my request for your guidance and assistance in obtaining some information concerning a family matter, but may I also thank you in advance for your excellent, devoted efforts on behalf of our wonderful community. You have not only kept us informed on critical issues, but you share our core beliefs and values. My family members and friends will always support you in your compassionate and thoughtful type of leadership.

My brother, Eddie Dean Dogan, Jr., #256596, is an inmate at Tyger River Correctional Center, and he has been incarcerated within SCDC for about 20 years. His original charge resulted from a domestic situation that resulted in charges that he, and all of us in our family, have felt were exaggerated and questionable, but he has served his sentence honorably, and continues to cooperate fully with authorities. His conviction occurred long before modern evidence techniques including DNA matching were available.

During his incarceration, he has repeatedly requested information concerning release, parole, and re-examination of his case, but he has been unsuccessful in stimulating a response to his inquiries. It is our hope that he can return to the community within the near future, and become a productive and responsible citizen. As his sister, I can verify and assure society, parole and probation authorities, and others that he will prove to all concerned that he is a mature and determined man, who will work diligently and continually to lead an exemplary life and rejoin his family and others who love him.

We would be forever grateful if you were able to help us clarify his situation and future possibilities. We could then help with plans for him, and have a more accurate concept of the probability that he can return to this community and to his family. I visit him regularly at Tyger River Correctional, and I am very aware of his potential and his determination to

7-11-12
7-11-12
7-11-12

succeed. He has a dedicated support system eager to help him adjust and become focused on acceptable goals.

I thank you in advance for whatever efforts you might exert in assisting with this information, and I apologize for the inconvenience. In any case, on behalf of all in the family, I commend and thank you for your outstanding representation. May God bless you always.

Sincerely,

Betty Mayfield
110 Gowan St.
Spartanburg, SC 29301

Telephone: 864-529-6323 (cell)
864-574-6527 (home)

~~THIS IS A CONFIDENTIAL DOCUMENT~~

STATE OF SOUTH CAROLINA) GENERAL SESSIONS COURT
COUNTY OF SPARTANBURG)

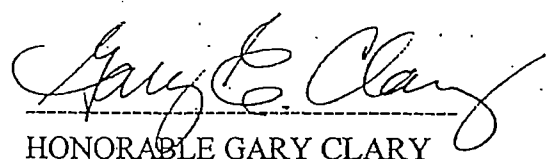
TERMS OF GENERAL SESSIONS FOR THE FIRST SIX MONTHS
OF 1998 HAVE BEEN SET BY THE SUPREME COURT.

IT IS THEREFORE ORDERED THAT THE GRAND JURY FOR
SPARTANBURG COUNTY SHALL MEET AT 9:00 A. M. ON THE
FOLLOWING DAYS AND DATES:

- THURSDAY, JANUARY 15, 1998
- THURSDAY, MARCH 19, 1998
- THURSDAY, APRIL 30, 1998
- THURSDAY, JUNE 4, 1998

RECEIVED
MAY 19 1998

AND IT IS SO ORDERED.



HONORABLE GARY CLARY
CHIEF ADMINISTRATIVE JUDGE
SEVENTH JUDICIAL CIRCUIT

December 8, 1997

EDDIE DEAN DOGAN, JR.

7/29/05

HONORABLE JUDGE DERHAM, COLE P.O. Box 1744

RE: NOTICE OF INTENT TO SEEK A WRIT OF MANDAMUS:

ON OCTOBER 27, 2003 I WROTE TO SLED LAW ENFORCEMENT DIVISION, REQUESTING A COPY OF 98-GS-42-5180, 98-GS-42-3569, 98-GS-42-3570, AND TO SEEK OUT WHAT EVIDENCE WAS GIVEN BY DETECTIVE CHERL A. BOYD OR SOLICITOR CONTAINING THE ACTUAL FACTS TO BOUND ME OVER TO GENERAL SESSIONS COURT. IN REPLY, THEY SAID WRITE CLERK OF COURT MR. MARC KITCHENS, HE STATED EVEN THOUGH INMATES ARE DECLARRED INDIGENT, COPIES WILL BE PROVIDED TO YOUR COURT APPOINTED ATTORNEY AT NO CHARGE DATED 2004 FEB 6, PM 2:11., THEN I WROTE MY FIRST ATTORNEY DONALD A. THOMPSON, REQUESTING RULE (5) AND (6) OF MY DISCOVERY AND 1.15 SAFEKEEPING PROPERTY. I'VE CITED SUPREME COURT RULE (32) PROFESSIONAL RESPONSIBILITY, SOUTH CAROLINA RULES OF CRIMINAL PROCEDURES UNDER MATTER OF HADDOCK, 321 S.E. 2D 601, DATE 9/16/03. THEN (2) TWO MONTHS AFTERWARDS, NOV. 9, 2003 I WROTE TO MR. MIKE BARTARSH THE HEAD OF PUBLIC DEFENDERS OFFICE, STATING I NEED FOR HIM TO REQUEST MR. THOMPSON TO COMPLY WITH THE LAW AS REQUIRED BUT NO RESPONSE FOR FAILURE TO FURNISH THESE DOCUMENTS MADE AS OF 7/15/05. I SENT MR. THOMPSON ANOTHER LETTER REQUESTING RULE 602 (D)(6),(2)(1): SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE, RULE (5) DISCLOSURE OF ALL BRADY MATERIALS. NO RESPONSE AS OF 7/15/05, I SENT MS. TARA S. TAGGART MY APPELLATE COUNSEL A LETTER STATING THAT I NEEDED RULE 602 (D)(6)(2)(1) SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE, RULE (5) DISCLOSURE OF ALL EVIDENCE. IN HER RESponce ON 7/29/05 SHE STATED SHE HAD ALREADY PROVIDED ME WITH COPIES OF EVERYTHING THAT IS CONTAINED IN THEIR FILE ACCORDINGLY, IF I NEEDED ADDITIONAL DOCUMENTATION I WOULD NEED TO OBTAIN IT ELSE WHERE. I REQUEST YOU TO COMPEL THE CLERK OF COURT TO PROVIDE THEIR COPIES OF IND.'S AND FOR DONALD THOMPSON TO RELENQUISH HIS FILE ON MY CASE, FAILURE TO RESPOND WITHIN (10) TEN WORKING DAYS OF THIS NOTICE WILL RESULT IN THE ABOVE EDDIE DEAN DOGAN JR., MOVING THE SOUTH CAROLINA SUPREME COURT PURSUANT TO ART 5§5 OF THE SOUTH CAROLINA CONSTITUTION TO COMPEL THE CLERK OF COURT TO FURNISH A COMPLETE COPY OF THE BODY AND CAPTION ON INDICTMENT EDDIE DEAN DOGAN JR., WHEREFORE, GIVING NOTICE THE ABOVE EDDIE DEAN DOGAN JR. RESPECTFULLY SUBMITS AND PRAYS THIS COURT COOPERATION.

~~CV 3197-1111-728~~

STATE OF SOUTH CAROLINA)

GENERAL SESSIONS COURT

COUNTY OF SPARTANBURG)

TERMS OF GENERAL SESSIONS FOR THE LAST SIX MONTHS OF 1998
HAVE BEEN SET BY THE SUPREME COURT.

IT IS THEREFORE ORDERED THAT THE GRAND JURY FOR SPARTANBURG
COUNTY SHALL MEET AT 9:00 A. M. ON THE FOLLOWING DAYS AND DATES:

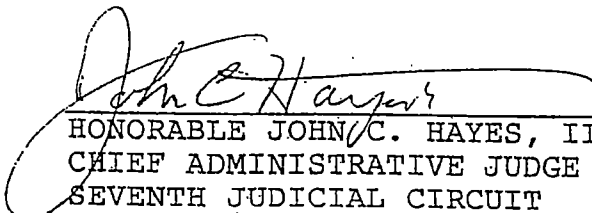
THURSDAY, JULY 30, 1998

THURSDAY, Sept. 3, 1998

THURSDAY, October 1, 1998

THURSDAY, November 24, 1998

AND IT IS SO ORDERED.


HONORABLE JOHN C. HAYES, III.
CHIEF ADMINISTRATIVE JUDGE
SEVENTH JUDICIAL CIRCUIT

June 15, 1998.

MARK HAMMOND
1998 JUN -4 PM 2:53
SPARTANBURG COUNTY
CLERK OF COURT
FILED

The State

3066 2

vs.

Eddie Dogan

Defendant

CERTIFICATE OF SERVICE

F654895

F654896

F654897

Personally appeared before me, Jackie Posey, who being duly sworn, deposes and says that she is employed by the Spartanburg County Public Defender's Office, and is a person of such age and discretion as to be competent to serve papers.

That on 5/10/98, she served a copy of the Notice of Motion and Request for Disclosure of Evidence pursuant to General Sessions Court Practice Rule 5 and the defense's belief of importance in the above-captioned action on the State, by delivering a copy of same in a post-paid envelope addressed to the person hereinafter named by depositing said envelope and contents in the United States Mail at Spartanburg, South Carolina, to the following addressee:

ADDRESSEE: Chief A. Tony Fisher
Spartanburg City Police Department
145 Broad St.
Spartanburg, SC

Jackie Posey

Sworn to before me this

04 day of May, 1998

Lura Coggins
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 10-16-2000

1998 MAY -4 2M 11:07
MARK HARRISON

WITNESSES

C. Boyd
Spartanburg City Police Dept.
PO Drawer 1749
Spartanburg, SC 29304

15

- 1. SENTENCE MADE
- 2. REPORT ENDED
- 3. CARD PULLED
- 4. INDEXED
- ARREST-5. CHECKED WARRANTS
- WARRANT NO.
- 6. CHECKED SIGNATURE
- 7. ASSESSMENT AND FINE CARD MADE
- 8. TRAFFIC VIOLATIONS COPY

Computer

ACTION OF GRAND JURY

John Hill

[Signature]

Foreman of Grand Jury

VERDICT

Guilty

[Signature]

Foreman of Petit Jury

3/2/99

Date:

98-03-42

The State of South Carolina,

County of Spartanburg (03B)

04/25/98

COURT OF GENERAL SESSIONS

OCT 05 1998 TERM

THE STATE

vs.

Eddie Dean Dogan

Indictment for

KIDNAPPING

Holman C. Gossett

EXHIBIT F

8 of 12

STATE OF SOUTH CAROLINA)
COUNTY OF Spartanburg)

INDICTMENT FOR
KIDNAPPING

At a Court of General Sessions, convened on OCT 9 1998,
the Grand Jurors of Spartanburg County present upon their oath:

That Eddie Dean Dogan did in Spartanburg County on or about April 25, 1998, wilfully and unlawfully with criminal intent seize, confine, inveigle, decoy, kidnap, abduct or carry away one Cassandra R. Edwards, without authority of law, in violation of Section 16-3-910 of THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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


SOLICITOR

The State

vs.

30662

Eddie Dogan

Defendant

CERTIFICATE OF SERVICE.

F654895

F654896

F654897

PERSONALLY appeared before me Jackie Posey, who being duly sworn, deposes and says that she is employed in the Spartanburg County Public Defender's Office, and is a person of such age and discretion as to be competent to serve papers.

That on 5/04/98, she served a copy of the Notice of Motion and Request for Disclosure of Evidence pursuant to General Sessions Court Practice Rule 5 and the defense's belief of importance in the above-captioned action on the State, by delivering a copy of same by personal delivery to the addressee's office at the place and address stated below.

ADDRESSEE: Holman Gossett
Solicitor's Office, Seventh Judicial Circuit
Spartanburg County Courthouse
Spartanburg, SC, 29301

Jackie Posey

Sworn to before me this

04 day of May, 1998.

Livia Coggins

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 10-16-2000

FILED
CLERK OF COURT
SPARTANBURG COUNTY
1998 MAY -4 AM 11:07
MARK HAMMOND

I ACCEPT SERVICE:

Dawn P. Wolfe
Solicitor's Office, Seventh Judicial Circuit

Date: 5/4/98

19

F65-495

98-08-42-3569

WITNESSES

Cheryl Boyd
Spartanburg City Police Dept.
PO Drawer 1749
Spartanburg, SC 29304

County of Spartanburg (03B)

04/25/98

COURT OF GENERAL SESSIONS

AUG 03 1998

TERM

Computer

- 1. RETURNED MAIL
- 2. REPORT MADE
- 3. CARD FILLED
- 4. INDEXED
- 5. CHECKED WARRANTS
- 6. CHECKED SIGNATURE
- ARREST WARRANT NO. _____
- 7. ASSESSMENT AND FINE CARD MADE
- 8. TRAFFIC VIOLATIONS COFF

THE STATE

vs.

Eddie Dean Dogan

ACTION OF GRAND JURY

Juan Bill
[Signature]
Foreman of Grand Jury

VERDICT

[Signature]

Debra Williamson 3/2/99
Foreman of Petit Jury Date:

Indictment for

CRIMINAL SEXUAL CONDUCT
WITH A MINOR, FIRST DEGREE

Holman C. Gossett

9 of 12

STATE OF SOUTH CAROLINA)
)
COUNTY OF Spartanburg)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT
WITH A MINOR, FIRST DEGREE.

JUL 30 1998

At a Court of General Sessions, convened on _____
the Grand Jurors of Spartanburg County present upon their oaths

That Eddie Dean Bogan did in Spartanburg County on or about April 25, 1998,
wilfully and unlawfully engage in criminal sexual conduct with a minor, first
degree, by committing a sexual battery on [REDACTED] a minor being
under the age of eleven (11) years, in violation of Section 16-3-655 (1) of
THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

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



SOLICITOR

#2
Prod #3



~~STB~~ ~~STB~~ ~~STB~~ ~~STB~~

Department of Forensic
Serology and DNA Analysis
May 27, 1998
SLED Lab No.: L98-5442
Your Case No.: 04-0976-98
Incident Date: 4/25/98
(V) Cassandra R. Edwards
(S) Eddie D. Dogan

C. A. BOYD
SPARTANBURG PUBLIC SAFETY
145 BROAD ST
SPARTANBURG, SC 29304

FL 54895

3B

- 13-140. order 4-27-1998, DNA,
sent to C.A. BOYD MAY 27, 1998
next for EXCULPATORY material on 5/4/98 / Received 9-6-05.

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

1(S) SUBMITTED:

RESULTS OF EXAMINATIONS:

Sexual Assault Evidence Collection Kit from Cassandra Edwards		
Blood	1.4	No analysis performed.
Saliva	1.5	No analysis performed.
Smears	1.6	No spermatozoa identified.
Vaginal swabs	1.7	No semen detected.
Oral swabs	1.8	No semen detected.
Rectal swabs	1.9	No semen detected.
Suspected semen	1.10	No semen detected.
Suspect Evidence Collection Kit from Eddie Dogan		
Blood	2.4	No analysis performed.



10 of 12

EXHIBIT B

SPARTANBURG MAGISTRATE COURT
SPARTANBURG COUNTY COURTHOUSE
SPARTANBURG SOUTH CAROLINA 29306
TELEPHONE: (864) 596-2564

MAY 07, 1998

DOGAN EDDIE DEAN
530 B BRAWLEY ST.
SPARTANBURG S.C. 29306

DEFENDANT

CASE NUMBER F834530
RE: THE STATE VS EDDIE DEAN DOGAN

OFFENSE: ASSAULT & BATTERY

TRIAL DATE: 05/22/98 TIME: 05:30 PM
PLACE: SPARTANBURG MAGISTRATE COURT, COURT ROOM 2
COUNTY COURTHOUSE

PRESIDING JUDGE: HONORABLE LARRY M. HUCTINSON

PLEASE NOTE THE TIME AND PLACE SET FOR TRIAL OF THE ABOVE-CAPTIONED CASE. PLEASE BE SEATED IN COURT ROOM 2 AT THE TIME SET FOR TRIAL

YOU MUST APPEAR FOR THIS TRIAL. IF YOU HAVE ANY WITNESSES WHOM YOU WISH TO TESTIFY, THEY MUST ALSO BE PRESENT UPON REQUEST AT LEAST FIVE DAYS BEFORE TRIAL DATE, THE COURT CAN ISSUE WITNESS SUMMONS NECESSARY, TO ASSURE THAT YOUR WITNESSES APPEAR

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2010 MAR 11 PM 9:00

Grand Jury

es

ugh

ket

LANGHORNE

ty-two seconds. Actual-
 ntly less than 22 seconds.
 t's how much time, on
 ge, that Spartanburg Coun-
 and jurors had to devote to
 of the 1,404 cases presented
 em by 7th Circuit prosecu-
 over eight and a half hours
 esday.
 e mass indictments come
 eeks after a two-day grand
 session during which Solicitor
 olman Gossett's office pre-
 sented slight-
 ly fewer than
 1,800 cases for
 indictment,
 drawing
 strong criti-
 cism from
 Gossett's suc-
 cessor and a
 leading legal
 ethics expert.
 ore that session, the high-
 mber of charges Gossett's
 had presented for indict-
 t any one time in the past
 ars had been 968.

rs had

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ch case

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ment, as has been the case since
 his June loss to Trey Gowdy in
 the Republican primary.

Attempts to reach South Car-
 oolina Attorney General Charlie
 Condon were unsuccessful.

A spokesman for Gossett said
 last month that mass indict-
 ments were necessary in light of
 Circuit Judge John Kittredge's
 recent decision to fine 13th Cir-
 cuit Solicitor Bob Ariail for not
 complying with South Carolina
 Rules of Criminal Procedure.

Ariail didn't comply with Rule
 3(c), which states that prosecu-
 tors must take action on a given
 arrest warrant within 90 days
 after receiving the warrant from
 the clerk of court.

The fine was eventually
 dropped.

Indicting thousands of old and
 new cases en masse does not add
 to the statistical backlog that
 Gowdy will face when he takes
 office in January. Unindicted
 cases are already counted in the
 backlog as South Carolina Court
 Administration reports it.

But Gossett's mass indict-
 ment strategy does create a
 large pool of indicted cases that
 Gowdy can't be sure have been
 scrutinized first.

"It looks to me like the policy
 we used to have of reviewing
 cases to see if they have a basic
 degree of merit before sending
 them for indictment has been
 abandoned," said Spartanburg

GRAND continued on A15

GRAND

Continued from page 1

attorney Andy Johnston, who
 worked as an assistant solicitor
 under Gossett from 1983 to 1990.

"All of a sudden they double the
 number of cases they send normally
 (in October), and then they do it
 again within a short time," Johnston
 said. "It sounds like they took all the
 cases that have been lying around
 and just sent them to the grand jury
 instead of reviewing them and mak-
 ing decisions about them."

Spartanburg Public Safety
 Director Tony Fisher, who sup-
 ported Gowdy in this year's cam-
 paign, accused Gossett of trying to
 sabotage Gowdy when his office
 sought about 1,800 indictments
 last month.

On Wednesday, Fisher said
 "there is no way the system can
 handle that many cases in a reason-
 able amount of time."

"We need to be honest with the
 public," he said. "We need to handle
 cases as quickly as we can, and deal
 with those where there is some rea-
 son to question prosecutorial merit
 within 60 days, instead of waiting
 this period of time and then doing
 this."

"We owe that to victims and the
 public."

Sheriff Bill Coffey, who support-
 ed Gossett in this year's campaign,
 declined to answer questions about
 Gossett's decision to seek thou-
 sands of indictments in a matter of
 weeks.

Coffey did say through a
 spokesman that such questions
 should be addressed to the grand
 jury and the court system.

Gowdy, who will take office on
 Jan. 10, said the time to decide
 whether a case is prosecutable is
 before indictment.

"I don't know what level of
 scrutiny was given these cases
 before they were submitted to the
 grand jury," he said. "I know it
 would be difficult for me to ade-
 quately scrutinize 1,400 cases in
 the period since the last grand jury
 met, which was about six weeks
 ago."

getting with law enforcement in
 screening cases on the front end
 Gowdy vowed. "If you can't get
 cases in a timely fashion, you're
 contributing to a backlog that
 adversely affects victims past, pre-
 sent and future."

Eldon D. Wedlock Jr., a crim-
 inal law professor and legal schol-
 arship expert at the University of South
 Carolina's School of Law, reiterated
 his earlier criticism that seeking a
 large number of indictments at a
 time defeats the investigative pur-
 pose of grand juries.

But Wedlock said grand juries
 themselves should share the blame
 with Gossett.

"Their duty is to listen to the
 substance of criminal allegations pre-
 sented by prosecutors and witness-
 es, and to act as a screen against
 vindictive prosecutions
 unfounded charges," Wedlock said.
 "They're not taking that duty
 seriously as they should."

Wedlock said the grand jury
 foreman or a grand juror "should
 have objected and said 'Wait a
 minute, I want to hear some direct
 evidence why the state thinks the
 person has committed a crime.'"

Wedlock did not spare Gossett's
 office from criticism.

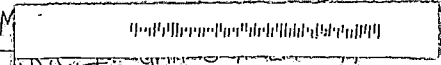
"They're allowing it to go on,"
 said. "They have an ethical obliga-
 tion to do justice."

Wedlock said he understands
 that Gossett has to be mindful of
 Judge Kittredge's action against
 Ariail, but Gossett wouldn't be
 in this position if he had been stat-
 ing his cases promptly
 along.

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EXHIBIT

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