

State of South Carolina

County of Lexington

Eddie Clay Golson  
303012,  
Applicant,

v.

State of South Carolina

Respondent.

IN The Supreme Court

OF The Fifth Judicial Circuit

CASE NO.: 2015-CP-32-0570

EXPLANATION

Applicant ASK the Presiding Judges over his case to take Judicial Notice of Judge Brian M. Gibbons order of dismissal Against him dated the 21 day of September, 2014, After the Evidentiary Hearing was convened on January 21, 2014, At the Lexington County Courthouse 8, Months Prior to Judge Gibbons Ruling. Then see order of dismissal signed by Judge Alison R. Lee on March 21 day of 2019. Page #1. Clearly show the Application Was not untimely Filed under the one-year statute of limitation. Applicant Filed Application 5. Month After Judge Gibbons order, which was on February 12, 2015. And the state is in violation of Rule 12.(A) rules of civil Procedures due to the facts that ~~the~~ state failed to make her return within 90. day's so service of process shall Pursuant to RULE (4)(c) be conducted. See Page 4. of Judge Lee order Paragraph 3. Line # 1-3 Then see Page # 6. Statute of Limitations Paragraph # 2. Line # 1-13. Where the Attorney General Melody J. Brown have committed Perjury under section 16-9-10. Subsection (A)(1) (2) And (B)(1)(2). when she wilfully and unlawfully gave her Misleading and incomplete testimony under oath in this Court on this order to hinder Applicant the right to an Appeal in violation his 14th and 6th Amendment Constitutional rights Art. 1, § 3, - b. Due Process which makes this order Fraud upon the Court under RULE 60.(b)(3) and (4).

## ALLEGATIONS

Under section 17-27-20 Subsection (A) 1-b, Applicant  
Allege that there exists evidence of material facts,  
not previously presented and heard, that requires variations of  
the conviction or sentence in the interest of justice. Specifically  
SLED Lab Case No. - L.L.L. - 81487.

That on August 18, 2007, Crime Scene Officer James L. Hickman  
collected evidence: (1) Beer can, (2) Swab from beer can,  
(3) Broken glass with blood on it, (4) Six (6) Latent Print cards,  
from address 4024 Charleston West Columbia S.C. 29071. See the  
Lexington County Crime Scene report An. the Lexington County  
Evidence/Property record dated August 18, 2007, and August 23, 2007  
Applicant cite State v. Governor 36 S.C. 609, to prove by the  
preponderance of the evidence under RULE 71.1 (E) Officer  
Hickman did not comply with the procedure set forth in  
Governor - Criminal law Key S, because Hickman has failed to  
comply with the Lexington County Sheriff's Department of  
Public Safety's Policy directiveness on evidence. The directive-  
ness requires that [All] controlled substance [L] be trans-  
ported to SLED for analysis within [72] hours of the seizure  
of items. In this instance case Hickman held the items of  
evidence five (5) days before he turned them into the evidence  
room on August 23, 2007. An in violation of RULE 401. rules  
of evidence.

RULE b. For Chemical Analysis And Chain Of Custody

That on March 31, 2009, Maryann E. Shehan Forensic Scientist was sworn in as a DNA Expert At Applicant Jury trial under RULE 708. Testimony by experts. See Trial transcript Page 234. Line 24-242, but specifically Line 13-18 and 18-25. The state introduced exhibit # 13 in evidence in addition to the sub item # one (1) where she recognize the bag and its contents from case # L.L.L. - 81487, are not the items of evidence from Applicant Sled Lab # LD8-14187, 2008. See the chain of custody form dated September 18, 2008, where evidence custodian Margaret E. Harmon submitted items # (1) and (2) to Sled for DNA analysis to be performed on November 25, 2008. Maryann E. Shehan committed Perjury under section 16-9-10 subsection (A) (1), (2) and (B) (1), (2) when she gave false testimony that on October 31, 2008, James Brian Anderson turned the items # (1) and (2) over to sled but according to the Lexington County Sheriff's Dept. records custodian Jay Smiley and Sergeant Novak, Forensic Services there is no chain of custody on items # (1) and (2) from case # L.L.L. - 81487 and the items was not properly connected with this instance case and was irrelevant, incompetent, based upon the record the items should not have been admitted which misled the 12 Juries At trial An was highly prejudicial from the effect of the enumerated evidence outweighed its probative value. See the letter dated December 18, 2017, from Vinton D. Lide Office of General Counsel to prove that Maryann E. Shehan lied under oath on stand An she violated RULE Six (b) (d) in the chain of custody. Then see trial transcript Page 263 Line 2-9. Fraud upon the court under RULE 60. (b) (3) and (4), and Perjury. Applicant cites STATE V. PULLY 423 S.C. 371, 815 S.E. 2d 461 (2018) See Judge Beatty Holding And Criminal Law Key (3) and (b) The evidence in Applicant case was tamper with due to the -

Facts that no one in the Sheriff's department could identify the person who sealed and labeled the bag and its contents with Applicant name and correct items in case # L.L.L. - 81487. See synopsis in case cite State v. Williams 301 S.C. 369, Criminal Law Key (3). Applicant cite this case to support his issue as well State v. Cribb 310 S.C. 518, Criminal Law Key (6) (7) (8). Then

See I I. Discussion B. Chain of Custody. 14th Amendment Constitutional Violation... Procedure due Process.

The state have fail to prove the foundation or authentication in the chain of custody for the admission of evidence during the time of Applicant trial. The chain of custody is composed of links. A link is anyone who handle the item in this case. The state must identify each link from the time the items was seized. In order to show proper chain of custody the record must show each link and also the following with regard to each links possession of the items:

1. The receipt of the items
2. The ultimate disposition of the items, i.e., transfer, destruction, or retention.
3. The safeguarding and handling of the items between receipt and disposition. The state have failed to prove any one of the three (3) required criteria and therefore the items is inadmissible to continue this conviction and sentence.

See the evidenced Property/ Form dated 8/18/07, 8/23/07 and case cite State v. McConnell 290 S.C. 278, Criminal Law Key (1) (2) (3).

End of Page 37

SLED Lab # LD8-14187 Narrative

That on September 30, 2015, Assistance Solicitor Casey N. Rankin 11th Judicial Circuit of Lexington County contacted Lt. Rhonda R. Fields. An told her that the State identification number on the CODIS match report is not mine. See the response from Lt. Fields on The Procedures when a database sample is submitted under section 23-3-620. Where Applicant Golson DNA Profile was entered in the CODIS system on July 2, 2004, 8 year before this crime took place on Applicant is the suspect. See Applicant DNA Database collection card dated July 2, 2004, with all his information. See E-Mail from Lt. Field to Captain Harouff dated June 5, 2018, where she confirmed that there was no DNA match against me by S.C. I.D.# in CODIS.

Applicant begs this court to grant him a new trial with instruction to prove his innocent by the way of DNA evidence under section 17-28-310. Subsections (1), (4), (5), and (9.) See the DNA results dated November 25, 2008, under the correct SLED Lab # LD8-14187, and the fingerprints results.

April 15, 2019

Eddie Clark Golson

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

03/21/2009 5 of 45



## Chain Of Custody L08-14187

2017 NOV 28 PM 2:55

[Handwritten signature]

Item 1: One (1) sealed heat sealed pouch containing Swab(s) described as Swab

**Submissions**

Date	Time	Submitted by
9/18/08	10:28	Margaret E. Harmon of the Lexington County Sheriff's Department

Margaret E. Harmon

**Item Chain of Custody**

Date	Time	Container	Custody Of	Location / Person
9/18/08	10:28		Forensic Technician	Amy Stephens
9/18/08	10:29		Evidence Room (150)	DNA evidence intake storage
9/19/08	10:51		Forensic Technician	Selena Kinard
9/19/08	10:54		Forensic Technician	Sheree J. Brown
9/19/08	12:39		DNA Department	DNA Refrigerator fourth floor (Room 445)
10/6/08	14:35		Forensic Scientist	Maryann E. Shehan
1/12/09	14:24		Forensic Technician	Patricia H. Crooks
1/12/09	14:51		Evidence Room (150)	Bin 8 Shelf A
1/14/09	11:16		Forensic Technician	Selena Kinard
1/14/09	11:16		Evidence Disposition	Returned to Agency in person
			Candy Kyzer-Lexington CSO	

Candy Kyzer

Item 2: One (1) sealed heat sealed pouch containing Broken glass described as Broken glass

**Submissions**

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

## FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD  
Governor



REGINALD I. LLOYD  
Director

Det. James Brian Anderson  
Lexington County Sheriff's Department  
521 Gibson Rd.  
Lexington, SC 29072

**DNA ANALYSIS**  
November 25, 2008  
SLED LAB: L08-14187  
Your Case No: 07070513  
Incident Date: 8/18/2007  
[S] Eddie Golson  
[V] Matthew Olson

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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 have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director  
South Carolina Law Enforcement Division

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### SEROLOGY ANALYSIS

#### Items Submitted:

- 1 Swab
- 2 Broken glass

#### Results of Examinations:

- 1 See DNA analysis.
- 2 Blood indicated. See DNA analysis.

### DNA ANALYSIS

#### ITEMS ANALYZED:

- 1 Swab
- 2 Broken glass

### EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.



**RESULTS**

The DNA profile developed from item 2 is from an unidentified male individual and has been entered into the Combined DNA Index System (CODIS).

The partial DNA profile developed from item 1 is consistent with the donor of DNA from item 2.

**Note: Any remaining evidence and/or packaging will be returned to the requesting agency.**



Maryann E. Shehan  
Forensic Scientist

cc: Lexington County Solicitor's Office



**Table 1 – Identifiler**

Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	Amelogenin
1 Swab	13	(30)	-	-	16,(17)	(7),8	-	(10)	-	13,15.2	(17)	(9)	-	11	-	XY
2 Glass	13	30,33.2	10,12	8,11	16,17	7,8	11,12	10,11	20,23	13,15.2	17,18	8,9	15,16	11,13	20,25	XY

( ) = alleles between 75 and 149 rfu      - = no results





DEPARTMENT OF  
FORENSIC DNA ANALYSIS  
Case Review Checklist

CASE NUMBER 108-14187 ANALYST: MB

SEROLOGY TECHNICAL REVIEW ✓

STR DNA ANALYSIS TECHNICAL REVIEW

Worksheets (Reagents, Quant, PCR) ✓

Raw Data, GS250 ✓

Controls (verified in all runs)  
Positive and Negative Amp ✓  
Reagent Blank ✓  
Allelic Ladder

Data re-analysis ✓

Confirmation of allele calls ✓

Conclusions confirmed ✓

Review of report ✓

CODIS items 08-14187-2 ✓

Pages reviewed Page: 1 to 45

Technical review Kaw Coy

Date of review 11/7/08

Administrative review R Taylor

Date of review 11/25/08

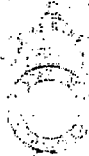
Case transferred to CODIS NS

(MB)



Sheriff

James R. Metts, Ed. D.



**LEXINGTON COUNTY SHERIFF'S DEPARTMENT**

**Latent Print Examination**

1325

DATE: 9/9/08

CASE #: 07-070513

DATE RECEIVED: 8/12/08

REQUESTED BY: Investigator Brian Anderson

VICTIM: Matthew Olsen

SUSPECT:

This is an official report of the Lexington County Sheriff's Department ID Section and is to be used in connection with an official criminal investigation. This examination was conducted under your assurance that no previous examinations in this case has been conducted or will be conducted by any other agency.

**ITEMS RECEIVED:**

Six transparent lifts, Item #6

**RESULTS:**

Six latent fingerprints and two latent palm prints of value are present on four lifts. No latent prints of value are present on the remaining lifts.

The latent fingerprints are not identical with the fingerprints of Eddie C. Golson, DOB: 10/30/66, SS# 251-31-0831. No palm prints are available for this individual.

AFIS searches were conducted and no identification was effected.

EXAMINED BY:

*W. D. Johnson*  
W. D. Johnson, ID Officer



A Nationally Accredited Law Enforcement Agency  
PO Box 639 Lexington, South Carolina 29071 (803) 785-8230, Fax # (803) 785-1162

2017 NOV 28 PM 2:57

FILED  
D. M. 1

**EDDIE GOLSON POINTS**

**Victim cannot identify**

**Fingerprints do not match Golson's**

**No physical evidence found inside the house can be matched to Golson**

**Tape from the Kangaroo**

**Byron did not report threats prior to 9/18**

**No pending criminal prosecution**

2017 NOV 28 PM 3:01

*John [Signature]*

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION



## SLED Lab # L08-14187 Narrative

From: Fields, Rhonda R.  
Sent: Wednesday, September 30, 2015 3:52 PM  
To: 'Rankin, Casey'  
Subject: ENCRYPT CODIS Questions

Good afternoon, Attached is the documentation that you requested. Please let me know if you have any questions or need further clarification. Thanks.

Lt. Rhonda Fields  
DNA Database Unit  
South Carolina Law Enforcement Division  
4416 Broad River Road  
Columbia, SC 29210  
(803) 260-0936

From: Rankin, Casey [mailto:crankin@lex-co.com]  
Sent: Wednesday, September 30, 2015 11:18 AM  
To: Fields, Rhonda R.  
Subject: CODIS Question

Hi Rhonda,

Attached is the information we have regarding the case we spoke about a few minutes ago. To summarize our conversation, we are in need of a letter clarifying that the Candidate number on the CODIS Match report is a unique identifier and is attached to an individual, this case it is attached to Eddie Golson, and that the SCID# on the letter is not relevant in this case to the Candidate number on that match report. Thank you for your prompt attention to the matter, please let me know if you need any additional information. Also, if you will, please send the additional lab report that I cannot pull up on iLab.

With regards,

Casey

Casey N. Rankin  
Assistant Solicitor  
11th Judicial Circuit  
205 E Main St.  
Lexington, SC 29072

Phone: 803.785.2839  
Fax: 803.785.8431

**Date :** 01/27/2016  
**Type :** FOI Request  
**Analyst :** Lorri M. Johnson

**Conv With:**  
**Phone:**  
**Affiliations:**

**Comments**

**State Match Detail Report**  
**Match Date: 11/12/2008 08:02**

**Match ID: SA0000059170**

Locus	Target SCLED0000 08-14187-2 Forensic, Unknown	Candidate SCLED0000 4-3006 Convicted Offender	Locus Match Stringency
Amelogenin	X, Y	X, Y	High
CSF1PO	8, 11	8, 11	High
D13S317	11, 12	11, 12	High
D16S539	10, 11	10, 11	High
D18S51	15, 16	15, 16	High
D19S433	13, 15.2		
D21S11	30, 33.2	30, 33.2	High
D2S1338	20, 23		
D3S1358	16, 17	16, 17	High
D5S818	11, 13	11, 13	High
D7S820	10, 12	10, 12	High
D8S1179	13	13	High
FGA	20, 25	20, 25	High
TH01	7, 8	7, 8	High
TPOX	8, 9	8, 9	High
vWA	17, 18	17, 18	High

Source ID:	No	Yes
Partial Profile:	No	No
Disposition:	Candidate Match	Candidate Match
Invest. Aided:	0	0

**Match Summary:**

14 Locus Candidates: 1  
 Total Candidates: 1

**Match Details:**

14 Loci Match  
 Match Stringency: High  
 Search Program: AutoSearcher  
 Minimum number of loci required to report a match: 8  
 Include Candidate specimens that match on all but 0 loci.  
 Maximum number of candidates to return from search (0 means all candidates): 0

Index	Total Searched
Forensic	4,869
Missing Person	6
Offender	127,259
Unidentified Human (Remains)	6
Totals	132,140

46 NJS 408-14187

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION



NIKKI R. HALEY  
*Governor*

MARK A. KEEL  
*Chief*

September 30, 2015

Casey N. Rankin  
Assistant Solicitor  
11<sup>th</sup> Judicial Circuit  
205 East Main Street  
Lexington, SC 29072

Subject: Eddie C. Golson

Dear Ms. Rankin,

In response to your request for information regarding the naming convention of database related DNA records in the Combined DNA Index System (CODIS), I have attached excerpts from two documents that regulate the practices and procedures of the DNA Database Department: Quality Assurance Standards for DNA Databasing Laboratories and the NDIS Operational Procedures Manual. Both documents are issued by the Federal Bureau of Investigation in an attempt to standardize laboratory practices throughout the country. All NDIS participating laboratories are subjected to audits and assessments to ensure compliance with both documents.

The first attachment is the excerpt from the NDIS Operational Procedures Manual. Section 3.1.3 states that "No personally identifiable information relating to the donor, such as name, date of birth, social security number, or criminal history record number, is included in a DNA record stored at NDIS". The second attachment is the excerpt from the Quality Assurance Standards for DNA Databasing Laboratories. Section 7.1.1 states that "Database, known and casework reference samples shall be marked with a unique identifier or the laboratory shall have and follow a method to distinguish each sample throughout the processing (such as plate or rack mapping) that may not require the assignment of unique identifiers".

In an effort to demonstrate compliance with each of the standards outlined above, the South Carolina Law Enforcement Division's (SLED's) DNA Database Department has purchased a Laboratory Information Management System (LIMS) that assigns a unique identifier (SLED #) to each database sample entered into the system. Once a database submission is received, an employee of the DNA Database Department enters the offender information contained on the DNA Database Collection Card into the LIMS system. A database submission consists of a DNA Database Collection Card completed with information pertaining to an individual that



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

qualifies for inclusion in the State DNA Database according to S.C. Code Ann. §23-3-620 along with his/her biological sample. Once the information is saved, the system assigns the entry a SLED # that consists of the year a sample was entered into the system, "-", and a sequential number that corresponds with the order of entry. A barcode is then generated that contains the name of the offender along with the SLED # assigned to the individual.

This barcode is affixed to the DNA Database Collection Card and the biological sample submitted, creating a permanent record correlating the SLED # and the offender. The biological sample then undergoes DNA analysis. The resulting DNA profile is entered into CODIS. The CODIS DNA record contains the DNA profile, SLED's Laboratory ORI (SLED0000), the Specimen Identification Number (SLED #) and the DNA personnel assigned to the DNA analysis.

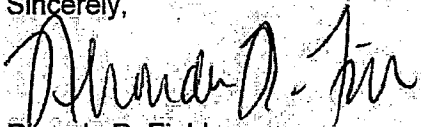
When Mr. Eddie C. Golson's sample was received, it was subjected to this process. The information contained on his DNA Database Collection Card was entered into the LIMS system. Once the record was saved, the SLED # 4-3006 was assigned to him. A barcode containing his name and SLED # was printed and affixed to his DNA Database Collection Card (see attached). A DNA profile was developed from his biological sample and entered into CODIS using 4-3006 as his Specimen Identification Number.

DNA profiles developed from evidence samples in criminal cases also get entered into CODIS. The Specimen Identification Number for DNA profiles developed from evidence samples have a different naming convention than Specimen Identification Numbers for database samples. They are entered using the SLED Laboratory Case Number without the L, "-", item number.

5. On November 12, 2008, a DNA match between the DNA profile associated with SLED # 4-3006 (Eddie C. Golson) and Specimen Identification Number 08-14187-2 (SLED Laboratory Case Number 08-14187, item 2) returned. After all confirmation and review procedures were completed, a CODIS hit letter was issued by Nancy J. Skraba on November 13, 2008.

I hope that this letter clarifies any questions related to the naming convention of DNA Records entered into CODIS. If you have any further questions, please contact the SLED DNA Database Department at 803-896-7383.

Sincerely,



Rhonda R. Fields  
Lieutenant/CODIS State Administrator  
DNA Database Department



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

**Daniel Harouff (C034018)**

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**From:** Fields, Rhonda R.  
**Sent:** Tuesday, June 05, 2018 10:40 AM  
**To:** Daniel Harouff (C034018)  
**Subject:** RE: Inmate Eddie Golson

**\*\*\* This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. \*\*\***

Good afternoon,

Thanks for forwarding me this information. It definitely helps to have a visual reference. You are correct, the SA# highlighted in the attached document is not the individual's SID#. The SA# is just a Match ID# assigned by the CODIS software when a match is returned. The SID# is not referenced on the State Match Detail Report.

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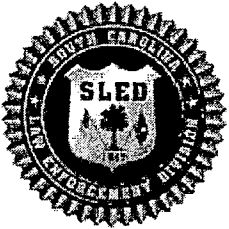
I hope this helps. Please let me know if you need anything additional.

Thanks and have a good afternoon.

---

Rhonda

*Lt. Rhonda Fields  
SC Law Enforcement Division  
DNA Database Department  
4416 Broad River Road  
Columbia, SC 29210*



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**From:** Daniel Harouff (C034018) [mailto:Harouff...]  
**Sent:** Saturday, June 02, 2018 1:59 PM  
**To:** Fields, Rhonda R.  
**Subject:** Inmate Eddie Golson

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.



Lt. Fields

Attached is the inmate in question that we had spoken about on Friday 01 June 2018 Eddie Golson housed within the Department of Corrections. The question that said inmate was inquiring about was concerning the SID number he was assigned to versus the one attached labeled SA# on his DNA paperwork. After we all had spoken I did not realize that the SA#, may be different then the SID number. Thank you for all that you do.

Captain Daniel Harouff  
Perry Correctional Institution  
864/243.4708

Date: 7-02-04


Fingerprinted By (Please Print):  
K. DAVIS

LEFT THUMB	RIGHT THUMB
	

DNA  
11/12/04  
LATENTS  
TED

S

GOLSON, EDDIE C



4-3006

Race:  African American  Caucasian  Hispanic  
 Native American - Tribe \_\_\_\_\_  
 Oriental  Other (specify) \_\_\_\_\_

SID #:

FBI #:

Agency #:

Offense:

Submitting Agency:

Phone #:



**DNA DATABASE  
COLLECTION CARD**

Subject's Name

SCDC ID: 303012 DOB: 0241  
 GOLSON EDDIE C  
 SSN: ID: SC00746029  
 FBI: 579010RAB RACE: B SEX: M  
 OFF: 0183 COCAINE DISTRIBUTION

Subject's signature <i>Eddie Golson</i>	Subject's Social Security No. - -
Subject's Date of Birth	Subject's Sex <input type="checkbox"/> Male <input type="checkbox"/> Female

I hereby certify that I have on this date obtained a specimen from the above named individual who was positively identified by me.

Person Drawing Sample -- Print and Sign Name:

LAST

CHAMBER

FIRST

MIDDLE

FRANCES

Signature: *Frances Chamber* Date: *07-02-04*

Sample Received By:	Date
<i>JK</i>	<i>7/2/04</i>

SLED Forensics Form # DNA029, June 1999

**A TRUE COPY**

*[Signature]*  
Lex. Co. C.C.P., G.S. & F.C.



**U.S. Department of Justice**

Federal Bureau of Investigation

Clarksburg, WV 26306

May 9, 2018

Mr. Eddie Clay Golson, 303012  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, SC 29669

Dear Mr. Golson:

Reference is made to your letter dated April 4, 2018, with enclosures to include fingerprints and inmate account statement. You are requesting final disposition information, as well as a copy of your Identity History Summary (IdHS).

As we previously advised you in our letter dated October 18, 2017, questions regarding your DNA record should be directed to the agency that received the collected DNA sample. Also, as advised in our letter dated March 28, 2018, the FBI's Criminal Justice Information Services (CJIS) Division does not maintain copies of documents relating to an individual's arrest or court proceedings in the FBI Criminal File. You must contact the arresting agency or court in which your case was adjudicated to request copies of specific documentation that may be available to you.

Based on your compliance with U.S. Department of Justice Order 556-73, enclosed is a copy of your FBI IdHS as it currently appears in the FBI Criminal File. Please note, your South Carolina State Identification Number (SID) is SC00746029.

Sincerely yours,

William G. McKinsey  
Section Chief  
Biometric Services Section  
Criminal Justice Information  
Services Division

Enclosure



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

March 28, 2018

Mr. Eddie Clay Golson, 303012  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, SC 29669

Dear Mr. Golson:

This responds to your letter dated February 22, 2018, with enclosures, requesting ~~the disposition for Case Number C17A181487~~

The FBI's Criminal Justice Information Services (CJIS) Division can assist you with obtaining a copy of your Identity History Summary (IdHS); however, we do not maintain copies of documents relating to an individual's arrest or court proceedings in the FBI Criminal File. You must contact the arresting agency or court in which your case was adjudicated to request copies of specific documentation that may be available to you.

As previously advised in our letter dated October 18, 2017, you may obtain a copy of your IdHS by complying with the provisions of U.S. Department of Justice Order 556-73, a reprint of which is enclosed. In addition to the Applicant Information Form you provided, you must also submit (1) a current set of your legible, rolled-ink fingerprint impressions taken on a fingerprint form containing your name, date of birth, and place of birth and (2) a required \$18 fee in the form of a certified check or money order made payable to the U.S. Treasury. Any request for a waiver of this fee must accompany the original request for the IdHS and include a claim and proof of indigence, such as a notarized affidavit of indigence or current inmate account statement. A copy of the applicant fingerprint card is provided for your use in submitting your request. Additional information and instructions for submitting a summary request can be found on our website at <[www.fbi.gov/checks](http://www.fbi.gov/checks)>.

Arrest data maintained by the FBI's CJIS Division is supported by fingerprints, and fingerprint impressions are required so a comparison can be made. This establishes a positive identification and ensures that an individual's summary is not disseminated to an unauthorized person. Once the CJIS Division searches your fingerprints through the FBI Criminal File, we will send you any matching summary information. If you believe that your

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

STATE OF SOUTH CAROLINA )

-vs- )

EDDIE CLAY GOLSON, )

Defendant. )

TRANSCRIPT OF RECORD

08-GS-32-3181, et al

March 30-31, 2000  
Lexington, South Carolina

B E F O R E:

HONORABLE R. KNOX MCMAHON, Judge; and a jury.

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

DAVID SHAWN GRAHAM, Deputy Solicitor  
Attorney for the State

ELIZABETH C. FULLWOOD, Deputy Public Defender  
BENNETT E. CASTO, Asst. Public Defender  
Attorneys for the Defendant

L. COCONUT PANTSARI, R.P.R.  
Circuit Court Reporter

1 Q You heard him testify, right?

2 A Yes.

3 Q And that's what he testified to?

4 A Uh-huh. (Indicating affirmative response).

5 Q And the Sheriff's Department's fingerprint man  
6 looked at those prints, didn't he?

7 A He did.

8 Q And those were not Eddie Golson's prints, were  
9 they?

10 A Correct.

11 MS. FULLWOOD: Your Honor, that's all the  
12 questions I have at this time. I would like to reserve  
13 the right to recall Detective Anderson if anything that  
14 might not be relevant now becomes relevant, but that  
15 would be for that very limited purpose.

16 THE COURT: Thank you, Ms. Fullwood.

17 Solicitor, any redirect?

18 MR. GRAHAM: No, Your Honor.

19 THE COURT: Thank you, Detective. You may  
20 step down.

21 (Witness leaves the witness stand).

22 THE COURT: Solicitor, you may call your next  
23 witness.

24 MR. GRAHAM: The State would call Maryann  
25 Shehan to the stand.

1 THE COURT: Ms. Shehan, if you would come  
2 around for us and be sworn, please.

3 MARYANN SHEHAN, being  
4 first duly sworn, testified as follows:

5 CLERK: State your name, spelling your last  
6 name for the record.

7 THE WITNESS: My name is Maryann Shehan,  
8 S-H-E-H-A-N.

9 DIRECT EXAMINATION

10 BY MR. GRAHAM:

11 Q Ms. Shehan, where are you employed?

12 A I am employed at the South Carolina Law Enforcement  
13 Division, commonly known as S.L.E.D.

14 Q And how long have you worked for S.L.E.D.?

15 A Approximately three years.

16 Q What do you do there?

17 A I am assigned to the serology and D.N.A. unit.

18 Q What is serology and D.N.A.?

19 A Serology is the identification of biological stains  
20 or fluids, such as blood, semen or saliva. D.N.A.  
21 is a chemical found in most of our cells of our  
22 body, except for red blood cells.

23 It is basically our genetic blueprint. It  
24 gives our physical features, such as our hair color  
25 and our eye color. It's also responsible for

1 passing along traits from generation to generation.  
2 We get half of our D.N.A. from our mother and half  
3 from our father.

4 With the exception of identical twins, no two  
5 people have the same D.N.A. In forensic science we  
6 are interested in the portion of that D.N.A. that  
7 differ from individuals. We test 15 different  
8 locations, and the results of the 15 tests make up  
9 the D.N.A. profile.

10 Q Would you tell the jury about your educational  
11 background.

12 A Yes, I received a Bachelor of Science in Integrated  
13 Science and Technology with a concentration in  
14 Biotechnology from James Madison University in  
15 Harrisonburg, West Virginia.

16 Q Do you have any other experience in working at  
17 S.L.E.D. in the field of D.N.A. or serology?

18 A I was previously employed at Orchid Cell Mark,  
19 which is a private D.N.A. firm or company. There I  
20 trained with a D.N.A. analyst for approximately two  
21 and a half years.

22 Q As a analyst with S.L.E.D. working with D.N.A. and  
23 serology, what do you do?

24 A I develop D.N.A. profiles from evidence found at  
25 crime scenes, and then I develop D.N.A. profiles

1 from known standards and compare them.

2 Q Have you ever been qualified as an expert in the  
3 State of South Carolina in the field of D.N.A. and  
4 serology?

5 A Yes, I have.

6 Q Approximately how many times?

7 A Six times.

8 MR. GRAHAM: Your Honor, at this time the  
9 State would offer Ms. Shehan as an expert in D.N.A. and  
10 serology.

11 THE COURT: Thank you. Any questions,  
12 Ms. Fullwood?

13 MS. FULLWOOD: No, Your Honor.

14 THE COURT: Thank you. Madame Forelady,  
15 ladies and gentlemen of the jury, normally a person  
16 cannot give opinion testimony. Normally when a person  
17 testifies, they must testify as to what they either saw,  
18 heard or sensed by smell or something of that nature.

19 However, there is an exception when someone is  
20 qualified because of education or experience or  
21 background. They are permitted to give their opinion in  
22 certain areas if the Court qualifies them that way.

23 This witness, Maryann Shehan, will be  
24 qualified in the area of D.N.A. and serology to give  
25 opinion testimony in that area. That does not mean that

1 you must accept the opinion, but it is evidence for you  
2 to use in any way you the jury sees fit.

3 Thank you, Solicitor. You may continue.

4 MR. GRAHAM: Thank you, Your Honor.

5 BY MR. GRAHAM:

6 Q Ms. Shehan, did you have an occasion to perform  
7 some analyses in the field of D.N.A. and serology  
8 in the case involving Mr. Eddie Golson?

9 A Yes, I did.

10 Q Let me start by showing you some items in evidence.  
11 State's Exhibit Number 15, do you recognize that?

12 A Yes, this is item 1 from that case.

13 Q If I talked about a certified chain of custody,  
14 what is that?

15 A A certified chain of custody is basically a record  
16 of who had the evidence in their possession as soon  
17 as it walked into door, from when it leaves the  
18 door of S.L.E.D.

19 Q The fact it is certified, what does that mean?

20 A That it is correct, official.

21 Q Prior to -- let me ask you a question. Prior to a  
22 certified chain of custody being released from  
23 S.L.E.D., do you and every person who touches it  
24 have to review and sign off on what is recorded on  
25 that chain of custody?

1 A Yes, sir, we do.

2 Q And, in fact, do you have the certified chain of  
3 custody for Mr. Golson's case with you today?

4 A Yes, I do.

5 Q Referring to the swab which I just asked you about  
6 which you identified as S.L.E.D. item number 1, do  
7 you have the chain of custody on that item?

8 A Yes, sir.

9 Q On September 18, 2008, what does the chain of  
10 custody reflect as to who turned that item over to  
11 S.L.E.D.?

12 A Margaret E. Harmon of Lexington County Sheriff's  
13 Department.

14 Q After Ms. Harmon turned that item over to S.L.E.D.,  
15 where did that bag containing the swab go?

16 A It went to our forensic technician, Amy Stevens,  
17 who works in our log-in department.

18 Q Would Ms. Stevens have had any reason to go into  
19 the contents of that bag?

20 A No, sir.

21 Q After Ms. Stevens touched it on September 18, 2008,  
22 where did it go?

23 A It went to the D.N.A. evidence intake storage room.

24 Q So Ms. Amy Stevens being the log-in technician that  
25 the swab had been turned over to?

- 1 A Yes, sir.
- 2 Q Once it went into D.N.A. evidence intake storage,  
3 who touched it next?
- 4 A Selena Kinard on September 19, 2008.
- 5 Q What did Ms. Kinard do with it?
- 6 A She gave it to another forensic technician who  
7 works for the D.N.A. department, Sherry Brown.
- 8 Q What did Ms. Brown do with it?
- 9 A She then transferred it to the D.N.A. refrigerator  
10 on the fourth floor, the D.N.A. department storage  
11 area.
- 12 Q And all of that was done on September 19, 2008?
- 13 A Yes, sir.
- 14 Q After it was placed in the -- describe the D.N.A.  
15 refrigerator on the fourth floor for us.
- 16 A It's a secured refrigerated area. Inside it's a  
17 large walk-in refrigerator. Each D.N.A. analyst  
18 has their own bin of what evidence is received.
- 19 Q After it was placed into the D.N.A. refrigerator on  
20 September 19, 2008, who was the next person to have  
21 touched it?
- 22 A I touched the evidence on October 6, 2008.
- 23 Q And would that have been the time that you went and  
24 retrieved it from the refrigerator?
- 25 A Yes, sir.

1 Q Would you describe how the bag appeared when you  
2 retrieved it from the refrigerator?

3 A It was sealed, just the one seal at the top.  
4 There's an individual's initials and date, and then  
5 the information on the front was also filled out  
6 with our lab number and item number and all the  
7 submitting agency's information.

8 Q If I stated that was a tamper evident bag, do you  
9 know what that means?

10 A Yes, you can tell if someone had opened it.

11 Q When you retrieved the swab from the D.N.A.  
12 refrigerator on October 6, 2008, did you do a  
13 visual inspection of that bag?

14 A Yes, sir.

15 Q Was there any evidence that that bag had been  
16 tampered with?

17 A No, sir.

18 Q If it had been tampered with, what would you have  
19 done?

20 A I would have called the agency to notify them, and  
21 I would not have done a D.N.A. analysis.

22 Q Did you, in fact, perform an analysis on the swab  
23 at that time?

24 A Yes, I did.

25 Q Would you describe to the jury how you -- what you

MARYANN SHEHAN -- DIRECT -- MR. GRAHAM

242

1 did with that swab.

2 A Using a sterile technique, I basically cut a  
3 portion of that swab off to do D.N.A. analysis.  
4 Then through a series of instruments and adding  
5 chemicals, I developed a D.N.A. profile.

6 Q Were you able to develop a profile in this case?

7 A I developed -- on the case or what?

8 Q On the swab.

9 A -- I developed a partial profile on that swab.

10 Q In addition to the swab, did you also have an  
11 occasion to work with a piece of broken glass?

12 A Yes, sir.

13 Q State's Exhibit Number 13 in evidence, let me ask  
14 you if you recognize the bag and its contents?

15 A Yes, this bag has our lab number and the item  
16 number, as well as my initials on it.

17 Q What is the S.L.E.D. number on it?

18 A It's item 2. Our case number is L.L.L. 814874.

19 Q That's the broken glass?

20 A Yes, sir.

21 Q Looking at the chain of custody again on that piece  
22 of evidence, October 31, 2008, who turned that  
23 evidence over to S.L.E.D.?

24 A Detective James Brian Anderson of Lexington County.

25 Q Who did he turn that over to?



Office of the Sheriff  
LEXINGTON COUNTY  
Bryan "Jay" Koon

December 18, 2017

Eddie Clay Golson  
Inmate # 303012: Q3 Room 104A  
Perry Correctional Institution  
430 Oakland Road  
Pelzer, South Carolina 29669

Re: FOIA Request  
Case Number L.L.L.81487

Dear Mr. Golson:

The Lexington County Sheriff's Department has no documents responsive to your Freedom of Information Act request regarding case number L.L.L.81487 pursuant to Joy Smiley, Records Custodian and Sergeant Novak, Forensic Services. Enclosed, please find all documents that you have provided in your Freedom of Information Act requests to the Lexington County Sheriff's Department on July 18, 2017, August 18, 2017 and September 17, 2017.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Vinton D. Lide'.

Vinton D. Lide  
General Counsel



- 1 A No, sir.
- 2 Q Were you able to determine a probability of those  
3 standards matching?
- 4 A Yes, I provided a probability of item 2 matching  
5 Eddie Clay Golson.
- 6 Q What is that probability?
- 7 A The probability of randomly selecting an unrelated  
8 individual having a D.N.A. profile matching item 2  
9 is approximately 1 in 3.4 quadrillion.
- 10 Q How much is a quadrillion?
- 11 A It is a 3 with 12 zeros behind it.
- 12 Q How many people roughly live on this planet?
- 13 A Six point five billion.
- 14 Q What is bigger, a billion or a quadrillion?
- 15 A A quadrillion. It's approximately a million times  
16 greater.
- 17 Q Please answer any questions the defense has.
- 18 THE COURT: Thank you, Solicitor.
- 19 Ms. Fullwood.
- 20 MS. FULLWOOD: Thank you, Your Honor.
- 21 CROSS EXAMINATION
- 22 BY MS. FULLWOOD:
- 23 Q Ms. Shehan, these locations that you looked at, are  
24 those the part of D.N.A. also called alleles?
- 25 A No, ma'am, they are not. They are called -- our

## C E R T I F I C A T E

1  
2 I, the undersigned L. Coconut Pantsari, Official  
3 Reporter for the Eleventh Judicial Circuit of the State  
4 of South Carolina, do hereby certify that the foregoing  
5 is a true, accurate, and complete Transcript of Record  
6 of all the proceedings had and the evidence introduced  
7 in the trial of the captioned cause, relative to appeal,  
8 in the Criminal Court for Lexington County, South  
9 Carolina on the 30th and 31st days of March, 2009

10 I do further certify that I am neither of kin,  
11 counsel nor interest to any party hereto.

12  
13  
14 July 24, 2009

15  
16  
17  
18 L Coconut Pantsari

19 Court Reporter  
20  
21  
22  
23  
24  
25



**Palmetto  
Innocence  
Project**

1000 ... Columbia, SC 29201

September 22, 2017

Dear Mr. Golson:

I am returning your originals to you. Based on the documents you have forwarded, it appears the DNA analysis was performed on November 25, 2008. For additional assistance, you may want to contact the South Carolina Bar Lawyer Referral Service, P.O. Box 608, Columbia, SC, 29202, 1-800-868-2284. We wish you the best of luck and regret we cannot assist you at this time.

Sincerely,

Palmetto Innocence Project  
Volunteer Attorney

2017 NOV 28 PM 2:55

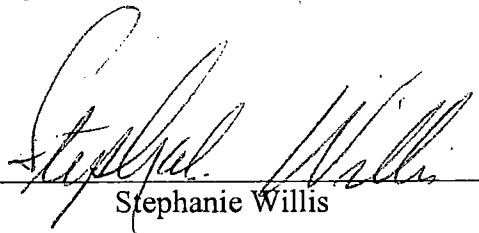
**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
DIVISION OF CLASSIFICATION AND WOMEN'S FACILITIES**

**INMATE CORRESPONDENCE**

**INMATE:** Eddie Clay Golson, SCDC# 303012  
**FROM:** Stephanie Willis, Assistant Division Director, Inmate Records Office  
**SUBJECT:** **DNA Information**  
**DATE:** November 5, 2012

I have received and reviewed your request to information concerning your DNA test date and blood type. Based on information in the automated system, it appears that you were charged for DNA processing on July 1, 2004. This was the date the processing was entered to show the restitution of \$250.00 and may not necessarily be your exact test date. Unfortunately, this office does not document blood type of inmates. That information must be requested and received from Medical Health Services. It appears that you are currently assigned to an institution that has 24 hour medical coverage and, therefore, you should be able to obtain the requested information from medical at your institution.

Continue to address matters of this nature with your assigned caseworker or case manager at your institution.

S/   
Stephanie Willis

cc: Central Record  
Case Manager

INMATE TRUST FUND ACCOUNT REPORT  
for SOUTH CAROLINA COURT FILING FEES

Lieber

RECEIVED

INSTRUCTIONS TO INMATE: Complete top portion then give to your mail room. When returned 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): Eddie CLAY Golson

SCDC # 303012-SB-49 INMATE SIGNATURE: Eddie clay Golson

I plan to file this action in the SC County of \_\_\_\_\_

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

RECEIVED

- (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

FEB 05 2013  
MAIL ROOM  
LIEBER C.I.

\*\*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 29221-1787

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



Prepared by Financial Accounting Branch - SCDC

1/28/13

Date \_\_\_\_\_ File/Serial/Invoiced 7/97

9CCT062014

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
Eddie C. Golson, )  
S.C.D.C. No. 303012, )  
 )  
Applicant, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
THE ELEVENTH JUDICIAL CIRCUIT  
Case No. <sup>2012</sup> ~~2009~~-CP-32-2479

**ORIGINAL**

CLERK OF DISTRICT COURT

BRUCE A. CARRIGG  
CLERK OF COURT  
LEXINGTON, SC

2014 SEP 24 P 12:04

FILED

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed June 14, 2012. Respondent made its Responsive pleadings. An evidentiary hearing into the matter was convened on January 21, 2014 at the Lexington County Courthouse. The Applicant was represented by Charles T. Brooks, III., Esq. The Respondent was represented by Walt Whitmire, Esq., of the Office of the Attorney General. Applicant and counsel testified.

**PROCEDURAL HISTORY**

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Lexington County Clerk of Court. The Applicant was indicted for burglary, first-degree (2008-GS-32-3181) and possession of firearm during a violent felony (2008-GS-32-3183)<sup>1</sup>. He was represented by Elizabeth C. Fullwood, Esq., 'counsel.' On March 30, 2009, the State called its case to trial where Applicant was found guilty as indicted. The Honorable R. Knox McMahon sentenced Applicant to a term of twenty-five (25) years imprisonment for burglary, first-degree, and a term of five (5) years imprisonment for the weapons possession charge. The sentences were to be served concurrently.

<sup>1</sup> Applicant was also indicted for intimidation of a court officials, jurors, or witnesses (2008-GS-32-3182). The State did not proceed on this charge at trial.

A timely notice of appeal was filed on Applicant's behalf and was perfected M. Celia Robinson, Esq., of the Office of Appellate Defense. The South Carolina Court of Appeals affirmed Applicant's convictions and sentences in an unpublished opinion. State v. Eddie C. Golson, Op. No. 2012-UP-246 (filed April 25, 2012). The Remittitur soon followed.

Applicant filed a timely *pro se* PCR Application. On May 8, 2013, Applicant filed his first of four amended pleadings. The other three followed on June 14, 2013, October 20, 2013, and November 27, 2013.

At the PCR hearing, Applicant moved forward on the following claims:

- 1. Trial Judge lacked subject matter jurisdiction over his case:
  - a. The arrest warrants were purportedly invalid based upon fraudulently procedure;
  - b. The arrest warrants were purportedly invalid based upon non-compliance with Rule 3, SCrimP;
  - c. The convictions were illegal based a collateral expungement order.
- 2. Ineffective assistance of counsel
  - a. failure to quash the arrest warrants, indictments, and convictions;
  - b. failure to investigate purportedly exculpatory D.N.A. evidence and latent finger print evidence.

**SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT TRIAL**

Victim Olson testified that he returned to his residence at eleven p.m. to rest before he returned to work for 6 a.m. shift. He testified that he was sleeping downstairs when he was awoken to an intruder breaking into his home. He described the assailant as a black man who wore a "do rag" on his head. He located a firearm to confront the assailant; Victim Olson's posture resulted in the assailant taking one of the victim's firearms followed by his attempt to break through a window and flee. The assailant ultimately escaped; Victim Olson testified to

hearing a nearby vehicle's tire screech. The assailant stole several military metals, military memorabilia, among other things. Victim Olson testified the assailant left a Hurricane beer at the scene.

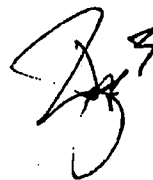
Investigator Hickman collected broken glass that contained visible blood and the Hurricane beer from the scene. A clerk of a nearby convenience clerk store identified Applicant as customer that she had three interactions with on night of the burglary. The clerk testified that Applicant was the first person to purchase a Hurricane beer that night. She testified Applicant returned to the store before three a.m. with cuts on his hands. Applicant again entered the store another time before her shift concluded.

Agent Shehan, an expert D.N.A. and serology examiner with S.L.E.D., testified that she successfully examined the blood found on the broken glass retrieved at Victim Olson's residence. Agent Shehan gave the expert opinion that Applicant's D.N.A. profile matched the profile of the blood collected at the scene with a 1 to 3.4 quadrillion chance of error.

The jury found Applicant guilty as indicted. During sentencing Applicant showed remorse and apologized to victim Olson. Applicant explained that he suffered drug addiction and was also coping with the dissolution of a romantic relationship when he burglarized victim Olson's residence.

#### **SUMMARY OF TESTIMONY AND EVIDENCE PRESENTED AT THE PCR HEARING**

Applicant testified at the PCR hearing and alleged that his convictions were illegal because the General Sessions Court purportedly lacked jurisdiction to preside over his trial. Applicant made incredible insinuations concerning his presence at trial. Applicant submitted what appeared to be magistrate clerks records, over Respondent's objection, to support his



assertion here. See Applicant's Exh 1<sup>2</sup>. Applicant asserted that he never served with the arrest warrants and that the police purportedly forged the magistrate's signature on the documents. In the alternative, he challenged jurisdiction in asserting that the General Sessions Court lacked jurisdiction because the wrong Magistrate Judge issued the arrest warrants. Applicant surmised that the proper venue was Gaston, South Carolina based on the location of Applicant's residence. Applicant also submitted, over Respondent's objection, what appeared to be Lexington County law enforcement documents in Applicant's Exh. 2<sup>3</sup>, Applicant's Exh. 3<sup>4</sup>, and an apparent

<sup>2</sup> Applicant Exh. 1 consisted of 3 separate arrest warrants: First, J-830115 for burglary, first-degree. This Court notes that the Record shows that Applicant was indicted on October 13, 2008. Next, Applicant submitted arrest warrens J-840116 and J-830117. Again this Court notes that the State indicted Applicant and/or proceeded on 2008-GS-32-0254; 2008-GS-32-STR-0224.

<sup>3</sup> Applicant's Exh. 2 consisted of 12 pages of disparate documents. **Page 1** consisted of a document issued by a "Gail Fox" of LCSD in October of 2009, months after Applicant's jury trial, to the Department of Corrections. Applicant failed to present "Gail Fox" to explain what if any import and evidentiary value the documents held. **Page 1** consisted of unidentified handwriting that denoted the LCSD, Warrant division's, purported dismissal of J830115. **Page 2** consisted of a document requested by Mona Hudgins, of the Lexington County Clerk's Office, in 2012, that detailed the status of J830116 as dismissed at a March 3,2008 preliminary hearing. Applicant again failed to present Mona Hudgins or the originator of the document to explain what if any import and evidentiary value the documents held. **Page 3** mirrored Page 2 but, it reference to J830117. **Page 4** mirrored Pages 2-3 but it referred to J830118 and noted the charge had been *not proseed* on April 1, 2009. This Court notes that Hudgins was present and available to testify at the PCR hearing had Applicant decided to call her as a witness. **Page 5** consisted of a purported personal receipt of property from the Lexington County Detention Center dated November 6, 2007. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 6** consisted of a document that noted Applicant's discharge from custody in County Detention on November 19, 2007 for an unrelated offense. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 7** consisted of document that appears to be a generic booking form dated January 1, 2008. Again, Applicant did not present its originator to explain what if any import evidentiary value the document held. **Page 8** mirrored Page 7 but was dated September 23, 2008. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Page 9** consists of a document that appears to be a non-specified detainer for warrants. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Pages 10-11** consist of documents that appear to be an incomplete certificate of transmittal. Again, Applicant did not present its originator to explain what if any import or evidentiary value the document held. **Applicant 12** consists of a letter from Magistrate Whittle to Applicant dated July, 2, 2012. The letter appears to concern the status of indictments that had been dismissed from a preliminary hearing.

<sup>4</sup> Applicant's Exh. 3 consists 6 pages of unspecified disclosures made by the Lexington County Clerk of Court's Office to Applicant. **Page 1** consists of a document that appears to be correspondence regarding General Sessions discovery disclosures to Applicant dated June 18, 2013. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 2** consists mirrors Page 1 but was dated July 16, 2012. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 3** mirrors Pages 1-2 but was dated January 28, 2013. Again, Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the document held. **Page 4** mirrors Pages 1-3 but was dated

Expungement Order in Applicant's Exh. 6<sup>5</sup> in support of his incredible assertion that his conviction was a purported nullity. Applicant alternatively challenges the Trial Judge's jurisdiction based on a purported Rule 3, SCrimP, violation regarding non-compliance in issuing a transmittal order. However, Applicant acknowledged that he was originally detained in Calhoun County on citation of a collateral probation violation prior. Applicant also acknowledged that entered Corrections after his probation was revoked. Applicant was represented by other counsel on the probation matter. He stated that he did not discuss his concerns regarding the Lexington County arrest warrants with his attorney.

Again in the alternative, Applicant alleges counsel's performance was ineffective in failing to object to the Trial Judge's purported lack of subject matter jurisdiction to preside over his case. He testified that he was never provided sufficient notice of the charges he faced prior to the State calling his case trial.

Applicant testified that counsel was ineffective for failing to investigate and present exculpatory evidence at his trial. He claimed counsel should have investigated the State's lack of trace evidence, in particular the collection of latent prints, that could have been used to identify the assailant. Applicant submitted, over Respondent's objection, Applicant's Exh. 4<sup>6</sup> that

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December 14, 2012. Again Applicant did not present a custodian from the Clerk's Office or anyone else to explain what if any import or evidentiary value the documents held. Page 5 is a cover sheet for a document titled "Lexington County Sheriff's Department Photo Identification Tag" that was issued on August 18, 2007 that named J.L. Hickman" as the photographer. Again, Applicant did not present Hickman or anyone else to explain what if any import or evidentiary value the document held. Page 6 is a purported evidence and property collection printout of a document produced by "J.L. Hickman" dated August 23, 2006. Again Applicant failed to produce Hickman or anyone else to explain what if any import or evidentiary value the document held.

<sup>5</sup> Applicant's Exh. 6 consists of 3 pages of a document produced by a "David C. Kennan" Expungement Services, Eleventh Judicial Circuit on July 31, 2013 directed to "Expungement Applicant." Page 2 contains of an order from the Honorable William P. Keesley that notes J830116; -0117 (original arrest warrants for weapons possession during violent crime & possession of a stolen weapon). Applicant failed to present any witness to explain how this document creates a meritorious argument concerning the validity of his convictions.

<sup>6</sup> Applicant's Exh. 4 consisted of 9 pages of a document titled "Latent Print Examination" issued by Investigator Brian Anderson on August 12, 2008. Pages 2-7 consist of grainy pictures of various lifted prints that appear to be smudged. Each page details a separate print along with time and location of where it was obtained. Page 8 appears

purportedly and according to Applicant, showed the State's lack of evidence against him. Applicant also testified that counsel was ineffective for failing to investigate and present evidence that, according to Applicant, showed the D.N.A. match was inaccurate. Applicant submitted, over Respondent's objection, Applicant's Exh. 5<sup>7</sup> to support his incredible assertion.

Counsel testified to her course of conduct during the representation. She provided the Court a summary of her professional background. Counsel recalled the representation and noted it was procedurally unusual based upon the pendency of another General Sessions matter in a separate county. She noted that Applicant was cited for a probation violation at the outset of her representation that resulted in his pre-hearing detention. The separate matter ultimately resulted in a revocation and Applicant's return to Corrections. She noted that she discovered minor defects in the charging documents at the outset of the representation. Counsel recalled moving to quash the arrest warrants at a preliminary hearing that yielded a temporary success for Applicant. She noted that the State ultimately made the decision to not pursue the intimidation charge.

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to be a nonspecified boot print. Page consists of typed notes regarding case that do not identify its originator and appear to be fraudulently attached to the exhibit. Applicant failed to present "Investigator Brian Anderson" or anyone else qualified to explain what if any import this report held.

<sup>7</sup> Applicant's Exh5 consists of 9 pages of an assortment of various documents purportedly produced by S.L.E.D. Pages 1-4 consists of a letter and attached report from "Nancy J. Skraba" of the DNA Database Unit sent to Detective Anderson on November 13, 2008. Page 1 states that a hit within the C.O.I.D.I.S. Database matched Applicant's blood to the scene. Applicant did not present Nancy Skraba or Detective Anderson to testify to what if any import or evidentiary value the document held in this collateral proceeding. Pages 2-3 consists of Agent Maryann's report from her examination. Applicant did not present Agent Maryann or any other qualified witness to explain what if any import or evidentiary value the report held previously not developed at trial. Page 4 is a nonspecified document titled "Statistics Report." Applicant did not present its originator or an otherwise qualified witness to explain what if any import or beneficial value the document held. Page 5 is an invoice to PCR counsel regarding Applicant's F.O.I.A. request. The correspondence is completely irrelevant to Applicant's case and cannot act as a substitute for witness testimony to authenticate Applicant's Exhibits. Page 6 is a blank Form A (Rule 6) affidavit of chemist. Page 7 is correspondence from "Stephanie Willis" Assistant Division Direct, Inmate Records Office, to Applicant addressing privacy concerns regarding disclosure of Applicant's blood type that was dated November 5, 2012. Again, Applicant did not present Stephanie Willis to explain what if any import or evidentiary value this letter held. Pages 8-9 are documents titled "Forensic DNA Analysis" dated November 25, 2008. Applicant, again did not identify its originator or present a qualified witness to explain what if any import or evidentiary value the report held previously not developed at trial.

Additionally, counsel recalled her representation at the Shermerber hearing and at an arraignment. She stated that Applicant was certainly aware of the charges he faced.

Counsel testified that she made four trips to Corrections to meet with Applicant prior to trial. Counsel testified she independently reviewed the State's evidence and discovery disclosures and formulated an impression of the State's case. During her four consultations with Applicant, counsel discussed the State's evidence with Applicant. Counsel rejected Applicant's assertion that he was not timely noticed on the charges he faced. She opined that Applicant's case was not particularly complex. Counsel further summarized her labors on behalf of Applicant at trial.

**APPLICABLE LAW**

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, (1984); Butler, 286 S.C. at 441, 334 S.E.2d at 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. at 668, 104 S.Ct. at 2064. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective

assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland, *supra*. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court reviewed the Clerk of Court records regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, Applicant's appellate records, the transcripts and documents from the prior proceedings, and legal arguments of the attorneys. Pursuant to S.C. Code Ann. §17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court's finds Applicant's testimony and assertions to be mostly incredible and farcical. He attempted to collaterally attack the Trial Judge's subject matter jurisdiction to preside over his case in about every imaginable pseudo-junk jailhouse theory of "jurisdiction" that typically originates from Corrections. Applicant presented numerous exhibits, that without any authentication or foundation, failed to establish an evidentiary basis to any of his allegations. Furthermore, Applicant utterly failed to meet his burden of proof on the few cognizable allegations that he proceeded on. See Jones v. Gomez, 66 F.3d 199, 204 (9th Cir. 1995) ("Conclusory allegations not supported by specifics do not warrant relief."). In contrast,

this Court finds counsel's testimony to be credible, convincing, and reflective of her well established reputation as an exemplary criminal defense attorney.

A.

Applicant's allegation that the Trial Judge lacked subject matter to preside over his trial and render a judgment accordingly is without merit and thereby is summarily dismissed. The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). "An indictment is sufficient if the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, the defendant to know what he is called upon to answer, and if an acquittal or a conviction thereon may be pleaded as a bar to any subsequent prosecution." State v. Towery, 300 S.C. 86, 386 S.E.2d 462 (1989). In post-conviction relief, an Applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel. Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, 610 S.E.2d 494; Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

This Court finds that Applicant's assertions regarding the sufficiency of his arrest warrants were incredible and solely rested upon speculation. Regardless, the subsequent indictments and conviction established the validity of his convictions and sentences. Therefore, Applicant's "Rule 3" allegation is non-availing, although it too rested upon unproven speculation. Last, Applicant produced a collateral expungement order that has no bearing on his current and legal convictions. For the sake of judicial efficiency, this Court has made the above mentioned findings despite the fact that the allegation does not support a claim for relief in this forum. Therefore, this Court summarily denies and dismisses this allegation on its various

facially flawed grounds. For similar reasoning, Applicant's baseless attack upon this Court's jurisdiction based on a purported error in the case caption is wholly without merit.

Alternatively, Applicant has failed to meet his burden to prove counsel's performance was either deficient or ineffective for failing to attack the purported deficits regarding the Trial Judge's subject matter jurisdiction to preside over the case. In contrast to counsel's compelling testimony that she met with Applicant on four occasions prior to trial and thoroughly prepared the case with him, this Court finds Applicant's has failed to provide credible testimony that he was unaware of the charges that he was called to answer. Applicant made admissions of guilt to the Trial Judge in sentencing that show otherwise. Therefore, this Court readily denies and dismisses this allegation.

**B.**

This Court finds Applicant has failed to meet his burden to prove counsel's performance was deficient or ineffective for failing to adequately investigate the purportedly exculpatory evidence. "This Court has stated previously that criminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Edwards v. State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). First, Applicant asserts that counsel failed to exploit the purportedly exculpatory DNA evidence that linked him to the crime scene. This Court finds that Applicant's assertions rested upon unqualified and conclusory speculation. See Moorehead v. State, 329 S.C. 329, 334, 496 S.E.2d 415, 417 (1998) ("Failure to conduct an independent investigation does not constitute ineffective assistance of counsel when the allegation is supported only by mere speculation as to the result."). Applicant introduced an unauthenticated exhibit from S.L.E.D. that provides him no support here; facially it confirms the

S.L.E.D.'s expert's trial testimony. See U.S. v. Taylor, 802 F.2d 1108, 1119 (9th Cir. 1986) (Vague and speculative assertions are deficient.). In contrast, counsel provided credible testimony regarding her efforts in attacking the evidence at trial. This Court finds counsel's performance more than sufficient on the matter. See U.S. v. Taylor, 832 F.2d 1187, 1195-96 (10th Cir. 1987) ("The record of counsel's performance in examination and cross-examination of witnesses may show preparation and knowledge of the case."). Therefore, this Court readily denies and dismisses this allegation.

Last, this Court summarily dismisses Applicant's allegation that counsel performance was ineffective or deficient for failing to further investigate the State's lack of trace evidence, particularly latent finger print evidence, that failed to connect Applicant or anyone else to the scene. The record shows that counsel covered the matter during his closing argument. This Court finds further investigation into the nonexistence of the evidence would have yielded Applicant no tangible benefit. Therefore, this allegation is readily denied and dismissed.

C.

This Court finds Applicant has further failed to meet his burden to prove Strickland's prejudice prong in light of the overwhelming evidence of guilt presented by the State at his trial. "Error is harmless when it could not reasonably have affected the result of the trial." State v. Mitchell, 286 S.C. 573, 336 S.E.2d 151 (1985). "Where a review of the entire record establishes the error is harmless beyond a reasonable doubt, the conviction should not be reversed. State v. Pickens, 320 S.C. 528, 466 S.E.2d 364 (1996). This Court notes the State presented compelling D.N.A. evidence that identified Applicant's blood on the glass broken by the perpetrator in his flight from the scene, the clerk's identification testimony corroborates his purchase of the particular beverage and shows Applicant bleeding after the commission of the offense. Last,

Applicant's admissions during sentencing were telling. Despite Applicant falling well short of proving deficiency on any of the above mentioned allegations of ineffective assistance of counsel, he certainly fell well short of proving Strickland's prejudice prong.

**D.**

Except as discussed above, this Court finds that the Applicant affirmatively abandons the remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

**CONCLUSION**

Based on all the forgoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

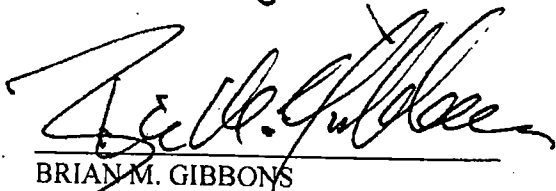
- This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is

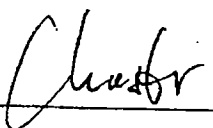
also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

**IT IS THEREFORE ORDERED**

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 21 day of September, 2014.

  
 BRIAN M. GIBBONS  
 Presiding Judge  
 Eleventh Judicial Circuit

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

**FILED**  
 2014 SEP 24 P 12:04  
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