

Dear Mr. Shearouse,

Sept. 30, 2019

I hope this letter finds you well. You have been a great help to me over the years and I greatly appreciate your professionalism and care for your position.

Would you please give this letter to Justice Beatty. I am sure he will be very interested in what this letter contains.

The Supreme Court ruled in my favor and dismissed the Attorney General's appeal, May 24, 2019.
Appellate Case No. 2017-000881

I am back in Darlington and I need Justice Beatty to see what is happening all over again. The last time I was very naïve to what was going on and they used it. I was told to be quiet at trial (in this letter), I was told to be quiet at this past bond hearing (in this letter), but I spoke up at my PCR, gave my Appellate all and every bit of information, that they all said was very useful. I won my PCR!!! What happened at this past bond hearing was wrong and Justice Beatty needs to read this.

All of this can and is proven and verified and my Attorney Erin O'Neal (Copeland-Little) has this information and is doing nothing to correct this injustice.

Thank you for your time and I appreciate your help.

RECEIVED Sincerely,

OCT 04 2019

S.C. SUPREME COURT

Eugene A. Tardieu

Please read the back and share this with Justice Beatty.

I wanted to bring this to your attention Mr. Searouse. My PCR attorney said: "Why would a clerk of court go to the defense table, during trial, in his professional capacity, without your attorney's permission or a court order. Take you into a room and give you legal advice. He said he had 500 trials of experience. Never missed a trial in (20+) years. It's pretty obvious, because what experienced clerk of court would do this and risk his career,..." He admitted going to the trial judge (Just like the Supreme Court said my trial attorney SHOULD HAVE) and told the judge what he did. The trial judge (Baxley) did nothing. He allowed the trial to continue. The judge even told me that if he allowed the jury to be dismissed that I could not change my mind. Change my mind to what? The only thing my trial attorney told me was not to pay too much. "The judge might change his mind."

I have had an attorney right here in Darlington, after I told her this story, "Well maybe Judge Baxley was concerned about it costing Darlington County \$30,000 if the trial was stopped."

Really? A violation serious enough for the S.C. Supreme Court to dismiss the Attorney General's appeal (unanimously) is more important than a Constitutional violation!!! But then she said, "Well I clerked for Judge Baxley..." Fraud upon the Court? (8) court officials let me walk out of that courthouse and wrongfully go to prison. Then I get back to the same people and it happens all over again at my bond hearing. "Fraud" again and all of the PEOPLE know it, just like at trial.

By the way, the same Scott Suggs was glaring at me at the bond hearing. Still working! Do you see what I'm up against?

Thank you for your time,

Sincerely,

Engene Q. Hardree

Dear Justice Beatty,

If you are reading this letter, it is an honor. The Supreme Court dismissed the Attorney General's appeal in my case in May of this year. Thank you for seeing the injustice that happened to me.

To remind you, in Darlington, S.C., the clerk of court came to the defense table at trial, during a recess and took me into a back room and was giving me legal advice, in his professional capacity, without a court order or my attorney's permission. The Supreme Court also stated that my trial attorney should have presented this most serious violation to the Court:

During PCR this same clerk testified that he went to Judge Baxley, the trial judge and told the judge what had occurred. The judge knowing a violation had been committed still allowed the trial to continue. The judge even told me when I went before him that if he dismissed the jury I could not change my mind. This was before anything about sentencing was discussed and I was told by my lawyer to not say too much, "the judge might change his mind." Change his mind from what? I didn't even know what an "open plea" was or explained anything. All of this is on my PCR.

A number of attorneys agree with me that this was clearly "Fraud upon the Court." I'm back in Darlington and I went before Judge Burch with a PD Rachel Stacey. Judge Burch had granted me a bond and reduced it the first time, on the same case. This time he denied my bond based on a false statement by the Detective Mark Luce. I tried to get my PD Stacey to stop them and let me speak. Just like trial she told me to be quiet. How can you defend yourself if no one speaks for you and you can't speak. I've told my appointed lawyer all of this in detail and she want respond! I've asked her to contact Judge Burch with all of this because

Rule 1.3 or 1.4
SC CODE LA 33
Communication

not only did he deny my bond that he had previously posted, he actually repeated the false statement. The detective told Judge Burch that I "Fled to N.C." The solicitor said right behind the detective, "and they had to go get him." Both lies!!!

My attorney Erin O'Neal (Tonga Little's office) has all of this in detail. I have also sent a letter, yesterday, to Judge Burch myself because he needs to know what happened in his court! This is the same manipulation and lies they have been telling the ENTIRE time and I have proof and it is all now coming out!

Your Honor, they know this was an accident, they know they have lied and I have proof. My son, Trey Hardman - executive with TD Bank in Asheville, was at the Citadel when all this was going on. He was about to finish and I didn't want him anywhere around any of this. (2) months ago he asked, "why is this all just coming out?" Hell of a question don't you think? Well I proved ineffective assistance of counsel at PCR. My PCR attorney said they sent Scott Suggs (clerk) to me, because they didn't want me to get on that stand.

(2 1/2) weeks before that "Circus trial" I was tased for writing a grievance for my roommate. The CO, Kevin Dial had previously been suspended for "spitting in a man's face," He was not too happy with me and (3) nights later he tased me a 7:30 PM. At 2:30 AM, I asked why I was going to 'SOLITARY CONFINEMENT'. They said it was procedure now, "but they were sorry." Later that morning the nurse came and told me the FIERED OFFICER DIAL AND HE TESTED POSITIVE FOR COCAINE. This was Thursday morning. Friday morning my lawyer came to tell me I was going to trial. The entire time she had been saying "if you would have just called 911 you wouldn't be here..." - "if you bond out you probably want go to trial..." All on PCR!

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I said fine, get me out of here. She said she would work on it, but I couldn't bond out now since I was in lockup and on the trial docket. Another lie! A week later, still in lockup, she came to see me. Went over some trial stuff and I asked why was I still in lockup since they found the guy and he tested positive for cocaine (Lawsuit at US Dist. Court (Charleston) Judge Herbruck) She left and said we would go over the "details at trial" on PCR.

A week later I go to trial - (2) weeks in solitary confinement. My lawyer says, "I took all your witnesses off of your list - you are our best witnesses." One of the witnesses was The Mental Health Counselor, Ms. Shaw. I told her, "I don't understand why I left my brother, I felt like I was in tunnel vision." She said, "No Mr. Gardner, you were not in tunnel vision, you were in what we call, "a traumatic haze." Your actions (leaving, confusion, scared panic) were NORMAL. Your brother had just died, you were in shock" She also said, "After the times we have met, I KNOW you would NEVER HURT ANYONE ESPECIALLY YOUR BROTHER" All of this is on my PCR. The solicitor at the new bond hearing told Judge Burch, "all his PCR was about was his conversation with the clerk of court" Like the conversation the Supreme Court ruled in MY FAVOR was no big deal, but it was not just about the "illegal conversation", this was also a lie!!! Manipulation

Do you see a pattern here your Honor? Now, it is happening again!!! And I need help! Have you ever heard the expression "If a dog is not picked up or chained, he won't poop where he eats." Well, this is just like the lawyers in the 4th Circuit. Instead of doing the right thing, they are scared to make a judge, solicitor, politician or even a preacher or a big business man upset!!! It's a living proof. I even wrote Chief Solicitor

William Rogers (4th Circuit) time I got to Perry C.I., before I wrote my PCR, I told him exactly what happened at my "Circus trial" and he did NOTHING!!! Don't these people have an OATH to obey?? As an engineer, I do!!! All of these people knew and did ^{nothing} ~~nothing~~ about and again, Eric Ordeal has these details: I did not "Flee to N.C." My wife lost her job, we were taking care of my dad at the beach. He was in Hospice Care and I had promised her I would not let him die in a hospital (home and I kept that promise. (Another major part of this whole nightmare) We waited, because dad was too far gone and he was my major concern. I even went to our home in N.C., found out what I needed to do to get it livable, went back to the beach and prepared to leave. Called the moving company & told them what was happening and they were so nice and said they would work with me. A guy I met in N.C. would meet them, because I didn't know when I could leave. Sounds like am "Fleeing" yet? No one was talking to me, no one said "don't leave town" - all lies at the bond hearing. Dad passed, I called the movers. We had kept the bare essentials. Took grandma, (2) dogs, daughter & wife and went to my dad's funeral in Lake City, S.C. The entire family / friends knew we were moving to our longtime family home. I had even asked my sister's permission weeks before all of this because we both owned the house. (All of this is verified)

Got the house livable, the yards were a mess. My son came with his family to help a few weekends. I found a job the WEEK BEFORE I WAS ARRESTED. (Important)

My sister called and said Mark Luce (Det that lied) said he needed to talk to me. I immediately called him that Monday morning. I told him I would try to be there

(Darlington) that Wednesday. I had just started my job, not even done all of the paperwork, not even a check. My boss asked me if I could wait until Friday. The guy that worked with me in the Design Center would be back Friday. I called Mark Luce Wed morning and told him what my boss said. No problem, I told him where I lived and WORKED. In transcript, the S.C. officer said that the US Marshal had called him on Wed (the same day I spoke to Luce) and said he had to pick someone up "BY THURSDAY". No one knew where I worked except my wife + Mark Luce (when I told him). Rick Jones (Darlington PD) said, "When you called Luce and told him you would be there that Friday morning, they sent that marshal to pick you up, so you would not walk into their office on your own, because everything would have been different. I made you look bad for a US Marshal to pick you up."

Mark Luce led to the US Marshal and the judge who signed the warrant. Need to find out how much it cost SC + NC to pick me up. I CALLED HIX!!!

I didn't "Flee" the first time Judge Bunch gave me a bond / produced it and I claim since I didn't flee this time! I was wrongfully imprisoned this time!!! Wrongfully for 7 1/2 yrs Fraud upon the Court at trial - Fraud now at this bond hearing. Laura Baer said, "they are trying to figure out what to do with all of these people involved in your trial" How about my bond hearing? Baer also said, "the attorney general does not like to admit he is wrong" - "this is what is wrong with this system" The people are what is wrong with "this system" you Honor!

I do not understand why I'm having to bother you with this. This is wrong and they know it! They knew it then too. They tased

me, put me in solitary confinement (take your mattress and blanket at 6:00 AM - bring it back at 9:00 PM. Cut your water off sink/toilet and you smell your waste all day) Freezing cold - my attorney had to bring a space heater the (1) time she came to talk to me - didn't take her long before she left either! Cruel + unusual punishment!!!

Get to trial - take all my witnesses off of my list ("your actions were normal - you were in shock") and then they call a recess and send the clerk of court to get me to plea, because they didn't want me to tell everything! Now THIS!!!

I'm coming to you Justice Beattie, because I know you will listen. This is a "MISCARRIAGE OF JUSTICE" (on my PCR), I have been wrongfully imprisoned for 2 1/2 years - I've admitted from the beginning the mistakes I made. The Mental Health Counselor explained to me why I reacted the way I did. Why was she not at my trial? - I trusted these people and it is obvious what they did! My son, "Why is this all just coming out now?" Pretty obvious!

I have taken care of my family all my life! I would die for any of them. I have proven the lies and manipulation. I should be out there helping my children + grand children like I always have. I have NEVER HURT A SOUL. It was an accident and they know it. This is all about guilt for what my brother's ex-wife did to him (proven) now! The greed of my sister and her lying. They have no more motive, established (by the state) that there was a struggle over my brother's guns, he presented his guns and they even tried to get me to say it was SELF-DEFENSE. I was at trial ready to tell my side and they would not let me! Now I'm here! Read my PCR and see if the prosecutor was lying or not!

When I first wrote my PCR, I was told I was giving too much information and they could use it against me. B.S.! How can they use the TRUTH against me? Not even with their lies and manipulation!!!

I had a bond, reduced that bond, on the same case by the same judge that denied my bond based on a lie and repeated that lie. (SC Appellate Div.) Attorney David Alexander knows about EVERYTHING and he said, "this is the most unreal and wrongful thing I have ever heard. You need to write a book."

I should be granted a bond, I have a vehicle waiting, a job, support and it should be a PR Bond. I've worked hard preparing for this, I was in CBU (honor dorms) at all (3) facilities I was at and you can call Assit. Warden Robertson + Lt. Seales my dorm supervisor and ask about my character. I can give you a list of 100 people, college coaches, preachers, doctors, lawyers, a judge (Cely Benjamin) I dated in high school/college, and on and on. Any officer here at DDC. At my bond reduction 7 years ago, ^{former} Warden Mitch Stanley stood for me in front of Judge Birch. Kind of funny, he granted my bond, but in open court he compared my case to "CHAD AND ABLE", a brother killing a brother. A bit prejudiced don't you think?

Thank for your valuable time and I hope you will help with this matter.

Sincerely,
Eugene A. Gardner III

To verify "Flee to N.C." call my son Trey Gardner (864) 477-0769

Eugene A. Gardner

Unit B-130 - DCDC

2349 Rogers Rd.

Darlington, S.C. 29532

Persons to contact:

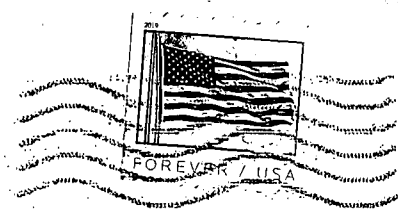
Attorney Erin O'Neal (Copehand - Little) Hartsville, S.C.

Honorable Paul Burch (Pageland, S.C.)

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COLUMBIA SC 290

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