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Ineffective assistance of trial counsel

Failure to call additional witnesses

Ineffective assistance of trial counsel

Failure to hire DNA Expert

Denial of a fair trial in violation of due process

Issues Presented

- A. Failure to call additional witnesses
- B. Failure to hire DNA Expert
- C. Denial of a fair trial in violation of due process

Statement

Petitioner Harold Lee Jackson was convicted of murder and two counts of assault and battery with intent to kill per jury trial held during the April 2009 term of the Beaufort County General Sessions Court before Judge Carmen T. Muller, and received an aggregate fifty-year prison sentence in the case. Petitioner was represented at trial by Donald Christopher Colongeli, and Assistant Solicitors Angela McCall Tanner and Meredith Anne Bannon appeared on behalf of the state. App. 1-586. Petitioner appealed, but after briefing his case was affirmed on January 25, 2012, by the South Carolina Court of Appeals. App. 588-606.

Petitioner's convictions and sentences were affirmed on appeal. See State v. Harold Lee Jackson, Unpublished Opinion No. 2012-UP-038 (S.C. Ct. App. filed January 25, 2012). Chief Attorney Robert M. Dudek, of the South Carolina Office of Appellate Defense, represented petitioner on direct appeal.

On December 2, 2012, petitioner filed a PCR application with the Beaufort County Clerk of Court. App. 607-613. The respondent filed a Return requesting that a hearing be held in the case. App. 614-619. A PCR hearing was convened on October 11, 2017, at the Beaufort County Courthouse before Judge Thomas A. Russo. App. 620-701. Petitioner was present at the hearing and represented by James K. Falk, Esquire, and

Argument

Trial counsel failed to call additional witnesses

Petitioner and his trial counsel had discussed several times why these witnesses needed to be subpoenaed.

Petitioner will show the importance of their testimony to his defense, and how trial counsel prejudiced him.

And petitioner will show documents that will support his claims, all documents were part of his discovery that trial counsel had access to.

I. Arresting Officer Criss Henry, who was the officer with the Jasper County Sheriff's Office who took petitioner into custody. The State told the jury that petitioner had no injuries, and trial counsel was asked by the Court did your client sustained an injury? Counsel had the incident report that stated petitioner had an injury to right side of neck, and he stated in his report he processed that as coming from the crime scene, and it did not reveal any evidence of a crime pursuant to his report meaning any blood.

But after being turned over to Beaufort County Sheriff Department petitioner clothing went from having no blood to being covered in blood. Petitioner clothing was collected at 08:50 a.m. from the Beaufort County Detention Center, and was submitted into evidence at 14:45 p.m. The

INCIDENT REPORT

CASE NUMBER

NCIC

07-0073

INQ. ENTD.

COPY

INCIDENT TYPE		COMPLETED	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. ASSISTING OTHER AGENCY (BEAUFORT SO)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	GOV'T BUILDING		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.		<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.		<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)
12008 N. JACOB SMART BLVD, RIDGELAND, SC

ZIP CODE 29936 WEAPON TYPE NONE

INCIDENT DATE	24HR. CLOCK	DATE	24HR. CLOCK	DISPATCH DATE/TIME	DISPATCH TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
1-3-07	0140			1-3-07	0140	0140	0430	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)
CRISS, HENRY

RELATIONSHIP TO SUBJECT

RESIDENT RACE W SEX M AGE 26 ETH N DAY TIME PHONE 757-1575

ADDRESS 12008 N. JACOB SMART BLVD CITY RIDGELAND STATE SC ZIP CODE 29936

VICTIMS NAME (LAST, FIRST, MIDDLE)
STATE OF SOUTH CAROLINA

RELATIONSHIP TO SUBJECT

RESIDENT RACE W SEX M AGE 26 ETH N DAY TIME PHONE

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS CITY STATE ZIP CODE LOCATIONS NO.

VISIBLE INJURY (VICT.1) YES NO UNK EXPLAIN-

VICTIM(NO.1) USING ALCOHOL YES NO UNK DRUGS: YES NO UNK TYPE:

COMPLAINANT OF ANY NON-VISIBLE INJURIES: YES NO

TWO-MAN VEH. ONE-MAN VEH. DETECTIVE/SPL.ASMT. OTHER ALONE ASSISTED * J-This Jurisdiction S-State O-Out of State U-Unknown

SUSPECT NAME (LAST, FIRST, MIDDLE) JACKSON, HAROLD LEE

RACE B SEX M AGE 37 ETH N DATE OF BIRTH 12-9-69 HEIGHT 600 WEIGHT 160 HAIR BLK EYES BRO

FACIAL HAIR, SCARS, TATCOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
never mentioned blood on

ADDRESS 2011 DORCHESTER DR CITY BEAUFORT STATE SC ZIP CODE 29906

ARRESTED NEAR SCENE YES NO DATE/TIME OF OFFENSE DATE/TIME OF ARREST

SUBJECT (NO.1) USING ALCOHOL YES NO UNK DRUGS YES NO UNK TYPE:

TOTAL # ARRESTED

SYNOPSIS:

On 1-3-07 at approximately 0140 I, Deputy Criss, assisted the Beaufort County Sheriff's Office (Beaufort SO) with an investigation hat was being conducted of an incident that occurred on Stuart Point Rd in Beaufort County (Beaufort SO Case# 200701030760). I assisted Beaufort SO by taking the suspect, Harold JACKSON, into custody and having him transported to Beaufort County. I also oated a weapon, a baseball bat, that was possibly used in the incident and seized it as evidence.

TYPE (GROUP)	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		TOTAL VALUE
STOLEN					
DAMAGED					
BURNED					
RECOVERED					
SEIZED					

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.

Michael M. Holtfield
Chief Deputy Beaufort County Sheriff's Office

SUBJECT IDENTIFIED YES NO SUBJECT LOCATED YES NO

ACTIVE ADM. CLOSED UNFOUNDED

REASON FOR EXCEPTIONAL CLEARANCE: 1 OFFENDER DEATH 2 NO PROSECUTION 3 EXTRADITION DENIED 4 VICTIM DECLINES COOPERATION 5 JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
CRISS, HENRY	1-4-07	C8367	<i>H.S.</i>	1-4-07	57684

FOLLOW-UP INVESTIGATION YES NO OFFICER

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER	07-0073	NCIC	INQ.	BNTD.
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<input checked="" type="checkbox"/> ORIGINAL REPORT	<input type="checkbox"/> SUPPLEMENTAL REPORT CASE STATUS CHANGE	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY	PAGE 3 OF 4 PAGES.
<input type="checkbox"/> MODIFIES ORIGINAL	<input type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY		

INVESTIGATION:

On 12-3-07 at approximately 2310 Jasper County Dispatch received a BOLO from Beaufort County Dispatch in regards to an assault and battery that had occurred on Stuart Point Rd in Beaufort County. The BOLO was for a suspect named Harold JACKSON, aka Smiley, who was reported to be driving a 2004 Mitsubishi Endeavor displaying SC Tag# 759SKA.

On 12-4-07 at approximately 0140 I was contacted by Deputy Jonah JENKINS who advised me that JACKSON was at the Jasper County Sheriff's Office in Ridgeland trying to turn himself in. I advised Deputy JENKINS to detain the subject and I then responded to the Sheriff's Office. While en route to the Sheriff's Office I made contact with Beaufort SO Investigator L. WILLIAMS, who was handling the investigation of the incident, that JACKSON was at the Sheriff's Office in Ridgeland. Investigator WILLIAMS stated that he had probable cause to arrest JACKSON and asked that I take JACKSON into custody and have him turned over to a Beaufort SO Deputy.

Upon arriving at the Sheriff's Office Deputy JENKINS advised me that he had read JACKSON his Miranda Rights and that all that JACKSON would state was, "They tried to kill me." Deputy Jenkins also advised me that JACKSON's cousin, WRIGHT, had drove JACKSON to the Sheriff's Office. I then made contact with JACKSON and asked him what was going on. JACKSON stated, "They tried to kill me." JACKSON repeated this statement several times.

I then spoke with WRIGHT who stated that at approximately 1220 JACKSON pulled up into her yard, located at 289 Kings Colony Rd, Ridgeland, SC, and knocked on her door. He stated to her that they had tried to kill him and he did not know if they were alive or dead. At that point WRIGHT convinced JACKSON to turn himself in and she drove him to the Sheriff's Office. I then asked WRIGHT if JACKSON's vehicle, the Mitsubishi Endeavor, was at her residence and she stated that it was. WRIGHT declined to make a written statement at this time. I then asked her for her permission to allow a Deputy to enter her yard and secure the vehicle. She stated that she would allow a Deputy to enter her yard and secure the vehicle. I then had Deputy JENKINS respond out to WRIGHT's residence to secure the vehicle and contacted Investigator WILLIAMS to advise him of what had transpired. I then attempted to speak with JACKSON again and again all he would state was, "They tried to kill me."

A short time later Deputy JENKINS contacted me and advised that he could see inside the vehicle through the windows and could not observe a baseball bat, which was the weapon described by one of the victim's as the weapon used to commit the offense. I then responded to the residence where I looked into the vehicle through the windows and I did not observe a baseball bat or any space that could conceal a baseball bat. I also did not observe any visible signs of blood within the vehicle. I then spoke with WRIGHT who was present and advised her that I was looking for the weapon used in the incident. I asked her if JACKSON had possibly hidden the weapon inside her residence at which time she offered to allow me to search her residence for the weapon. I obtained the attached written permission to search the residence from WRIGHT at that time. Based on WRIGHT's permission I then searched the residence and did not locate any baseball bat. (I also did not observe any other evidence of the offense that was apparent at the time.)

I then checked the area around WRIGHT's residence and did not locate any evidence. I did however locate a metal "Easton" baseball bat with maroon writing and grip tape laying in the yard located at 277 Kings Colony Rd, approximately four (4) feet from the roadway. I then knocked on the door at that residence and was greeted by KING. I identified myself to KING and asked her if she had any children at the residence. KING stated that she had a son and two nephews that lived at the residence. I then asked KING if the children who lived at the residence owned a baseball bat that she was aware of and she stated that they did not. I then asked KING to look at the baseball bat that was still laying in her yard. She looked at the baseball bat and stated that she had not seen it before and it did not belong to her or the children that live in the residence. At that point I seized the baseball bat and began to photograph the baseball bat and obtain measurements of the baseball bat's location. While I was photographing the baseball bat KING walked back out of her residence and advised me that she had woke up her twelve (12) year old nephew, Keith KING, and he told her that the bat was his and he got it from the church in Coosawhatchie. I then asked her if I could speak with her nephew.

I asked Keith KING if the baseball bat belonged to him and he stated that it did. I then asked him how long the baseball bat had been laying there in the yard and he stated that it had been laying there for five (5) weeks. I then asked him if anyone told him to say that the bat was his or if the bat actually belonged to him and he stated that it was his. I then asked him if anyone had asked him to "fibs" about the bat and he did not answer me. I asked the question again and he stated that nobody had asked him to "fibs" about the bat.

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR UNDER 18
		<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE - NO CUSTODY				
REPORTING OFFICER(S) CRISS, HENRY	DATE 1-4-07	UNIT NUMBER C8367	APPROVING OFFICER <i>Michael M. Holtzfeld</i>	DATE []
		FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OFFICER <i>Michael M. Holtzfeld</i> Chief Deputy Beaufort County Sheriff's Office	

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

NCIC

07-0073

INQ. ENTD.

ORIGINAL REPORT
MODIFIES ORIGINAL

SUPPLEMENTAL REPORT
 CASE STATUS CHANGE

ADDITIONAL VICTIMS
 ADDITIONAL OFFENDERS

ADDITIONAL STOLEN PROPERTY
 ADDITIONAL RECOVERED PROPERTY

PAGE 4 OF 4 PAGES.

INVESTIGATION (CONT'D):

I then continued to photograph the bat in place and obtained the measurements that are listed on the attached sketch. I then picked up the bat, wearing latex gloves, and examined it closer. As I examined the bat closer I was able to observe a red colored substance on the barrel of the bat that I believe could possibly be blood. I then photographed the red substance. The bat was then marked for identification as evidence and will be turned over to the Beaufort SO Investigator as soon as possible.

While I was processing the baseball bat WRIGHT approached me and asked if I was going to search the Mitsubishi. I advised her that I did not plan to at that time. WRIGHT then asked me to search the vehicle. I advised her that I needed JACKSON's permission to search the vehicle and she replied that JACKSON had given her the keys to the vehicle and asked her to keep the vehicle while he was in jail. Based on WRIGHT's statement that JACKSON had left the vehicle under her dominion and control, which would give her authority to grant permission to search the vehicle, I obtained the attached written permission to search the vehicle from WRIGHT. I also had her write a statement at the bottom of the form that JACKSON had left the vehicle with her. I then searched the vehicle and was unable to locate any tangible evidence.

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE	<input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ABUSED TO ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR UNDER 18
				<input type="checkbox"/> UNFOUNDED	copy of the original arrested and over	<input type="checkbox"/> EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM REFUSES COOPERATION. 5. <input type="checkbox"/> JUVENILE - NO CUSTODY							
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER	
CRISS, HENRY	1-4-07	C8367	Michael M. Hofffeld Chief Deputy Beaufort County Sheriff's Office				
			FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO				

RETURN

I received the attached Search Warrant 01-04, 07, and have executed it as follows:

On 01-04, 07 at 0850 o'clock A M, I searched
(the person) described in the warrant and (the premises)

I left a copy of the warrant with BCDC.

Name of person searched or "at the place of search" with
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

Two pairs white socks w/ blood stains.
One blue long sleeve T-shirt
One pair Orange Dickies shorts w/ stains
One pair Nike Running Shoes w/ blood stains.

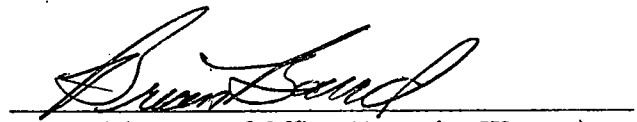
This inventory was made in the presence of Harold Lee Jackson

AND Gill Thompson BCDC

I swear that the Inventory is a true and detailed account of all property taken by me on the warrant.

SWORN to before me this 01-04-07

DAY OF January, 2000 2007



(Signature of Officer Executing Warrant)

[Signature] (L.S.)
Signature of Judge

Certified to be a true and correct
copy of the original document on file
with the Office of Sheriff for Beaufort County.

Michael M. Hatfield
Chief Deputy Beaufort County Sheriff's Office

Sheriff Department Repository is 5 minutes from the Detention Center, it was 14:45 which was 6 hrs. later before an Evidence Submittal Form was filled out.

II. Lead Investigator - Lester Williams wasn't subpoenaed either this officer's credibility was an issue.

The allegation surrounding his termination dealt not only with the admission of the use of cocaine, but the test that turned up positive for the use of cocaine after he said he had last used. Which was December of '06 this incident occurred on January 3rd of '07, and Williams tested positive in a random drug screen for cocaine in February of '07. Williams, stated to Henry via telephone that he was handling the investigation and that he had probable cause to arrest petitioner. It was through his investigation that was used as the chief investigative tool to secure an arrest warrant against petitioner. Williams also submitted Evidence Submittal Forms which was Case Number # 2007013760 dated 1-4-07 items that were collected from crime scene.

In Williams report he listed everything that was collected which included a stick with blood on it which was later submitted 4 days later on 1-8-07 the Evidence Submittal Form shows this happened. I had every right to face my accuser under the law. He wrote this to his superiors upon termination.

Lester G. Williams

Date 2/23/2007 Page No. 1 of 2

STATEMENT OF:

This is my statement in reference to testing positive for Cocaine on Tuesday of this week.

My wife parties with this drug from time to time the last time being in December of 2006. The drug has been in my house during these known times and I have witnessed the usage of this drug with her. I have made comments to her (my wife) about the drug, however, being that we have had marriage problems in the past I have turned a blind eye to the situation.

On this past Saturday evening my wife had some powdered Cocaine. (It has always been in the powdered form not Crack Cocaine). While drinking beer and playing video games on TV, I made the decision to experiment with the drug. I put the drug on a cut straw that my wife was using and placed it to my nose. It burned the hell out of me and I had a few choice words and said I can't see why anyone would want to fool with that and I don't know what the hype is about. I drank more beer and continued to play video games.

Lester Williams

STATEMENT OF:

I did not ~~think~~ think about the incident until I was called by the drug testing personell today. I would not have told anyone about this incident if it was not for the drug test. I didn't think twice about taking the test because the experiment of with the drug was so little and the first time. I made a bad decision as a Law enforcement officer. I am an officer on and off duty and I made a huge mistake. Up until this time my home life and the events that take place at my home i.e.: working through my marriage problem and this recent problem with drugs have never interfered with me. I am truly sorry for any embarrassment to this office, staff, and my co-workers.

Lester Williams — 3

BEAUFORT COUNTY SHERIFF'S OFFICE DISCIPLINARY ACTION

Employee Name: Lester Williams Rank: Cpl. Employee # 4260 Warning Date: 2/23/2007

Violation: Policy and Procedures Location: BCSO LEC

Violation of BCSO Policy #(s): General Order Number 8, Para II Sec. B, General Order 13, (C) (17)

Type Violation: () Insubordination (X) Conduct () Substandard Work (X) Policy/Procedure Violation () Attitude () Other:

Table with columns: Previous Violation, Date of Violation, Oral, Written, Issued By

Supervisor's Comments:

Signature: Date:

Branch Commander Remarks: See Enclosed.

Signature: Date: 2/23/07

Division Commander Remarks: After REVIEWING THE ENCLOSURES, THE SEVERITY OF WILLIAMS' ILLEGAL ACTION IS CAUSE FOR IMMEDIATE TERMINATION

Signature: Marvin Monson, HASKIN Date: 2/23/07

Deputy Chief of Staff Remarks: Recommend Termination immediately

Signature: Baxley Date: 2.23.07

Chief of Staff Remarks: I concur with all of the above recommendations of the command officers in Cpl. Williams' charges.

Signature: Bob Brown Date: 02/23/07

Chief Deputy Remarks: The unlawful use of an illegal controlled substance by a commissioned officer is contrary to the good order and discipline of the Office of the Sheriff. This type

conduct brings into disrepute (see back of page for continuation)

Action To Be Taken: () Verbal Reprimand () Written Reprimand () Suspension (X) Termination () Other

Amount of Suspension: N/A Suspension Date(s): N/A

Employee's Comments: I understand the position of the Sheriff's Office. It has been truly a pleasure serving the office & the citizens of Beaufort.

I have read this recommendation for Disciplinary Action and understand it.

Employee Signature: Lester J. Williams Date: 2/23/07

Sheriff's Recommendation: (X) Approval () Disapproval

Sheriff's Comments:

Handwritten signature of Sheriff of Beaufort County

Sheriff of Beaufort County

Look on back what they said ->

Chief Deputy remarks (cont.)

the integrity and creditability of the individual and ridicule upon the Office of Sheriff. Accordingly, the employee is terminated effective immediately.

1 the defense would throw out to be prejudicial with
2 absolutely no relevance to the case.

3 THE COURT: All right. And just for the
4 record, it's my understanding that we're talking
5 about the ex-deputy, Detective Lester Williams -

6 MS. TANNER: That's correct, Your Honor.

7 THE COURT: -- who was terminated for
8 possession for cocaine use, is that correct?

9 MS. TANNER: Yes, ma'am. He tested
10 positive during one of the department's random drug
11 tests.

12 THE COURT: Okay, and was terminated. And
13 when was that?

14 MS. TANNER: He was terminated --

15 MR. COLONGELI: February.

16 MS. TANNER: February?

17 MR. COLONGELI: That's my understanding.

18 THE COURT: Of '07, Mr. Colongeli?

19 MR. COLONGELI: Yes, Your Honor.

20 THE COURT: Respectfully, Mr. Colongeli, I
21 will tell you that we did meet about this and talk
22 about this briefly back in chambers. And I think
23 you need to go ahead and put on the record your
24 obvious need to go ahead and use this information.

25 I think what I inclined or what I told you

1 both back in chambers was based on the other
2 investigators' testimony, if they relied on
3 Detective Williams' work in forming their opinion or
4 in any of their testimony, I do think it's relevant.
5 It goes to his credibility.

6 However, if they learned things of their
7 own accord and were present themselves and wasn't
8 relying on Detective Williams' written word or work,
9 then I don't see how it's relevant. So, Mr.
10 Colongeli, it's a motion in limine. I can't really
11 tell you until I hear the other officers testify,
12 whether or not they're going to say they had done
13 something or they relied on something as a result of
14 Detective Williams' work.

15 MR. COLONGELI: If I may, Your Honor?

16 THE COURT: Sure.

17 MR. COLONGELI: Out of an abundance of
18 caution and for purposes of preserving the record,
19 Your Honor, we're extremely concerned about this
20 issue. Based on what the Solicitor just stated --
21 and correct me if I'm wrong -- there's nothing the
22 State is relying on as far as Lester Williams in
23 order to prove this case.

24 This is not just any officer. Lester
25 Williams was the lead criminal investigative officer

III. Sharee Wright - Petitioner states that Wright, was the first person to come into contact with him after the incident took place. She wasn't called either Williams, supplementary report page 4 of 5 clearly states what she saw that night and what she did. She stated she did not observe any blood on petitioner clothing, that along with the arresting officer's report supports a conflict with the evidence that Beaufort County Sheriff Department had. Her testimony along with the arresting officer testimony was valuable to the petitioner's defense.

IV. Nurse Dubose - Head Nurse at Beaufort County Detention Center at the time, petitioner had an Code Blue also called an medical emergency in his cell in booking. Dubose, responded to petitioner cell and noticed that petitioner was coughing up blood and treated the petitioner. Counsel fail to have her to testify at trial also, and he was aware as to what occurred. Counsel even asked an officer on the stand was he aware of petitioner having an Code Blue at the Detention Center. Counsel did absolutely nothing in helping defending petitioner at trial. On page 408 of the T.Tr. counsel tells this officer that the petitioner in fact did have an Code Blue before the officer arrived at the Detention Center.

AGENCY I.D.
SC0 070000

SUPPLEMENTARY REPORT

CASE NUMBER

26070103760

NCIC

NO. ENTD.

ORIGINAL REPORT

SUPPLEMENTAL REPORT

ADDITIONAL VICTIMS

ADDITIONAL STOLEN PROPERTY

PAGE 4 of 5 PAGES.

MODIFIES ORIGINAL

CASE STATUS CHANGE

ADDITIONAL OFFENDERS

ADDITIONAL RECOVERED PROPERTY

Wright further stated that Jackson advised her that he and his girlfriend were not suppose to be together, but they were and he overheard a telephone conversation by his girlfriend about plans to kill him. Lastly, Wright states that Jackson did not change his clothes while he was at her residence, she did not observe any blood on his clothing, and based on his story to her, Wright took him to the Jasper County Sheriff's Office. "First one to come into contact with me."

I recommend that this case be closed as Arrested 18 and Over.

Case Status:

Arrested 18 and Over

Attachments:

- County Tickets
- Prosecutorial Summaries
- Miranda Rights Form
- Copies of Arrest Warrants
- Victim Notification Forms
- Booking Repot
- Evidence Submittal Form
- Additional Conditions of Bond and No Trespass Notice
- Copies of SCDL for Josh Pringle
- Copy of SCDL for Shella Laurent
- Criminal History enclosed in case file

Certified to be a true and correct copy of the original document on file

ADMINISTRATIVE	SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED with the Office of Sheriff for Beaufort County <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> JUVENILE UNDER 16 <input type="checkbox"/> EX-CLEAR 18 AND OVER			
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTIN. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE NO CUSTODY											
	REPORTING OFFICER(S) Williams, L			DATE 1/11/07		UNIT NUMBER 448		APPROVING OFFICER M. M. Hagedorn Chief Deputy Beaufort County Sheriff's Office			UNIT NUMBER	
	FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO											

1 A No, sir, I did not.

2 Q And you have no information that you can
3 testify to the ladies and gentlemen of this jury if
4 he, in fact, did have some sort of medical --
5 whether, in fact, he did have a medical emergency
6 within hours before you arriving there that morning?

7 A I'm not aware of any situation, sir.

8 Q When Ms. Tanner asked you if he was hurt
9 anywhere, you said no. But is it safe to assume
10 that you did not do a physical examination of his
11 body? You would not have known if he had any sort
12 of bruising or injuries underneath his clothing?

13 A No, sir, I did not see under -- I didn't
14 look underneath his clothes, sir.

15 Q Thank you very much.

16 MR. COLONGELI: I have nothing further.

17 THE COURT: Solicitor?

18 MS. TANNER: Nothing further. May this witness
19 be excused?

20 THE COURT: Any objection?

21 MR. COLONGELI: Without objection.

22 THE COURT: Mr. Baird, you may be excused, sir.

23 MR. BAIRD: Thank you, ma'am.

24 THE COURT: Thank you. If you all would
25 approach for just a minute.

1 A That does sound right, sir.

2 Q Are you aware of what a Code Blue is in
3 the detention center?

4 A Not within the detention center, no, sir.

5 Q Would you disagree with me if I told you a
6 Code Blue is a medical emergency?

7 MS. TANNER: Objection, Your Honor. He asked
8 him if he knew what it was, and he said no. Now
9 he's testifying.

10 THE COURT: All right.

11 MR. COLONGELI: Your Honor, if I could
12 approach.

13 Q Sgt. Baird --

14 A Yes, sir.

15 Q -- I'm aware your statement here today is
16 you are not familiar with what a Code Blue is, and
17 we'll leave it at that. You're not aware that a
18 Code Blue is a medical emergency, is that correct?

19 A I am not, sir.

20 Q And your testimony earlier was based on
21 your observation of him at 8:50 that morning, he
22 didn't have any injuries --

23 A I did not see any injuries on him, no,
24 sir.

25 Q -- nor did you ask him whether he had any?

V. Sgt. Christine Wilson - Officer with the Beaufort County Sheriff Office, who wasn't called either. She responded to the hospital to talk to the victims. While Wilson, conducted the victim Shella Laurent stated that her step-mother had the stick in her hands, but she put the stick down. This was the same stick that caused the injury to the petitioner's neck, she testified that her step-mother never had the stick. Tr. T. page 231 line 6-8 she testified she never saw her with no stick, she also stated to Wilson that she didn't know which way petitioner went, but she heard what she thought were tires squealing. And that petitioner hit her with a bat about 10 times.

VI. D/S Nylander - Officer with the Beaufort County Sheriff Office, who was the first responding officer at the scene. This officer was not called to testify either in his report Cynthia Allen, states how she found Laurent laying in her yard bleeding from her head. She also stated how she observed petitioner vehicle leaving the location. This clearly shows that there were more people at that residence that night when this incident took place, the State had officers with the Beaufort County Sheriff Office who wasn't part of the investigation substituting for Nylander and Williams. Scott Rodriguez, was substituting for Nylander and Eric Calendine was substituting for Williams.

SUPPLEMENTAL INCIDENT REPORT

200701030760

INQ ENTD

<input type="checkbox"/> ORIGINAL REPORT	<input type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY
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until he found his keys. When he said he was going to "sick his dog" on her mother, her mom said, "I'm just going to pray to God that you don't." Her mom had a stick in her hand but she put the stick down. Her mom went into another room, presumably because she did not think JACKSON would do anything further. Shella then saw JACKSON with a baseball bat going toward the room her mom went to. Shella had never seen the bat before and she does not know where he got it. Her mom told her to take the baby, and she and Josh should go upstairs. When she went upstairs she got on the phone with her brother in Canada. Her mom started screaming, "Shella, Shella," and she and Josh ran downstairs, leaving the baby upstairs. Josh got there first and opened the room door and her mom was bleeding heavily. Josh was trying to pull JACKSON off her and her mom ran. The kitchen light was on; the hallway lights were on, and a TV in her mom's bedroom was on. Shella did not see JACKSON hit her mom, but when they got there she was bleeding from her head. Her mom said, "Stop Harold, don't hit me no more." Josh said to JACKSON, "You ain't gotta hit her, we'll help you find your keys." Shella said, "Harold, don't hit my mama, I'll help you find the keys." It was during this time that Shella's mom was able to get away and go find help. After her mom left, Shella still had the phone in her hand from when she had been on the phone with her brother. JACKSON must have thought she was getting ready to call someone and told her, "Put the phone down before I hit you." She threw the phone down and JACKSON went outside presumably to find her mom. They tried to stop him but were unable to. Josh told Shella to get the phone and call her dad. Shella picked up the phone to call her dad, and Josh went around the back side of the kitchen and JACKSON came up behind him. Shella was on the other side of the kitchen. When she saw JACKSON, it did not seem like he was going to hit Josh at first until Shella mentioned "daddy" and the phone. JACKSON does not like her father, Jean LAURENT, at all because he is jealous of him. JACKSON got mad when he learned her dad called them at work earlier in the day to check on them and say Happy New Year. That is how this incident started. Shella works with her mom at Jackson-Hewitt. Her mom had told JACKSON he was her boyfriend, but it would not amount to much more until he started helping pay some bills, but they still respected him.

Describing the incident further, she said she and Josh went into the kitchen area and Josh was a little bit ahead of her. She passed Josh by and before she got to the garage door, Harold started swinging like he was swinging at a baseball pitch and started hitting Josh. Josh fell and JACKSON kept hitting

SUBJECT IDENTIFIED <input type="checkbox"/> YES NO <input type="checkbox"/>		SUBJECT LOCATED <input type="checkbox"/> YES NO <input type="checkbox"/>		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE-NO CUSTODY						
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
SGT C. WILSON	102408	W5507				
			FOLLOW-UP INVESTIGATION	OFFICER <input type="checkbox"/> YES <input type="checkbox"/> NO		

1 Q What about Nazarene? Did she have
2 anything with her that day?

3 A No. The only thing, he kept on asking for
4 his keys, and she admitted that she didn't have the
5 keys.

6 ²⁵⁴ Q Did you ever see her with a stick in her
7 hand?

8 A I didn't see her with no stick. The only
9 thing I know is Harold was upset about some keys,
10 and he kept on making like he was going to sick his
11 dog on her and stuff like that.

12 Q Did you ever see Nazarene hit or attack
13 Smiley, Mr. Jackson?

14 A No.

15 Q Did you see Josh hit or attack Mr.
16 Jackson?

17 A No.

18 Q Did he ever threaten him? Did he make
19 threats towards him that night?

20 A Toward Josh?

21 Q No. Did Josh make any threats?

22 A No, he didn't make no threat whatsoever.

23 Q Now, once Mr. Jackson comes back in the
24 house and begins beating Josh with the bat, does he
25 say anything?

1 A No.

2 Q Is Josh able to say anything?

3 A No.

4 Q What do you do?

5 A I actually told him -- I didn't even
6 decide to move till after he came back up. And I
7 figured if I run, he would chase behind me. So I
8 took off running to the front door.

9 Q And did you run out the front door?

10 A Yes.

11 Q Where did you run to?

12 A I tried to run to the neighbors to try to
13 get some help. So I ran straight across the street,
14 and I figured I would go all the way like to the
15 road to get to get the neighbor's house. I thought
16 it would cut some short time, so I guess that I
17 jumped across.

18 Like it had like a little small ditch, and
19 I jumped across it. And when I jumped across the
20 ditch, I made it. But it was like Harold was right
21 there near me, so I tried to knock on the side of
22 the trailer so hopefully somebody would hear till I
23 make it around to get a chance to knock again.

24 Q So you were able to actually knock on the
25 side of the trailer?

200701030760

INQ ENTD

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PAGE 5 OF 12 PAGES

him. Shella considered running upstairs to get the baby, but did not want to put the baby in jeopardy. She ran out of the house and ran as fast as she could to get to the neighbor's house across the street. She started screaming but no one came. JACKSON caught up with her and she just lied on the ground and said, "Harold please don't hit me." She put her hands up when he swung the bat and he kept on hitting her.

Before she ran from her house, she saw ²³⁰ JACKSON hit Josh approximately four times. He hit Josh on the back of the head and neck, and then Josh fell. She does not know if Josh was conscious at this point but he wasn't moving at all, and she saw JACKSON hit Josh two more times, and then she ran. She does not know which way her mother had run. Shella had run to a neighbor across the street but cannot remember her name. JACKSON hit her with the bat about 10 times, and then took off running. ²³³ He was hitting her with such force that he was making grunting noises and was saying, "You gonna call your daddy, you gonna call your daddy?"

Shella's mom and dad were together for 10 years but they don't really talk much; he just called to wish them a Happy New Year. Shella's mom had told her earlier in the day at work how jealous JACKSON is, and she was about to "let him go." Shella said she and others supported that decision. She thinks her mom might have been trying to end it and he overreacted. She does not know how long JACKSON had been staying at her mom's house. When he was hitting her, she "played dead" and he quit hitting her and ran away. She does not know which way he went, but she heard what she thought were tires squealing. She added that she had smelled alcohol on his breath.

When Shella's mother had told JACKSON she talked to her ex-husband (Jean LAURENT) earlier in the day, JACKSON was angry the rest of the day. Before JACKSON picked her mom up from work, he sent her a text message saying in effect, "I guess you wanna be back with your husband, maybe you and your daughter can be one big happy family." Shella figured JACKSON had his keys all along and was "just tripping." Normally when he comes to pick her mom up from work, he pulls off to the side and is not seen. But today he pulled up and was "acting up" in front of everybody. ²⁵³ Shella believes this incident stemmed from Harold JACKSON's jealousy over her father, and she believed he was trying to kill her. He was raising the bat over his head and swinging with all his might at her, the same as he did to Josh.

SUBJECT IDENTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE-NO CUSTODY						
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
SGT C. WILSON	102408	W5507				
			FOLLOW-UP OFFICER INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO			

ORIGINAL

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

NCIC

20070103-760

INQ

ENTD

ORIGINAL REPORT
 MODIFIES ORIGINAL

SUPPLEMENTAL REPORT
 CASE STATUS CHANGE

ADDITIONAL VICTIMS
 ADDITIONAL OFFENDERS

ADDITIONAL STOLEN PROPERTY
 ADDITIONAL RECOVERED PROPERTY

PAGE 4 OF 4 PAGES.

Officer's Observations / Actions:

Upon arriving on scene I found Victim #1, Shella Laurent, laying in the yard across the street from the incident location. Shella had numerous deep lacerations to the head, was conscious but for the most part was unresponsive at the time. The only thing I could get out of Shella was that her baby, Jeavante Laurent, was still at the incident location. BCSO went to the incident location and cleared the residence. BCSO did not locate the suspect, Harold Jackson, but did locate Victim #3, Josh Pringle, laying on the floor in between the living room and kitchen area with numerous deep lacerations to the head. Josh was conscious but was completely unresponsive. BCSO also located Jeavante Laurent, a five month old baby (Shella and Josh's child), that was left alone on a bed in an upstairs bedroom. Jeavante was not injured during the incident. After the residence was cleared BCSO called EMS and BCSO's Duty Detective to the scene. Jeavante was released into Pamala Jenkins care who advised she was Shella's sister. Both Shella and Josh were transported to Beaufort Memorial emergency room via ambulance. After BCSO's Det. Williams was contacted he responded to the scene and the investigation was turned over to him.

Interview with the Complainant (Cynthia Allen):

Allen stated that she was laying in bed, watching television, and thought she heard someone yell her name. Allen stated that she turned down the television and heard something tapping on the side of her trailer. Allen stated that she went outside and found Shella laying in her yard bleeding from her head. Allen stated that she immediately called 911 to report the incident. Allen stated that Shella told her that Harold, her mother's boyfriend, did this to her. Allen stated that as she stood by for BCSO she observed Harold's vehicle leaving the incident location.

Interview with Victim #1 (Shella Laurent):

When I first arrived on scene I was unable to get Shella to answer any questions. After EMS treated her I was able to get Shella to advise me that her mother's boyfriend, Harold, did this to her. Shella stated that she didn't know Harold last name and that all she knew is he drove a blue in color Mitsubishi SUV. Shella stated that his nickname was "smiley." Shella did advise that her mother met him approximately a week ago and that he works at Badcock on Lady's Island.

Officer's Actions:

I was unable to interview both Josh and Victim #2, Nazerene Laurent. Josh was completely unresponsive and Nazerene had already went to a neighbors residence and was transported to the Beaufort Memorial emergency room prior to BCSO arriving. BCSO made contact with Jean Laurent (home owner) and had him secure the residence after the duty detective, Det Williams, was finished with his investigation. BCSO was advised that Harold abandoned his pit-bull at the incident location. BCSO's Animal Control responded to the scene and took possession of the pit-bull.

Children Present: (Child resides at the incident location)

Laurent, Jeavante approximately five months old 1'00"/ 20lbs

Officer's Notes:

Approximately an hour after leaving from the incident location BCSO was advised by the Jasper County Sheriffs Office that Harold had turned himself in to them for this incident. I responded to the Texaco in Point South, SC. where I met with Corporal Ashby of the Jasper County Sheriffs Office. I took possession of Harold Jackson and transported him to BCDC with out incident.

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.

Michael M. Hatfield
Chief Deputy Beaufort County Sheriff's Office

SUBJECT IDENTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SUBJECT LOCATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> ACTIVE	<input type="checkbox"/> ADM. CLOSED	<input type="checkbox"/> ARRESTED UNDER 18	<input type="checkbox"/> EX-CLEAR UNDER 18
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REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY							
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER	
D/S Nylander	01-04-07	N6690					
FOLLOW-UP				OFFICER			

1 A No.

2 Q You weren't told that in reviewing your
3 notes for today?

4 A No.

5 Q Who did you speak to in preparation for
6 your testimony here today?

7 A Nobody. I didn't prepare at all.

8 Q Nobody spoke to you prior to you coming
9 here today to testify?

10 A No, I wasn't prepared for this testimony.

11 Q How did you know to be here?

12 A I was advised to be here at 11:00 today.

13 Q Okay. And based on that, you took it upon
14 yourself to pull Deputy Sheriff Nielander's report?

15 A Correct.

16 Q No one told you to do that? You
17 remembered he was the initial officer?

18 A I advised to read the original report,
19 correct.

20 Q So you're here substituting for Nielander,
21 who's in the state of Michigan?

22 A No, I'm here because I was told to be at
23 the trial.

24 Q You're here relying on his report?

25 A Correct.

1 Q But you're not here substituting for him?

2 A No.

3 Q So you can't tell us what Nielander could
4 as being the first responding officer to that scene?

5 A That is correct.

6 Q Thank you.

7 MR. COLONGELI: I have nothing further.

8 MS. TANNER: Nothing further, Your Honor. May
9 this witness be excused?

10 THE COURT: Any objection?

11 MR. COLONGELI: Without objection at this time,
12 Your Honor.

13 THE COURT: Sgt. Rodriguez, you may be excused,
14 sir.

15 MR. RODRIGUEZ: Thank you, Your Honor.

16 MS. TANNER: The State calls Eric Calendine.

17 (The witness was sworn.)

18 COURT REPORTER: Spell your last name, please.

19 MR. CALENDINE: Calendine -- C-A-L-E-N-D-I-N-E.

20 ERIC CALENDINE, having first been
21 duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. TANNER:

24 Q Good afternoon, Sgt. Calendine.

25 A Good afternoon.

1 A I couldn't even give you a number -- a
2 lot.

3 Q But for some reason, this one sticks out
4 in your head?

5 A It certainly does.

6 Q And I'll ask you, and I know it's asked
7 and answered, but I'll ask you one last time. You
8 have not at one point in time discussed Lester
9 Williams' report with the State in preparing for the
10 prosecution of this case?

11 A I said I never read his report. I've only
12 talked about the scene photos and what I remember
13 from that night with the prosecution.

14 Q Okay, you haven't read it. Did you
15 discuss his report with the State?

16 A I don't know.

17 Q Did you discuss the contents of Lester
18 Williams' report in order to help you remember what
19 you did that day?

20 A It was purely I was looking at the
21 photographs. They asked me questions. I don't know
22 if it was from his report.

23 Q With all due respect, Officer Calendine,
24 that really is a "yes" or "no" question. Did you
25 discuss with the State in preparing for this trial

1 Lester Williams' report?

2 A I guess it would be yes, we went over the
3 report. But I didn't actually read the report, is
4 what I'm -- they asked me questions about the
5 incident that night.

6 Q I'm going to ask you, then, at this point
7 in time, do you know why Lester Williams isn't here
8 today?

9 MS. TANNER: Objection, Your Honor.

10 THE COURT: Overruled.

11 MS. TANNER: Your Honor, if I may approach?

12 THE COURT: Yes.

13 Q Officer Calendine, I don't take great
14 pleasure in having to ask you this. But do you know
15 why Lester Williams isn't here today?

16 A I do know why he's not here today.

17 Q And can you explain that to the jury?

18 A I can.

19 Q Wasn't it true -- isn't it true that, in
20 fact, he was terminated?

21 A He was.

22 Q Do you know whether or not he was
23 terminated approximately February of 2007?

24 A I don't know the exact date.

25 Q Can you tell the jury -- or would you like

Failure to hire DNA Expert

Petitioner states that on October 12, 2007 he met trial counsel Don Colongeli, who introduced himself as petitioner new trial attorney. Petitioner explained to his counsel how he had been assaulted and how he sustained an injury to the right side of his neck. He told counsel about a stick that ~~the~~ was collected as evidence that should be tested, because it had his blood on it. And that he should also take a DNA sample to compare to the blood on petitioner shirt, 20 months and it never happened. On September 5, 2007 his office received an inventory that the state was holding as evidence, at petitioner PCR hearing trial counsel testified that there was not a need to hire an DNA expert because there was never any evidence that anyone else was ever at the residence. Tr. page 20 line 14-15. But according to the Sled Lab Report, the DNA profile developed from I.S is a mixture of at least two individuals. All three victims were excluded as possible contributors to this mixture. As you can see Shella Laurent, DNA was never found on petitioner clothing, only because petitioner never assaulted her or her boyfriend. And she told on herself while she was testifying on the stand, this would explain why her DNA wasn't on anything state had as evidence.

Harold Jackson
Michael Stafford

criminallaw

From: "Eileen Rios" <eileenr@bcgov.net>
To: "Attorney Don Colongeli (Attorney Don Colongeli)" <criminallaw@hargray.com>
Sent: Wednesday, September 05, 2007 9:37 AM
Subject: HAROLD JACKSON - 2007-0103-760

Good Morning,

Below is a list of evidence we are holding in the above case:

- 1: ONE BROWN PAPER EVIDENCE BAG CONTAINING ONE PAIR OF NIKE RUNNING SHOES WITH BLOOD STAINS, ONE PAIR OF ORANGE DICKIE BRAND SHORTS WITH APPARENT BLOOD STAINS; ONE BLUE COLORED LONG SLEEVE SHIRT; TWO PAIRS OF WHITE SOCKS WITH SOME BLOOD STAINS.
- 2: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R WITH DIGITAL PHOTOS OF HAROLD JACKSON'S CLOTHING.
- 3: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R LABELED "200701030760 IV OF SHELLA LAURENT 010407"
- 4: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R LABELED "200701030760 IV OF NAZARENE LAURENT 010407"
- 5: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R LABELED "200701030760 45 DIGITAL PHOTOGRAPHS"
- 6: ONE WHITE EVIDENCE BOX SAID TO CONTAIN ONE EASTON BRAND ALUMINUM BASEBALL BAT 34" WITH SILVER AND MAROON IN COLOR GRIPS.
- 7: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R WITH PHOTOS OF CRIME SCENE.
- 8: ONE BROWN PAPER EVIDENCE BAG CONTAINING Q-TIP SWABS OF BLOOD FROM FRONT DOOR.
- 9: ONE BROWN PAPER EVIDENCE BAG CONTAINING Q-TIP SWABS OF BLOOD FROM BED ROOM.
- 10: ONE BROWN PAPER EVIDENCE BAG CONTAINING Q-TIP SWABS OF BLOOD - LIVING ROOM.
- 11: ONE BROWN PAPER EVIDENCE BAG CONTAINING Q-TIP SWABS OF BLOOD - FLOOD NEAR FRONT DOOR, STAIR CASE AND BEDROOM.
- 12: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R - INTERVIEW WITH SHELLA LAURENT AT SAVANNAH HOSPITAL.
- 13: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R - INTERVIEW WITH SUSPECT HAROLD JACKSON AT BCDC.
- 14: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R OF PHOTOS OF VICTIMS AT SAVANNAH HOSPITAL (SHELLA LAURENT AND JOSH PRINGLE)
- 15: ONE BROWN PAPER EVIDENCE BAG CONTAINING A WOODEN STICK REMOVED FROM BEDROOM MAT INCIDENT LOCATION. BLOOD OBSERVED ON STICK.
- 16: ONE PLASTIC EVIDENCE BAG CONTAINING ONE BIO-HAZARD BAG CONTAINING TWO TUBES OF BLOOD DRAWN FROM JOSHUA PRINGLE DURING AN AUTOPSY.
- 17: ONE PLASTIC EVIDENCE BAG CONTAINING ONE CD-R LABELED INTERVIEW OF NAZARENE LAURENT DATED 1-5-2007.
- 18: ONE PLASTIC EVIDENCE BAG CONTAINING ONE COMPACT DISC (SUSPECT: SERVING WARRANT AND MIRANDA RIGHTS)

I have made copies of items 2, 3, 4, 5, 7, 12, 13, 14, 17 and 18 – which will be with your copy of the incident report. If you would like to review the remaining items – just give me a call.

Eileen M. Rios
 Beaufort Co. Sheriff's Office
 843-470-3182

file

1 that was submitted.

2 Q Okay. And, correct me if I'm wrong, was
3 there an assumption made that that unidentified male
4 was, in fact, Harold Jackson's blood?

5 A There was a statement made just a moment
6 saying that "Could it be?" and I said that it
7 certainly could be. I'm certainly going to have my
8 DNA on my shirt. However, I can't say that it has
9 to be his.

10 Q Okay. And also, do you have any
11 explanation as far as why there was no analysis
12 performed on the stick? Is that something that they
13 asked you to do?

14 A Actually, I do, if you'll permit me one
15 moment?

16 Q Sure.

17 A I spoke to I believe he's Capt. Bob Romage
18 with the Sheriff's Office on October the 21st with
19 regard to that item. And he said at the time --
20 this is a telephone conversation -- that it would
21 not be necessary to process for blood at that time
22 and that I could send the report without analyzing
23 the item.

24 Q And those are from your notes?

25 A Yes, I'm reading from my notes that I

04/15/2009 10:47 8038967541

PAGE 02/06

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD
Governor



REGINALD I. LLOYD
Director

Cpl. Lester Williams
Beaufort County Sheriff's Office
PO Box 1758
Beaufort, SC 29901

DNA ANALYSIS
April 15, 2009
SLED LAB: L07-16151
Your Case No: 200701030760
Incident Date: 1/3/2007
[S] Harold Jackson
[V] Josh Pringle
[V] Nazerene Laurent
[V] Shella Laurent

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

SUPPLEMENTAL REPORT

DNA ANALYSIS

ITEMS ANALYZED:

- 11 Blood standard from Josh Pringle
- 12 Buccal swabs from Nazerene Laurent
- 13 Buccal swabs from Shella Laurent

- 1.1 Swabs from left shoe
- 1.2 Swab from left shoe
- 1.3 Swab from left shoe
- 1.4 Swab from right shoe
- 1.5 Cutting from right shoe
- 1.6 Swab from right shoe
- 1.7 Cutting from right shoe
- 2.1 Cuttings from shorts



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PAGE 03/06

SLED LAB No. L07-16151
April 15, 2009

Page 2 of 5

ITEMS ANALYZED:

- 3.1 Cutting from shirt
- 3.2 Cutting from shirt
- 4.1 Cutting from sock
- 6 Swabs from the front door
- 7 Swabs from the bedroom
- 8 Swabs from the living room
- 9 Swabs from the floor

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 items 1.1, 1.3, 1.4, and the major contributor to the mixture on item 8 matches Joshua Pringle. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 80 quadrillion. The partial DNA profile developed from the minor contributor to item 8 is insufficient for reliable interpretation.

✓ The DNA profile developed from item 1.2 is a mixture of at least two individuals. Joshua Pringle cannot be excluded as a contributor to this mixture. **Nazerene Laurent and Shella Laurent are excluded as possible contributors to this mixture.**

✓ The partial DNA profile developed from item 1.5 is a mixture of at least two individuals. Joshua Pringle, **Nazerene Laurent and Shella Laurent are excluded as possible contributors to this mixture.**

The DNA profile developed from items 2.1, 6, 7, and 9 matches the DNA profile of **Nazerene Laurent**. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 14 quadrillion.

The partial DNA profile developed from item 1.7 is a mixture of at least two individuals. The partial DNA profile developed from the major contributor also matches **Nazerene Laurent**. The minor contributor to this mixture is insufficient for reliable interpretation.

The DNA profile developed from item 1.6 is a mixture of at least two individuals. The DNA profile developed from the major contributor matches **Nazerene Laurent**. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this mixture is approximately 1 in 14 quadrillion. The minor contributor to this mixture is insufficient for reliable interpretation.



04/15/2009 10:47 8038967541

PAGE 04/06

SLED LAB No. L07-16151
April 15, 2009

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RESULTS

The DNA profile developed from item 4.1 is a mixture of at least two individuals. The DNA profile developed from the major contributor matches Nazerene Laurent. The probability of randomly selecting an unrelated individual having a DNA profile matching the major contributor to this mixture is approximately 1 in 14 quadrillion. Joshua Pringle cannot be excluded as a possible contributor to this mixture. Shella Laurent is excluded as a possible contributor to this mixture.

✓ The DNA profile developed from items 3.1 and 3.2 is from an unidentified male individual.

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



Manuel J. Ortuno
Forensic Scientist

cc: Beaufort County Solicitor's Office



1 MS. TANNER: Your Honor, if I may publish to
2 the jury, I've got it cued up.

3 Q Shella, how long were you in the hospital?

4 A I don't recall -- probably I'd say maybe
5 four days.

6 Q Did you stay in Beaufort, or did you go
7 somewhere else?

8 A Yes, I went to Savannah.

9 Q And were you treated at Savannah Memorial?

10 A Yes.

11 Q Shella, did you see Josh again after that
12 night?

13 A No, I didn't.

★ 14 Q When did you find out what happened to
★ 15 him?

★ 16 A Actually, I never knew what happened. So
17 my father told me Josh was coming around, and he
18 wanted to see me and everything. So he just told me
19 about that.

20 Q Shella, we talked about Smiley, the person
21 who beat you and Josh with a bat that night. Can
22 you tell me if that person is in the courtroom right
23 now?

24 A Yes, he's right over there.

25 Q Can you please point to him? What's he

1 MS. TANNER: If I may approach the witness,
2 Your Honor?

3 THE COURT: You may.

4 Q Shella, I'm going to mark -- show you
5 what's marked as State's Exhibit Six. Tell me if
6 you can identify this item.

7 A Yes.

8 Q Is this a fair and accurate depiction of
9 how it appeared that night?

10 A Yes. My head was all stapled up in here.

11 MS. TANNER: Your Honor, the State moves six
12 into evidence. It's been previously shown to
13 defense counsel.

14 THE COURT: It's in evidence without objection.

15 (State's Exhibit Number
16 Six, Photograph, was entered in evidence.)

17 Q Shella, what is this picture of?

18 A Me I guess after I received medical
19 attention there was some -- well, but the staples in
20 the back of my head from the laceration, and neck
21 injuries, dislocated shoulder's in a sling -- that
22 stuff.

23 Q Do you know how many staples you had in
24 your head?

25 A No.

Denial of a fair trial in violation of due process

Petitioner showed that trial counsel had no intention of presenting evidence to the jury. He failed to call witnesses, did not hire the DNA Expert, never took petitioner DNA swab or sample. Counsel even fail to obtain deceased medical, petitioner even told counsel how on the night in question how the deceased was using cocaine. Petitioner told counsel his blood was on the stick but he failed to have it tested. Counsel failed to file a motion to have the 14th Circuit Solicitors Office to be disqualified, you had a member husband of the 14th circuit Solicitors Office who was representing one of the victims in a wrongful death civil suit. That itself is an appearance of impropriety, the prosecution used the husband to assist her in getting the deceased medical records. And during trial the doctor who stated he treated the deceased for eight days in the hospital said he had no medical records. There was a house and property valued at over three quarters of a million dollars, this member of the 14th Circuit who was prosecuting this case, who stands to directly benefit in some form, whether it be monetary or from a vindictive standpoint. Counsel waited until the jury was pulled to file that motion with the Court. Petitioner feels like all information shared with trial counsel, was later shared with the Solicitors Office.

1 one of my experts. But that's in this package for
2 him. That's the only thing that he may not have.

3 MR. COLONGELI: Your Honor, I think
4 specifically what I was concerned about, in the
5 State's potential witness list, I see a Dr. Clifton
6 Cannon, Savannah Memorial Hospital. I've not
7 received any information at all as far as Savannah
8 Memorial records in my file.

9 MS. TANNER: We don't have any of the
10 medical records. I have met with Dr. Clifton, and I
11 have given defense counsel that doctor's name and
12 where he's located.

13 THE COURT: So Dr. Cannon treats --

14 MS. TANNER: Yes, ma'am.

15 THE COURT: -- one of the victims?

16 MS. TANNER: Yes, ma'am. He treated the
17 deceased victim while he was in Savannah Memorial
18 prior to him passing.

19 THE COURT: And you have no medical
20 records?

21 MS. TANNER: Not from Savannah, no, ma'am.

22 THE COURT: Okay.

23 MR. COLONGELI: The other -- and I may be
24 mistaken as to this. But a Dr. Aaron Rittershaus,
25 MUSC-Charleston, and I'm not sure the role this

1 doctor played. I don't have anything specifically
2 with his report.

3 MS. TANNER: His name is on the autopsy
4 report. He was present for the forensic autopsy.
5 He will be testifying to that.

6 MR. COLONGELI: All right.

7 MS. TANNER: He is listed on the report.

8 MR. COLONGELI: And as far as any rap
9 sheets, Your Honor, I'm assuming I'll be given the
10 rap sheet of the deceased. I was also wondering as
11 far as any other State witnesses I've not received
12 any sort of rap sheets on, either of them or any of
13 them.

14 MS. TANNER: That hasn't been requested.

15 THE COURT: Well, he's requesting it right
16 now.

17 MS. TANNER: Which -- at the break, if I
18 can get the names of the ones you want so I don't
19 just run --

20 THE COURT: Okay.

21 MS. TANNER: -- random rap sheets, I'll
22 take care of that tonight.

23 THE COURT: All right. Mr. Colongeli, if
24 you'll give her the list, then she'll run them.

25 MR. COLONGELI: That's fine, Your Honor,

1 we'll do. You all will be here about 9:15 tomorrow
2 morning. You will go through, Mr. Colongeli, and
3 mark the ones you object to.

4 I'll be here at 9:30, but you need to have
5 already marked the ones you object to and what your
6 basis is for it, and I'll just hear it briefly. And
7 if you all just want to line them up on the bench to
8 make it easy, I'll just come down and I'll just
9 rule, to be able to determine it, okay?

10 MR. COLONGELI: That's fine.

11 MS. TANNER: Yes, ma'am.

12 MR. COLONGELI: Thank you.

13 THE COURT: Sure.

14 MR. COLONGELI: The other concern we have,
15 Your Honor, is as to a bat. The instrument used
16 during this incident is a baseball bat. We're not
17 sure whether the State intends to introduce a bat as
18 demonstrative evidence.

19 They do not have the bat in question. My
20 understanding as of Friday is both the bat and
21 another piece of evidence, a stick, is still with
22 SLED in Columbia. I don't know if that's true.

23 THE COURT: Solicitor, do you intend on
24 using a demonstrative bat?

25 MS. TANNER: No, ma'am.

1 He's well known to me. He's in my
2 courtroom all the time. So I don't think the
3 connection is that difficult. Mr. Colongeli, I just
4 do not see the conflict. I do not see it.

5 The State has a job to prosecute the cases
6 that they do. Their job is to prosecute on behalf
7 of the State, not any particular victim or any
8 particular person. And so, respectfully, I'm going
9 to deny your motion.

10 Additionally, you made a comment as to the
11 Solicitor's Office having some type of particular
12 affinity for the victim in this case -- the deceased
13 victim in this case.

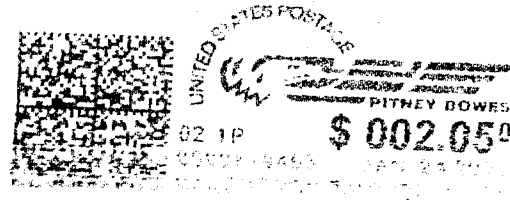
14 And it's my understanding that he actually
15 had charges against him at one point, which he
16 underwent PTI. And they were expunged because he
17 did what he was supposed to do to allow that to
18 happen.

19 But I can't imagine there being any
20 particular affinity for someone who has committed an
21 offense and has undergone the PTI program. That I
22 just don't see as far as a conflict is concerned.
23 He's a victim, like any other victim. So I'm not
24 sure where you're going with that.

25 MR. COLONGELI: With all due respect, my

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