

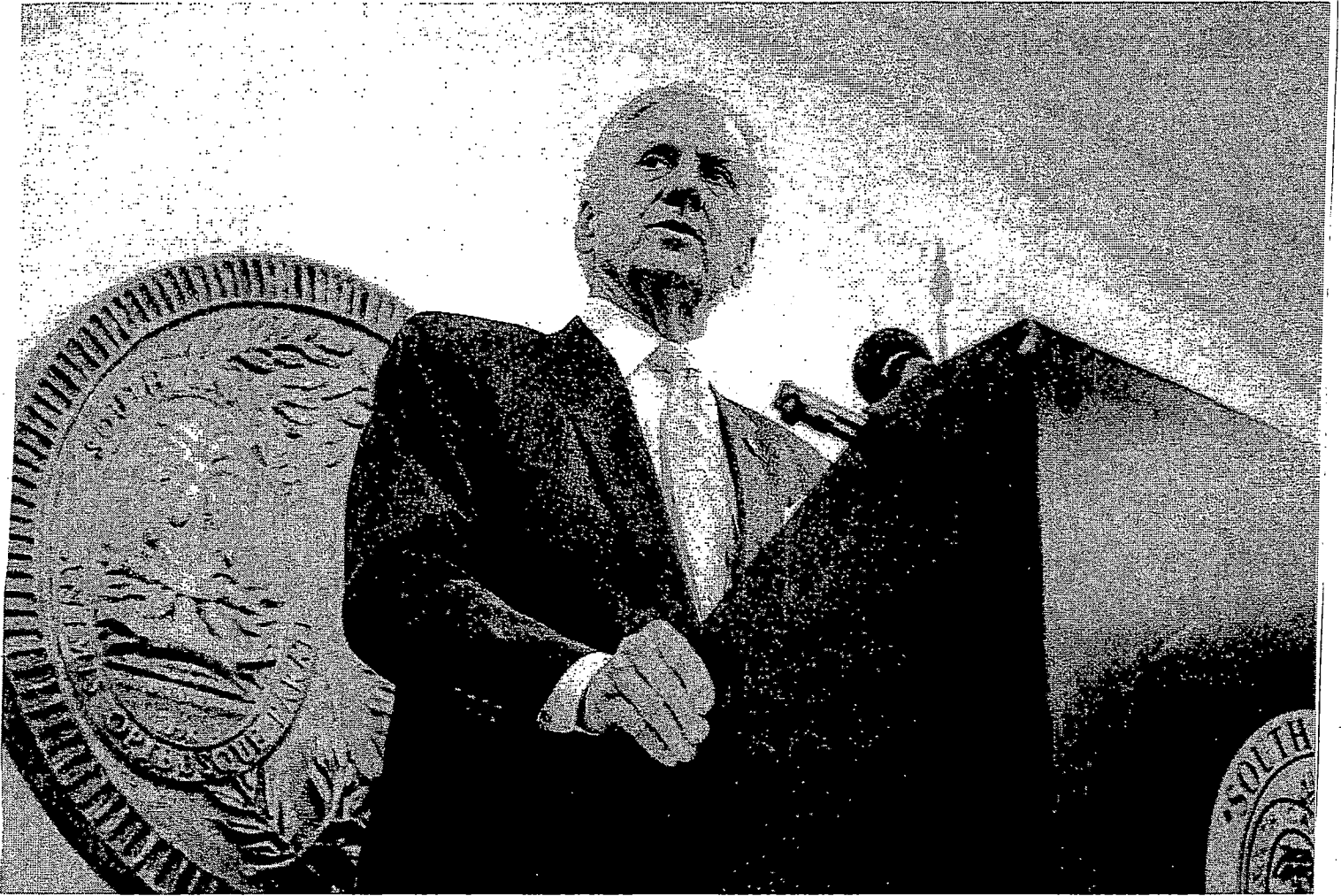
Jose Maldonado

Trafficking Methamphetamine by Conspiracy (>400 grams)  
Trafficking Methamphetamine (>400 grams)

Copyright ©2005 - South Carolina Attorney General's Office. All Rights Reserved

V.

Page 1 - of - 71



South Carolina Gov. Henry McMaster

Attachment: (A)(1)



ALAN WILSON  
ATTORNEY GENERAL

January 17, 2019

The Honorable Paul B. Wickensimer  
Clerk of Court for Greenville County  
305 E. North St  
Greenville, South Carolina 29601-2121

Re: Jose Alberto Maldonado v. State  
Civil Action No. 2015-CP-23-04747  
Appellate Case No. 2017-002092

Dear Mr. Wickensimer:

I am receipt of the various documents, including a "Motion to Correct the Case Number to the Remittitur/4<sup>th</sup> PCR Order of Dismissal to Reflect the Lower Court Case No. 2015-CP-23-04747" and a "Summons and Complaint," all of which list civil action number 2015-CP-23-04747, that Jose Maldonado has sent to your office for filing. Please note that these submissions are in direct contravention of the August 2, 2018, Order from the South Carolina Supreme Court expressly prohibiting Mr. Maldonado from "filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging indictments 2003-GS-23-04545, 2003-GS-23-004547, and 2005-GS-47-26-Counts I & IV, and the convictions and sentences thereon, or any motions in the underlying criminal cases, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court." A copy of this order was previously sent to your office and is attached to this letter for reference. I have not received any documentation or notification that Mr. Maldonado has been granted permission from the Supreme Court for the filing of these various documents, and therefore, the State requests that your office decline to file these documents based on the Supreme Court order.

Sincerely,

Megan Harrigan Jameson  
Senior Assistant Attorney Deputy General

MHJ/  
Enclosures

cc: Jose Maladonado, SCDC # 312648  
The Honorable Perry H. Gravely, Chief Administrative Judge for Common Pleas  
The Honorable Daniel Shearouse, Clerk of the South Carolina Supreme Court

2-OF-71

Attachment: (A)(2)

## The Supreme Court of South Carolina

Jose Alberto Maldonado, #312648, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-002092

---

### ORDER

---

This Court recently dismissed petitioner's notice of appeal of an order denying his fourth application for post-conviction relief (PCR). Petitioner was also given notice and an opportunity to provide reasons why this Court should not impose certain restrictions on petitioner's future filings.


Petitioner has filed a "Brief in Opposition to Order Intend to Dismiss Petition for a Writ of Certiorari." Therein, petitioner seeks reconsideration of this Court's dismissal of his notice of appeal. That request is denied.

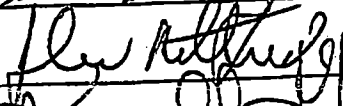
With regard to whether restrictions should be imposed on petitioner's future filings, petitioner correctly points out the prior order erroneously referred to a murder conviction. We hereby amend the prior order by deleting reference to a murder conviction and instead referencing petitioner's prior convictions for trafficking more than 28 grams of cocaine (2003-GS-23-004547), possession of cocaine with intent to distribute within a half-mile of a school (2003-GS-23-04545), trafficking in more than 400 grams of methamphetamines, and conspiracy to traffick between 28-100 grams of methamphetamines, second offense (2005-GS-47-26-Counts I & IV).

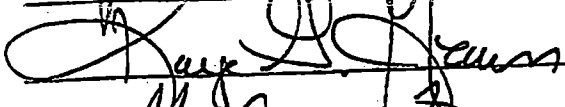
However, we find petitioner failed to set forth a sufficient reason why this Court should not impose restrictions on petitioner's future filings relating to those drug convictions. We therefore prohibit petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging

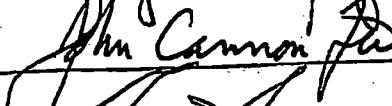
Attachment: (A)(3)


indictments 2003-GS-23-04545, 2003-GS-23-004547, and 2005-GS-47-26-Counts I & IV, and the convictions and sentences thereon, or any motions in the underlying criminal cases, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court.

  
\_\_\_\_\_  
C.J.

  
\_\_\_\_\_  
J.

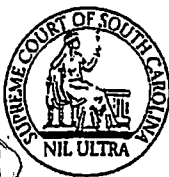
  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

Columbia, South Carolina  
August 02, 2018

cc:  
Megan Harrigan Jameson, Esquire  
Jose Alberto Maldonado, 00312648  
Paul B. Wickensimer



Attachment: (A)(4)

## The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211

1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080

FAX: (803) 734-1499  
[www.sccourts.org](http://www.sccourts.org)

August 02, 2018

The Honorable Paul B. Wickensimer  
Courthouse  
305 E North St  
Greenville SC 29601-2121

### REMITTITUR

Re: Jose A. Maldonado v. The State  
Lower Court Case No. 2015CP2304757  
Appellate Case No. 2017-002092

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*Daniel E. Shearouse*  
BS

CLERK

cc:

Megan Harrigan Jameson, Esquire  
Jose Alberto Maldonado, 00312648

5-0F-71

# The Supreme Court of South Carolina

Jose Alberto Maldonado, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-002092

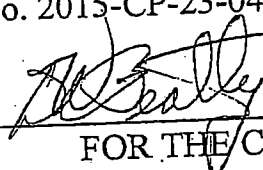
Attachment: (B)(1)

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## ORDER

---

Petitioner has filed a motion to recall the remittitur. The motion is denied. The Clerk of the lower court is hereby directed to correct the case number on the Remittitur to reflect Lower Court Case No. 2015-CP-23-04747.

  
\_\_\_\_\_  
FOR THE COURT

C.J.

Columbia, South Carolina

December 13, 2018

cc:

Megan Harrigan Jameson, Esquire  
Jose Alberto Maldonado, 00312648  
The Honorable Paul B. Wickensimer

Filed: 1-9-2019  
EXHIBIT: (1)

6-0F-71

Attachment: (B)(2)

THE SUPREME COURT OF SOUTH CAROLINA

Jose Alberto Maldonado, # 312648, Petitioner,

v.

State of South Carolina, Respondent.

Lower Court Case No. 2015-CP-23-04747

Appellate Case No. 2017-002092

---

MOTION TO RECALLING THE REMITTITUR

---

JOSE ALBERTO MALDONADO, # 312648  
KERSHAW CORRECTION INSTITUTION  
HICKORY, A \ ROOM, 244  
4848 GOLDMINE HIGHWAY  
KERSHAW, SOUTH CAROLINA 29067

EXHIBIT: (2)

7-06-71

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

Issued on: THE STATE OF SOUTH CAROLINA  
AUG 01 2017 In The Court of Appeals

(Attachment: C-I, & II.)

Jose Alberto Maldonado, Appellant,

(4th PCR Act-Doc. 6)  
v.

Attachment: (C)(1)

2-13

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-001274 Exhibit: (8).

APPX. (F)(37-of-128)

Appeal From The Administrative Law Court  
S. Phillip Lenski, Administrative Law Judge

Unpublished Opinion No. 2017-UP-209  
Submitted March 1, 2017 - Filed May 17, 2017

**AFFIRMED**

Jose Alberto Maldonado, pro se.

Christina Catoe Bigelow, of the South Carolina  
Department of Corrections, of Columbia, for Respondent.

PER CURIAM: Jose Alberto Maldonado, an inmate with the South Carolina  
Department of Corrections (SCDC) appeals the Administrative Law Court's (the  
ALC's) order dismissing his inmate grievance, arguing the ALC erred by (1)  
denying his procedural and substantive due process right to a meaningful appeal,  
(2) allowing SCDC to file a late brief, and (3) affirming the decision of SCDC that

(R. P. 128 of-497. ROA) 8-of-71

(Attachment: C-II) ISSUED ON: AUG 01 2017  
(4th PCR Act. Doc. 6)

his sentence was properly calculated. We affirm<sup>1</sup> pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to issues one and three: S.C. Code Ann. § 1-23-610(B) (Supp. 2016) (allowing this court to reverse or remand the ALC's decision if it is based on an error of law or abuse of discretion); *Al-Shabazz v. State*, 338 S.C. 354, 382, 527 S.E.2d 742, 757 (2000) ("Courts traditionally have adopted a 'hands off' doctrine regarding judicial involvement in prison disciplinary procedures and other internal prison matters, although they must intercede when infringements complained of by an inmate reach constitutional dimensions."); S.C. Code Ann. § 44-53-375(C)(2)(b) (Supp. 2016) (providing a person who is guilty of trafficking in methamphetamine or cocaine base between twenty-eight and ninety-nine grams should be sentenced to "a term of imprisonment of not less than seven years nor more than thirty years" for their second offense); S.C. Code Ann. § 16-1-90(A) (Supp. 2016) (classifying the offense listed in section 44-53-375(C)(2)(b) as a Class A felony); S.C. Code Ann. § 24-13-100 (2007) (explaining section 44-53-375(C)(2)(b) is a no-parole offense because it is a class A felony "which is punishable by a maximum term of imprisonment for twenty years or more"); S.C. Code Ann. § 24-13-150(A) (Supp. 2016) (providing an inmate serving a sentence for a no-parole offense "is not eligible for early release, discharge, or community supervision . . . until the inmate has served at least eighty-five percent of the actual term of imprisonment imposed").

APPK (F) (36-0F-128)

2. As to issue two: S.C. Code Ann. § 1-23-610(B) (Supp. 2016) (allowing this court to reverse or remand the ALC's decision if it is based on an error of law or abuse of discretion); SCALC Rule 3(B) ("For good cause shown, the [ALC] may extend or shorten the time to take any action, except as otherwise provided by rule or law.").

(Attachment: (C)(2))

**AFFIRMED.**

**LOCKEMY, C.J., and HUFF and THOMAS, JJ., concur.**

(R. P. 129-0F-497 ROA)

9-0F-71

<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



MAR 29 2017  
(Attachment: "A-I")

POST OFFICE BOX 11508  
COLUMBIA, SC 29211-1508  
TELEPHONE: 803-734-0497  
FAX: 803-734-0513

APPX. (5)(39-of-75)

Office of the Clerk

1000 Assembly Street  
Rembert Dennis Building  
Suite 519  
Columbia, South Carolina 29201

VIES R. PARKS  
CLERK OF COURT

April 17, 2015

Jose Maldonado #312648  
Kershaw Correctional Institution MB/Room #59  
4848 Goldmine HWY  
Kershaw SC 29067

(Attachment: (D)(1))

We have received your inquiry:

A copy of all enclosed has been forwarded to:  Your Attorney  Public Defender's Office

For matters concerning PCR's, please contact the Office of the Attorney General, PCR Division, P.O. Box 11549, Columbia, S.C. 29211.

SCDC calculates credit for time served. Please contact your classification caseworker at your institution for assistance.

We need more information:  
 Case Number  Charge  SSN  Court Location  Date of Arrest

This office does not provide Legal Advice or Legal Forms.

There is no record of said charge.

Please speak with your attorney regarding your request.

Please direct your request to \_\_\_\_\_ county Clerk of Court.

Other: Our office has no record of a State Grand Jury case regarding this matter.

(R. P. 259-of-497 ROA)



10-of-71

State Grand Jury of South Carolina



APPX. (5)(40-06-78)

MAR 29 2017  
(Attachment: A-II.)

JES R. PARKS  
CLERK OF COURT

Office of the Clerk

1000 Assembly Street  
Rembert Dennis Building  
Suite 519  
Columbia, South Carolina 29201

POST OFFICE BOX 11508  
COLUMBIA, SC 29211-1508  
TELEPHONE: 803-734-0497  
FAX: 803-734-0513

MEMORANDUM

Attachment: (D)(2)

April 13, 2007

TO: Jose A. Maldonado  
C/o Inmate Records  
Post Office Box 21787  
Columbia, SC 29221

SCDC  
C/o Inmate Records  
Post Office Box 21787  
Columbia, SC 29221

James H. Price  
644 E. Washington St  
Greenville, SC 29601

Susan Porter, Esquire  
Attorney General Office  
5<sup>th</sup> Floor Intra-Office Mail

FROM: James R. Parks *AWP*  
Clerk of Court  
State Grand Jury  
Post Office Box 11508  
Columbia, SC 29211

RE: Jose A. Maldonado 2005-GS-47-26

MESSAGE: Please find enclosed a copy of the following:  
- Sentencing Sheets filed April 10, 2007

If you have any questions, please give this office a call at 803-734-0497.

(R. P. 260-06-497. ROA)

11-06-71



G-5300/U  
 STATE OF SOUTH CAROLINA  
 County/  Municipality of  
 GREENVILLE

THE STATE  
 against  
 JOSE ALBERTO MALDONADO

ISS: \_\_\_\_\_  
 SSN: \_\_\_\_\_  
 M Race: H Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
 Date of Birth: 7/20/1973 DL#: \_\_\_\_\_  
 Agency ORI#: \_\_\_\_\_  
 Issuing Agency: SC Attorney General  
 Issuing Officer: SLED  
 Offense: Trafficking Ice, more than 400 grams  
 Offense Code: 0370  
 Ordinance Sec. 44-53-375(C)(5)

warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of  
 GREENVILLE. The accused  
 be arrested and brought before me to be  
 with according to law.  
 \_\_\_\_\_ (L.S.)  
 Signature of Judge  
June 27, 2005

RETURN  
 Copy of this arrest warrant was delivered to  
 on June 27, 2005  
 at 2R/2005  
 \_\_\_\_\_  
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
 12-05-71

APPK. (5) (41-02-75)

(R.P. 261-df-497, ROA)

County/  Municipality of  
 GREENVILLE )

Personally appeared before me the affiant S/A Max Dorsey  
 being duly sworn deposes and says that defendant Jose Alberto Maldonado who  
 did within this county and state on June 26, 2005 violate the criminal laws of the  
 State of South Carolina (or ordinance of  County/  Municipality of GREENVILLE)  
 in the following particulars:

DESCRIPTION OF OFFENSE: Trafficking Ice, more than 400 grams in violation of SC Code 44-53-375(C)(5).  
 I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

FILED

JUN 28 2005

LISA C. DUNBAR,  
 CLERK, STATE GRAND JURY

Sworn to and subscribed before me  
 on June 27, 2005  
 \_\_\_\_\_ (L.S.)  
 Signature of Issuing Judge

STATE OF SOUTH CAROLINA )  
 County/  Municipality of  
 GREENVILLE )

AFFIDAVIT ~~FILED~~

MAR 29 2017

Form Approved by  
 S.C. Attorney General  
 July 26, 1990  
 SCCA 518

(SEE ATTACHED AFFIDAVIT)

Max Dorsey  
 Signature of Affiant  
 Affiant's Address \_\_\_\_\_  
 Affiant's Telephone \_\_\_\_\_

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:  
 It appearing from the above affidavit that there are reasonable grounds to believe that  
 on June 26, 2005 defendant Jose Alberto Maldonado  
 did violate the criminal laws of the State of South Carolina (or ordinance of  
 County/  Municipality of GREENVILLE) as set forth below:

DESCRIPTION OF OFFENSE: Trafficking Ice, more than 400 grams in violation of SC Code 44-53-375(c)(5).  
 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

\_\_\_\_\_  
 Signature of Issuing Judge (L.S.)  
 Judge Code: \_\_\_\_\_  
 Judge's Address \_\_\_\_\_  
 Judge's Telephone \_\_\_\_\_  
 Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA,  
COUNTY OF GREENVILLE,

) IN THE COURT OF GENERAL SESSIONS  
) THIRTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,  
Plaintiff,

(Attachment: A-2)  
~~File 2/25/05~~ MAR 29 2017

FILED

V.

CASE NO: 07-530070

JUN 28 2005

JOSE ALBERTO MALDONADO,  
Defendant.

ORDER SETTING BOND

LISA C. DUNBAR,  
CLERK, STATE GRAND JURY

APPX. (5)(42-of-75)

This matter came before the Court on June 28, 2005, for the purpose of setting bond. The defendant was present. The following attorney appeared on behalf of the defendant:

The State was represented by Jeanette Evans of the Attorney General's Office.

The defendant is charged with the following offense(s):

Attachment: (D)(4)

Trafficking Ice, more than 400 grams

After hearing from the defendant and the State, the Court finds it appropriate, and it is therefore Ordered, that:

Bond is denied at this time with leave for defense counsel to file a written motion for bond.

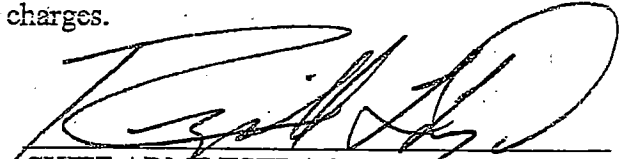
A Personal Recognizance Bond in the amount of \$ \_\_\_\_\_ is set at this time.

A Surety Bond in the amount of \$ \_\_\_\_\_ is set at this time; and, the defendant is allowed to post 10%.

A Surety Bond in the amount of \$ \_\_\_\_\_ is set at this time; and, the defendant is not allowed to post 10%.

Bond is reduced from \_\_\_\_\_ to \_\_\_\_\_ and does/does not include other pending charges.

AND IT IS SO ORDERED.



CHIEF ADMINISTRATIVE JUDGE - CRIMINAL  
FIFTH JUDICIAL CIRCUIT  
PRESIDING JUDGE  
SOUTH CAROLINA STATE GRAND JURY

June 28, 2005  
Columbia, South Carolina

(R. 262-of-497. ROA)

13-of-71

APPX. (5)(43-0F-78)

ATTACHMENT A )  
AFFIDAVIT FOR ARREST WARRANT )

COUNTY OF GREENVILLE  
STATE OF SOUTH CAROLINA

Trafficking Ice more than 400 grams

Code 44-53-375(c)(5) ~~File 8/2/2013~~  
MAR 29 2017 (Attachment: A-3)

That on Sunday June 26, 2005 one Jose Alberto Maldonado did knowingly, willfully, and intentionally transport, deliver, and sell more than four hundred (400) grams of ice, a controlled substance under provisions of SC Code of Laws, to an Agent of the SC Law Enforcement Division (S.L.E.D.) working in an undercover capacity.

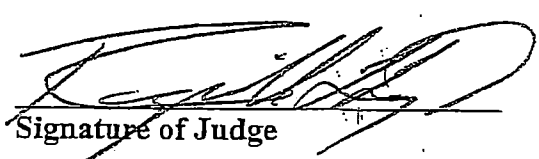
This affiant knows this to be true because S/A Rhett Holden of SLED, while working in an undercover capacity, received what was represented as five (5) pounds of "ice" from Jose Alberto Maldonado at the Car Wash Center located at 1521 Cedar Lane Road Greenville, SC.

After the transaction took place, Lisa Ramirez (an acquaintance of Maldonado's) was approached at her residence in Greenville County and after being advised of her Miranda Rights, admitted that she knowingly assisted Maldonado, through telephone conversations she had with a SLED cooperating informant, in arranging the five pound "ice" transaction. Ramirez admitted that she was aware that Maldonado was to deliver five pounds of "ice" to the CI.

This being in violation of SC Code of Laws, 1976, as amended.

Sworn before me on this 27<sup>th</sup> day of June, 2005.

  
Signature of Affiant

  
Signature of Judge

NAME: Jose Alberto Maldonado  
DOB: 7/20/1973  
RACE: Hispanic  
SEX: Male

Attachment: (D)(5)

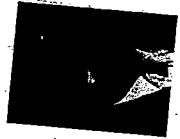
FILED

JUN 28 2005

LISA C. DUNBAR,  
CLERK, STATE GRAND JURY

(R. P. 263-0F-497. ROA)

14-0F-71

  
At-Large Seat 9  
LLOYD, Reginald I. (2003-09), Judge at-large, Seat 9, P.O. Box 192, Columbia 29202, Tel. (803) 576-1770; b. Feb. 16, 1967 at Camden; s. Willie Joseph and Elizabeth Lloyd; & Winthrop Univ., B.A., 1989; Univ. of S.C., J.D., 1993; Sept. 16, 1995 m. Melissa Vicki Cooke, 1 child, William Joseph, elected Judge at-large, Seat 9, Apr. 9, 2003, to succeed L. Henry McKellar, retired; qualified July 1, 2003, serving continuously since.  
Adm'n. Asst.—Andrea Abercrombie Ulmer  
Solicitor—Barney Giese (2007) Columbia Columbia

APR 10 2007

(Attachments: A-4) MAR 29 2007

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville JAMES R. PARKS CLERK, STATE GRAND JURY

INDICTMENT/CASE#: 2005 -GS- 47 - 26 Court IV
A/W#:
Date of Offense: 6/26/2005
S.C. Code §: 44-53-375(C)(5)
CDR Code #: 0 1 3 1 7 1 0
CASE RESTORED
SENTENCE
[ ] PLEA [ ] TRIAL

Position of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
a trafficking Methamphetamine 28-100 grams, second offense (7-30 yrs & \$50,000 Fine) (25%)
Violation of § 44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 9
NON-VIOLENT [ ] VIOLENT [ ] SERIOUS [ ] MOST SERIOUS [ ] 17-25-45

Charge is: [ ] As Indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury.
Disposition is: [ ] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [ ] Recommendation by the State
C. Patis Solicitor Jose Maldonado Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
or to a minimum term of 20 days/months/years or under the Youthful Offender Act not to exceed years
pay a fine of \$; provided that upon the service of days/months/years and/or payment
plus costs and assessments as applicable; the balance is suspended with probation for
years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
as incorporated by reference.
CURRENT or CONSECUTIVE to sentence on: 05-GS-47-26) Court I & 03-GS-23-4547
Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State.
Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Attachment: (D)(G)
SPECIAL CONDITIONS:
PROBATION: [ ] Heard, [ ] Waived, [ ] Ordered plus 20% fee: \$
PTUP (R. P. 264-OF-497. ROA)
days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 2 columns: Description and Amount. Includes rows for Assessments 107.5%, (1) (Conv. Surcharge) \$100, (2) (DUI Surcharge) \$100, (DUI Assessment) \$12, Public Def/Prob \$500, (Law Enforce. Funding) \$25, (Drug Court Surcharge) \$100, DUI Breath Test Fee \$50, (Vehicle Assessment) \$40/ea, (if paid in installments) \$575, \$231.75

James R. Parks Clerk of Court/Deputy Clerk
Robin Hild

15-OF-71
[ ] Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.
PRESIDING JUDGE Judge Code: Sentence Date: 4-10-07

F. SOUTH CAROLINA

APR 10 2007

IN THE COURT OF GENERAL SESSIONS

MAR 29 2017 (Attachment: A-5)  
INDICTMENT/CASE#:

OF Greenville  
VS.

JAMES R. PARKS  
CLERK, STATE GRAND JURY

-GS- 47 - 26 Court I

Alberto Maldonado

AW#: Direct Indictment

Date of Offense: 4/1/05 - 2/22/06

S.C. Code §: 44-53-375(C)(5)

CDR Code #: 0 1 3 1 7 1 0

H Sex: M Age: 33

20/1973 SS#: 225-62-1379

Van de heeh Court, Lot #104  
Greenville SC 29611

Zip SID#

CASE RESTORED SENTENCE

PLEA  TRIAL

APPX. (G) (45-OF-75)

on of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
Picking Methamphetamine 28-100 grams, Second offense (7-30 years & \$50,000) (85%)

of §44-53-375(C) of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 9

Violent  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
 Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

J. P. [Signature]  
Solicitor

Jose Maldonado  
Defendant

[Signature]  
Attorney for Defendant

WHERE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a definite term of 20 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment  
\_\_\_\_\_ plus costs and assessments as applicable\*, the balance is suspended with probation for \_\_\_\_\_

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
incorporated by reference.

SENTENCE:  CONCURRENT or  CONSECUTIVE to sentence on: 05-GS-47-26, Court IV, and 03-GS-23-454  
Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State  
Department of Corrections. Credit since Aug. 6, 2005

Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Attachment: (D)(7)

SPECIAL CONDITIONS:

SENTENCE:  Heard,  Waived,  Ordered  
plus 20% fee: \$ \_\_\_\_\_

PTUP (R. D. 265-OF-496.ROA)  
days/hours Public Service Employment

Forms: \_\_\_\_\_  
CDPPPS \_\_\_\_\_

- Obtain GED \_\_\_\_\_
- Attend Voc. Rehab. or Job Corp. \_\_\_\_\_
- May serve W/E beginning \_\_\_\_\_
- Substance Abuse Counseling \_\_\_\_\_
- Random Drug/Alcohol Testing \_\_\_\_\_
- Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_
- \$ \_\_\_\_\_ paid to Public Defender Fund
- Other: \_\_\_\_\_

	\$	
(Assessments 107.5%)	\$	
A)(1) (Conv. Surcharge)	\$100	\$ 100.00
A)(2) (DUI Surcharge)	\$100	\$
i (DUI Assessment)	\$12	\$
Public Def/Prob)	\$500	\$
TP (Law Enforce. Funding)	\$25	\$ 25.00
TP (Drug Court Surcharge)	\$100	\$ 100.00
1(BUI Breath Test Fee)	\$50	\$
2(J) (Vehicle Assessment)	\$40/ea.	\$
ity (if paid in installments)		\$ 75
		\$ 231.75

16-OF-71

Appointed PD or appointed other counsel, \$35.13 TP  
Requires \$500 be paid to Clerk during probation.

James R. Parks  
Clerk of Court/ Deputy Clerk  
Printer: Robin Hild

PRESIDING JUDGE [Signature]  
Judge Code: 1 1 613  
Sentence Date: 4-10-07

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

MAR 29 2017

APPX. (CY) (46-04-76)

(Attachment A-6)

Jose Alberto Maldonado, #312648,

C/A No. 8:11-1372-TLW-JDA

Petitioner,

v.

**RETURN AND MEMORANDUM  
IN SUPPORT OF MOTION  
FOR SUMMARY JUDGMENT**

Warden Aril Chapman and the  
Attorney General of the State of  
South Carolina,

Respondent.

Respondents, through below signed counsel, hereby make a Return to the Rule to Show Cause issued by the Honorable Jacquilin D. Austin United States Magistrate Judge, in response to the *pro se* petition for writ of federal habeas corpus filed by Petitioner on June 2, 2011. Respondents would show the Court there is no genuine issue of material fact, and Respondents are entitled to summary judgment as a matter of law pursuant to Rule 56 FRCP. In support of its Motion, Respondents would show the Court as follows.

Attachment: (E)(1)

**PROCEDURAL HISTORY**

Petitioner is presently confined in the Perry Correctional Institution of the South Carolina Department of Corrections pursuant to orders of commitment from the Greenville County Clerk of Court. The South Carolina State Grand Jury indicted Petitioner at the December 2005 term of the State Grand Jury for conspiracy to traffick methamphetamines more than 400 grams (2005-GS-0026, Count 1) and Trafficking in methamphetamines more than 400 grams (2005-GS-47-0026, Count 4).

***The Guilty Plea(s)***

17-05-71

Petitioner pled guilty on August 22, 2006 before the Honorable Alexander Macaulay, Circuit Court Judge, to lesser included charges of conspiracy to traffick in more than 28 grams but less than

(R.P. 266-02-497: ROA)

STATE GRAND JURY OF SOUTH CAROLINA

APPX. (5)(47-af-46)

MAR 29 2017  
(Attachment: A-7)

2005GS 47 26

STATE OF SOUTH CAROLINA )

CASE NO.

VS. )

INDICTMENT FOR  
UNLAWFUL DRUGS

EMILIANO GARCIA AGUIRRE, )  
PAMELA RENEE BOZZI, )  
JOSE ALBERTO MALDONADO, )  
KENNETH SCOTT POPE aka "SCOTTY", )  
LISA LAVERN RAMIREZ, )  
THOMAS ERNIE ROBERTS, )  
OSCAR SANCHEZ, )  
JOHN NELSON TURNER, JR. aka "JJ", )  
KELLY LEE NALLEY TURNER, )

Trafficking Methamphetamine  
(Conspiracy)  
S.C. Code Ann. § 44-53-375(C)(5)

Trafficking Methamphetamine  
> 400 grams - Two Counts  
S.C. Code Ann. § 44-53-375(C)(5)

DEFENDANTS. )

Possession of a Firearm during the  
Commission of a Violent Crime  
S.C. Code Ann. § 16-23-490

(Attachment: (F)(2))

At a session of the State Grand Jury of South Carolina, convened in Columbia,  
South Carolina, on December 13, 2005, the State Grand Jurors present upon their oath:

ORIGINAL FILED

COUNT I  
TRAFFICKING METHAMPHETAMINE (CONSPIRACY)  
S.C. Code Ann. § 44-53-375 (C)(5)

DEC 13 2005  
LISA C. DUNBAR,  
CLERK, STATE GRAND JURY

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE  
ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA  
LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN  
NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons  
whose names are both known and unknown to the State Grand Jury, did in Anderson  
County, Greenville County, Oconee County and Pickens County of South Carolina,

(R. P. 267-OF-1197, RGA)

18-OF-71

PRICE, ASHMORE & BEASLEY, P.A.

ATTORNEYS AT LAW  
644 E. WASHINGTON STREET  
GREENVILLE, SOUTH CAROLINA 29601  
TELEPHONE (864) 467-1001  
FACSIMILE (864) 242-6560

JAMES H. PRICE, III \*  
BEATTIE B. ASHMORE  
RYAN L. BEASLEY

\*Licensed to practice law in South Carolina and New York

October 13, 2008

(Attachments A-8)

MAR 29 2017

COPY

APPX (G)(4B-OF-76)

Rodney W. Richey, Esq.  
Richey and Richey Attorneys At Law  
PO Box 10916  
Greenville, SC 29603-0916

Attachment: (E)(3)

Re: Jose Alberto Maldonado, SCDC # 312648 vs. The State of South Carolina  
Case No.: 2008-CP-23-2140

Dear Mr. Richey:

I am responding to your subpoena demanding copies of my entire file concerning Jose Maldonado.

I have enclosed copies of what I can give you which is primarily letters between Mr. Maldonado and me. The reason that I can not give you anything more is the following:

1. The primary case was a Statewide Grand Jury case;
2. All Statewide Grand Jury materials were covered by a standing Order requiring their destruction or return to the Attorney General's Office. I chose to simply have them destroyed.

I represented Mr. Maldonado in another case which was a garden variety state case with Assistant Solicitor, Joyce Monts. Unfortunately, the discovery in that case was destroyed with the Statewide Grand Jury discovery.

I will be glad to meet with you at anytime to discuss Mr. Maldonado's situation. If you have any questions, please do not hesitate to contact me.

As always, I remain,

Yours very truly,

PRICE, ASHMORE & BEASLEY, P.A.

(R. P. 268-OF-497.RDA)

James H. Price, III

19-OF-71

MAR 29 2017  
(Attachment: A-9)

during the period of time extending from on or about April 1, 2005 to present, conspire to sell, manufacture, deliver, purchase, or bring into this State, or otherwise, more than four hundred (400) grams of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

APPX. (G) (49-0F-76.)

(Attachment: (E)(H))

**COUNT II**  
**TRAFFICKING METHAMPHETAMINE > 400 GRAMS**  
**S.C. Code Ann. § 44-53-375 (C)(5)**

That EMILIANO GARCIA AGUIRRE and OSCAR SANCHEZ did, in Greenville County, on or about May 17, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

(R.P. 269-0F-497.R0A)



20-0F-71

MAR 28 2017

APPX (5)(50-OF-76)

COUNT III

(Attachment: A-10)

POSSESSION OF A FIREARM DURING THE COMMISSION  
OF A VIOLENT CRIME  
S.C. Code Ann. § 16-23-490

That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about

May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Attachment: (E)(3)

COUNT IV

TRAFFICKING METHAMPHETAMINE > 400 GRAMS  
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

(R. P. 270. -OF-497 ROA)

21-OF-71

MAR 29 2017

~~(Attachment: A II)~~

APPX. (5) (51 - of - 76)

**COUNT V  
TRAFFICKING METHAMPHETAMINE > 400 GRAMS  
S.C. Code Ann. § 44-53-375 (C)(5)**

That John Nelson Turner, Jr. aka "JJ" did in Greenville County, on or about May 16, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Attachment: (E)(6)

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

[Redacted signature area]

A True Bill

Cathy P. Coffey  
FOREMAN

22 - of - 71

Henry McMaster  
HENRY McMASTER (sop)  
ATTORNEY GENERAL

(R. P. 271 - of - 497. ROA)

MAR 29 2017

(Attachment: "B-I")

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

APPX. (5) (32 - of - 76)

Jose Alberto Maldonado,

Petitioner,

v.

Henry McMaster and Warden of Perry  
Correctional Institution,

Respondents.

) Case No. 8:11-1372-TLW-JDA

) **REPORT AND RECOMMENDATION**  
) **OF MAGISTRATE JUDGE**

) Attachment: (F)(1)

This matter is before the Court on Respondent Warden of Perry Correctional Institution's<sup>1</sup> motion for summary judgment [Doc. 15] and Petitioner's motion to amend/correct the Petition [Doc. 20]. Petitioner is a state prisoner who seeks relief pursuant to Title 28, United States Code, Section 2254. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B) and Local Rule 73.02(B)(2)(c), D.S.C., this magistrate judge is authorized to review post-trial petitions for relief and submit findings and recommendations to the District Court.

Petitioner filed this Petition for writ of habeas corpus on June 2, 2011. [Docs. 1, 1-3.] On August 22, 2011, Respondent filed a motion for summary judgment and a return and memorandum. [Docs. 15, 16.] On September 14, 2011, Petitioner filed a response in opposition to Respondent's motion for summary judgment [Doc. 19] and a motion to amend/correct the Petition [Doc. 20]. Having carefully considered the parties' submissions and the record in this case, the Court recommends that Respondent's motion for summary

23 - of - 71

<sup>1</sup> Respondent Henry McMaster was terminated as a party on June 28, 2011 by the Court's Order authorizing service of process. [Doc. 8.] Accordingly, throughout this Report and Recommendation, the Court will refer to Warden of Perry Correctional Institution as "Respondent."

(R. p. 272 - of - 497. ROA)

APPX. (G)(53-OF-76)

MAR 29 2017

(Attachment: B-II)

judgment be granted, Petitioner's motion to amend/correct be denied, and the Petition be denied.

Attachment: (F)(2)

**BACKGROUND**

Petitioner is currently incarcerated in the Perry Correctional Institution of the South Carolina Department of Corrections pursuant to orders of commitment from the Clerk of Court for Greenville County. [Doc. 1 at 1.] On February 22, 2006, Petitioner was indicted by the state grand jury for conspiracy to traffic methamphetamine and trafficking 400 grams or more of methamphetamine. [Doc. 16-4.] On August 22, 2006, Petitioner pled guilty to two counts: conspiracy to traffic between twenty-eight and 100 grams of methamphetamine and trafficking between twenty-eight and 100 grams of methamphetamine, second offense.<sup>2</sup> [Doc. 16-1 at 8, 11, 13; see also Doc. 16-2 at 4.] On April 10, 2007,<sup>3</sup> Petitioner was sentenced to twenty years imprisonment for each count; the twenty-year sentences were to run concurrent with each other and concurrent with the seven-year sentence for trafficking cocaine he received in November 2005. [Doc. 16-2 at 10-11.] Petitioner was also credited with time served beginning August 6, 2005. [*id.*] Petitioner was represented by James H. Price ("Price") on the charges [Doc. 16-1 at 1], and Britt Hunt interpreted for Petitioner at the plea hearing and the sentencing hearing [*id.* at 2; Doc. 16-2 at 3]. Petitioner did not file a direct appeal.

24-OF-71

<sup>2</sup> Petitioner was serving a seven-year sentence for trafficking cocaine at the time he pled guilty to the methamphetamine charges. [Doc. 16-1 at 18; Doc. 16-3 at 1, 5 (sentencing sheets dated November 29, 2005).]

<sup>3</sup> The title page of the sentencing hearing transcript states the date of the hearing as April 10, 2008. [Doc. 16-2 at 1.] However, Petitioner was sentenced on April 10, 2007. [See, e.g., *id.* at 12; Doc. 16-5 at 2.]

(R. P. 273-OF-497. ROA) 2

FILED

FEB 22 2006

LISA D. SUTHER, CLERK, STATE GRAND J

~~ATTACHMENT (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)~~  
("Attache:B") (1) MAR 29 2017

STATE GRAND JURY OF SOUTH CAROLINA

Appk. (5)(54-of-76)  
STATE OF SOUTH CAROLINA )  
)  
VS. )  
)  
EMILIANO GARCIA AGUIRRE, )  
PAMELA RENEE BOZZI, )  
JOSE ALBERTO MALDONADO, )  
KENNETH SCOTT POPE aka "SCOTTY", )  
LISA LAVERN RAMIREZ, )  
THOMAS ERNIE ROBERTS, )  
OSCAR SANCHEZ, )  
JOHN NELSON TURNER, JR. aka "JJ", )  
KELLY LEE NALLEY TURNER, )  
)  
DEFENDANTS. )

CASE NO. 2005-GS-47-26

SUPERSEDING  
INDICTMENT FOR  
UNLAWFUL DRUGS

Trafficking Methamphetamine  
(Conspiracy)  
S.C. Code Ann. § 44-53-375(C)(5)

Trafficking Methamphetamine  
> 400 grams - Three Counts  
S.C. Code Ann. § 44-53-375(C)(5)

Possession of a Firearm during the  
Commission of a Violent Crime  
S.C. Code Ann. § 16-23-490

Attachment: (F)(3)

At a session of the State Grand Jury of South Carolina, convened in Columbia, South Carolina, on February 22, 2006, the State Grand Jurors present upon their oath:

(R. p. 274-of-497. ROA)

25-of-71

COUNT I  
TRAFFICKING METHAMPHETAMINE (CONSPIRACY)  
S.C. Code Ann. § 44-53-375 (C)(5)

That EMILIANO GARCIA AGUIRRE, PAMELA RENEE BOZZI, JOSE ALBERTO MALDONADO, KENNETH SCOTT POPE aka "SCOTTY", LISA LAVERN RAMIREZ, THOMAS ERNIE ROBERTS, OSCAR SANCHEZ, JOHN NELSON TURNER, JR. aka "JJ", KELLY LEE NALLEY TURNER, and other persons whose names are both known and unknown to the State Grand Jury, did in Anderson County, Greenville County, Oconee County and Pickens County of South Carolina,

RECEIVED  
MAR 06 2006 (25)

COUNT III  
POSSESSION OF A FIREARM DURING THE COMMISSION  
OF A VIOLENT CRIME  
S.C. Code Ann. § 16-23-490

That EMILIANO GARCIA AGUIRRE did, in Greenville County, on or about May 17, 2005, did possess (actually or constructively) or visibly display what appeared to be a firearm during the commission of the crime of trafficking methamphetamine in violation of S.C. Code Ann. § 44-53-375 (C)(5), which is defined as a crime of violence pursuant to S.C. Code Ann. § 16-1-60, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one count of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Attachment: (F)(4)

COUNT IV 26-af-71  
TRAFFICKING METHAMPHETAMINE > 400 GRAMS  
S.C. Code Ann. § 44-53-375 (C)(5)

That JOSE MALDONADO and LISA LAVERN RAMIREZ did in Greenville County, on or about June 26, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

(R. P. 276-af-497. ROA)

("Attached:B") (2)

MAR 29 2017

~~FILED (2) FILED ON 02/14/2014~~ APPX. (5) (55-04-76)

during the period of time extending from on or about April 1, 2005 to present, conspire to sell, manufacture, deliver, purchase, or bring into this State, or otherwise, more than four hundred (400) grams of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State.

Attachment: (F)(5)

**COUNT II**  
**TRAFFICKING METHAMPHETAMINE > 400 GRAMS**  
**S.C. Code Ann. § 44-53-375 (C)(5)**

That EMILIANO GARCIA AGUIRRE and OSCAR SANCHEZ did, in Greenville County, on or about May 17, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

27-0F-71

(R.P. 275-0F-497. ROA)

~~("Attached:B") (4)~~ MAR 29 2017

APPX. (5)(57-0F-78)

COUNT V  
TRAFFICKING METHAMPHETAMINE > 400 GRAMS  
S.C. Code Ann. § 44-53-375 (C)(5)

That John Nelson Turner, Jr. aka "JJ" did in Greenville County, on or about May 16, 2005, knowingly possess (actually or constructively), deliver, sell, or bring into this State, or otherwise aid, abet, attempt or conspire to sell, deliver, or bring into this State, four hundred (400) grams or more of methamphetamine ("ice" or "crank"), a controlled substance under provisions of § 44-53-110, *et. seq.*, Code of Laws South Carolina (1976), as amended, such conduct not having been authorized by law and such activity occurring and/or having significance in more than one county of this State or arising out of or in connection with a crime having significance in more than one county of this State.

Attachment: (F)(6).

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

A True Bill

28-0F-71

Cathy P. Coffey  
FOREMAN

Henry McMaster  
HENRY McMASTER (sop)  
ATTORNEY GENERAL

(R. P. 277-0F-497. ROA)

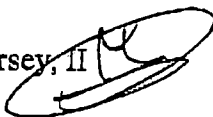
At-Large Seat 9

LLOYD, Reginald I. (2003-09), Judge at-large, Seat 9, P.O. Box 192, Columbia 29202, Tel. (803) 576-1770; b. Feb. 16, 1967 at Camden; s. Willie Joseph and Elizabeth Lloyd; g. Winthrop Univ., B.A., 1989; Univ. of S.C., J.D., 1993; Sept. 16, 1995 m. Melissa Vicki Cooke, 1 child, William Joseph; elected Judge at-large, Seat 9, Apr. 9, 2003, to succeed L. Henry McKellar, retired; qualified July 1, 2003, serving continuously since.



Admin. Asst.—Andrea Abercrombie Ulmer . . . . . Columbia  
Solicitor—Barney Giese (2007) . . . . . Columbia

29-0F-71

**TO:** ICE CREAM CASE FILE  
**FROM:** S/A D. Max Dorsey, II   
**RE:** Interview of Jose Maldonado on April 7, 2006

On April 7, 2006, this writer was requested by Attorney Chip Price to meet with him and his client, Jose Maldonado, in the holding area of the Greenville County Courthouse. This meeting was conducted after a status conference in the Ice Cream Investigation, held at the Greenville County Courthouse in Greenville, SC. This writer agreed and accompanied Price to the holding area where Maldonado met with this writer and Price. Also present was a member of Mr. Price's staff who assisted Maldonado in language translation. Price advised his client to cooperate fully and answer any questions asked of him by this writer truthfully. Maldonado agreed and provided the following information:

Maldonado stated that Lisa Ramirez had not been involved with any other drug transaction he was involved in with the exception of the one he and she are currently indicted on. Maldonado stated that the drugs he was caught with are from Atlanta and whenever he conducted a drug deal, the source of those drugs would call Maldonado to pick up a car in the Greenville area that was already loaded with the drugs. Maldonado stated that he is unaware of the name of the drug source, but originally met this subject at the Rinconcito Bar in Greenville.

Maldonado stated that he has met a subject named Raul through Lisa Ramirez. Maldonado stated that he is aware that Ramirez and Raul were in a relationship and that Raul threatened Ramirez constantly for her to store and sell drugs for him (Raul).

Maldonado stated that he has made other deliveries such as the one he is currently under indictment for. Maldonado stated that he has delivered ice to a subject known to him as "JJ" on less than ten occasions, with approximately six of these deliveries occurring at "JJ's" residence in Travelers Rest. Maldonado stated that he made these deliveries between April and June of 2005 and on many occasions when he delivered the ice to the Travelers Rest residence, JJ's wife, mother, and father were present in the residence, but he (Maldonado) and JJ would go into another room to conduct the drug transaction.

Maldonado stated he has used the Honda Accord (the vehicle he was driving when arrested in June of 2005) to deliver drugs on other occasions.

Attachment: (5)(1) 30 - of - 71



SC LAW ENFORCEMENT DIVISION (SLED)

REPORT OF INVESTIGATION

Attachment: (H)(1)

SLED Case # 48-05-0004

SGJ # [SGJ #]

Codename: ICE CREAM

Reporting Agent:

S/A RHETT HOLDEN *RP*

Other Personnel Involved:

S/A REID CRESWELL, S/A CONNIE SONNEFELD, S/A JOEY PEEPLES, S/A MAX DORSEY (SLED), MASTER DEPUTY CRAIG MOORE, INV. CHARLIE BLACKBURN (GREENVILLE COUNTY SHERIFF'S DEPARTMENT)

Report Re:

FIVE POUND METHAMPHETAMINE (ICE) BUY IN GREENVILLE COUNTY, SC, ON JUNE 26, 2005

Attachments:

N/A

Evidence:

N/A

SLED Lab #'s

N/A

Body of Report:

1. On Sunday, June 26, 2005 this writer did meet with the above listed agents and a confidential

2. informant (hereafter referred to as CI) at approximately 8:30 a.m. at a predetermined meeting location in

3. Greenville, SC. After discussing the mornings activities, this writer prepared a package to be represented as

4. \$55,000.00, for a payment to an Hispanic, male known as "Chiva" for five (5) pounds of "ice"

5. (methamphetamine). S/A Joey Peebles searched the CI with negative results and fitted the CI with an audio

6. monitoring device. This writer and the CI then departed the meeting location in the CI's vehicle, followed by

7. the surveillance agents. This writer and the CI were in route to meet "Chiva" at the Wal-Mart located in

8. Berea, SC (Greenville County). This meeting was to receive five pounds of "ice" from "Chiva". While

9. traveling to meet "Chiva", the CI placed a cellular telephone call to "Lisa", who had arranged this five pound

10. "ice" transaction earlier in the morning. "Lisa" stated that "Chiva" did not want to meet at the Wal-Mart and

11. that the meeting place had been changed to the car wash near the Greenville Civic Center. This writer and the

12. CI then stopped and met with S/A Max Dorsey and confirmed the change in location for this transaction. This

13. writer then provided the CI with an audio recording device and the CI then drove his vehicle to the Car Wash

14. Center located on Cedar Lane in Greenville, SC. The CI pulled his vehicle into the second stall from the end

15. near the right side of the car wash. The CI began to wash his vehicle and a short time later this writer

16. observed a green in color two door Honda pull up to the car wash. This Honda had come from a road behind

17. the car wash and pulled into the last stall on the right side of the car wash, beside the stall the CI had parked

18. in. The vehicles were pointed in opposite directions in the car wash. The CI began to talk with "Chiva" and

*boxed into the last stall*

*31-06-71*

**SC LAW ENFORCEMENT DIVISION (SLED)  
REPORT OF INVESTIGATION**

**Page 2**

this writer then walked over to "Chiva's" vehicle where the CI and "Chiva" were standing. The CI then reached into the back floorboard on the driver's side of the vehicle and retrieved a clear plastic container with a blue lid. This writer observed several other packages of "ice" in the back floorboard of the Honda at this time. This writer asked the CI if that was it, meaning "ice" and the CI replied, "yeah". The CI then placed the clear container under his shirt and told this writer to come with him. The CI then walked over to his vehicle and at this time showed this writer the "ice" which was inside the container. This writer was on the telephone with S/A Dorsey at this time and relayed to S/A Dorsey that "Chiva" was at the car wash and that he had brought the "ice" (methamphetamine) with him. A short time later the surveillance agents arrived at the car wash and "Chiva" ran away on foot. "Chiva" was apprehended near the Car Wash Center after a short foot chase. S/A Peebles took custody of the "ice" (methamphetamine) at this time. This writer then took a written statement from the CI and returned to the meeting location with the CI and surveillance agents.

END OF REPORT.

Attachment: (H)(2)

32-of-71

Attachment: (J)(1)

33 of 71

John Nelson Turner  
6/26/05

I. Rhett Holden Sr  
6-26-05

John Nelson Turner  
6-26-05

1. JT On Sunday, June 26, 2005, I, John  
 2. Nelson Turner, Jr., did meet with law enforcement  
 3. at a predetermined meeting location in Greenville  
 4. County, SC. The purpose of this meeting was to  
 5. set up a purchase of a quantity of methamphetamine  
 6. from an Hispanic male known to me as "Chiva."  
 7. I placed a cellular telephone call to "Lisa" at  
 8. (804) 275-2471, I asked "Lisa" if they were  
 9. ready and she replied "Yah." I told her to give  
 10. me about 15-20 minutes so I could go pick up  
 11. my buddy. "Lisa" told me it would be \$55,000  
 12. dollars for the five pounds of methamphetamine.  
 13. SA Joey Peoples fitted me with an audio monitoring  
 14. device and searched me with negative results.  
 15. Myself and SA Rhett Holden then departed the  
 16. meeting location on route ~~to~~ <sup>via</sup> to the Wal-Mart  
 17. in Berea, SC, followed by the surveillance agents,  
 18. while in route to the Wal-Mart, I called  
 19. "Lisa" on her cell phone to make sure the  
 20. deal was still set. "Lisa" told me that "Chiva"  
 21. did not want to go to the Wal-Mart, I asked  
 22. her about meeting at the car wash near Wal-  
 23. Mart. "Lisa" then told me to come to the car  
 24. wash by the Civic Center in Greenville, SC.  
 25. Myself and SA Holden then pulled into a stall.

A

John N. Luper  
6/26/05

27 and a short time later "Chius" arrived at the  
 28 car wash and pulled into the stall beside my vehicle.  
 29 I spoke with "Chius" for a short while and he  
 30 opened the driver's side door of the green Honda  
 Accord he was driving. "Chius" showed me the methamphetamine  
 in the back floorboard on the driver's side of the  
 vehicle. I reached inside the vehicle and retrieved  
 a clear plastic container with a blue top, wrapped  
 in plastic which contained methamphetamine. I  
 then walked back to my vehicle with SA Holden  
 and showed him the methamphetamine which  
 I had hidden under my shirt. Law enforcement  
 then arrived at the location. SA Sorensen then  
 retrieved the audio recording device which had  
 been provided to me by SA Holden while in  
 route to meet "Chius." The audio monitoring  
 device was retrieved by SA Max Dorsey. I then  
 provided this statement to law enforcement, which  
 is the 100% truth I swear JT

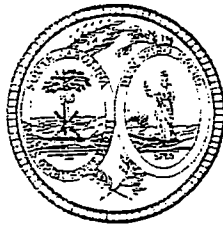
Car Wash

I. R. Holt Holden, Jr  
6-26-05

John N. Luper  
6-26-05

Attachment: (5)(2)

John N. Luper  
6-26-05



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

November 10, 2005

Attachment: (I)(1)

James H. Price, III, Esquire  
644 E. Washington Street  
Greenville, SC 29601

[IRRELEVANT EVIDENCE]

RE: State v. Jose A. Maldonado  
Warrant Numbers: H-530070, H-441256 and G-803304

Dear Mr. Price:

Enclosed are copies of documents in regard to your client in reference to the above warrant numbers.

1. SLED Report of Investigation re: Five (5) pound methamphetamine (ice) buy in Greenville County, SC on June 26, 2005 (49 pages)
2. Copy of audio cassette re: Firebird
3. Copy of audio cassette re: Firebird
4. Copy of audio cassette re: telephone calls
5. Copy of audio cassette re: telephone calls

Please be aware, discovery is a continuing process and therefore, this may or may not be the extent of the discovery in this case. New material, if any, will be promptly forwarded to you.

An invoice is enclosed for this discovery. Please remit to the address indicated on the invoice.

35-04-71

SURVEILLANCE REPORT

CASE #: 48-05-0004

DATE OF SURVEILLANCE: June 26, 2005 COUNTY: Greenville

SURVEILLANCE AGENT(S): S/A Reid Creswell, S/A Joey Peeples, S/A Max Dorsey, S/A Connie Sonnefeld (SLED), Shannon Pillar, Craig Moore, Jeff Maxwell, Charlie Blackburn (Greenville County Sheriff's Office), Wayne Wright (IRS)

OBJECT OF SURVEILLANCE: SLED CI John Nelson Turner Jr. and S/A Rhett Holden (undercover capacity)

WEATHER/VISIBILITY: Clear

ON June 26, 2005, THE ABOVE AGENT(S) ASSISTED IN  
date  
THE SURVEILLANCE OF SLED CI John Nelson Turner Jr. and S/A Rhett Holden (undercover capacity) object of surveillance

CONCERNING A/AN Narcotics INVESTIGATION  
violation

IN Greenville County  
jurisdiction

THE FOLLOWING IS A CHRONOLOGICAL ACCOUNT OF EVENTS OBSERVED BY

S/A Connie Sonnefeld  
agent(s) making report

NOTE: TIMES LISTED ARE APPROXIMATE. Attachment: (I)(2)

TIME	OBSERVATION
8:30 a.m.	Agents and CI meet at a location in Greenville County.
8:31 a.m.	Turner (864-245-8845) calls "Lisa" cell phone (864-275-2471), no answer.
8:35 a.m.	Turner (864-245-8845) calls "Lisa" home (864-370-0528), unknown male answers, "Lisa" not at home.
3:54 a.m.	Turner (864-245-8845) calls "Lisa" cell (864-275-2471), no answer.
9:21 a.m.	Turner (864-245-8845) calls "Lisa" (864-275-2471). Turner and "Lisa" discuss Turner purchasing five pounds of methamphetamine. "Lisa"

36-of-71

arranged this transaction to occur between Turner and "Chiva".

9:25 a.m. S/A Creswell searches Turners' vehicle for contraband with negative results.

9:30 a.m. S/A Peeples searches Turner for contraband with negative results and fits Turner with audio transmitter.

9:38 a.m. Turner (864-245-8845) calls "Lisa" cell (864-275-2471). Turner and "Lisa" discuss meeting location to be Wal-mart on White Horse Road.

9:45 a.m. Turner and S/A Holden (u/c capacity) depart meeting location followed by the surveillance agents.

9:53 a.m. Turner (864-245-8845) calls "Lisa" cell (864-275-2471). Discussed a meeting location change to a car wash by the Civic Center.

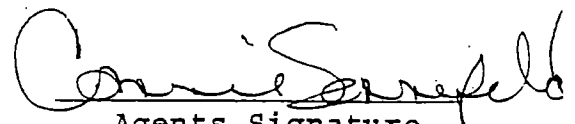
10:01 a.m. Turner and S/A Holden arrive at car wash.

10:08 a.m. "Chiva" arrives at car wash driving a green Honda Accord. (Told via wire).

10:10 a.m. Agents approach car wash and "Chiva". "Chiva" runs from officers.

Attachment: (I)(3)

37-of-71

  
Agents Signature

6-26-05  
Date of Report

P. JE, PASCHAL & ASHMORE .A.

I

ATTORNEYS AT LAW  
644 E. WASHINGTON STREET  
GREENVILLE, SOUTH CAROLINA 29601  
TELEPHONE (864) 467-1001  
FACSIMILE (864) 242-6560

APPX. (E)(40-OF-54)

JAMES H. PRICE III \*  
HOWARD W. PAT PASCHAL, JR.  
BEATTIE B. ASHMORE  
RYAN L. BEASLEY

JOSEPH J. WATSON  
—OF COUNSEL—

\*Licensed to practice law in South Carolina and New York

January 24, 2006

(Via facsimile: 803-576-1741  
& regular mail)

(Attachment: A-1)  
File on: 9/13/2017  
(4th PCR. Doc. 7)

The Honorable James W. Johnson, Jr.  
c/o Richard County General Sessions Court  
325 Judicial Center  
1701 Main Street  
P.O. Box 192  
Columbia, SC 29202

RE: State v. Jose Alberto Maldonado  
Statewide Grand Jury  
Warrant Nos. G530070, H441256 & G803304

Dear Judge Johnson:

I have been told that you are now the Administrative Judge for the above Statewide Grand Jury case which is part of something referred to as "operation ice cream". Sometimes I really wonder who thinks up these names. In any event, I and other lawyers similarly situated desperately need your help.

I notified both the Attorney General's office and the Clerk of Court that I was retained to represent Mr. Maldonado on August 8, 2005. I requested a bond hearing. I was not notified by either the AG's office or the Clerk's office about the bond hearing, but found out about it by a conversation with my client's family.

On Monday, January 23, 2006, my client was arraigned on a sealed indictment. Neither the AG's office nor the Clerk of Court notified me that my client was going to be arraigned. It goes without saying that, in my opinion, an arraignment on a case in which my client's exposure is thirty (30) years in prison, is a critical stage of the proceedings. My client thinks that I am an idiot for not appearing with him. I don't really blame him. It is hard for him to believe that no one in the Court system would notify retained counsel that he should be in court with his client.

(R. P. 78 -OF- 497. ROA)

Attachment: (I)(4)  
38-OF-71

~~APPENDIX (K)(1)~~  
STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

State of South Carolina

v.

Jose Alberto Maldonado,

Defendant.

~~EXHIBIT (K)(1)~~  
IN THE GENERAL SESSIONS COURT  
THIRTEENTH JUDICIAL CIRCUIT

Warrant No. H530070 H441256 &  
G803304

ORDER OF SUBSTITUTION OF  
COUNSEL

**FILED**  
SEP 21 2005  
LISA C. DUNBAR,  
CLERK OF STATE GRAND JURY

THIS MATTER comes before the Court pursuant to Motion of James H. Price, III with the consent of Janis Hall. It appears that Ms. Hall was originally appointed to represent the Defendant in connection with the above numbered charges. The Defendant has now retained James H. Price, III to represent him in any and all matters related to these cases. The purpose of this Order is to place such an arrangement in effect.

THEREFORE, it is hereby Ordered, Adjudged and Decreed that James H. Price, III is hereby substituted as counsel of record for the Defendant, Jose Alberto Maldonado.

AND IT IS SO ORDERED.

Presiding Judge  
Thirteenth Judicial Circuit

Dated: 9-16, 2005  
Greenville, South Carolina

I SO MOVE:

  
\_\_\_\_\_  
J.H. Price, III

I CONSENT:

  
\_\_\_\_\_  
Janis Hall

Attachment: (K)(1)

39-of-71

STATE OF SOUTH CAROLINA (
COUNTY OF GREENVILLE (

IN THE GENERAL SESSIONS COURT
CASE NO.: 03-011033

STATE OF SOUTH CAROLINA, (
Plaintiff, (
-vs- (
JOSE MALDONADO, (
Defendant. (
..... (

ORDER
OF SUBSTITUTION

TRIAL DATE: n/a
TRIAL JUDGE: PRESIDING JUDGE
PLAINTIFF'S ATTORNEY:
DEFENDANT'S ATTORNEY: SCOTT D. ROBINSON
COURT REPORTER: n/a
GUARDIAN AD LITEM: n/a

Attachment: (K)(2)

This matter came before the Court upon the Motion for Scott D. Robinson.

It appears to my satisfaction that Scott D. Robinson, Esquire, previously represented the above named Defendant in this matter. The parties now agree that Chip Price shall be substituted as counsel for the said Scott D. Robinson. Therefore, with the consent of the attorney for the parties and Scott D. Robinson executed hereon,

IT IS ORDERED, that Chip Price is hereby substituted as counsel for the above named Defendant.

AND IT IS SO ORDERED.

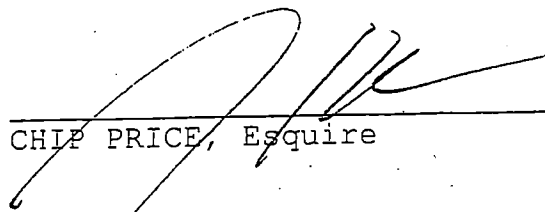
40-0f-71

15/ Edward W. Miller

DATE: 10/25/05

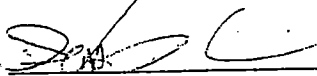
PRESIDING JUDGE FOR THE THIRTEENTH JUDICIAL CIRCUIT

WE CONSENT:



---

CHIP PRICE, Esquire



---

SCOTT D. ROBINSON, Attorney for Defendant

Attachment: (K)(3)

41 of - 76

PRICE, PASCHAL & ASHMORE, P.A.  
ATTORNEYS AT LAW  
644 E. WASHINGTON STREET  
GREENVILLE, SOUTH CAROLINA 29601

RETAINER AGREEMENT

Jesse Maldonado (Client) is, as of this date, 8/8/05 under investigation or charged in an indictment/warrant by The United States of America/State of South Carolina with Traffic Stop 400gms

This is to confirm, in writing, the agreement concerning the retention of Price, Paschal & Ashmore, P.A., for legal representation of Jesse Maldonado in connection with those criminal charges.

**Attorney's Obligations and Warranties.** I promise that I will use my best efforts and abilities as an attorney to obtain the best result possible under the circumstances. I will be primarily responsible for the overall progress of the case; however, I may, from time to time, utilize the assistance and support of others for certain matters. Such matters may include legal research and appearances in court. All such decisions regarding the assistance of support personnel will be made bearing in mind the best interest of the Client. I can not, and do not, promise any particular result or disposition of the case.

**Fee for Availability of counsel, Pretrial, and Trial Representation.** The fee for my availability and handling this matter through disposition shall not exceed ten thousand \$/10/05 Dollars (\$10,000) exclusive of trial fees. In the event of a trial, additional fees of no more than To be determined Dollars (\$TBD) are agreed upon and that amount must be placed into an escrow account no later than one week after the jury selection date or trial is scheduled, whichever is first.

**Not a Strict Hourly Rate Agreement.** It is understood that we are not entering into a strict hourly rate contract. This means that I will be obligated to devote such time as is necessary in this matter, but that my fee may not be increased based upon the amount of time expended. In setting the fee, I have taken into consideration the degree of difficulty of the case, the urgency of the matter, the potential for loss of other employment due to conflict, the necessity of declining other work so as to have the time available to properly attend to this matter, and my degree of expertise in handling criminal cases. Twenty five percent of the fee is hereby specifically designated as a minimum fee for the purpose of assuring my availability to devote the appropriate amount of attention to this matter.

**Appellate Level Proceedings.** The above mentioned fees do not include the cost of matters litigated in the appellate courts. In the event that any appeals are pursued by the prosecution or become appropriate to pursue by the defense, additional fees will be involved and must be resolved prior to proceeding. The fees referenced above include only matters pursued at the trial court level.

Attachment: (L) (1)

42-of-71

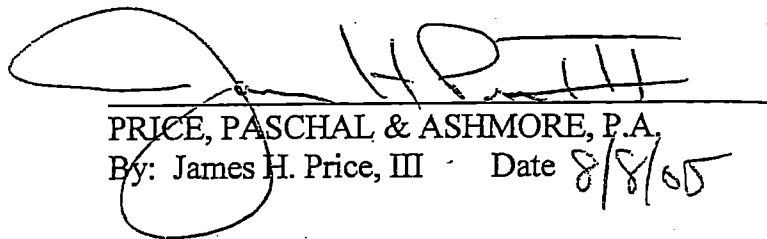
**Costs and Expenses.** The above mentioned fees do not include unusual costs and expenses incurred in connection with this case. Such expenses may include, but are not limited to: long distance telephone calls and facsimile transmissions; psychiatric, psychological and social work evaluations; filing fees; photocopying costs; private investigators; expert witnesses; jury selection and/or sentencing consultants; court reporter's transcript; and the costs of meals, lodging and travel for myself as well as experts and consultants when away from the city of residence. Any such costs will be discussed with and approved by Client before they are incurred except for routine office expenses.

**Refunds.** The Client retains the right to terminate the attorney-client relationship, with or without cause, at any time. Although the amount stated above shall constitute the maximum fee to be charged, in the event that Client chooses to discharge counsel prior to final disposition at the trial court level, Client shall be entitled to a refund of any unearned portion of the fee. Such amount shall be calculated based upon the fact that twenty five percent of the fee is specifically designated as a minimum fee to assure my availability and a fair and reasonable valuation of the complete services rendered and calculated at an hourly rate of Three Hundred Fifty & no/100 (\$350.00) Dollars per hour.

**Receipt and Payment Schedule.** The retainer and subsequent fees shall be paid as follows:

Ten Thousand & no/100 Dollars (\$10,000) paid  
today

Client understands that timely payment of fees is required. Failure to pay fees as agreed may lead to attorney being released from contract and case. If client fails to pay fees as agreed, client consents to Attorney being released from contract.

  
PRICE, PASCHAL & ASHMORE, P.A.  
By: James H. Price, III Date 8/8/05

I have read and understand the foregoing Retention Agreement, consisting of two (2) pages, and agree to the terms set forth herein.

Maria Maldonado 8/8/05  
Client Date

Attachment: (L)(2)

43-0f-71

RECEIPT

DATE August 8 2005 No. 866596

RECEIVED FROM Lisa Ramirez \$ 1000 DOLLARS

FOR Ten thousand & no/100

FOR Jose Maldonado

FOR RENT  
 FOR

ACCOUNT	
PAYMENT	<u>1000</u> <sup>00</sup>
BAL. DUE	

CASH FROM  
 CHECK  
 MONEY ORDER BY

1182

Attachment: (M)(1)

44-0f-71

GREENVILLE COUNTY  
DC FUND  
20 MCGEE STREET  
GREENVILLE, SC 29601

**BB&T**  
Branch Banking and Trust Company  
67-160/532

138

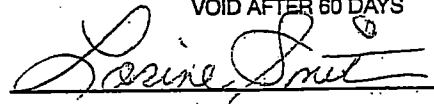
CHECK NO. 000003

MARIA RUVI MALDONADO

DATE 09/30/2005 AMOUNT \$1,50


PAY ONE THOUSAND FIVE HUNDRED DOLLARS AND 00 CENTS\*\*\*\*\*  
TO THE ORDER OF \*\*\*\*\*

VOID AFTER 60 DAYS



⑈013892⑈ ⑆053201607⑆5125361929⑈

9/30/05  
Received as partial payment  
for older state cart bus case  
in Greenville County.



45-0F-71

Attachment: (M)(2)

~~APPENDIX (F)~~



KEN OSBURN / Staff  
the Blue Ridge

might sell — were left hanging.  
The automaker, which announced Monday a \$2 billion profit for 2005, laid out the framework for a six-year plan to slash costs deeper than expected to restore profitability to Ford's North American operations within two years. Those op-

30,000 factory jobs and 12 percent of its officers by 2012.  
However, Ford identified just one-third of the plants it intends to idle Monday.  
The Way Forward will build on Ford's Driving American Innovation campaign, which kicked off last fall and promoted goals such

as more hybrids and alternative-fuel vehicles.  
Ford also promised to deliver hybrid versions of the Ford 500 and Mercury Montego sedans, as well as the Ford Edge and Lincoln MKX crossovers.  
It plans to cut material costs by \$5 billion by 2010.

1/24/06

# Stars

positive thing,"  
to see a gro- and/or a Wal- way soon.  
number of new ideas of Green- that lie outside ew by 42 per- the past five ing to county ee Polowczuk,  
S. on page 4A

# lies

as video  
anthropy,  
e Fred  
g impact on  
Page 1B

# 40 charged in meth bust

## McMaster calls this 'single battle in widening war'

By Claire Anderson  
STAFF WRITER  
canderson@greenvillenews.com

Forty people have been indicted after a yearlong investigation of methamphetamine dealing across the Upstate, state Attorney General Henry McMaster said Monday in Greenville.

Drugs and \$213,750 in cash also were seized.

"This is the biggest, most significant meth bust in our state's history, but it is only a single battle in a widening war against this dangerous drug," McMaster said.

Authorities called the bust "Operation Ice Cream." Nearly 40 pounds of "ice," the purest, most potent



OWEN RILEY JR. / Staff

**Drug haul:** State Attorney General Henry McMaster holds a bag of crystal meth Monday at the Greenville County Law Enforcement Center.

form of meth, were seized last year. It had a wholesale value of \$1 million and a street value up to four times that, McMaster said.

Also seized were 24  
See BUST on page 4A

## OPERATION ICE CREAM

To learn more about the defendants and to read the indictments, go to the Local News section of:

GreenvilleOnline.com

## ard taps into booming wine industry

eds..... 1E	LifestyleHealth..... 1D	PeopleWatch..... 8A
ord..... 4D-5D	Local news..... 1B	Sports..... 1C
ology..... 5D	Obituaries..... 4B	Television..... 5D
	Opinion..... 6A	Theaters..... 7D

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Attachment: (N)(1)

46-01-71

nated with utility work, he said.

But Owings said the county has \$10 million in road improvement money countywide to spend each year. That's only enough to widen about three miles, he said.

It doesn't look like growth will slow down.

THE ASSOCIATION OF REALTORS. I think we are seeing a move to South Carolina as an alternative to the high prices of Florida."

Available land here and lower interest rates over the recent past have helped the housing market, he said.

housings, high-end subdivisions off Roper Mountain Road, said people choose homes based on price, location, amenities and floor plans.

"Schools are very important," she said.

Greenville County Council

to the success of BMW, Michelin and the coming of ICAR.

As far as planning goes, said Burns, "We've got to figure out how to do better in the future."

Nan Lundeen can be reached at 298-4316.

# BUST

FROM PAGE 1A

ounces of cocaine, 290 ecstasy tablets and 820 pounds of mari-

juana, a GMC Yukon, a motorcycle and an assortment of guns, including shotguns, an assault rifle and pistols, authorities said.

The sealed indictments were returned Dec. 13 and unsealed last week.

Sunday, law enforcement officers from 10 agencies conducted raids and arrested 34 of the 40 people who had been indicted, McMaster said. Authorities still are searching for six.

LL Chad Brooks, head of the narcotics division in Pickens County, said he was pleased with the raids. Generally there is a 50 percent success rate, Brooks said, but here it was much higher.

"In my opinion, meth is the worst drug ever to hit the street," Brooks said.

Meth sold in the Upstate

comes from both Mexico and from local labs, he said.

"There are no small charges," McMaster said. "The penalties go up to between 25- to 30-year sentences for each person."

Together, the 40 people face 92 indictments that could have them serving up to 2,336 years in prison if convicted, authorities said.

McMaster refused to say how investigators traced what they called a web of drug dealers, but he did say the large quantity of ice was consistent with manufacturing in superlabs in Mexico or larger U.S. cities such as Atlanta.

# IRS PROBLEMS?

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Greenville

\*not an  
engagement  
by the WSJ

The Nation's Largest Tax Representation Firm

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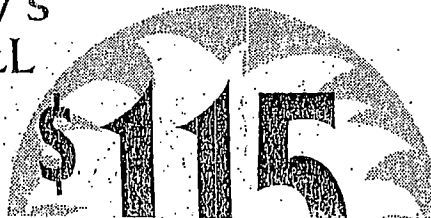
or toll free at

800-532-3482

LEAD AND  
RADON  
TESTING  
EDD VILLA

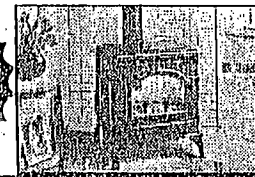
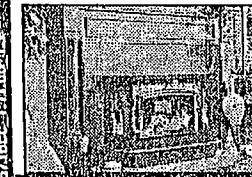


Wednesday's  
POWERBALL  
jackpot is...



Watch POWERBALL.

# CLEARANCE SALE WOOD STOVES




CRAFT STOVE STORE

268-9855

3002 Wade Hampton Blvd

Taylor



David B. Beemer,  
D.M.D., P.A.  
General Dentistry

Providing the  
Best Dental Care in  
the Upstate  
a Southern Comfort

H7-of-71

Attachment: (MX2)

Appendix (F)

ch...  
AN  
LUB



IG  
RS  
ALS  
RS

ents

LLC

Medicine

# Grand jury pace draws criticism

Panel typically weighs 900 indictments per day; questions raised over its effectiveness

FRONT & BACK (4)

Attachment: (N)(1)

48-0F-71

## JURY FROM PAGE 1A

tions on what it wants to know, Ariail said. Solicitors have communicated those instructions to law enforcement officers who present cases to the grand jury, he said.

In DUI cases, for example, the jury may want to hear only about "where the stop took place, what the bad driving was and what the Breathalyzer is," Ariail said.

"Bam, bam, bam — you're talking three seconds to present these cases," he said.

antees defendants a grand jury hearing in federal cases, but the U.S. Supreme Court has said that states can use a different system, said Andrew Siegel, assistant law professor at the University of South Carolina.

Even with the option, there often is little support for eliminating grand juries at the state level, he said.

Solicitors like them because they are friendly to the prosecution, Siegel said. Defense attorneys see grand juries as a check on prosecutorial power, at least in some cases, and there is no guarantee they would be replaced with anything better, he said.

you treat the grand jury as archaic and do away with it," Siegel said, "or take steps to reinvigorate the grand jury."

State Sen. Ralph Anderson, D-Greenville, pledged in an interview with *The Greenville News* to learn more about the grand jury and consider legislation before the Legislature reconvenes in January.

Until he was contacted by *The News*, he didn't know about the grand jury's workload or the high percentage of indictments it returns.

"It can't be fair," said Anderson, a member of the Senate Judiciary Committee.

Paul Alonzo can be reached at 298-

STAFF WRITER  
palongi@greenvillenews.com

Each time the Greenville County grand jury meets, it considers about 900 indictments in a single day.

The group of 18 citizens went through 7,321 charges from Jan. 1 to Aug. 31 and returned indictments on all but one, according to the Greenville County Clerk of Court's Office.

The grand jury system was set up as a check against prosecutorial vendettas and hasty indictments. But with the grand jury blazing through so many cases, some have raised questions about how effective the panel can be.

Bunnam University political science professor Don Aiesl called the grand jury a "rubber stamp" for the Solicitor's Office. "The system isn't working," he said. "It has not functioned effectively as any kind of buffer."

Thirteenth Circuit Solicitor Bob Ariail said the grand jury hears about two-thirds of the cases that pass through his office. The panel rarely refuses to indict because solicitors weed out the weak cases and dismiss them, he said.

"We don't take junk to the grand jury," Ariail said.

The grand jury's job is to hear the state's evidence and decide if there is probable cause to hold a trial. Unlike most hearings in the criminal justice system, the defendant has no right to be present, have counsel or introduce evidence.

The Solicitor's Office doesn't oversee the grand



"We don't take junk to the grand jury."

— Bob Ariail  
13th Circuit Solicitor

jury. The panel reports to Chief Administrative Judge Gary Hill, who declined comment, citing judicial ethics.

Defense attorney Stephen Henry said he has been arguing in some cases that indictments should be quashed because of how many cases are run through the system. But the grand jury is a secret process, he said, making his argument tough to prove.

"If I could bring in one grand jury foreman to testify under oath, I think all this would be over," Henry said.

The county's grand jury meets once a month. Panel members start hearing cases at 9 a.m. and usually finish by 6 p.m., although they wrapped up at about 3:45 p.m. last month, Ariail said.

The grand jury has given solicitors specific instruc-

See JURY on page 3A

# County grand jury hears 1,404 cases in 1 day

Associated Press

SPARTANBURG — An Upstate prosecutor worried about potential fines rushed 1,404 cases in front of a grand jury on Tuesday.

Six weeks ago, Solicitor Holman Gossett's office put 1,800 cases before the Spartanburg County grand jury in a two-day session.

The Tuesday session meant that the grand jury had slightly less than 22 seconds a case for the 1,404 matters during the eight hour, 30 minute session.

Gossett is leaving office in January after he lost in the Republican primary this summer to Trey Gow-

dy. A Gowdy supporter says Gossett may be targeting Gowdy and overloading the court docket.

A spokesman for Gossett said last month the high caseload was necessary to avoid a fate similar to that of Greenville prosecutor Bob Ariail, who was fined by Circuit Court Judge John Kittredge for not complying with state rules saying action on an arrest warrant must be taken within 90 days of receiving it from the clerk of court.

The fine was later dropped.

The mass indictments leave Gowdy with a large pool of cases he can't be sure to have looked at.

"It looks to me like the policy we

used to have of reviewing cases to see if they have a basic degree of merit before sending them for indictment has been abandoned," said Spartanburg attorney Andy Johnston, an assistant solicitor for Gossett from 1988 to 1990.

Johnston said it looked like prosecutors just took every case to the grand jury instead of reviewing and deciding which ones to pursue in court.

Gowdy takes office Jan. 10. He said it will be difficult for him to see and decide on all the cases from the grand jury.

"We're going to do a better job of getting with law enforcement and

screening cases on the front end," Gowdy said.

Eldon D. Wedlock Jr., a criminal law professor and legal ethics expert at the University of South Carolina, said the grand jurors share the blame with Gossett's office.

"Their duty is to listen to evidence of criminal allegations presented by prosecutors and witnesses, and to act as a screen against vindictive prosecutions or unfounded charges," Wedlock said. "They're not taking that duty as seriously as they should."

Wedlock said the grand jury's foreman or a panel member should have objected.

## Ex-prosecutor on defense in new job

By JOHN MONK  
jmonk@hinesinc.com

When yet another federal prosecutor of Mark Moore retired last month to go into private practice, he took a page from his college class that reads in part: "It takes no prisoners."

Moore, 51, will take that reputation when he moves two blocks south from his former office on the fifth floor of Columbia St. S. attorney, so to speak, the sixth floor of the Nexsen Pruet law firm. With some 200 lawyers, it is the second largest law firm in the state of South Carolina.

The thing in it going to miss most, if not his sound's comy, is standing up before a jury and saying, "My name's Mark Moore and I represent the United States of America," said Moore in a recent interview.

In 21 years as an assistant U.S. attorney, Moore was one of an elite group of trial prosecutors in the Yorked with federal and state agents including FBI, State Service, DEA, SLED and IRS.

SEE MOORE PAGE A10

Attachment: (N)(2)  
HQ-06-71

# Prosecutors protect themselves first

March 2015

## When they lie, they get immunity

Glenn Harlan Reynolds

When you're charged with a crime, you're in a tough spot. You're faced with the necessity of either negotiating a plea bargain or going to trial.

It's a big enough challenge when everybody plays things straight. But what about when a prosecutor is willing to lie? Given that prosecutors often face no consequences for misconduct, some are willing to do just that.

That's what happened in the California case of Efrain Velasco-Palacios in 2013. In negotiating a plea deal, a Kern County prosecutor committed what the state's appeals court called "outrageous government misconduct." What prosecutor Robert Murray did was produce a translated transcript of the defendant's interrogation to which Murray had added a false confession.

The defense attorney got a copy of the audio tape, but it ended abruptly. Eventually, Murray admitted falsifying the transcript, presumably in the hopes of coercing a plea deal or ensuring a trial victory.

When the trial judge found out, charges against the defendant were dismissed. Incredibly, state Attorney General Kamala Harris decided to appeal the case, arguing that putting a fake confession in the transcript wasn't "outrageous" because it didn't involve physical brutality.

Well, no. It just involved an officer of the court knowingly producing a fraudulent document to secure an illicit advantage.

A state appeals court didn't

buy Harris's argument, and the defendant went free. Murray has suffered no punishment, though the State Bar of California is seeking to suspend him.

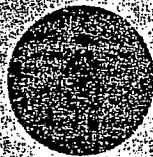
Murray's case isn't an isolated one. Louisiana is being rolled by charges of prosecutorial misconduct in the abuse of process servers, one of whom was serving a summons in a civil-rights complaint. Federal prosecutors hid evidence in the prosecution of Sen. Ted Stevens of Alaska. Former Brooklyn district attorney Charles Hynes admitted that he thought a man recently cleared of murder — whom Hynes' office convicted of a 1994 murder — was innocent.

Worse yet, prosecutors are also immune from civil suit, under a Supreme Court-created doctrine called "absolute immunity." But if we care about seeing the law enforced fairly and honestly, we need more accountability.

First, courts should sanction prosecutors directly and personally for misconduct. Second, legislatures need to pass laws promoting accountability and ensuring that prosecutorial misconduct is policed by someone other than the same prosecutors' offices. Third, the notion of absolute immunity for prosecutors, which has no basis in the law or the Constitution, needs to be abolished.

I'm not terribly optimistic that we'll see any of these changes. But until prosecutors are held accountable, there will be no assurance that they're not breaking the law themselves. And that's no way to run a justice system.

*Glenn Harlan Reynolds, a University of Tennessee law professor, is the author of The New School.*



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Allen H. Neuharth, founder, Sept. 15, 1982

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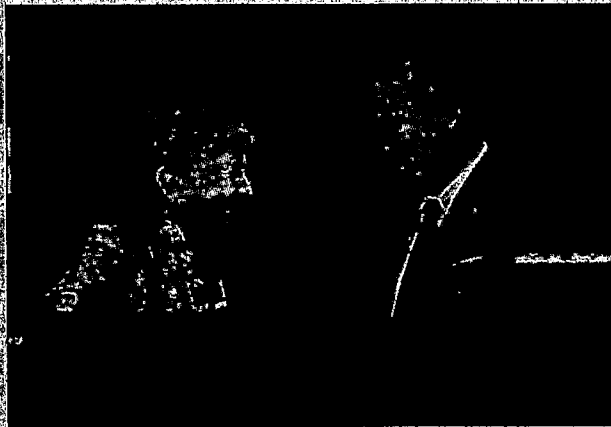
51 of 71

# Watchdog asks: Should Justices Toal, Pleicones recuse themselves from hearing Harrell matter?

By JOHN MONK  
jmonk@thestate.com

A watchdog citizens group has sent Chief Justice Jean Toal and Associate Justice Costa Pleicones a letter asking that they consider recusing themselves if they are called upon to decide civil or criminal questions involving House Speaker Bobby Harrell.

"We make this request in view of the fact that Speaker Harrell took an active role in trying to influence the votes of House members in the recent election of candidates for the office of chief justice of the Supreme Court," wrote John Crangle, executive director of Common Cause of South Carolina. Earlier this year Harrell quietly and successfully campaigned to corral House votes for Toal in a bitterly fought race for a



Supreme Court Chief Justice Jean Toal and House Speaker Bobby Harrell in 2013.

10-year term in a chief justice election. On Feb. 5, Toal squeaked out a victory over Pleicones, winning 95-74, and observers believe Harrell's backing was one of the elements that allowed Toal to crush the challenge by Pleicones.

If just 11 lawmakers of 170 House and Senate lawmakers had changed their votes, Toal would have lost her powerful post, in which she presides over the \$60-million-a-year judicial empire of state judges, court records and a vast Internet-connected

court records system. In South Carolina, the Legislature elects state judges and the five state Supreme Court justices. Both Toal and Pleicones would be perceived as having some kind of bias — either for or against Harrell, Crangle said in his letter. "The potential bias of Toal is more obvious," Crangle made it clear he was not accusing either Toal or Pleicones of being prejudiced in a matter involving Harrell — merely that because of public perceptions, the justices should consider recusing themselves. Recusals by sitting justices happen on occasion and other judges are appointed to fill their seats. Crangle made his request in a February letter, about a month after Attorney General Alan Wilson announced he would seek

a State Grand Jury investigation of potential criminal ethics violations concerning Harrell. The allegations concern Harrell's possible conversion of campaign funds for his personal use. Crangle finished his letter by saying, "We trust to the good judgment of both of the members of the Supreme Court subject to this request that they will do the right thing." On March 5, Supreme Court Clerk Dan Shearouse wrote Crangle acknowledging receipt of the letter and saying, "Unless and until such a matter does come before this Court or the chief justice, it would be premature for either Chief Justice Toal or Justice Pleicones to consider recusing themselves." Reach Monk at (803) 771-8344

Lower Richland runner enters elite class of sprinters. B

# The State

TUESDAY, MAY 13, 2014 | THESTATE.COM

152-07-71  
Attachment: (0) (2)

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# Judge halts Harrell probe

## Order pulls plug on SLED, attorney general's inquiry into speaker

By JOHN MONK  
jmonk@thestate.com

Circuit Judge Casey Manning ruled Monday that Attorney General Alan Wilson and SLED must stop their ongoing State Grand Jury criminal investigation of possible ethics violations by House Speaker Bobby Harrell.

Manning, in a five-page order, ruled that any action taken by the grand jury to date "is null and

**ONLINE:** Read the judge's ruling, with this story on [thestate.com](http://thestate.com).

**INSIDE:** Landess: No plan to send Harrell complaint to House ethics panel, **A4**  
Watchdog group asks: Should Justices Toal, Pleicones recuse themselves from hearing Harrell matter? **A4**

void." The grand jury has been operating since around January. Moreover, Manning also effectively disbanded the State Grand Jury that had been investigating Harrell and revoked a previous court order that had brought that body into being. He also ordered the State Grand Jury as well as any other investigative agency not to take "any further investigative action" concerning Har-

rell's alleged ethics violations. The case must first be handled in the S.C. House of Representatives, Manning said, and any action by the attorney general at this time is "premature."

Confirmation of Manning's ruling - awaited in state political and legal circles - came around 5:30 p.m. Monday in a statement issued to the media by Wilson's office.

"We believe today's order by Judge Manning is without any foundation or support in the law. This office will vigorously pursue all appellate remedies and will seek to continue this investigation."

SEE HARRELL PAGE A4

# HARRELL

FROM PAGE 1

Wilson's statement read - hinting at a likely quick appeal of Manning's order to the S.C. Supreme Court. Manning's sweeping ruling effectively protects Harrell, 58, a Republican from Charleston, from any criminal investigation by Wilson and SLED - at least for the foreseeable future.

Wilson is the state's top prosecutor, and SLED is the state's leading criminal investigative agency. Harrell, a veteran lawmaker, has been speaker since 2005 and a House member since 1992.

Manning's decision is a rare and possibly historic clash of powerful state figures. Not within memory has a South Carolina judge shut down an active criminal probe of a powerful state official by a state attorney general and a State Grand Jury investigation.

"It was also unusual in that, while Manning had prepared his ruling earlier, he apparently did not authorize the State Grand Jury clerk of court, Jim Parks, to release the decision until after 6 p.m. Monday - well past normal business hours. Monday night, after Manning's order was released to the media, Harrell issued a statement accusing Wilson of political motives and saying he agreed with Manning: "We are pleased with the court's ruling."

Last month, Wilson had argued in open court that if Manning issued an order halting his investigation, the judge would be granting a kind of immunity to certain criminal prosecutions not enjoyed by any other South Carolinian.

Last month at the hearing, Wilson indicated to Manning the ongoing SLED and grand jury investigation had uncovered other potentially criminal matters. But Manning said in his Monday order that Wilson had offered him no "evidence or allegations which are criminal in nature."

However, former Attorney General Charlie Condon said late Monday: "I was shocked

the judge could say that I was there."

Condon said during the hearing Wilson quite clearly told Manning the SLED investigation had uncovered potential criminal matters that did not include ethics violations.

In his decision, Manning made it clear he agreed with arguments made by Harrell's lawyers in court last month that under state law, reports of any potential ethics violations first must go to the 10-member House Ethics Committee for a determination.

At that hearing, Harrell lawyer Bart Daniel argued that under a 2013 state Supreme Court ruling known as *Rainey v. Haley*, any complaints involving alleged ethics violations by any of the state's 124 House lawmakers must first go to the House Ethics Committee.

The ruling upheld a state law, passed by the Legislature, giving the Legislature's own members "exclusive jurisdiction" over any ethics matters involving state lawmakers.

In his Monday ruling, Manning repeatedly cited *Rainey*, saying that decision "clearly establishes that ethics investigations concerning members and staff of the Legislature are solely within the Legislature's purview to the exclusion of the courts."

The Ethics Committee - not Wilson, the courts or the State Grand Jury - has "exclusive authority to hear ethics violations," Manning wrote.

Manning wrote that perhaps in the future, if the Ethics Committee referred ethics violations to the attorney general, the attorney general could then - and only then - begin a criminal investigation of Harrell.

But at this point, "Any investigation by the state grand jury at this stage is illegitimate, because the (Ethics) Act's administrative remedies have not been exhausted," Manning wrote.

Manning's decision was a defeat for SLED Chief Mark Keel.

Earlier this year, Keel had joined Wilson in requesting - and launching - a State

Grand Jury investigation into Harrell's possible criminal misuse of hundreds of thousands of dollars in campaign funds. Specifically, Harrell has been accused of converting large sums of campaign funds for his personal use. A state judge signed off on their request.

Last year, Keel's investigators worked 10 months to prepare a lengthy report that formed a starting point of the grand jury investigation he and Wilson launched in January.

In agreeing with Harrell's lawyers, Manning disagreed with Wilson's argument that the state Constitution should have greater weight than the state ethics law. Manning said a separate provision in the Constitution, mandating separation of powers among the three branches of government, gives the Legislature full authority over ethics investigations.

Whatever the law, there's a big difference between a House Ethics Committee review and a State Grand Jury investigation.

The Ethics Committee is a relatively toothless body of five Republicans and five Democrats that hears civil ethics matters. It has no squad of trained criminal investigators or veteran prosecutors. Its 10 members are made up of friends and colleagues of Harrell. Only after a potentially lengthy process to vet ethics violations does the House Ethics Committee have the authority to refer possible criminal violations to the attorney general.

On the other hand, a State Grand Jury's findings are potentially criminal in nature and can result in indictments that can force a person to stand trial and be subject to heavy fines or prison. A State Grand Jury also has clear subpoena powers, trained criminal prosecutors and investigators.

Manning's decision also cited a 1994 State Supreme Court opinion, *State v. Thrift*, in which the high court held that legislative ethics act violations are civil, not criminal.

Reach Monk  
at (803) 771-8344.

Attachment: (3)

53-of-71

# Landess: No plan to send Harrell complaint to House ethics panel

By JAMIE SELF  
jself@thestate.com

The leader of a government watchdog group who accused House Speaker Bobby Harrell of corruption said Monday she has no plans to ask the House Ethics Committee to investigate those charges.

"I'm not inclined to hand a complaint that alleges public corruption, which is a felony, to a member of the speaker's staff who might also be a witness," said Ashley Landess, president of the S.C. Policy Council.

Circuit Judge Casey Manning ruled Monday the House Ethics Committee — not the State Grand Jury, led by Attorney General Alan Wilson — has the exclusive right to review a complaint against Speaker Harrell.

House Ethics Chairman Kenny Bingham, R-Lexington, declined to comment late Monday, saying he had not read Manning's ruling.

But House rules and state law say the Ethics Committee can start an investigation on its own if four of its 10 bipartisan members agree or if someone, including the attorney general, presents a complaint.

In February 2013, Landess accused Harrell of using campaign money and his legislative position for personal gain. Seeing a pattern of public corruption, Landess decided to take the matter, which she saw as criminal, directly to Wilson's office.

Landess skipped the House Ethics Committee because, she said, there are inherent conflicts of interest in House members investigating Harrell, who appoints House members to committees and oversees staff.

Wilson asked the State Law Enforcement Division to conduct a preliminary investigation into the Charleston Republican and later referred the matter to the State Grand Jury for further investigation.

Bingham and other committee members have said they would treat Harrell like any other member if the matter comes before them. According to state law, preliminary investigations conducted by House and Senate ethics committees are done in secret. If an ethics committee finds probable cause, the case will become public.

If the committee finds evidence of criminal activity, it can refer the matter to the attorney general. The committee also must report its findings, in writing, to the House speaker, Harrell.

Reach Self at (803) 771-8658.

Attachment: (PXD) 54-0P-71-54

## S.C. SUPREME COURT

# Wilson wants justice off cases

## Attorney general to ask Beauty to recuse himself from criminal proceedings

self from criminal cases Beauty made during their annual conference. The judge made during a speech earlier this year Wilson sent a letter to 13 solicitors, who have complained about comments He also said he will sup-

By NOEMIE PHILLIPS  
nophillips@thestate.com

S.C. Attorney General Alan Wilson will ask Supreme Court Justice Don Beauty to recuse him-

ONLINE

Read Wilson's letters online at thestate.com



Beauty

SEE JUSTICE PAGE A9

# FROM PAGE ONE/NATION



FILE PHOTOGRAPH/THE STATE

## Justice Donald Beatty and Chief Justice Jean Toal on the court in 2012

### JUSTICE

FROM PAGE A1

Wilson wrote.

Wilson closed the letter by saying, "In summary, while we believe that Justice Beatty is a fine man and dedicated jurist, the solicitors were correct to question his intemperate remarks, and we agree with you that many of the remarks were inappropriate."

The attorney general in South Carolina oversees the state's prosecutors.

Efforts on Friday afternoon to reach Beatty, one of five Supreme Court jurists, as well as Chief Justice Jean Toal, were unsuccessful.

Toal, who is up for reelection in February, was asked about the controversy Nov. 5 during a Judicial Merit Selection Commission. She told a panel of legislators that she did not think anyone on the Supreme Court had prejudged anything.

"I'm aware of the controversy, of course," Toal answered. "I can only tell you I believe the court would treat any legislative enactment with the same fairness and objectivity with every decision we make. I believe my brothers and sister on the court would join me in saying just that."

across as accusing all prosecutors of using unethical tactics to win cases, the attorney general's letter said.

Solicitors and their staffs are dedicated professionals, devoted to the difficult task of protecting the safety of their communities, securing the rights of victims, and upholding the rule of law," Wilson wrote.

Thus, for him to leave each prosecutor with the impression that he or she is facing potential disbarment or other judicial sanction cannot help but harm prosecutors' morale and discourage those who wish to make public service and prosecution their career.

Staff writer Adam Beam contributed to this report. Reach Phillips at (803) 771-8307.

The solicitors' push to have Beatty, a native of Spartanburg, recuse himself from criminal cases began in October. Fifth Circuit Solicitor Dan Johnson, the lead prosecutor in Richard and Kershaw counties, is one of the 13 solicitors to ask for Beatty's recusal.

The 13 contend Beatty demonstrated a clear bias against prosecutors in his remarks at a September solicitors' gathering in Myrtle Beach and cannot be counted upon to be impartial in his rulings.



Wilson

In a Nov. 21 letter to the solicitors, Wilson said he reviewed a summary of Beatty's comments that were provided by three solicitors. He said as the chief prosecutor in the state, "I fully share the concerns of each of you regarding these unfortunate remarks."

According to previous news reports, Beatty, elected to the Supreme Court in 2007, told the audience of prosecutors they had "been getting away with too much for too long." The court will no longer overlook unethical conduct, such as witness tampering, selective and retaliatory prosecutions, perjury and suppression of evidence, Beatty said.

He added, "You better follow the rules or we are coming after you and will make an example," according to a summary of his comments published earlier this year in The (Charleston) Post and Courier.

The pendulum has been swinging in the wrong direction for too long and now it's going in the other direction," the summary quotes him as saying. "Your Bar licenses will be in jeopardy. We will take your license."

In his Dec. 12 letter, Wilson used the words "confrontational and threatening" to describe Beatty's remarks and said the judge's speech could have used "a far less adversarial tone."

Beatty's words came

Attachment: (P)(2)

SS-OF-71

Jose Alberto Maldonado, # 312648  
Kershaw Cl. Hickory A/Room, # 244  
4848 Goldmine Highway  
Kershaw, South Carolina 29067

Issue File: January 9, 2019.

The Honorable Paul B Wickensimer  
Clerk of Court  
305 E. North Street, Suite # 325  
Greenville, South Carolina 29611

Re: Jose Alberto Maldonado v. State of South Carolina, Lower Court Case, No. 2015-CP-23-04747

Dear Clerk of Court:

The Plaintiff, file enclosed an original **MOTION, ORDER TO CORRECT THE CASE NUMBER TO THE REMITTITUR/4<sup>TH</sup> PCR. ORDER OF DISMISSAL TO REFLECT LOWER COURT CASE NO 2015-CP-23-04747** and, **SUMMONS AND COMPLAINT**, have been attached below this Petition.

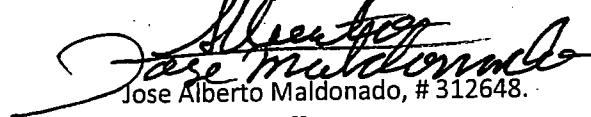
Please, if this files meets your approval to Honorable Court, filed a Copy to Preside judge Hon: Perry H. Gravely and scheduling and evidentiary hearing. In this Honorable Court.

Thank you!

Attachment: (G)(1)

56-0F-71

Sincerely Submitted

  
Jose Alberto Maldonado, # 312648.  
The Plaintiff, pro - se

cc: Megan Harrigan Jameson, Assistant Atty. Gen.

IN THE COURT OF COMMON PLEAS  
FOR THE THIRTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA :  
COUNTY OF GREENVILLE )  
  
JOSE ALBERTO MALDONADO, # 312648, )  
PLAINTIFF PRO – SE, )  
  
V. )  
  
STATE OF SOUTH CAROLINA, EX REL, W. )  
WALTER WILKINS, SOLICITOR, MEGAN H. )  
JAMESON, ATTY. GEN. ASSISTANT, THIR- )  
TEENTH JUDICIAL CIRCUIT, )  
DEFENDANTS. )

Attachment: (Q)(2)

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Case No(s). 2015-CP-23-04747  
Appellate Case No. 2017-002092,  
U.S. APPELLATE CASE NO. 18-404

ORDER TO CORRECT THE CASE NUMBER  
TO THE REMITTITUR/4<sup>TH</sup> PCR ACTION'S  
ORDERS OF DESMISSAL TO REFLECT  
LOWER COURT CASE NO. 2015-CP-23-04747

SOUTH CAROLINA CODE OF LAW § 17-27-40

To: PRESIDE JUDGE – Perry H. Gravely, its signature ORDERS:

The Jose Alberto Maldonado, Plaintiff pro – se, respectfully moves this court, pursuant to the South Carolina Supreme Court’s Order issue dated *December 13, 2018*, (See *EXHIBIT: (1)*) to this Lower Court by directed to correct the case number of the Remittitur to reflect Lower Court *Case No. 2015-CP-23-04747*. When this Court Denied the plaintiff is ‘*MOTION TO RECALLING THE REMITTITUR*’ (See, *EXHIBIT:(2)*) the plaintiff, brought this action on *November 30, 2018*, against the S.C. Supreme Court’s *ORDER* from *August 02, 2018*.

1. Hereby, plaintiff filed an action in the South Carolina Supreme Court to against the lower court’s “*Remittitur Case No. 2015-CP-23-04757*”, (See, *Attachment: (A-3)*) in order to the Plaintiff showing it to South Carolina Supreme Court that original “fourth post-conviction relief action application” captioned case number *2015-CP-23-04747*,” have not been denied. The lower Court was failed to deny Applicant’s (“4<sup>th</sup> PCR. Act.”), neither the South Carolina Supreme Court did that.

2. Which the Lower Court’s Clerk of Court docketed the original *Case No. 2015-CP-23-04747*’ on *July 31, 2015*, as the complaint in this action (See, *EXHIBIT: (2)’s Filed: Doc. 1*), *Attachments: (“A throughout G”)* *November 30, 2018*. *ROA’s Attached: D-2*, & *Attachments: “E-I, through E-IV”*)(instead the hold record “below this action,” as follows:

CUSTODY/STATEMENT OF THE CASE

Attachment: (Q)(3) 58-of-71

Thus, the Plaintiff, is an Inmate in the custody of the South Carolina Institution in Kershaw, South Carolina. This action was referred to the undersigned preside judge – Perry H. Gravely pursuant to the last ORDER filed in this action the plaintiff's "Motion To Alter/Amendment Judgment" had been denied, on August 24, 2017 entered with this Clerk of Court on September 1<sup>st</sup> 2017. (See, EXHIBIT: (11-12)'s Appx. (E)(53)(R. p. 91.ROA).

1. The pleading in this case is not difficult to decipher. This Court open this case as a civil rights action filed pursuant to "fourth post- conviction relief action, application." However, it appears that plaintiff simply intends to reopen his ("4<sup>th</sup> PCR. Act. Application") because this Lower Court had been notified on April 13, 2017. Whith the Plaintiff's "Request for Default Judgment/An A Order to Strike Casa No. 2015-CP-23-047(5)7 Filed pursuant to Rules, Rule 12(a)(b) & (f), Rule 55(a), (b) & (c), SCRPC: As Law Sanction," "Affidavit of Truth", "Objection to Return and Response to Motion of Dismissal/An A Conditional Order of Dismissal". (See, EXHIBIT: (12).

2. And a litany of attachments from Plaintiff's various actions challenging the wrong conviction in the "State and Federal courts, undersigned United States Magistrate Judge pursuant to the provision of 28 U.S.C. § 636 (b)(1)(B), and Local Civil Rule 73.02(b)(2)(D) D.S.C., seeking habeas corpus relief under 28 U.S.C. § 2254."

3. Thus, the "RETURN AND MOTION TO DISMISS, entered to this Clerk of Court on March 8, 2017," (See, EXHIBIT: (8)'s Appx. (H)(1 through 10)(See, R. pp. 297 – 306.ROA); "CONDITIONAL ORDER OF DISMISSAL, entered to this Clerk of Court on March 13, 2017." (See, EXHIBIT: (9)'s Appx. (F)(1 through 11)(306, through 317.ROA); "FINAL ORDER OF DISMISSAL, entered to this Clerk, July 29, 2017," (See, EXHIBIT: (10)'s Appx. (F)(127 – 128)(R. Pp. 217-220.ROA); and the last "ORDER", entered in this Clerk, September 1<sup>st</sup> 2017." (See, EXHIBIT: (11)'s Appx. (E)(53-54)(R. Pp. 91-92.ROA). (Those facts have not jurisdiction against the Plaintiff's "4<sup>th</sup> PCR. Act. Application, in the above – captioned case of 2015-CP-23-04747).

PROCEDURAL FACTS

Attachment: (9)(4) 59-08-71

Therefore, Plaintiff seeking leave to the South Carolina Supreme Court after this Court issue an ORDER on December 13, 2018, [i]n order to have the Thirteenth judicial Circuit Court to consider a fourth post-conviction relief action, application's original case number of 2015-CP-23-04747. To de novo review, [See, Doc. at p 1. Fn. 1, filed November 30, 2018] below this motion. State v. Barnes, is rule of the Circuit Court, denied State's Request, and State requested Certiorari review. Holding: The Supreme Court Pleicones J., held that the Court was not authorized to recall remittitur based on Defendants its "post - remittitur conduct". But the S.C. Supreme Court held that:

1. Hereby, Barnes's case the Supreme Court did not remand prior appeal, but rather reversed Defendant's conviction and sentence, leaving that State to decide whether to retry him, State had not sought "alternative relief of remand on appeal, and underlying structural error did not require showing of prejudice. See at 4, 774 S.e.2d at, 456-57 (2015) (quoting, Earle v. City of Greenville, 84 S.C. 193, at (Fn.2-3), 65 S.E. 1050 (1909).

As explained below, we find not authority supporting the State's position in this matter. [See, Doc. 1, at p. 3 (Plaintiff argues that "Final Order of Dismissal have not jurisdiction,]..." to support the (State)'s Defendants, is arguments, inside the lower court's "Conditional Order of Dismissal" in response to Plaintiff's files motions with this Court, Defendants erroneously assert that "Jose A. Maldonado, Applicant";(1) incorrectly asserts, respondent and the lower court have used the ("4<sup>th</sup> PCR. Act. Application's Civil Action Case Number; (2) the Respondent didn't review all files documents in this action and this Court finding the order null and void and didn't match to Applicant's original case number, inside to the record of ("PUBLIC INDIX").

2. Because, in both the Lower Court, and the Attorney General Office, indicated the Civil Action number upon the orders is incorrectly listed as 2015-CP-2304757. (See, "MOTION TO RECALLING THE REMITTITUR, at, EXHIBIT: (2) Issue dated Nov. 30, 2018, Filed to Supreme Court," and now have been attached to this Motion below, the evidence: (Attachments: A through G), with the Plaintiff's OBJECTIO TO MOTION OF RETURN AND REPOSE TO MOTION OF DISMISSAL' have been attached together with this file motion against the (State)'s "RETURN", "CONDITIONAL ORDER OF DISMISSAL", "FINAL ORDER

OF DISMISSAL”, and the “ORDER”, from Sept. 1, 2017 have been attached below this motion.

Attachment: (a)(5) 60-0F-71

#### STANDARD OF REVIEW

Thus, This Honorable Court for the Thirteenth Judicial Circuit allowed the Plaintiff, [i]s New complaint back, against the Respondent’s wrong case number based on Respondent’s cross – examination pursuant to “**FINAL ORDER OF DISMISSAL, issue dated July 18 – 21, 2017.**” (See **EXHIBIT: (10)’s Appx. (F)(125-128)(R. Pp. 217-220.ROA)**, i.e., [section 17-27-80], holding, as follows:

Consequently, “[t]his Court employs a deferential standard of review when reviewing a decision to *S.C. Supreme Court, and will’s order stated that; Simmons v. State*, 416 S.C. 584, 592 788 S.E.2d 220, (2016), “[i]t is established that a conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment. The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.” *Napue v. Illinois*, 360 U.S. 264, 269, 79 S. Ct. 1173, 3 L.Ed.2d 1217 (1959) (citation omitted); see also *Riddle v. Ozmint*, 369 S.C. 39, 47-48, 631 S.E.2d 70, 75 (2006) (“The failure to correct false evidence is as reprehensible as its presentation.” (Citing *Washington v. State*, 324 S.C. 232, 235, 478 S.E.2d 833, 834-35 (1996))). In addition, “the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” *Brady v. Maryland*, 373 U.S. 83, 87, 83 S. Ct. 1194, 10 L.Ed.2d 215 (1963). Alternatively, a prisoner may be entitled to relief when “there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction, or sentence in the interest of justice.” S.C. Ann. § 17-27-20 (A) (4) (2014) (See, Exhibit: (15)’s Appx. (G) (39) (R.p.259.ROA), attached below this Motion).

In ruling on an application for PCR, “[t]he [PCR] court shall make specific finding of fact, and state expressly its conclusion of law, relating to each issue presented” S.C. Code Ann. § 17-27-80 (2014). The PCR court’s general denial of all claims not specifically addressed in the PCR court’s order” does not constitute a sufficient ruling on any issues since it does not set fourth specific findings of fact and conclusions of law.” *Marlar v. State*, 375 S.C. 407, 409, 653 s.e.2D 266, (2007). To preserve issues for appellate review, after an order is filed, hereby Plaintiff, pro – se has an obligation to review the order

and he filed a Rule 59(e) SCRPC [] motion to alter or amend when the order fails to set forth the findings and the reasons for those findings as required by [section] 17-27-80 [of the South Carolina Code] and Rule 52(a) SCRPC." Pruitt, 310 S.C. at 256, 423 S.E.2d at 128.

As noted, the lower court believe the State is technically correct regarding issue preservation. However, as the State acknowledges, this Court has previously remanded cases such as this to the PCR court for finding of fact. See McCullough v. State, 320 S.C. 270, 272, 464 S.E.2d 340-41 (1995)("Although the error was not raised to and ruled on by the PCR judge, like the (State)'s DEFENDANTS issued, its "Final Order of Dismissal" to a public index's argument' this court now have to find it necessary to vacate the order and remand this matter to this circuit court to issue an order addressing its decision to granting [the PCR applicant's] fourth application as not successive, under the docket number 2015-CP-23-04747." That, jurisprudence has referred to a remand under those circumstances as an "extraordinary action against the (State) respondent." Pruitt, 310 S.C. at 255 n.2 423 S.E.2d at 128 n.2. A remand under these circumstances must, of course, be granted sparingly and be reserved for the rarest of cases. This Court have to rule this is such case. Simmons, at 592 n.12, 788 S.E.2d at 225 n.12.

Plaintiff requests that lower court proceed and grant relief today in the form of a new trial, or let the State decide to retry him or sent him to immigration court to grant the relief have been sought, and order to grant relief from prison, any offer is well, after Mr. Maldonado, have an invitation to the lower court and decline to remand the error from Defendants. This Hon: Court sit today in an appellate capacity and making findings of fact de novo would be contrary to this appellate setting. See e.g., In re Treatment & Care of Luckabaugh, 351 S.C. 122, 131-34, 568 S.E.2d 338, 342-344 (2002)(vacating and remanding the preside Perry H. Gravely judge's ruling because that court's order did not contain factual findings, and the PCR PRESIDE JUDGE did not denied upon the right case number of 2015-CP-23-04747? "Sufficient to allow this Court, sitting in its appellate capacity, to ensure the law is faithfully executed below," and refusing to engage in the speculation that would be required to uphold the trial court's decision (citation omitted)).

Moreover, a preemptive ruling on the merits would be unfair to the State, which would be deprived of the opportunity to have this matter fully resolved by a proper order from the PCR court.

Attachment: (a)(6)

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**CONCLUSION**

Hereby, The South Carolina Supreme Court ruled that – with the **ORDER** previously filed to this Hon: Court, that the Clerk of the lower court is hereby directed to correct the case number on the Remittitur to reflect Lower Court Case No. 2015-CP-23-04747. And now this Court be modify so as to conform to this conclusion herein announcing, on the Plaintiff's filed Motion had been recalling the remittitur from this lower court. Because, such case No. 2015-CP-23-04757 did not have authority in his next **PETITION TO PRE-FILLING AUTHORIZATION of 28 U.S.C.A. §2244. (See, EXHIBIT: (3))** the Plaintiff filed it to Habeas Corpus Petition, when the Court of Appeal did and docket the Plaintiff, is **Case No. 18-404**. See below this motion of Plaintiff's **RESPOND TO DOCKETING NOTICE - § 2244. Filed on December 17, 2018. (See, EXHIBITS: (4), & (5)).**

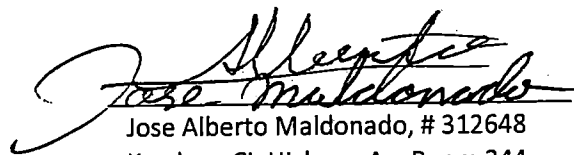
Mr. Maldonado pray to this Court to reverse the Applicant's Conviction and sentence, leaving the State to decide whether to **retry him or just move him to an Immigration court by Immigration judge decide this case, for a mandatory relief**. When Applicant have Sought Alternative Relief of Remand on Appeal, and underlying structural error that plaintiff, require to showing the facts of prejudiced.

And require the Lower Court to Order an evidentiary hearing in such matter.

Attachment: (a)(7)  
62-0F-71

Done this 9 day of January 2019

Respectfully Submitted



Jose Alberto Maldonado, # 312648  
Kershaw Cl. Hickory, A – Room 244.  
4848 Goldmine Highway  
Kershaw, South Carolina 2906



STATE OF SOUTH CAROLINA :  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Attachment (R)(2).

JOSE ALBERTO MALDONADO, # 312648,  
PLAINTIFF, PRO – SE, )

64-0F-71

CASE NO(S). 2015-CP-23-04747  
APPELLATE CASE NO.2017-002092  
U.S. APPELLATE CASE NO. 18-404

V. )

STATE OF SOUTH CAROLINA EX REL, W. WALTER  
WILKINS, SOLICITOR, MEGAN H. JAMESON, ATTY.  
GEN. ASSISTANT, THIRTEENTH JUDICIAL CIRCUIT,  
OPPOSITE PARTY, DEFENDANTS. )

COMPLAINT  
(EVIDENTIARY HEARING DEMANDED)

Plaintiff complaining of the above listed opposite parties to their wrongly documents "orders" by this Clerk of Court had been documented the **DOCKET – STAMPED** upon the Plaintiff's fourth post-conviction relief action application, when this Court illegal denied within the wrong case number 2015-CP-23-04757. And therefore this Hon: Court will find the Defendants its case without jurisdiction against a Mr. Jose Alberto Maldonado the Plaintiff from the "Final Order of Dismissal", neither that "Order issue dated September 1, 2017. Hereby, Plaintiff would respectfully show unto this Honorable Court as follow:

**GENERAL ALLEGATIONS**

1. Plaintiff is designee of the "Fourth Post-Conviction Relief Action, and this Clerk of Court docket the Form application with this Case No. 2015-CP-23-04747" filed in the Court of Common Pleas of the Thirteenth Judicial Circuit of the South Carolina and it is authorized by Section 17-27-40, Code of Law of South Carolina.
2. Defendants improperly exchange the case number upon the Plaintiff's (4<sup>th</sup> PCR Action Application) and chose this case number 2015-CP-23-04757 in the above caption complaint, and is currently in the position of presided Perry H. Gravely judge of the Thirteen Judicial Circuit.

3. That the Defendants "RETURN AND MOTION TO DISMISS issue dated Mar. 8, 2017", "CONDITIONAL ORDER OF DISMISSAL issue dated March 13, 2017" "FINAL ORDER OF DISMISSAL issue dated JULY 21, 2017" and the "ORDER from September 1, 2017", as the result of an investigation involving the opposite parties as listed in the above – referenced caption.

Attachment: (R)(3) 65-0F-71

4. That Plaintiff, at the time he receipt the ("Fourth Post-Conviction Relief Action Application") from this Clerk of court filed the above caption docket case number 2015-CP-23-04747, on July 31, 2015 or otherwise associated with the Plaintiff original case number.
5. That, Plaintiff when he receipt the application form been docketed in the above Caption Case No. 2015-CP-23-04747 the clerk of court's duty is to filed one copy to the Solicitor's office, and other copy, to the Attorney General's Office and also a third copy to the preside Perry H. Gravelly judge or otherwise associated with the Defendants that they had been received the Original Case No. 2015-CP-23-04747 subject to Applicant's "4<sup>th</sup> post-conviction relief action application form, within the jurisdiction to Section 17-27-40 as set forth below in **Paragraph 6**. The Defendants wrong case number 2015-CP-23-047457 was used in illicit, fraudulent records to security the plaintiff's wrong conviction inside the (SCDC) (and for that prejudice the original 4<sup>th</sup> post conviction relief action for the relief have been sought, when Mr. Jose A. Maldonado believe or asserted to be the proceeds of illicit exchanged that original number by Defendants; to the "Applicant" 'AMENDMENT'S POST CONVICTION RELIEF APPLICATION 4<sup>TH</sup> PCR. ACTION'" see, at the face to the "AMENDMENT" had been "Marked with a black marks, the ("04757") their wrong case number (See, EXHIBIT: (2)'s "Attachments: E-III in comparison to E-IV"). That original case number of ("04747") as APPLICANT IS "AMENDMENT TO POST CONVICTION RELIEF APPLICATION 4<sup>TH</sup> PCR ACTION's 'CERTIFICATE OF SERVICE'", see below this complaint the evidence of facts. Gary v. State, 347 S.C. 627, 557 S.E.2d 662 (2001). Defendants is introduction to wrong case number, hereby Plaintiff's allegation in this complaint against Defendants of their return, and that order from Sept. 1<sup>st</sup> 2017, pursuant to a default judgment, by the time it came back, it was too late, "to defendants fix the hold records by the S.C. Supreme Court's Order from December 13, 2018 had been filed to this Clerk of Court, and now have to correct the case number on the "Remittitur" to reflect lower Court Case No. 2015-CP-23-04747." In Order that defendants its wrong case number 2015-CP-23-04757 have being summary dismissed for failure to comply with clause 17-17-40, 17-27-45(A), (C). Code of Laws

of South Carolina (1976), as amended.

6. It is clear under South Carolina Law that mailing does not constitute filing. When a statute requires the filing of a paper or document, it is filed when delivered to and received by the proper officer the mailing of applicant's fourth application case number 2015-CP-23-04747 was therefore sufficient under Clause, 17-27-40, 17-27-45 (C).

Attachment: (R)(4) 66-0F-71

7. On about March 29<sup>th</sup> 2017, the Plaintiff filed an "AFFIDAVIT OF TRUTH" (See below this complaint at Appx. (G)(37-38)(R. Paragraphs 1, through 7. Pp. 257-58.ROA)), clearly I explained to Defendants that the "Affiant understand that making his (4<sup>th</sup> PCR. Act. Application,) does, not excuse the Applicant from litigating his case, and that it is a fundamental evidence of facts that Plaintiff's responsibility to have that (State) Respondent, and now the Defendants had been serve with an a "REQUEST FOR DEFAULT JUDGMENT/AND AN A ORDER TO STRIKE THE CASE NO. 2015-CP-23-04757 pursuant to Rules, Rule 12(a)(b), & (f), Rule 55(a)(b), & (c), SCRCP" within an "OBJECTION OF RETURN AND RESPONSE TO MOTION OF DISMISSAL/AN A CONDITIONAL ORDER OF DISMISSAL", (see, the "AFFIDAVIT OF TRUTH") below this complaint.

**FOR A FIRST OR SECOND CAUSE OF ACTION DECLARATION OF RIGHT AS TO  
CORRECT THE HOLD CASE ITS NUMBER TO REFLECT LOWER COURT CASE  
NO. 2015-CP-23-04747**

8. Each and every allegation is realleged as if fully set forth herein.
9. The Plaintiff believes he is entitled to an ORDER of this Honorable Court by declaring the above listed of Defendants they did wrongly to cited this case of 2015-CP-23-04757 and now this Court have to reversed and remand this matter to summary dismissed such case pursuant to Section, 17-27-40 when the Plaintiff declare under § 17-27-70(C), and Rule 71.1 SCRCP, of the penalties of perjury that my answer to the foregoing questions are true to the best of my knowledge be vested and transferred to an evidentiary hearing.
10. The Plaintiff requests an evidentiary hearing in this cause of action. For denied access to Court
  1. The Defendant have a fraudulent records and miss used the power of this Court to detained a Mr. Jose A. Maldonado with the SCDC into the Kershaw Cl., within the wrong case number, an

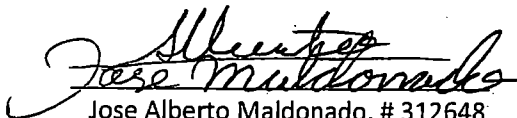
the illegal sentencing from the general sessions court term applied on April 10 2007, as set Forth in the above – reference captioned 4<sup>th</sup> PCR Action Application’s original case number shall be remand this case for appointment of counsel under the Rule 71.1(d), SCRPC, and evidentiary hearing Plaintiff demanded regarding the Plaintiff’s claim of rule 60(b) SCRPC, and his previously (4<sup>TH</sup> POST CONVICTION RELIEF ACTION APPLICATION) had/or have been filing for newly discovered evidence, pursuant to S.C. Code of Laws §§ 17-27-10/110, and S.C. Const. Art. 1 § 18, and Amended that Section 17-27-45(C). (See Appx. (G)(39) (R. P. 259. ROA) below this Complaint.

2. That the attorney general of South Carolina shall be notified;
3. For such other and further relief as this Court shall deem just and proper.

Attachment: (R)(5)

67-of-71

Respectfully Submitted



Jose Alberto Maldonado, # 312648  
Kershaw, Cl. Hickory A/Room # 244  
4848 Goldmine Highway  
Kershaw, South Carolina 29067

Done this 9 day of January 2019

STATE OF SOUTH CAROLINA : )  
COUNTY OF GREENVILLE ) Attachment: (S)(1)

IN THE COURT OF COMMON PLEAS  
THIRTEEN JUDICIAL CIRCUIT

JOSE ALBERTO MALDONADO, # 312648, )  
PLAINTIFF, PRO-SE, )  
V. )  
STATE OF SOUTH CAROLINA, EX REL, W. WALTER )  
WILKINS, SOLICITOR, MEGAN H. JAMENSON ATTY. )  
GEN. ASSISTANTS, THIRTEENTH JUDICIAL CIRCUIT, )  
OPPOSITY, DEFENDANT. )

68-OF-71

Case No. 2015-CP-23-04747  
APPELLATE CASE NO. 2017-002092  
U.S. APPELLATE CASE NO. 18-404

PLAINTIFF'S EXHIBITS  
RECORD ON APPEAL

**INDEX:**

- EXHIBIT: (1).** The Appellant Case No. 2017-002092's ORDER file to the Clerk of the lower Court to correct the case's number on the REMITTITUR to Reflect Lower Court Case No. 2015-CP-23-04747, issue dated December 13, 2018,
- EXHIBIT: (2).** The MOTION TO RECALLING THE REMITTITUR, Appellate Case No. 2017-002092. Issued on November 30, 2018. See below its (Attachments);
- I. The S.C. Supreme Court, Appellate Case 002092's ORDER (Attachments: A-1, A-2, and A-3) issue dated August 2, 2018.
  - II. The S.C. Supreme Court Appellate Case No. 2017-002092's ORDER (Attachments: B-1, and B-2) issue dated May 3, 2018;
  - III. The S.C. Supreme Court's Respond to letter dated January 10, 2017 (Attachments: C-1, & C-2);
  - IV. The S.C. Supreme Court's Order Appellate Case No. 2017-002092, (Attachments of evidence to files in relation to motion asking to S.C. Supreme Court to direct this Lower Court's Clerk of Court to release the filling records to Case No. 2015-CP-23-04757 to him, as set forth below in (Attachment: D-4). (See Attachments: D-1, Through D-7); (Attachments: "E-I, Through E-IV"), (Attachments: F-1, Through F-3); and (Attachments: G-1) the Wrong Trial Court Case No. 2008-CP-23-2140's ORDER to transferred to the Supreme Court by Rule 204 SCACR. Issue dated Oct. 11, 2017.

**EXHIBIT: (3).** The PETITION TO PRE – FILING AUTHORIZATION 28 U.S.C.A. § 2244 addressed to U.S. States Court of Appeals For The Fourth Circuit. Issue dated November 30, 2018.

Attachment: (S)(2) 69-OF-71

**EXHIBIT: (4).** The Case No. 18-404, In re Jose Alberto Maldonado, Movant Docketing Notice – 2244 MOTION TO RESPONDED, within no more than 7 days. Under Local Rule 22(d). The U.S. Court of Appeals For the Fourth Circuit, responded on December 7, 2018.

**EXHIBIT: (5).** The Motion of In re, Jose Alberto Maldonado, Movant v. State of South Carolina, Respondent, RESPOND TO DOCKETING NOTICE 2244 MOTION (filed: Doc. 2) issue dated December 17, 2018.

**EXHIBIT: (6).** The U.S. Court of Appeals for The Fourth Circuit Case No 18-404 In re, Jose Alberto Maldonado, Movant v. SCDC, Respondent, Appellate Case No. 2017-001525 Lower Court Case No. 2015-JLJ-040567AP. The Covert copy of RESPOND TO DOCKETING NOTICE MOTION. Issue dated December 17, 2018.

**EXHIBIT: (7).** The U.S. Court of Appeals For the Fourth Circuit, Appeal from the S.C. Administrative Law Court S. Philip Lenski, Administrative Law judge Case No. 18-404, In re, Jose Alberto Maldonado, Movant v. SCDC, Respondent Appellate Case No. 2017-001525, Lower Court Case No. ALC-040567AP's APPENDIX/RECORD ON APPEAL, issue dated Dec. 17, 2018.

**EXHIBIT: (8).** The (State), Defendants, RETURN AND MOTION TO DISMISS, with is wrong Case No. 2015-CP-23-04757 issue dated March 8, 2017.

**EXHIBIT: (9).** The (State), Defendants, CONDITIONAL ORDER OF DISMISSAL, with is wrong Case No. 2015-CP-23-04757 issue dated March 13, 2017.

**EXHIBIT: (10).** The (State), Defendants, FINAL ORDER OF DISMISSAL, with is wrong Case No. 2015-CP-23-04757 issue dated July 21, 2017.

**EXHIBIT: (11).** The notice to the Lower Court's ORDER signed Perry H. Gravely preside judge, upon to the wrong Case No. 2015-CP-23-04757 issue dated September 1, 2017.

**EXHIBIT: (12).** The Plaintiff's ORIGINAL Case No. 2015-CP-23-04747, OBJECTION TO MOTION OF RETURN AND RESPONSE TO MOTION OF DISMISSAL/AN A CONDITIONAL ORDER OF DISMISSAL, issue dated March 29, 2017.

**EXHIBIT: (13).** The Plaintiff's Original Case No. 2015-CP-23-04747, REQUEST FOR DEFAULT JUDGMENT/AN A ORDER TO STRIKE <Case No. 2015-CP-23-047(57)> Pursuant To Rules, Rule 12(a)(b), & (f), Rule 55 (a)(b) & (c), SCRCP: As Law Sanction issue dated March 29, 2017.

**EXHIBIT: (14).** The Plaintiff's AFFIDAVIT OF TRUTH Original Case No. 2015-CP-23-04747 subject to S.C. Code Ann. § 17-27-40, issue dated March 29, 2017; and

**EXHIBIT: (15).** The State Grand Jury of South Carolina, Office of the Clerk, Address – 1000 Assembly Street Rembert Dennis Building Suit 519 Columbia, South Carolina 29201 it's the Plaintiff Newly Discovered Evidence from this Court, or Office of the Clerk addressed to Plaintiff on April 17, 2015.

**CERTIFICATE OF PLAINTIFF**

The Undersigned hereby Certifies that the Exhibits, and Records on Appeals contains all material proposed to be included by any of the parties and not any other material.

Attachment: (S)(3)

70-06-71

Respectfully, Submitted



Jose Alberto Maldonado, # 312648

Kershaw Cl. Hickory A-244

4848 Goldmine Highway

Kershaw, South Carolina 29067

Done this 9 day of January, 2019.

STATE OF SOUTH CAROLINA :  
COUNTY OF GREENVILLE )

JOSE ALBERTO MALDONADO, # 312648, )  
INTERESTED PLAINTIFF PRO – SE, )

V. )

STATE OF SOUTH CAROLINA, )  
DEFENDANTS. )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

CASE NO(S). 2015-CP-23-04747  
APPELLATE CASE NO. 2017-002092  
U.S APPELLATE CASE NO. 18-404

CERTIFICATE OF SERVICE BY MAIL

Attachment: (S)(H)

Page 71

1. I am an inmate of the Plaintiff in the above – captioned action.
2. Regular communication by mail exists throughout the Kershaw CI, in The State of South Carolina and That this is a proper circumstance of service by mail.
3. I have this day served a copy of the **ORDER TO CORRECT THE CASE NUMBER TO THE REMITTITUR/4<sup>TH</sup> PCR. ACTION'S ORDERS OF DESMISSAL TO REFLECT LOWER COURT CASE NO 2015-CP-23-04747,** with a **SUMMONS AND COMPLAINT** in the above – captioned matter on the following persons by depositing same in the United States mail, postage prepaid.

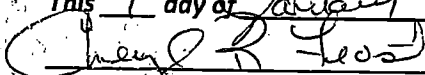
The Honorable Paul B. Wickensimer  
Clerk of Court  
305 E. North Street, suite # 325  
Greenville, South Carolina 29611

SC Attorney General's Office  
Alan Wilson  
P.O. Box 11459  
Columbia, South Carolina 29211

Further, Plaintiff, said and notarized this 9 day of January .2019

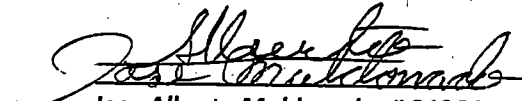
SWORN to and SUBSCRIBED before me

This 9 day of January .2019



Notary for SOUTH CAROLINA  
My COMMISSION Expires: Jan 27, 2025

Respectfully, Submitted



Jose Alberto Maldonado, # 31264  
Kershaw CI. Hickory, A-Room #244  
4848 Goldmine Highway  
Kershaw, South Carolina 29067

)  
STATE OF SOUTH CAROLINA :  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
FOR THE THIRTEENTH JUDICIAL CIRCUIT

CIVIL ACTION CASE NO. 2015-CP-23-04747  
APPELLATE CASE NO. 2017-002092

JOSE ALBERTO MALDONADO, # 312648 )  
PLAINTIFF, PRO – SE, )  
V. )  
STATE OF SOUTH CAROLINA, EX REL, W. )  
WALTER WILKINS, SOLICITOR, MEGAN H. )  
JAMESON, ATTY. GEN., ASSISTANT, THIR- )  
TEENTH JUDICIAL CIRCUIT, )  
DEFENDANTS. )  
\_\_\_\_\_ )

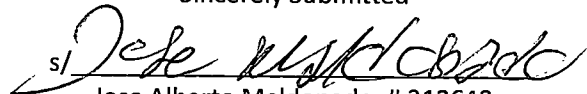
**CERTIFICATE OF SERVICE BY MAIL**

I, Jose Alberto Maldonado, certify that a true original copy of the "RETURN AND MEMORANDUM IN SUPPORT OF MOTION, REQUEST FOR DEFAULT JUDGMENT PURSUANT TO RULE 55, SCRCP AND THE S. C. CODE ANN. §§ 17-27-40." And also "a copy of ORDER MOTION TO DISMISS THE INDICTMENTS CASE NO(S). 2003-GS-04545; 03-004547; and 2005-GS-47-0026 counts (I, II, III, & V)."

Has been served on the SUPREME COURT OF SOUTH CAROLINA DANIEL E. SHEAROUSE CLERK OF COURT POST OFFICE BOX 11330 COLUMBIA, SOUTH CAROLINA 29201, and the, Greenville County's Clerk of Court as the Hon: Paul B. Wickensimer is Office, locate on 305 E. North Street, suite # 325 Greenville, South Carolina 29611. By way of United States is Mail, by placing said above in the Kershaw Correctional Institution is mailroom as stated below:

Further Plaintiff said and certify,  
Done this 3 day of February 2020.

Sincerely Submitted



Jose Alberto Maldonado, # 312648  
Kershaw Corr. Inst. Hickory, C-Room, 2020  
4848 Goldmine Highway  
Kershaw, South Carolina 29067

SWORN to and SUBSCRIBED before me

This 3<sup>rd</sup> day of February, 2020

Carthine A. Amescor

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_

Dec. 23 2020

CC: Attorney General's Office/ Megan H. Jameson Asst. Gen.