

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

The State of South Carolina,

Plaintiff,

Vs.

Jamaad D. Thomas,

Defendant.

IN THE COURT OF GENERAL SESSIONS
TWELFTH JUDICIAL CIRCUIT

"Rule 5"

NOTICE OF MOTION AND MOTION FOR
PRODUCTION AND INSPECTION OF
EVIDENCE OR INFORMATION WHICH
MAY LEAD TO EVIDENCE

Warrant No.: M-378817

FILED
2012 JAN 19 PM 3:53
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

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FEB 26 2020

To: The State of South Carolina, and its attorney:

S.C. SUPREME COURT

YOU WILL PLEASE TAKE NOTICE that as counsel for the above-named Defendant, we are requesting, under the authority of Brady vs. Maryland, 373 U.S. 83 (1963); Napue vs. Illinois, 360 U.S. 364 (1959); Alcorta vs. Texas, 355 U.S. 28 (1957); Mooney vs. Holohan, 294 U.S. 103 (1935); Giglio vs. U.S., 405 U.S. 150 (1972); Moore vs. Illinois, 408 U.S. 786 (1972); and Kyles vs. Whitley, 514 U.S. 419 (1995), that your office supply to us, or make available for inspection, all evidence which may be favorable to the Defendant with regard to the offense(s) with which he/she has been charged.

The Defendant is requesting access to such favorable information as is in your custody as well as that being held by investigating officers or agencies. Such information would include but would not be confined to the following:

- 1) All written statements of the Defendant, whether signed or unsigned;
- 2) All written statements made by witnesses or any other persons, whether signed or

State v. Jamaad D. Thomas
Motion for Production and Inspection of Evidence
And Information Which May Lead to Evidence
Warrant No.: M-378817
Page 1 of 5

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SC Court of Appeals

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M. W. Red
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

unsigned, which relate to this case;

CROSS EXAMINATION

3) All tape recordings made by witnesses or any other persons in connection with this case;

4) Any and all written reports to the State Law Enforcement Division (SLED) Criminalistics Laboratory; Federal Bureau of Investigation Laboratories; City or County Police Department Criminalistics Identifications personnel, concerning an examination made by said laboratories and/or personnel thereof, of any physical, photographic or written evidence concerned with the investigation of this case;

5) Any and all photographs taken of the Defendant;

6) Any and all photographs taken at the scene of the alleged crime and/or the victim, or otherwise relating to this case;

7) Photographs that have been exhibited to any person for the purpose of establishing the identity of the perpetrator of the crime charged and the name and address of the person(s) to whom the photographs were shown;

8) Handwritten notes or memoranda made by police, investigating officers, or psychiatrists or other connected medical and/or mental health examiners, of their conversations with the Defendant;

9) Handwritten notes made by police or their investigating officers of their conversations or interviews with witnesses;

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Wanda *Reel* *Shapiro*
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FLORENCE COUNTY, S.C.

★ (10) [REDACTED] made of tape recorded statements made by the accused and by [REDACTED] messages, as well as any handwritten notes;

11) Names and addresses of all witnesses having knowledge of the offense charged or any other persons who have been interviewed by the Solicitor, his investigators, his staff or the investigating officers, whether subpoenaed or not, in the crime charged;

12) A copy of the crime or incident report, together with copies of all supplemental reports written by officers investigating the crime involved in the above entitled action;

13) Right to inspect and/or copy or photograph all items of any kind and nature seized and removed as a result of any search of the Defendant, of any premises formerly occupied by the Defendant, if any, or any vehicle associated with the alleged crime;

★ (14) Record of arrests and convictions of any and all witnesses known to the Solicitor's Office, in relation to this case;

★ (15) All notes or memoranda, by police officers or other investigating officers of their conversations with persons who the State expects to or has called before the Grand Jury proceedings in connection with this case;

16) Autopsy reports and pathologist's reports to include any and all photographs of the victim; patient records provided to the pathologists; histological reports; toxicological studies; emergency room records, (including notations as to any medications administered as well as resuscitative measures instituted, if any);


★ (17) Any physical or tangible item in the possession of the Solicitor's Office which may have relevance to the guilt or innocence of this Defendant;

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M. J. [Signature]
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CHESAPEAKE COUNTY, S.C.

before trial. ~~the purpose of such discovery is to enable the Defendant herein to properly prepare a~~
~~defense to the offenses charged and to properly prepare for the examination of any witnesses~~
~~in this case.~~ Defendant would show that the failure to produce any of the
foregoing evidence or information by the law enforcement agency involved would result in a
violation of the Fifth, Sixth and Fourteenth Amendments of the Federal Constitution of the
United States.

January 19, 2012

Florence, South Carolina



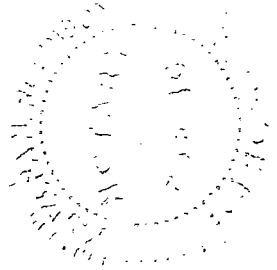
JOSHUA A. BAILEY
Attorney for the Defendant

Finklea Law Firm
814 West Evans Street
Post Office Box 1317
Florence, SC 29503
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Fax: (843) 317-4910
jbailey@finklealaw.com

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Michelle R. Bell
CLERK OF COURT, C.P. & G.S.
FLORENCE COUNTY, S.C.

In Addition the Copies Show that in the rule 5 disclosure response the State didn't provide I (Petitioner) with everything that was requested in the motion for production and inspection of evidence or information which may lead to evidence which was "All transcripts made of tape recorded statements made by potential prosecution witnesses for my preparation for trial." The newly discovered witnesses in the guilty plea hearing speaks for itself. (App. 13 L11-15).

State of SC County of Richland
The foregoing instrument was acknowledged before me
this 21st day of February, 2020.
by [Signature]
Notary Public
My Commission Expires 8/5/2024



Respectfully Submitted,
Jamaad Thomas
JAMAAD D. THOMAS,
Petitioner

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

IN THE COURT OF GENERAL SESSIONS
TWELFTH JUDICIAL CIRCUIT
WARRANT NO(S): M-378817

The State,)

vs.)

RULE 5 DISCLOSURE

JAMAAD D. THOMAS,)
Defendant (s).)

TO: JOSHUA BAILEY, ATTORNEY FOR THE DEFENDANT:

RE: REQUEST FOR DISCLOSURE UNDER RULE 5 FOR THE ABOVE CAPTIONED
DEFENDANT:

In response to your request for disclosure under Rule 5, for the above referenced defendant, the State provides for the defendant a copy of the following:

1. Copy of Warrants M-378817.
2. Copy of booking photo.
3. Copy of prior criminal history. *Need that/want some video statements*
4. Copy of FPD Incident Report, case# 2011-009262 (2 pages).
5. Copy of FPD Witness Information sheets (8).
6. Copy of FPD incident Report Supplemental of T. Carraway (7 pages).
7. Copy of FPD incident Report Supplemental of C. Moreau (2 pages).
8. Copy of FPD incident Report Supplemental of M. Brandt.
9. Copy of FPD incident Report Supplemental of D. Williamson.
10. Copy of FPD incident Report Supplemental of N. Poston.
11. Copy of FPD incident Report Supplemental of H. Wynn.
12. Copy of FPD Crime Scene Unit Case Data Sheet, dated 09-18-11.
13. Copy of FPD Crime Scene Entrance Log (2 pages).
14. Copy of FPD Waiver of Rights Form dated 09-26-11 and signed by Mildenzel Davis.

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15. Copy of FPD Waiver of Rights Form dated 11-03-11 and signed by Calvin Hunter.
 16. Copy of FPD Waiver of Rights Form dated 12-05-11 and signed by Jamaad Thomas.
 17. Copy of FPD Polygraph Report dated 09-27-11 for Byron Black.
 18. Copy of FPD Polygraph Report dated 09-27-11 for Mildenzel Davis.

 19. Copy of FPD Polygraph Report dated 09-28-11 for Mildenzel Davis.
 20. Copy of FPD Polygraph Report dated 10-06-11 for Jamaad Thomas.
 21. Copy of FPD Consent Form dated 09-18-11 and signed by G. Martin.
 22. Copy of EMS run summary for victim, Jesse Brower (3 pages).
 23. Copy of Coroner Scene Investigation Report.
 24. Copy of MUSC Forensic Autopsy Final Report for victim, Jessie Brower (8 pages).
 25. Copy of MUSC Evidence Transfer Sheet.
 26. Copy of FPD Evidence/Inventory Impound Forms (5 pages).
 27. Copy of SLED Forensic Services Request, Lab# L11-11108, Submission #1 (2 pages).

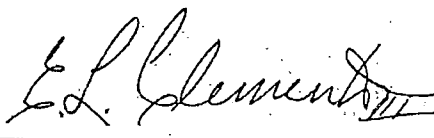
 28. Copy of SLED Forensic Services Request, Lab# L11-11108, Submission #2 (2 pages).
 29. Copy of SLED Forensic Services Laboratory Report, Lab# L11-11108, Firearms Department, dated 10-31-11.
 30. Copy of SLED Forensic Services Laboratory Report, Lab# L11-11108, Toxicology Department, dated 11-01-11.
 31. Copy of Death Certificate of victim Jesse Brower.
 32. Copy of NCIC Wanted Person File Entry Form for Jamaad D. Thomas (2 pages).
 33. Copy of Notification of Removal of Record from SLED.NCIC for Jamaad D. Thomas.
 34. Copy of FPD Digital File Transfer Request dated 10-26-11.
 35. Copy of FPD Digital File Transfer Request dated 10-07-11.
 36. Copy of SC DMV 3-year Driver Record for Mildenzel Davis (2 pages).
 37. Copy of Booking Information #2011-00006865 of Mildenzel Davis.

 38. Copy of SC DMV 3-year Driver Record for Jamaad Thomas.
 39. Copy of Booking Information #2011-00001620 of Jamaad Thomas (2 pages).
 40. Copy of FCDC Booking Card for Jamaad Thomas.
 41. Copy of CD-R disc containing Interviews: D. Miller, H. Shields, B. Black, M. Davis, M. Dixon, D. Johnson, C. Faison, R. Titus.

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42. Copy of DVD-R disc containing scene photos, hospital photos, autopsy photos, lab photos, and statements of: T. Francis, A. Titus, D. Hudson, C. Flynn, G. Martin.
 43. Copy of DVD-R disc containing video statement of J. Thomas.
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Any additional photos, documents and/or tangible objects, which could be admitted into evidence, are available for inspection by appointment upon your request.

Having complied with the defendant's request, The State hereby requests the information subject to disclosure under Rule 5(b)(1)(A)(B).


E.L. CLEMENTS, III
SOLICITOR
TWELFTH JUDICIAL CIRCUIT

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Florence, South Carolina

January 20, 2012

Jamaad Dreawan Thomas, # 38953a
Broad River Correctional Institution
4400 Broad River Road
Columbia, SC 29210



RECEIVED
FEB 28 2020
SC Court of Appeals

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211