

Hon. Daniel E. Shearouse  
Clerk - S.C. Supreme Court

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MAR 05 2020

S.C. SUPREME COURT

Dear Mr. Shearouse,

Please find enclosed my response  
along with exhibits.

Could you please provide a clock-  
stamped copy in return, as SEDC would  
not make a copy of hand written  
materials.

even consider this possible

State of South Carolina  
In The Supreme Court  
Certiorari to Spartanburg County  
Honorable Thomas A. Russo, Circuit Court Judge

Tamareus D. Long

Petitioner

v.

State of South Carolina

Respondent

Appellate Case No. 2019-000768

BRIEF OF PETITIONER (RESPONSE)

Tamareus D. Long, #  
Petitioner (Pro Se)  
Tiger River Court Trust  
200 Prison Road  
Enore, S.C. 29335

ATTORNEY FOR PETITIONER

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MAR 05 2020

S.C. SUPREME COURT

## STATEMENT OF THE CASE

In June of 2016, the Spartanburg County Grand Jury indicted the Petitioner for possession with intent to distribute marijuana (2016-GS-42-3113), and possession with intent to distribute marijuana within one-half mile of a school or park (2016-GS-42-3114). Petitioner was subsequently indicted in December 2016, for distribution of marijuana (2016-GS-42-6473) and distribution of marijuana within one-half mile of a school (2016-GS-42-6474). The charges stem from two separate incidents. First, on October 15, 2015, the police department execut-

ed a search warrant of the Petitioner's residence and vehicle and vehicle and found two containers filled with around 170 grams of marijuana. The second incident occurred on May 3, 2016, in which a confidential informant made a controlled purchase of marijuana from the Petitioner. A search of the Petitioner's vehicle was later conducted, and a bag containing 265 grams of marijuana was seized.

John G. Reckenbeil, Esq., represented the Petitioner. Assistant solicitor Grady B. Anthony, Esq., prosecuted the case. On June 8, 2017, the Petitioner pled guilty as indicted to all charges before

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the Honorable R. Keith Kelly. Pursuant to a negotiated sentence between the State and Appellant, Judge Kelly sentenced Petitioner to imprisonment for concurrent terms of twelve years each for distribution of marijuana and possession with intent to distribute marijuana, and ten years for distribution of marijuana within one-half mile of a school or park (possession intent) and distribution of marijuana within one-half mile of a school. Petitioner did not appeal his conviction or sentence. ①

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① Petitioner filed an (APCR) on April 12, 2018. A hearing was held on March 4, 2019, in Spartanburg County. Petitioner was represented by Rodney Richie, Esq.. Judge Russo dismissed the Petitioner's case on April 26, 2019.

## STANDARD OF REVIEW

The proper standard for review of a post-conviction relief (PCR) evidentiary hearing is whether "any evidence of probative value exists to sustain the (PCR) judge's findings. Cherry v. State, 300 S.C. 115, 386 S.E.2d. 624 (1989). In a (PCR) proceeding the Applicant bears the burden of proving the allegations in their Application.

Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

## ARGUMENT-1

1. The prosecutor committed several acts of misconduct in the preparation and presentation of the Petitioner's case in the Court of General Sessions.

## STATEMENT OF ISSUES ON APPEAL

1. Did the General Sessions Court prosecutor commit misconduct to coerce the Petitioner to plead guilty, by the use and withholding of alleged incriminating documentation?
2. Was plea counsel ineffective in failing to properly investigate and defend the Petitioner's General Sessions Court case?
3. Was the Petitioner subjected to due process violation throughout the course of his PCR circumstance?

"It is improper for the prosecutor to mischaracterize evidence or refer in summation to facts not in evidence." U.S. v. Rosa, 17 F. 3d (2nd Cir. 1994).

"A prosecutor may not assume prejudicial facts not in evidence, nor may he insinuate possession of personal knowledge of facts not offered in evidence."

"The Supreme Court found that a plea cannot be considered knowing and voluntary if a defendant lacks knowledge of material evidence in the prosecution's possession."

"The Brady disclosure rule requires the prosecution to provide any evidence in the prosecution's possession that may be favorable to the accused and material to either guilt or punishment." State v. Kennedy, 331 S.C. 442, 452 503 S.E. 2d 214, 220 (Ct. App. 1998).

"The government may not suggest that information not in evidence supports its case." U.S. v. Badger, 983 F. 2d 1443 (7th Cir. 1993).

In the instant case, the Spartanburg City Police prepared and submitted a document entitled "Incident Report" for case no. 10046915, prepared by one ofc. Michael J. Secrest. In the "Narrative" section of the report ofc. Secrest states:

"On 10/15/2015, at approximately 12:14 hrs., the tactical and narcotics unit executed a narcotic search warrant at 134 1/2 Westview Blvd. Upon execution of the warrant, the tactical team encountered several people in front

ON the residence. They also located? (punctuation mine) two people in a red Dodge Neon. . . . Inv. Smith advised me that Tamarus Long was in the driver's seat of the Neon. Ofc. Seerst then stated: "The following people were located at the residence!"

1. Shawn Williams
2. Robert Beason
3. Donald Martin
4. David Tarrell Gator
5. James Williams
6. Dominick Hearst
7. Donnie Rogers
8. Gerald Stoble
9. Alma Thompson

The Petitioner now asserts, But Not Himself! He, in order to be attained, was (located) at 134 1/2 Westview Blvd. For reasons unknown, Ofc. Seerst also thought it prudent to narrate that:

"The address of 134 1/2 Westview Blvd. is located directly behind Carlisle Park / Park Hill Ball Field which is located at 301 Crescent Ave. Feasibility dictates that Ofc. Seerst's intentions were to establish the school / park factor.

Feasibility, also however dictates, in the parameters of the search warrant: 134 1/2 Westview Blvd. WAS NOT COVERED. As indeed, Westview Blvd. is a three-house subdivision, and 134 1/2 Westview Blvd. happens to be the Petitioner's aunt's residence!

At the Petitioner's plea hearing during closing delin-  
editions prosecutor Grady B. Anthony stated: "Mr. An-  
thony: Thank Your Honor. With regards to the first  
charge occurred on October 15, 2015, officers with the  
Spartanburg Police Dept. executed a warrant at [redacted],  
uh, and [redacted] Westview Blvd. located, uh, they-- there

was a Dodge Neon outside (parked) of that residence, Judge, the defendant was in the driver's seat a that Dodge Neon, they found a blue tote bag with a field weight of 134 grams of marijuana and Yupperware container containing 36 grams of marijuana on the passenger seat of that vehicle, it's addressed directly behind the Carlisle Park located at            Crescent Avenue, Spartanburg County. (App. 7, 1.23-8, 1.8).

Notably, the transcript recitation            and            to a layman's eye, clearly denote - two separate addresses - as does the phrase underlined above. Similarly.

In a second document (narrative), entitled Supplemental ofc. Brundal B. Mathis of the Spartanburg City Police stated, in relevant part: "Once the residence was secured, I was tasked with completing the return portion of the warrant. This was after, the tactical arrived on the scene and cleared the residence while narcotics investigators detained the subjects in the yard. I recovered the following items: . . . , all of which was located in the back seat of the red Dodge Neon with S.C. tag JEB622." (See narrative, enclosed).

The Petitioner would respectfully assert that, again, (to a layman's observations), both narratives and the prosecutor's recitations would lead one (such as the C.S. Judge to assess that, in fact, . . .

1. The vehicle was parked (situated) at (and to) 134 1/2

1. Again, 134 1/2 Westview Blvd., NOT 134 1/2 - Team

Westview Blvd., And as such, under the warrant.  
2. The arrest and seizure of the petitioner at 134 Westview Blvd. and any and all property(ies) was legitimate under (again) the search warrant issued for 134½ Westview Blvd. However...

"The Fourth Amendment requires that a warrant describe with particularity... the place to be searched and the persons or things to be seized." U.S. Const. Amend. IV; "warrant invalid because supporting affidavit's statement that police saw known drug offender at place to be searched insufficient nexus between contraband and place to be searched." Cruikshank v. City of San Bernardino, 41 F.3d 1306, 1309 (9th Cir. 1994).

"[T]he warrant must identify the person or property to be searched, identify any person or property to be seized, and designate the magistrate judge to whom it must be returned." Fed. R. Crim. P. 41(c)(2).

"The warrant should describe places to be searched and objects to be seized with sufficient particularity so as to leave nothing... to the discretion of the officer executing the warrant." Steele v. U.S., 498, 503 (1925).

As a general matter, we will reverse a conviction on the basis of governmental misconduct only if the misconduct may have prejudiced substantial rights of the accused. U.S. v. Cross, 928 F.2d 1030 (11th Cir. 1991).

On March 4<sup>th</sup>, 2019, in the Spartanburg City Court of Common Pleas the Petitioner testified: A. John B. Reck

on bail, I retained him on the case of 10/15/2015. And, in that case, there was a -- the incident report, it states that there was a search warrant. To this day I haven't, I haven't seen the search warrants. (App. 37, 1. 23 - 38, 1. 2.)

At the same PCR hearing under redirect examination the Petitioner's trial (plea) counsel testified:

"By Mr. Richie: "

Q. - Was there a search warrant in your case? Do you recall that?

A. - No, no, no. I agree with you on that point. No, there wasn't a search warrant.

Q. - There was not one?

A. - No.

Q. - Okay.

A. - And so, if that was -- so, I agree. So that if, ultimately, in that case, the search warrant was the thing that got the cops to the house, and Tamaris was supposedly in the car that was in the curtilage area, so, no question I agree that if in fact, there was not a proper search warrant, then we had a chance on that. (App. 65, 11. 9-21).

On recross examination plea counsel also testified:

"By Mr. Isenburt:

Q. You never had this search warrant in your possession?

A. No.

1. PCR defense counsel (Petitioner's).

Q. So you couldn't have reviewed this search warrant with him if you didn't have it in your possession?

A. I didn't, but something gave me an inclination that the twelve years was reflective on the fact that there was a problem with that first case.

(App. 66, 11.5-11).

To which, in all aforementioned, the Petitioner would further make:

A. As there was, (nor can be) a search warrant produced, legitimately, the Petitioner was clearly arrested and/or seized under a warrantless circumstance, even lacking probable cause. And as such,

B. "Searches incident to arrest conducted immediately before formal arrest are valid if probable cause existed to arrest prior to the search. However, if the probable cause to arrest derives from a warrantless search, then the search is not justifiable as a search incident to arrest." See Smith v. Ohio, 494 U.S. 541, 543 (1990) (per curiam). In Smith, police officers arrested a defendant on drug immediately after discovering drug paraphernalia during a warrantless search of a paper bag belonging to the defendant. Id. The Court noted that "[i]t is axiomatic that an incident to arrest search may not precede an arrest and serve as part of its justification." Id. at 542-43 (quoting Sibron v. N.Y., 392 U.S. 40, 63 (1968); and U.S. v. Riviera,

1. charges

867 F.2d 1261, 1265 (10<sup>th</sup> Cir. 1989) (search before arrest invalid because probable cause for arrest did not exist until search was underway).

And lastly in this vein, (for now?) "If executing officers exceed the scope of a search warrant; U.S. v. Cannon, 264 F.3d 875, 879-80 (9<sup>th</sup> Cir. 2001) (police exceeded scope of warrant by searching rental unit in rear building attached to main house specified in warrant where unit was separate dwelling in which someone lived); the seized evidence may be suppressed. U.S. v. Schroeder, 129 F.3d 439, 442 (8<sup>th</sup> Cir. 1997) (evidence suppressed because officers exceeded scope of warrant by searching trailer adjacent to property indicated in warrant because trailer was distinctly separate from property described in warrant).

"A defendant is allowed to raise a Brady claim following a guilty plea because prosecutors may otherwise be tempted to withhold exculpatory information to elicit guilty pleas." Sanchez v. U.S., 30 F.3d 1448-53 (9<sup>th</sup> Cir. 1995).

That exculpatory information being the search warrant itself, being in existence, and if so, its exclusion of 134 Westview Blvd., the Petitioner himself, and anything confiscated from the illegal search and seizure! Again, from BOTH himself and his property! All of which afore-argued was well within the prosecutor's fore-knowledge, and yet apparently ignored!

## ARGUMENT-2

The Petitioner's counsel was ineffective in failing to properly investigate and defend the General Sessions Court case.

"If counsel entirely fails to subject the prosecution's case to a meaningful adversarial testing, then there has been a denial of the defendant's Sixth Amendment rights that makes the adversarial process, itself, presumptively unreliable."

U.S. v. Cronie, 466 U.S. 648, 104 S.Ct. 2039, 80 L.Ed.2d 637 (1984)

"If officers use false evidence (including false testimony) to secure a conviction, the defendant's due process rights are violated."

Wilson v. Lawrence Co., 260 F.3d 1 (2nd Cir. 2001)

"There is no 'good faith' exception to the exclusionary rule for police who do not act in accordance with governing law."

U.S. v. Twilley, 222 F.3d 1092 (9th Cir. 2000)

Discovery rule requiring prosecution to disclose evidence material to preparation of defense, upon request of defendant, applies to evidence within the actual possession of the prosecution and to the evidence within the possession of other agencies of the government.

State v. Kennerty, 331 S.C. 442, 503 S.E.2d 214 (S.C. App.

1998).

It is the Petitioner's belief that in order to further appreciate the ramifications of this argument, prudence would dictate that a brief further elaboration of the STATEMENT OF THE CASE ensue. Namely:

During the course of the Petitioner's General Sessions agenda two separate (but intertwined) counsels were incorporated (for a period) during the discovery phase and preparation of an alleged defense. Those being:

A. Mr. John Reckenbeil - retained for the initial circumstances of October 15, 2015, and (as already denoted) the Petitioner's eventual plea.

B. Ms. Mary Stuart Shealy - appointed for the circumstances of May 3, and 20<sup>th</sup>, 2016, and (over time, before the plea) being absolved of representation, by both Mr. Reckenbeil and the Court in 2017.

Under both circumstances of representation - (Reciprocal Rule 5) Request for Recovery (Discovery, Pursuant to Brady) - were submitted to the Office of the Attorney General for all the charges brought against the Petitioner, with the same requests being made, in reciprocation.

Having been hired in January 2016, (and with specificity to his request) Mr. Reckenbeil asked for:

"All books, papers, documents, photographs, tangible objects,.... building or places.... which are in posses-

sion, custody or control of the prosecution, and which are material to the preparation of his defense, or are intended for use by the prosecution as evidence in chief at the trial... or were obtained from...., but not limited to, the following: And.....

5.) but not limited to, the following:

Any electronic records or conversations and any transcripts thereof. (Page 2 - discovery request) (Feb. 12, 2016). And lastly.

6.) This motion is made in order to timely notify the Circuit Solicitor prior to the grand jury hearing testimony in the immediate case, of the Defendant's right to obtain these statements so that the transcripts of such recorded testimony or proceedings must be made.

9.) A certification from the State that the Motion and Request have been complied with within 30 days;

...; and further, that there is no information, whether "material to the defense," or otherwise that has been kept from the defense; (Page 3 - as above).

As may be cited from Argument-1, there were incident reports provided for the circumstances of October 15<sup>th</sup> 2015. However, as also cited there was no production of any search warrant from the Spartanburg Police Dept., nor the office of the Attorney General. And, as the Petitioner continues to assert, Not from that day (Oct. 2015) to this present day of 2020! Further asserted by the Petitioner are the facts that:

A.) Once Mr. Reckenbeil submitted his Brady request, no further action(s) were taken on his part, to indeed procure that search warrant, (alleged). Also (again) to this very day! Leaving (as such) a detrimental flaw in the Petitioner's life (record). Despite plea agreements the carries two criminal charges against his record that, in fact, should not exist.

Under Direct examination, the Petitioner testified:

Q. - By Mr. Richie - "So you believe that was a valid defense to that charge, correct?"

A. - Petitioner - "That, and the fact that I've never seen a search warrant. So, if there's no search warrant, I believe my Fourth Amendment rights were violated, and that was an illegal search and seizure altogether." (App. 39, 11. 13-16).

It both, was and is, the Petitioner's ongoing contention that:

B.) Once Mr. Reckenbeil realized that no search warrant was forthcoming, the parameters of the plea negotiations for this case should have gone from non-negotiable to non-existent. Its revelation should not have seen the light of day in any courtroom under reexamination of the facts, or otherwise.

"If counsel's ineffectiveness was so pervasive, an applicant may be exempted from proving actual prejudice."  
Fitch v. State, 298 S.C. 54, 378 S.E. 2d 249 (1988).

① Petitioner

② (PCR)

Likewise, the circumstances of withholding of alleged evidence came to fruition under the representation of Ms. Shealy and her Brady disclosure request. Likewise, Ms. Shealy failed to investigate (pursue) the alleged evidence to the Petitioner's detriment, in that: When the "Affidavit of Discovery" document forwarded to Ms. Shealy are identified documents, along with  check boxes signifying deliverance. The listed documents that were NOT checked (delivered) are no:

1.) Investigation or Supplemental Reports - significant in that, an warrant no. 2016A4210101999 - C.R.T. drug buy of 5/3/2016, under the "probable cause" segment it is stated, that the "warrant based on police investigation." And as such, relevant under defense's Brady request for "All books, papers, documents... which are material to the preparation of defense, or are intended for use by the prosecution....." Also on a parallel with...

2.) Undercover Buy Report - significant in that, it would provide dictatable corroboration of what did (or did not) conform to due process protocol (with the controlled drug buy circumstance). Such as, (per "Incident Report - no. 05011716" where in the "Narrative" segment it is stated that: "The C.R.T. was issued City Funds and equipped with a covert listening device to allow law enforcement to monitor conversations. The C.R.T. Responded to the buy location with

surveillance maintained and no stops made prior to arriving. . . . and "The C.I. then left this location and responded back to our determined meeting location with surveillance maintained and no stops made prior to arriving." (Pg. 4 of 41).

Moreover, the petitioner would point out to the Court that, with a careful scrutinization of the dates of the incident for the buy, cited on the (both) warrant and incident report reveals contradictory times (dates) of occurrence. The incident is cited to have occurred on "05-05-2016" on the report and "05-03-2016" on the warrant. which begs the question, How were the Spartanburg Police Dept. able to prepare and serve out warrant signed by a Magistrate Judge, three (3) days prior to the preparation of the incident report? Understanding that the issuance of the warrant, usually signifies that an arrest would be shortly forthcoming, and that an incident report usually signifies that an arrest has actually taken place. The aforementioned being most notably exemplified, to with the petitioner's arrest and being served with a warrant issued and dated on the same day, 5/20/16. ©

3.) Video / DVD - significant in that, as argued in Ground One, the petitioner was always led to be-  
1. Also the date the petitioner was served the arrest warrant for 5/13/16.

lieve that - with the circumstance of 5/3/16, - there were, both, audio and video incriminating evidence tying himself to the incident. This understanding was never made disabused by either of the Petitioner's counsels. And while, ultimately, Ms. Shealy's representation terminated prior to the Petitioner's plea hearing appearance, and taken over solely by Mr. Reckenbeil, neither counsel made any adamant efforts towards having this alleged evidence produced.

And, as a result, caused, no end, to the discomfiture and ultimate, poor decision to accept the allegations and charges rendered by the state. Understanding that, despite entering the guilty plea, the charge(s) created an unwarranted strike on his criminal record.

On cross-examination (PER) the Petitioner testified:

"Q) So you would agree that a video from your case would be a part of discovery, correct?"

A) Yes, I would. And...

A) "I was advised that if told (asked, demanded) to see the video that the plea offer would be taken off the table." (App. 47, 11.5-11).

On direct examination (PER) Mr. Reckenbeil testified:

A.) "... but I was made aware of all the evidence when Grady Anthony served me with a life notice ..

And so before I could give any sort of opinion, I had to seek out what exactly was the information." (App. 53, 1. 22-54, 1. 1). And...

A.) The prosecution here in the Seventh Circuit made it very clear policy that they were not gonna allow confidential informant's names or videos to be released prior to trial, 10 days, and then all deals are off. I think it's very constant. You know, this is something that is Federal Courts. This is everywhere. (App. 54, 11. 13-19). And....

A.) ... And, and so he would -- it would not be accurate of him saying that he was not candid to Judge Kelly about the video issue because the fact that I, I didn't even get to see the video because I was making sure my client was getting an opportunity for that 12 year deal, as opposed to looking at life in prison.

Q. So, a video -- it's not the video? It's just the identity of the person --

A.) Yes, Sir.

Q.) --- person ---

A.) Yeah, cause they don't want defense lawyers telling who they, to their clients, who they are. (App. 54, 1. 13-55, 1. 22). And lastly... in this vein....

Q.) Tamoreus alleged that you failed to review a video with him. So you're saying-- you testified earlier you didn't have that video in your possession when you made the plea?

A.) Yes, sir, because it's just not made available. Like I said, the custom of, of this Solicitor's Office as well as all other DA's and Federal prosecutors is that they're not gonna show their confidential informants if that's gonna be a plea deal made, cause, obviously, they don't want to waste that confidential informant--- (App. 61, 1.23-62, 1.7.)

Q.) Okay. So, that's the custom of the Solicitor's Office---

A.) As well as---

Q.) --- since---

A.) --- a lot of other prosecutor's offices that I've dealt with, yes sir.

Q.) So you couldn't have failed to review a video that you didn't have in your possession?

A.) Correct.

A.) Yeah, the, prosecutor's office made it clear they had an inventory that was going to be available if it went to trial (App. 62, 11.11-23)

To all of which, the Petitioner contends that:

a.) As to whatever remaining inventory the prose-

ctor's office may (might) have, in their possession, it is not properly registered on any documentation that has ever come into his (Pet.'s) purview. And as such, at this stage of this appeal, would violate all parameters of legal protocol (precedence).  
b.) No defense representation, to date, ever sought to rectify or challenge this crucial legal gaffaw (oversight?), rendering said inventory flow null and void. Nonetheless...

(disclosure required because informant and defendant were sole participants (alleged) in criminal transaction and informant was only witness in position to amplify or contradict testimony of government witness).

Roviano v. U.S., 353 U.S. at 64-65 (1957). And...  
"Knowing and voluntary guilty plea subject to challenge if Brady violation occurs; government's obligation to disclose Brady material is pertinent to determination of whether or not to plead guilty.

U.S. v. Avellino, 136 F.3d 249, 255-58 (2d Cir. 1998).  
"(The government must disclose informants' communications, that do not tend to reveal their identity).  
(See id. at 60). (Audio evidence?)

So that, while encompassing the state's 11-day window to disclose relevant Brady materials, before a trial, one must also consider that, in this instance, the option of the guilty plea (after discovery) re-

view) If the Petitioner chose to do so! THIS, is and should have been, equally PARAMOUNT, in counsel's preparation and defense of this case.

"Noting the similarities between pleas of guilty and not guilty by reason of insanity, the Court stated that the Brady doctrine would also apply to guilty pleas when the plea is affected by the government's nondisclosure of evidence."

Brady v. Maryland, 373 U.S. (1963).

"If counsel entirely fails to subject the prosecution case to a meaningful adversarial testing, then there has been a denial of the defendant's 6<sup>th</sup> Amendment rights that makes the adversarial process, itself, presumptively unreliable."

U.S. v. Cronie, 466 U.S. 648, 104 S.Ct. 203, 980 L.Ed 2d 657 (1984).

### ARGUMENT - 3

The Petitioner was subjected to due process violation, through and throughout, his PER circumstance.

"PER hearings should be broad as possible, entertaining all facts needed to dispose of the claims raised. (Rule 227 (H.) (3).)"

For the PCR circumstance the Petitioner hired the Hon. Judge Eleanor Duffy Cleary, Esq., initially, who prepared and submitted the APCR. In the application Ms. Cleary submitted the following information - (ground and supporting facts) for questions 10(a) and 11(a, b, and c):

"10(a) - Ineffective Assistance of Counsel"

"11(a) - Failure to advise 85% sentence"

"(b) - Failure to pursue valid defenses"

"(c) - Failure to review discovery before plea"

For her submittance - in the state's position - was rendered a document entitled "Return, Partial Motion To Dismiss, And Motion For More Definite Statement." (App. 23-27).

In segment V. - Motion For a More Definite Statement - it is stated (admonished): "Applicant has failed to set forth any facts to support each ground" or to explain, with any specificity whatsoever, the facts upon which his claims are based. S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based, so that Respondent may adequately prepare for an evidentiary hear-

ing.

In segment VI. - Any Future Amendments - it is further stated (admonished): "Applicant must specify any claims he intends to raise at the PER evidentiary hearing. Any claims not specifically laid out in this PER application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to 160 of the S.C. Code of Laws and Rule 71.1 of the S.C.R. CrimP. (App. 26-27). Because Applicant has been appointed an attorney, the attorney, and not the Applicant, is the only individual authorized to file amendments to this application. (Rule 11, SERCP) (App. 27).

Once again, the Petitioner was temporarily affiliated with Ms. Cleary, and then appointed Mr. Rodney Richie, Esq., by the time the Return was perfected and filed. Regretably, in neither instance of representation was an amended application ever perfected nor submitted. And as such, hamstringing the Petitioner, from the onset, from submitting the grounds as prepared and argued, herein.

Fortunately, through the testimonies of the Petitioner and plea defense counsel the grounds and issues argued herein were presented to the PER Court. Although (in accordance with the Final Order) not specifically identified, as such, per, 3c.

Understanding that: "A state prisoner must present the state courts with the same claims he urges up on the Federal Court."

Picard v. Connor, 404 U.S. 270-276-77 (1971).

And...: "Review limited to R.O.A.: Except as provided by Rule 212 and Rule 208 (b)(1)(c) and (2): The court held that (Appellate) consideration of facts must appear in the Record on Appeal. (SCRCR-Rule 210-G.)"

The Petitioner - as attested to herein - did proceed to the hearing under the final representation of Mr. Richie, Esq., with the state and the court, not challenging the proceedings being orchestrated under the original application information (or lack thereof). Likewise, under the same orchestrations, was the Final Order prepared, though again, not under specificities (grounds) named herein.

Regrettably, again, under the representation of Mr. Richie, after the preparation and filing of the Order of Dismissal, no 59(c) Motion to Reconsider was prepared - though adamantly requested for - nor submitted, understanding that: "A major argument of the state in a PER matter is that any complaints concerning (regarding) the sufficiency of an order is not preserved for appellate review because the Applicant did not file a Rule 59(c) SCRCR Motion to Alter or Amend the Final Order."

Marlar v. State, 653 S.E.2d at 266-67 (S.C. 2007).

Despite the omission of the Amended APCR, (or the challenge thereto), the Final Order, (in and of its accord, and prepared by the prosecution), did in fact make specificities, (and a ground), of the combination of the application and hearing. Those as cited below:

A. Ineffective Assistance of Counsel

- 1) Failure to review discovery before plea
    - a. Plea hearing statements
    - b. Deficiency based upon failure to review video
    - c. Prejudice based upon failure to review
  - 2.) Failure to pursue a defense
    - a. Male witness
    - b. Female witness
    - c. Prejudice based upon failure to pursue third-party guilt
  - 3.) Failure to advise about delayed eligibility for release under community supervision
    - a. Deficiency based upon failure to advise
    - b. Prejudice based upon failure to advise (App. 91-92)
- In the interests of judicial economy and established precedence, the Petitioner would inform the Court that, the only issues cited above that (as yet) have not been addressed, both herein and in the Final Order are nos. 2. (a, b, c) and 3. (a. & b.). It is the Petitioner-

er's wholehearted desire to draw this document to its conclusion in short order, considering its length, thus far. And as such, what the Petitioner is going to attempt is, to consolidate his remaining argument(s) of the final order, as they appear to intertwine, where possible. However, regrettably, contained therein are multiple misconstruances that should not go unrectified.

The main exception(s) that the Order appears to take with the Petitioner's arguments contained therein, center around the fact(s) that, this was a plea circumstance and the colloquy that ensued. Namely, with the alleged facts contained in segments 1-(a)&(b), 2.-&2-(b), and 3.-(b). In like manner, the Petitioner contends:

1-(a.)

"Applicant contends counsel directed him to lie under oath at the plea hearing about reviewing discovery together." (App. 829; (47,114-20). The Petitioner testified, as well: "A.) He, he told me to agree with everything and go along with everything for the plea deal." (App. 47, 1. 17-20), which, the Petitioner asserts translates to: Follow the plea colloquy format! As would, any layman (defendant) do! Agreeing to all questions asked.

Further: "It is highly improper for a prosecutor to call a defendant (Applicant?) a liar."

U.S. v. Rodriguez-De Jesus, 202 F.3d 482 (1st Cir. 2000) which is exactly what Mr. Jacob A. Tsenburg, Esq. Assistant Attorney General did, in both, his cross examination (PCR), and his preparation of the Order of Dismissal, consecutively, in the Petitioner's estimation. As did the PCR Judge, ultimately, with his signing of the Order.

1-(b)

The Order states: "The disclosure of a material video to counsel instead of the Applicant, is sufficient for discovery requirements during negotiations, when it contains footage of a confidential informant whose identity would have been compromised if watched by the Applicant. Hyman v. State, 397 S. C. 35, 48, 723 S.E.2d 375, 382 (2012). (App. 83)." Here, counsel credibly testified he did not get the video through discovery" (App. 83).

It is the Petitioner's contention that, while it was obviously the Court's intention to render the Petitioner's allegation of video circumstances unworthy of relief, by utilizing the above case-law, it, in fact, renders the most vital argument (substantiation) of the Petitioner's case (cause). In that:

a.) In addition to the misconduct arguments in ground one, Hyman verifies the circumstance where it was not necessary (or even within le-

gal proceeded to withdraw the plea negotiations, based upon the video's revelation of informant. Hyman very clearly denotes that defense counsel was in a unique position to view the video without compromising the informant's identity. And actually did!

b. "The government has a special responsibility to ensure the integrity of the criminal judicial process by living up to the code of professional ethics and fair play at all times."

U.S. v. White, 222 F.3d (7th Cir. 2000).

1.-(e)

The order in this segment states: "An applicant is not prejudiced by deficiencies involving video disclosure when he "was aware, throughout negotiations and guilty plea proceedings that video tape was not exculpatory." Hyman, 397 S.C. at 48, 723 S.E.2d at 382. (App. 84).

To which, the petitioner contends, NOWHERE, in this documented circumstance, thus far, can it be shown that the petitioner had, any knowledge whatsoever, exculpatory or otherwise, as to what the video revealed! And neither did his defense counsel! (App. 55, 11. 9-16). But, he should (and could) have!

"Denial of due process occurs where the state allows false evidence to go uncorrected."

Hall v. Director of Corrections, 343 F.3d 976 (9th Cir. 2003).

## 2.-(a.) - Male Witness

The Order states: "Applicant contends Counsel failed to pursue a defense of third-party guilt through a male witness he offered." (App. 85)

To which the Petitioner contends that, indeed, there was an individual who claimed possession of the drugs affiliated with the circumstance of October 15, 2015. However, of the utmost importance is the fact that - as argued in ground one - with the whole circumstance of the 15<sup>th</sup> of October being illegitimate, with the search, and seizure and the alleged evidence gathered therefrom, being fruit of the poisoned tree, the issue of the third party guilt, would (and could), be construed as a moot point.

## 2.-(b.) - Female Witness

As to this issue of the Order the Petitioner would simply cite:

On direct examination (PER) Petitioner's plea counsel testified: "So, the car case identification wouldn't meet the PWD within school zone, because you can't arrest somebody when they're driving in a car, and basically bring them into a school zone issue. That wasn't gonna be a third strike issue. (App. 58, 11. 1-9).

To which the Petitioner interprets, that it was a probability that defense counsel could beat this (the) charge(s) affiliated with this case, as well. It is also

believed that the consequence of female witness being arrested, processed and fully charged with PWD / school zone (2nd offense) (strike) signifies that indeed:

- a.) The circumstances of October 15, 2015, "initiated," through the consequences of a traffic stop.
- b.) Despite the fact that the Petitioner's co-defendant could not articulate a concise (precise) amount of drugs in his possession, the charge of (2nd offense) clearly infers that she has had prior affiliation with the drug confiscated from his vehicle.
- c.) It should be duly noted that, as a result of the Petitioner going forward with the plea, the charges against his co-defendant were dropped.

2. - (c.)

The Order states: "However, neither alleged witness testified or submitted affidavits for his PER hearing. (App. 86). To which, the Petitioner concedes.

However, The Order also states: "Also, the police report itself is actually a statement from officers at the scene. (App. 86). To which, the Petitioner concedes:

While no affidavits from either witness was produced, there were, indeed, two documents submitted entitled, "Additional Narrative," for 10-15-15 and 5-20-16, to be utilized as Applicant's exhibits. Both were prepared by the Spartanburg Police Dept. Both clearly state admissions from BOTH witnesses, acknowledging possession of the drugs involved in both cases.

(App. 77-78). And as such, being an extension of his PCR testimony, NOT MERE SPECULATION. As to their veracity, the PCR COURT just asserted its willingness to accept police documentation as bonified. (App. 86), and any further determination of the veracity of the Supplemental Reports would have been at a jury's discretion, had a trial ensued.

"Debriefing notes were statements of debriefing agents, generally related to subject matter of their testimony, and thus, subject to discovery under Jenks Act."  
U.S. v. Hodgkiss, 116 F.3d 116 (5th Cir. 1997).

3.

As to the issue of 85%, it was the Petitioner's understanding that "non-violent charges carried 65% or 51% sentencing guidelines. The record (appendix) denotes that the matter of the sentencing guidelines must be taken up with the Dept. of Corrections." And as such, so shall he do, unless it is found (determined, assessed) to do so, elsewhere.

### CONCLUSION

"Pro se litigant's pleadings are to be construed liberally, and held to less stringent standards as those formally prepared (drafted) by lawyers. If the court can reasonably read pleadings to state a valid claim upon which the litigant could prevail, it should do so, despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or

litigant's unfamiliarity with pleading requirements.  
Boag v. McDougal, 454 U.S. 364, 70 L. Ed. 2d 534, 102 S.Ct. 700  
(1982).

Haines v. Kerner, 404 U.S. 519, 30 L. Ed. 2d 652, 92 S.Ct. 594  
(1972).

Having said as much, for now, the Petitioner moves  
upon this Honorable Court for writ, as applicable, and  
for any other relief within its sound discretion.

Respectfully Submitted,  
J, AM, 31 TAMARUS LONG # 305486  
Petitioner, (Pro Se)

Sworn To and Before Me,  
this 28<sup>th</sup> day of Feb, 2020.

Paul Penn W. S.

Notary Public of South Carolina

My commission expires: Dec 10, 2024

C.I.

TRAFFIC

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF GENERAL SESSIONS  
SEVENTH JUDICIAL CIRCUIT

RECEIVED

The State of South Carolina, )

MAR 05 2020

AFFIDAVIT OF DISCOVERY

Indictment No(s):  
Warrant No(s):

S.C. SUPREME COURT

v.  
TAMARCUS LONG

Defendant.

2016A4210101899-900-C.I.  
2016A4210201784 - Traff.

PERSONALLY APPEARED BEFORE ME, the undersigned deponent who being duly sworn, says that he/she copied the following materials and provided same to the Defendant's attorney of record by:

HARD COPY;  ELECTRONICALLY (e-mail);  MEDIA (CD, DVD)

DOCUMENT	Page No.	DOCUMENT	Page No.
<input checked="" type="checkbox"/> Solicitor's Reciprocal Rule 5		<input type="checkbox"/> Undercover Buy Report	
<input checked="" type="checkbox"/> Warrant(s) or Ticket(s) 21, 25, 23, 3		<input type="checkbox"/> Driving Records	
<input checked="" type="checkbox"/> Incident Report(s) 05011716 050147		<input type="checkbox"/> Evidence &/or Property Sheets	
<input type="checkbox"/> Investigation Report(s)		<input checked="" type="checkbox"/> Photograph(s) 17-20	
<input type="checkbox"/> Supplemental Report(s)		<input type="checkbox"/> NPLEX	
<input checked="" type="checkbox"/> Drug Report 26-29		<input type="checkbox"/> Video/DVD	
<input type="checkbox"/> Form B&C		<input type="checkbox"/> Tow Sheet	
<input checked="" type="checkbox"/> Defendant's NCIC (Rap) 28-41		<input type="checkbox"/> SLED Request Form(s)	
<input type="checkbox"/> AEO Invoice		<input type="checkbox"/> Seizure and/or Forfeiture	
<input type="checkbox"/> Waiver of Rights Form (s)		<input checked="" type="checkbox"/> Booking Sheet 22-23	
<input type="checkbox"/> Consent to Search Form(s)		<input type="checkbox"/> County Request Form	
<input type="checkbox"/> Voluntary Statement		<input checked="" type="checkbox"/> Chain of Custody Report 15-16	
<input type="checkbox"/> Written Statement(s)		<input type="checkbox"/> Meth-Lab Worksheet	
<input type="checkbox"/> Indictment		<input checked="" type="checkbox"/> IR 0505816 9-14	
<input type="checkbox"/> Search Warrant and Return		<input checked="" type="checkbox"/> TAG 24	
<input type="checkbox"/> Canine Report		<input checked="" type="checkbox"/> ANALYSIS 0505816	

TOTAL COPIED/NUMBERED: 41 DATED: 6-30-16

I, \_\_\_\_\_, attorney for the Defendant(s) or his/her designee, have reviewed the above-referenced Affidavit and/or documents and accept them as the response to the Rule 5/Brady Motion in this matter. I also accept service of the Solicitor's Reciprocal Rule 5.

Signed/Accepted this 1 day of July, 2016.

NO PAGE  
27

MS Shealy  
Attorney or Designee

Odom  
SOLICITOR'S OFFICE

SWORN to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for South Carolina  
My commission expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )  
 )  
STATE OF SOUTH CAROLINA, )  
 )  
V. )  
 )  
TAMARCUS LONG, )  
 )  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

REQUEST FOR DISCOVERY  
(Reciprocal Rule 5)

Indictment #:  
Warrant: 2016A4210101899-1900; 2016A4210201784

RECEIVED

MAR 05 2020

S.C. SUPREME COURT

TO THE DEFENDANT AND HIS ATTORNEY, MARY STUART SHEALY:

PURSUANT to the South Carolina Rules of Criminal Procedure, the State in the above-captioned matter, requests the disclosure of all evidence by the Defendant to the State that is required by Rule Five (5) of the Rules of Criminal Procedure, including but not limited to the following items:

- (1) That the Defendant notify the State of and permit the State to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the Possession, custody or control of the Defendant, the Defendant's witnesses, or his attorney and which the Defendant intends to use as evidence;
- (2) That the Defendant notify the State of and permit the State to inspect and copy and results or reports of physical or mental examinations and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are within the possession, custody or control of the Defendant, Defendant's witnesses, or his attorney, which the Defendant intends to use as evidence or when the results or reports relate to his testimony.
- (3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been on the dates of May 3, 2016 and May 20, 2016 and dates on the indictments/warrants listed above and the names, addresses and birthdays of the witnesses upon whom he intends to rely to establish such an alibi.
- (4) That any and all evidence is available for viewing at the arresting agency or the South Carolina Law Enforcement Division.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity or to enter a plea of guilty but mentally ill at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request

Allison M. Mabbs  
Assistant Solicitor  
Seventh Judicial Circuit

Spartanburg, South Carolina  
June 27, 2016

2016 JUN 27 PM 2:05  
CLERK OF COURT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )  
 )  
State of South Carolina, )  
 )  
Plaintiff, )  
 )  
- vs - )  
 )  
Tamarcus Detrelle Long, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE GENERAL SESSIONS COURT  
SEVENTH JUDICIAL CIRCUIT

RECEIVED

MAR 05 2020

CASE NO.: 2015A421010394, S.C. SUPREME COURT  
2015A4210103935

**NOTICE OF GENERAL APPEARANCE**

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel represents the above-named Defendant, in matters relating to the above stated charges. Please direct all further communications relating to the Defendant and her/his charges to me, or to my office.

LAW OFFICE OF JOHN RECKENBEIL, LLC



John G. Reckenbeil  
Attorney for Defendant  
P. O. Box 1633  
Spartanburg, SC 29304  
Phone: (864) 582-5472  
Fax: (864) 582-7280  
[john@johnreckenbeillaw.com](mailto:john@johnreckenbeillaw.com)

Date: February 12, 2016  
Spartanburg, South Carolina

M. HOPE BLACKLEY

2016 FEB 12 AM 10:05

CLERK OF COURT  
SPARTANBURG COUNTY

STATE OF SOUTH CAROLINA )

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG )

FOR THE SEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA, )

V. )

**REQUEST FOR DISCOVERY**

(Reciprocal Rule 5)

TAMARCUS LONG, )

DEFENDANT. )

Indictment #:

Warrant: 2015A4210103934-5

TO THE DEFENDANT AND HIS ATTORNEY, JOHN RECKENBEIL:

PURSUANT to the South Carolina Rules of Criminal Procedure, the State in the above-captioned matter, requests the disclosure of all evidence by the Defendant to the State that is required by Rule Five (5) of the Rules of Criminal Procedure, including but not limited to the following items:

- (1) That the Defendant notify the State of and permit the State to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the Possession, custody or control of the Defendant, the Defendant's witnesses, or his attorney and which the Defendant intends to use as evidence;
- (2) That the Defendant notify the State of and permit the State to inspect and copy and results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, which are within the possession, custody or control of the Defendant, Defendant's witnesses, or his attorney, which the Defendant intends to use as evidence or when the results or reports relate to his testimony.
- (3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been on the dates of October 15, 2015 and dates on the indictments/warrants listed above and the names, addresses and birthdays of the witnesses upon whom he intends to rely to establish such an alibi.
- (4) That any and all evidence is available for viewing at the arresting agency or the South Carolina Law Enforcement Division.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity or to enter a plea of guilty but mentally ill at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.

*[Signature]*  
 AnneMarie H. Odom  
 Assistant Solicitor  
 Seventh Judicial Circuit

Spartanburg, South Carolina  
March 11, 2016

FILED  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 2016 MAR 11 PM 2:29  
 M. HOPE BLACKLEY

ARREST WARRANT

5/26/16 2016A4210101899

STATE OF SOUTH CAROLINA

County/  Municipality of

Spartanburg

THE STATE 05011716

against

Tamarcus Detrelle Long

Address: 202 Williams St.

Spartanburg, SC 29306

Phone: SSN: 248-63-2672

Sex: M Race: B Height: 6 Weight: 145

DL State: SC DL #: 011698065

DOB: 3/14/1986 Agency ORI #: SC0420100

Prosecuting Agency: Spartanburg Police Department

Prosecuting Officer: Michael J Secrest - 1637

Offense: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

Offense Code: 0107

Code/Ordinance Sec: 44-53-0445(A)

This warrant is CERTIFIED FOR SERVICE in the

County/  Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Tamarcus Long on 5-2016

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

MAY 27 2016

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA 2016 2 of 41

County/  Municipality of

Spartanburg

Personally appeared before me the affiant Michael J Secrest

being duly sworn deposes and says that defendant Tamarcus Detrelle Long

did within this county and state on or about 5/3/2016

State of South Carolina (or ordinance of  County/  Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

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:

That on May 3, 2016 in the city of Spartanburg, one Tamarcus Detrelle Long did within one-half mile of Carlisle Park located behind 301 Crescent Ave., Spartanburg, SC., a school, park or playground distribute marijuana, a Schedule ( I/II ) Controlled Substance. Warrant based upon police investigation. CTC

Signature of Affiant

STATE OF SOUTH CAROLINA

County/  Municipality of

Spartanburg

Affiant's Address 145 West Broad Street  
Spartanburg, SC 29306

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 or about 5/3/2016 defendant Tamarcus Detrelle Long

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Spartanburg ) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

Having found probable cause and the above affiant having sworn before me, 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 his execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 5/17/2016

Signature of Issuing Judge  
William Robby Chumley

Judge Code: 7165

(L.S.)

Judge's Address Spartanburg County Judicial Center  
Spartanburg, SC 29306-5221

Judge's Telephone (864)596-2228

Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2016 MAY 26 AM 9:50

M. HOPE BLACKLEY

CERTIFIED  
CLERK OF COURT  
SPARTANBURG COUNTY  
DATED 5/17/16

286

ARREST WARRANT

5/27/16 110 2016A4210201784

STATE OF SOUTH CAROLINA

County/  Municipality of

Spartanburg

THE STATE  
against

Tamarcus Detrelle Long

Address: 141 Cambridge Circle

Spartanburg, SC 29306-

Phone: \_\_\_\_\_ SSN: 248-63-2672

Sex: M Race: B Height: 5 11 Weight: 180

DL State: SC DL #: 011698065

DOB: 3/14/1986 Agency ORI #: SC0420100

Prosecuting Agency: Spartanburg Police Department

Prosecuting Officer: Brendall K Mathis - 1594

Offense: Drugs / Manufacture, possession of other sub. in  
Sch. I, II, III or flunitrazepam, w.i.t.d. - 3rd or sub.

Offense Code: 0188

Code/Ordinance Sec: 44-53-0370(b)(2)

This warrant is CERTIFIED FOR SERVICE in the

County/  Municipality of

The accused

is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to

defendant Tamarcus Long

on 5-20-16

C. Haeg

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
180 Magnolia Street  
P O Box 3483  
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA 06/30/2016 8 of 41 )

County/  Municipality of )

Spartanburg. )

Personally appeared before me the affiant Brendall K Mathis who

being duly sworn deposes and says that defendant Tamarcus Detrelle Long

did within this county and state on or about 5/20/2016

State of South Carolina (or ordinance of  County/  Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Manufacture, possession of other sub. in Sch. I, II, III or flunitrazepam, w.i.t.d. - 3rd or sub.  
offense

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:

That on May 20, 2016 in the city/county of Spartanburg, one Tamarcus Detrelle Long did aid, abet, attempt or conspire to  
manufacture, distribute, dispense, deliver, purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or  
purchase Marijuana, a controlled substance or a controlled substance analogue classified in Schedule I (b) and (c) which is a  
narcotic drug or lysergic acid diethylamide (LSD) or in Schedule II which is a narcotic drug. Defendant has prior convictions for  
this offense. Affiant's belief based on police investigation. MF

Signature of Affiant

B. Mathis

STATE OF SOUTH CAROLINA )

County/  Municipality of )

Spartanburg )

MAY 27 2016

Affiant's Address 145 West Broad Street

Spartanburg 29306-

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 or about 5/20/2016 defendant Tamarcus Detrelle Long

did violate the criminal laws of the State of South Carolina (or ordinance of

County/  Municipality of Spartanburg ) as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Manufacture, possession of other sub. in Sch. I, II, III or flunitrazepam, w.i.t.d. - 3rd or sub.  
offense

Having found probable cause and the above affiant having sworn before me, 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

Sworn to and subscribed before me

on 5/20/2016

D. Gibson Smith (L.S.)

Signature of Issuing Judge  
Dwight Gibson Smith

Judge Code: 7151

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-5221

Judge's Telephone (864)596-2228

Issuing Court:  Magistrate  Municipal

ORIGINAL

ORIGINAL

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
MAY 26 AM 9:50  
M. HOPE DEMARCO  
DATE ORIGINAL

176

# INCIDENT REPORT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 44-53-0445(b)(1) Drugs/dist, sell, purch, manuf near school 35a drug/narcotic violations	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	PARKING LOT/GARAGE		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2. 44-53-0370(b)(1) Drugs/mdp, sch (b) & (c) & II-1st off 35A 35a drug/narcotic violations	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	PARKING LOT/GARAGE		
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
Westview Blvd & John B White Sr Blvd, Spartanburg, SC

ZIP CODE: 29306- WEAPON TYPE:

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DISPATCH DATE/TIME	DEPART. TIME	LOCATION NO.
05/05/2016	13:00		05/05/2016	14:00			13:30	14:00	4

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): Secretst, M, J

RELATIONSHIP TO SUBJECT: #1 ST #2 #3

RESIDENT: RACE: SEX: AGE: ETH: DAYTIME PHONE: 884-598-2040

ADDRESS: 145 W Broad St CITY: Spartanburg STATE: SC ZIP CODE: 29306- LOCATION NO.: 3

VICTIM'S NAME (LAST, FIRST, MIDDLE): City of Spartanburg

RELATIONSHIP TO SUBJECT: #1 ST #2 #3

RESIDENT: RACE: SEX: AGE: ETH: DAYTIME PHONE: 884-598-2040

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

ADDRESS: 145 W Broad St CITY: Spartanburg STATE: SC ZIP CODE: 29306- LOCATION NO.: 3

VS/ENLURY(VCT1)  YES  NO  EXPLAIN- COMPLANT OF ANY NON-VS/ENLURES  YES  NO

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

TWO/MAN/VEH  ONE/MAN/VEH  DETECTIVE/PLASMT.  OTHER  ALONE  ASSISTED

SUSPECT NAME (LAST, FIRST, MIDDLE): Long, Tamarcus, D RACE: B SEX: M AGE: 30 ETH: N DATE OF BIRTH: 03/14/1985 HEIGHT: 600 WEIGHT: 174 HAIR: 1 EYES: 2

RUNAWAY FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. RELATED OFFENSE(S): 35A 35A DAYTIME PHONE: EVENING PHONE:

WARRANT ADDRESS: 202 Williams St CITY: Spartanburg STATE: SC ZIP CODE: 29306- LOCATION NO.: 3

ARREST SUBJECT(NO.1) USING ALCOHOL  YES  NO  UNK  ARRESTED NEAR OFFENSE SCENE  YES  NO DATE/TIME OF OFFENSE: 05/05/2016 13:43:00 DATE/TIME OF ARREST:

JAIL SUBJECT(NO.1) USING ALCOHOL  YES  NO  UNK  ARRESTED NEAR OFFENSE SCENE  YES  NO DATE/TIME OF OFFENSE: 05/05/2016 13:43:00 DATE/TIME OF ARREST:

SUMMONS DRUGS  YES  NO  UNK  TYPE: TOTAL # ARRESTED: DATE/TIME OF OFFENSE: 05/05/2016 13:43:00 DATE/TIME OF ARREST:

DAY OF THE WEEK: HOW REPORTED: A= OFFICER DISPATCHED ON CALL D= COMPLAINT WRITTEN IN I= OFFICER INITIATED J= COMPLAINT, WALKED IN

DIFF. FACTOR: A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT E= COMPLAINANT FREQUENTLY INTOXICATED F= DOMESTIC N= NORMAL

Original - Inv Secret, M

On 05-05-2016, utilized confidential reliable informant (C.R.I.) to make a controlled drug buy of marijuana from Tamarcus Long within the city of limits of Spartanburg, S.C. The C.R.I. And vehicle was searched prior to going to the buy location and no contraband, weapons, or money was located. The C.R.I. Was issued city funds and equipped with a covert listening device to allow law enforcement to monitor conversations. The C.R.I. Was instructed to respond to the buy location and exchange the city funds with Tamarcus Long for a quantity of marijuana. The C.R.I. Responded to the buy location with surveillance maintained and no stops made prior to arriving.

Once at this location, the C.R.I. Met with Tamarcus Long for a brief period purchasing a quantity of marijuana. The C.I. Then left this location and responded back to our determined meeting location with surveillance maintained and no stops made prior to arriving. Once

TYPE(GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED  YES  NO SUBJECT LOCATED  YES  NO S.F.  ACTIVE  ADM. CLOSED  UNFOUNDED  ARRESTED UNDER 18  EX-CLEAR UNDER 18  ARRESTED 18 AND OVER  EX-CLEAR 18 AND OVER

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

REPORTING OFFICER(S): Secretst michael j. DATE: 05/05/2016 18:00:00 UNIT NUMBER: 0257 APPROVING OFFICER: DATE: UNIT NUMBER:

FOLLOWUP INVESTIGATION  YES  NO OFFICER:

1. Contrary to date of warrant issue, which was 5-3-16. See warrants 899 & 900.

06/30/2016 5 of 41  
**ADDITIONAL NARRATIVE**

Agency Name:	Spartanburg Police Department	ORI #:	SC0420100	Report Date/Time:	05/05/2016 13:00	OCA #:	05011716
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at this location, I recovered a quantity of green plant material from the C.R.I. The C.R.I. And vehicle was searched again with no contraband, weapons, or money located.

The marijuana was placed into evidence at city hall. The envelope was placed into evidence at city hall. The location of John B White Sr Blvd and Westview Blvd is approximately .22 miles from Carlisle Park that is located behind Park Hillis Early Learning Center.

SPARTANBURG POLICE DEPARTMENT

INCIDENT REPORT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 44-53-0370(b)(3) Drugs/MP of Sch IV drugs withd-1st off DRUG/NARCOTIC VIOLATIONS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	APARTMENT/CONDO		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
134 1/2 Westview Blvd, Spartanburg, SC

ZIP CODE 29306- WEAPON TYPE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
10/15/2015	12:14		10/15/2015	13:30	10/15/2015	12:14	12:14	13:30	4

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) SECRETST, MICHAEL, J

RELATIONSHIP TO SUBJECT #1 #2 #3 RESIDENT J RACE W SEX M AGE 00 / ETH N DAYTIME PHONE 864-596-2040 EVENING PHONE --

ADDRESS 145 W BROAD ST CITY SPARTANBURG STATE SC ZIP CODE 29306- LOCATION NO. 3

VICTIM'S NAME (LAST, FIRST, MIDDLE) CITY OF SPARTANBURG

RELATIONSHIP TO SUBJECT #1 #2 #3 RESIDENT RACE SEX AGE / ETH DAYTIME PHONE 864-596-2035 EVENING PHONE --

HEIGHT WEIGHT 0 HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS 145 W BROAD ST CITY SPARTANBURG STATE SC ZIP CODE 29306- LOCATION NO. 3

WAS INJURY (MCT.1)  YES  NO EXPLAIN- COMPLAINT OF ANY NON-SEXUAL INJURIES  YES  NO

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

TWO MAN VEH.  ONE MAN VEH.  DETECTIVE SPLASH MT.  OTHER  ALONE  ASSISTED  \*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.

SUSPECT NAME (LAST, FIRST, MIDDLE) LONG, TAMARCUS RACE B SEX M AGE 29 / ETH. N DATE OF BIRTH 03/14/1986 HEIGHT 600 WEIGHT 160 HAIR 1 EYES 2

RUNAWAY FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. RELATED OFFENSE(S) 35A DAYTIME PHONE 864-384-9842 EVENING PHONE --

WARRANT ADDRESS 107 LACEY LN, A CITY SPARTANBURG STATE SC ZIP CODE 29301- LOCATION NO. 3

ARREST SUBJECT (NO. 1) USING ALCOHOL  YES  NO  UNK. ARRESTED NEAR OFFENSE SCENE  YES  NO DATE/TIME OF OFFENSE 10/15/2015 12:14:00 PM DATE/TIME OF ARREST 10/15/2015 12:16:00 PM

SUMMONS DRUGS:  YES  NO  UNK. TYPE: TOTAL # ARRESTED 1

DAY OF THE WEEK S M T W T F S U N HOW REPORTED A= OFFICER DISPATCHED ON CALL B= REPORT TAKEN BY PHONE C= COMPLAINANT WALKED IN D= COMPLAINT WRITTEN IN E= OFFICER INITIATED F= OTHER DIFF. FACTOR A= RESISTANCE/HOSTILITY B= WEAPONS C= UNFOUNDED CALLS D= MENTAL SUBJECT E= COMPLAINANT FREQUENTLY INTOXICATED F= DOMESTIC N= NORMAL

Original - Inv Secret, M

On 10/15/2015 at approximately 1214 hours, the tactical and narcotics unit executed a narcotic search warrant at 134 1/2 Westview Blvd. Upon execution of the warrant, the tactical team encountered several people in the front of the residence. They also located two people in a red Dodge Neon (SC tag JEB622). Inv Smith advised me that Tamarcus Long was in the driver's seat of the Dodge Neon. The following people were located at the residence:

1. Shaun Williams DOB: 12/17/1977
2. Robert Beason DOB: 02/28/1979
3. Donald Martin DOB: 06/10/1984

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

TYPE (GROUP)	DRUGS/NARCOTICS	TOTAL VALUE
STOLEN	\$0.00	\$0.00
DAMAGED	\$0.00	\$0.00
BURNED	\$0.00	\$0.00
RECOVERED	\$0.00	\$0.00
SEIZED	\$0.00	\$0.00

SUBJECT IDENTIFIED  YES  NO SUBJECT LOCATED  YES  NO S. F.  ACTIVE  ADM. CLOSED  ARRESTED UNDER 18  EX-CLEAR UNDER 18  UNFOUNDED  ARRESTED 18 AND OVER  EX-CLEAR 18 AND OVER

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

REPORTING OFFICER(S) SECRETST, MICHAEL J. DATE 10/15/2015 12:14:00 PM UNIT NUMBER 0257 APPROVING OFFICER REECE, W E DATE UNIT NUMBER 0107

FOLLOWUP INVESTIGATION  YES  NO OFFICER

EVENT  
VICTIM NO.  
SUSPECT NO.  
NARRATIVE  
PROPERTY  
ADMINISTRATIVE

## ADDITIONAL NARRATIVE

Agency Name: SPARTANBURG POLICE DEPARTMENT	ORI #: SC0420100	Report Date/Time: 10/15/2015 12:14	OCA #: 10046915
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Original - Inv Secrest, M

4. David Taryll Geter DOB: 10/31/1978
5. James Williams DOB: 02/12/1974
6. Dominick Hearst DOB: 11/18/1985
7. Donnie Rogers DOB: 09/18/1978
8. Gerald Strobie DOB: 08/25/1962
9. Alma Thompson

While searching the red Dodge Neon, Inv Secrest located a blue tote bag with a green plant material (134 grams). Also located was small Tupperware container with green plant material (36.6 grams). Both of the items were located behind the passenger seat. Inv Mathis was informed of the items located as he was assigned the task of return officer. Inv Mathis recovered and photographed items. Also located inside the car was a black ZTE touchscreen phone belonging to Tamarcus Long. The vehicle was towed by Ace towing. Tamarcus Long had a sum of cash in his pocket and his wallet. The money was seized and placed into evidence. The address of 134 1/2 Westview Blvd is located directly behind Carlisle Park/Park Hill Ball Field which is located at 301 Crescent Avenue. Mr. Long was placed under arrest for PWID Marijuana and PWD Marijuana 1/2 mile of a park.

Agency: **Spartanburg Police Department**  
Officer ID/Name: **0281 \ Mathis, Brendall K**  
Date: **10/16/2015 2:00:00PM**

03/14/2016 7 of 24

RMS Case

Page 1 of 1

Case Number: **10046915**

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Narrative Title: **Supplemental - Mathis, B.**

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Case # **10046915**

Suspect - **Tamarcus Long**

Location - **134 ½ Westview Blvd.**

On 10-15-2015 at approximately 1214 hours I (Inv. Mathis) responded to 134 ½ Westview Blvd, Spartanburg SC. I drove the Tactical Team to the location for the execution of the warrant. Once on scene the Tactical Team entered and cleared the residence while Narcotics Investigators detained the subjects in the yard. Once the residence was secured I was tasked with completing the return portion of the warrant. I recovered the following items:

1. Blue draw string bag containing a box of Good sense sandwich bags, set of digital scales, gold USB, Bluetooth earpiece, notebook and gallon size Ziploc bag containing a green plant material (approximately 134 grams). Also located was a red top Tupperware containing two bags of a green plant material (approximately 10.3 and 26.3 grams), blue gallon size Ziploc bag with the corner torn and missing all of which was located in the back seat of the red Dodge Neon with SC tag JEB622.
2. Digital scales located beside the front porch and digital scales located in the mailbox on the front porch.
3. Black ZTE touchscreen cell phone (Model - Z812 IMEI - 866737020342788) belonging to Tamarcus Long.

I collected all the items and placed them into Evidence at City Hall. Inv. Secrest made all necessary charges.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )  
 )  
STATE OF SOUTH CAROLINA, )  
 )  
V. )  
 )  
TAMARCUS LONG, )  
 )  
 )  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS  
FOR THE SEVENTH JUDICIAL CIRCUIT

**REQUEST FOR DISCOVERY**  
(Reciprocal Rule 5)

Indictment #:  
Warrant: 2016A4210101899-1900; 2016A4210201784.

TO THE DEFENDANT AND HIS ATTORNEY, MARY STUART SHEALY:

PURSUANT to the South Carolina Rules of Criminal Procedure, the State in the above-captioned matter, requests the disclosure of all evidence by the Defendant to the State that is required by Rule Five (5) of the Rules of Criminal Procedure, including but not limited to the following items:

- (1) That the Defendant notify the State of and permit the State to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the Possession, custody or control of the Defendant, the Defendant's witnesses, or his attorney and which the Defendant intends to use as evidence;
- (2) That the Defendant notify the State of and permit the State to inspect and copy and results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, which are within the possession, custody or control of the Defendant, Defendant's witnesses, or his attorney, which the Defendant intends to use as evidence or when the results or reports relate to his testimony.
- (3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been on the dates of May 3, 2016 and May 20, 2016 and dates on the indictments/warrants listed above and the names, addresses and birthdays of the witnesses upon whom he intends to rely to establish such an alibi.
- (4) That any and all evidence is available for viewing at the arresting agency or the South Carolina Law Enforcement Division.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity or to enter a plea of guilty but mentally ill at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.

\_\_\_\_\_  
Allison M. Mabbs  
Assistant Solicitor  
Seventh Judicial Circuit

2016 JUN 27 PM 2:05  
M. HOPE BLANKENETZ

Spartanburg, South Carolina  
June 27, 2016

# Search Warrants

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )  
State of South Carolina, )  
Plaintiff, )  
- vs - )  
Tamarcus Detrelle Long, )  
Defendant. )

IN THE GENERAL SESSIONS COURT  
SEVENTH JUDICIAL CIRCUIT

**NOTICE OF BRADY MOTION AND  
CRIMINAL PRACTICE RULE 5 REQUEST  
FOR DISCLOSURE**

**RECEIVED**

MAR 05 2020

S.C. SUPREME COURT

**RE: Warrant #2015A4210103934; 2015A4210103935**

**TO: Anne Marie Haynsworth Odom, Assistant Solicitor**

**YOU WILL PLEASE TAKE NOTICE** that the Defendant, above named by her/his undersigned attorney, will move before the presiding judge, General Sessions Court, Seventh Judicial Circuit, ten (10) days prior to the time and date set for trial, for information pursuant to Brady v. Maryland, 373 U. S. 83 (1963) and information pursuant to General Sessions Court Criminal Practice Rule 5 on the behalf of the attorney for the defense that such information is important to the defendant's defense. Specifically requested are the following:

1. Disclosure to the defense of any and all exculpatory information that is now or has been or may come to the attention of the prosecution or police or any person or agency associated with the prosecution, in the subject matter, until the conclusion of this matter by trial and appeal; as required under the mandate of Brady v. Maryland, 373 U. S. 83 (1963).

2. Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercises of due diligence may become known, to the attorney for the

M. HOPE  
FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2016 FEB 12 AM 10:05

prosecution; the substance of any oral statement which the prosecution intends to offer in evidence at the trial made by the defendant whether before or after arrest in response to interrogation by any person known to the Defendant to be a prosecution agent.

3. A copy of the Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution.

4. All books, papers, documents, photographs, tangible objects, building or places, or copies or portions thereof, which are in the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the Defendant, including, but not limited to, the following:

guns, gun cases, gun scopes, scope covers, ammunition, magazines, clips, books, papers, documents, photographs, buildings or places or copies of portions thereof, and also any vehicles or equipment which has been seized in this case and which are within the possession, custody or control of the State and which are material to the preparation of the defense or intended for use by the State as evidence at trial, or obtained from or belong to this Defendant.

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial, including, but not limited to, the following:

Any electronic records or conversations and any transcriptions thereof.

M. HOPE BLACKLEY  
2016 FEB 12 AM 10:05  
CLERK OF COURT  
SPARTANBURG COUNTY

6. All statements, oral or written, made by prosecution witnesses or prospective witnesses. All statements, oral or written, made by prosecuting witnesses testifying before the state or county grand jury recorded pursuant to the requirements of S.C. Code Sections 14-7-1700 and 14-7-1595, 1976, as amended. This motion is made in order to timely notify the Circuit Solicitor prior to the grand jury hearing testimony in the immediate case, of the Defendant's right to obtain these statements so that the transcripts of such recorded testimony or proceedings must be made. In addition, the defendant requests a list of overt acts which the State contends this Defendant committed, or was involved in, the furtherance of the alleged criminal offense(s) or conspiracy.

7. The Defendant does hereby move the court for an Order compelling the State to disclose any material favorable to the Defendant, including promises made to co-defendants or informants, which is in the State's possession, or of which the State has knowledge. This request is made pursuant to Rule 5, Criminal Practice of Civil Procedure, State of South Carolina and Brady v. Maryland, 376 U. S. 383 (1963) and U. S. v. Aqurs, 427 U. S. 97 (1976).

8. The criminal record of any co-defendant that might be a potential State witness and, with respect to this co-defendant, asks the State to provide any records available to the State reflecting whether or not this co-defendant is a potential State witness, and if he or she were represented by counsel in prior offenses. Loper v. Beto, 405 U. S. 473 (1972).

9. A certification from the State that the Motion and Request have been complied with within 30 days; and further a certification that any Court Order pertinent to the within Motion and Request has been complied with; and further that there is no information, whether "material to the defense", or otherwise that has been kept from the defense; and further that the prosecution has

M. HOPE BLACKLEY  
2016 FEB 12 AM 10:05  
CLERK OF COURT  
SPARTANBURG COUNTY

not seen or known of any such information either in the custody of the prosecution or in the possession of any agent of the prosecution, police, or investigative agency.

BY: John G. Reckenbeil

John G. Reckenbeil  
Attorney for Defendant  
P. O. Box 1633  
Spartanburg, SC 29304  
Phone: (864) 582-5472  
Fax: (864) 582-7280  
[john@johnreckenbeillaw.com](mailto:john@johnreckenbeillaw.com)

Date: February 12, 2016  
Spartanburg, South Carolina

M. HOPE BLACKLEY  
2016 FEB 12 AM 10:05  
CLERK OF COURT  
SPARTANBURG COUNTY

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 State of South Carolina, )  
 )  
 Plaintiff, )  
 )  
 - vs - )  
 )  
 Tamarcus Detrelle Long, )  
 )  
 Defendant. )

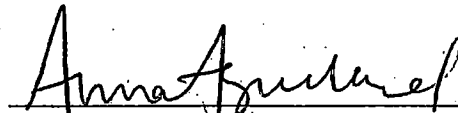
IN THE GENERAL SESSIONS COURT  
 SEVENTH JUDICIAL CIRCUIT

**AFFIDAVIT OF SERVICE  
 BY HAND DELIVERY**

PERSONALLY appeared before me Anna Aguillard who, being duly sworn, deposes and says that she is employed by the Law Office of John G. Reckenbeil, 215 Magnolia Street, Spartanburg, South Carolina, and is a person of such age and discretion as to be competent to serve papers.

That on 2/12/16, she served a copy of **Notice of Brady Motion and Criminal Practice Rule 5 Request for Disclosure and Notice of General Appearance** in the above captioned action on the Plaintiff, State of South Carolina, by placing said copy in an envelope addressed to the person hereinafter named, to the place and address stated below, by depositing said envelope and contents in the U.S. Mail.

**ADDRESSEE:** Anne Marie Haynsworth Odom  
 Solicitor's Office  
 180 Magnolia Street  
 Spartanburg, SC 29306

  
 Anna Aguillard

SWORN to before me this \_\_\_\_\_  
 day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
 (Seal)  
 Notary Public for South Carolina  
 My Commission Expires: \_\_\_\_\_

M. HOPE BLACKLEY  
 2016 FEB 12 AM 10:05  
 SPARTANBURG COUNTY  
 CLERK OF COURT

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF SPARTANBURG ) FOR THE SEVENTH JUDICIAL CIRCUIT

State of South Carolina, ) **NOTICE OF LIFE SENTENCE PURSUANT**  
 ) **TO SECTION 17-25-45(A)**

vs. )

Tamarcus Detrelle Long, )

Defendant. )

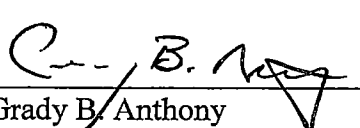
Warrant(s): 2016A4210101899; 1900; 1784;  
2015A4210103934-3935

Charge(s): Possession with intent to distribute  
marijuana x 3; Possession with intent to  
distribute marijuana within a half-mile of a  
school or park

Indictment(s): 2016GS423113-3114; 6473-6475

To: The Defendant and his attorney, John Reckenbeil

YOU WILL PLEASE TAKE NOTICE that pursuant to Section 17-25-45 of the South Carolina Code of Laws, 1976, as amended, the Solicitor will seek a sentence of life without parole for the defendant if he is convicted of the charges on the above-listed warrants/indictments, based on his prior criminal record including but not limited to his prior serious conviction for Possession with intent to distribute cocaine within a half-mile of a school in 2003, indictment number 2003GS423387A, Possession with intent to distribute a controlled substance within a half-mile of a park or school, indictment number 2011GS420206020. These charges and the Possession with intent to distribute marijuana within a half-mile of a school or park would constitute three or more serious offenses.

  
Grady B. Anthony  
Assistant Solicitor  
Seventh Judicial Circuit  
Spartanburg County Courthouse  
180 Magnolia Street  
Spartanburg, South Carolina 29306  
(864)-596-4352

December 22<sup>nd</sup>, 2016  
Spartanburg, South Carolina

RECEIVED

MAR 05 2020

S.C. SUPREME COURT

2016 DEC 22 AM 10:12  
M. HOPE BLACER  
CLERK OF COURT  
SPARTANBURG COUNTY

**RICHEY AND RICHEY**  
ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION

RODNEY W. RICHEY  
LOLA S. RICHEY

POST OFFICE BOX 10916  
GREENVILLE, SOUTH CAROLINA 29603

(864) 467-0503  
(864) 467-0646 FAX

May 16, 2019

Tamarcus Long, SCDC#305486  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

RE: Tamarcus Long vs. The State of South Carolina

Dear Mr. Long:

This letter is in response to a letter I received from you dated May 7, 2019. I did not file a 59(e) motion. I filed a notice of appeal which I forwarded to you previously. Also, I have forwarded to you all file information. I do not have any additional information to provide to you. I forwarded your previous lawyer's file to you. Also, I forward the transcript and other information to you. I have no new information to provide to you.

Lastly, this concludes my representation of you. Your appeal will be handled by appellate defense out of Columbia, South Carolina. I wish you the best of luck in the future.

RICHEY AND RICHEY, P.A.

Yours truly,

  
Rodney Richey

RWR/

**RECEIVED**  
MAR 05 2020  
S.C. SUPREME COURT

State of South Carolina  
In The Supreme Court

RECEIVED

MAR 05 2020

S.C. SUPREME COURT

Courtroom to Spartanburg County  
Honorable Thomas A. Russo, Circuit Court Judge

Tamarcus D. Long

Petitioner,

v.

State of South Carolina

Respondent.

Appellate Case No. 2019-000768

CERTIFICATE OF SERVICE

Comes Now, the Petitioner, above-named, to hereby  
that a true and correct copy of his Brief of Petitioner  
(Response) has been served on the Honorable South  
Carolina Supreme Court, by depositing same in the  
United States mail, postage prepaid, addressed as follows:

Hon. Daniel E. Shearouse  
Clerk - S.C. Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

Sworn to and Before Me,  
this 28<sup>th</sup> day of Feb., 2020.

Paul Owen A. T.S.

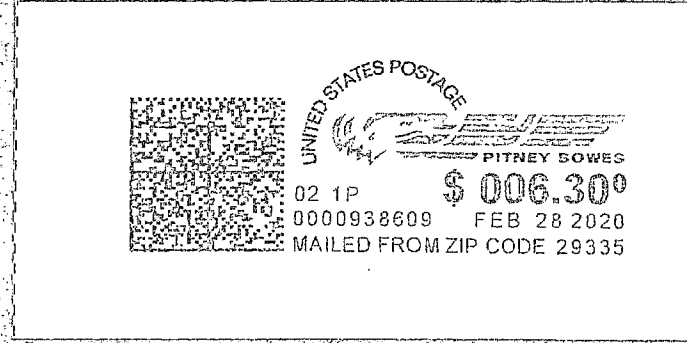
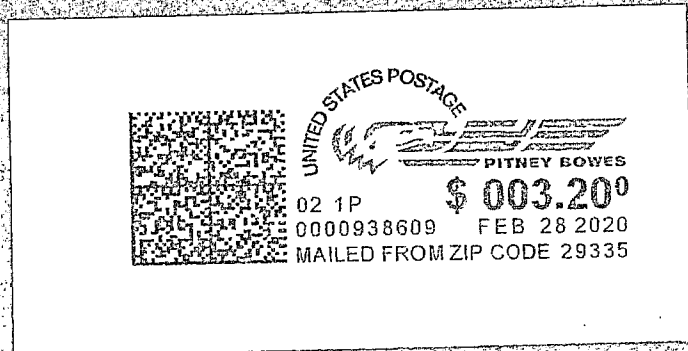
Notary Public of South Carolina

31 TAMARCUS LONG

My commission expires: Dec. 10, 2024

# 305486

Lang # 305486  
Richard Institution /  
8-110  
9335



Hon. Daniel E. Shearouse  
Clerk - S.C. Supreme Court  
P.O. Box 11330  
Columbia, South Carolina 29211

ROOM